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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2350

Session of  
1980

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INTRODUCED BY J. L. WRIGHT, JR., B. F. O'BRIEN AND BURNS,  
MARCH 5, 1980

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REFERRED TO COMMITTEE ON MINES AND ENERGY MANAGEMENT,  
MARCH 5, 1980

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AN ACT

1 For the purpose of providing a system for the collection and  
2 disposal of used oil for recycling; defining certain terms;  
3 prohibiting certain actions; giving certain authority to the  
4 Department of Environmental Resources; providing for  
5 penalties; and generally dealing with used oil disposal and  
6 recycling and used oil products.

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1       The General Assembly of the Commonwealth of Pennsylvania  
2 hereby enacts as follows:

3       Section 1.   Legislative finding and policy.

4       The Legislature finds that there are approximately 67,000,000  
5 gallons of waste oil generated each year in this Commonwealth;  
6 that used oil is a valuable petroleum resource which can be  
7 recycled; and that, in spite of the potential for recycling,  
8 significant quantities of used oil are wastefully disposed of or  
9 improperly used by means which pollute the water, land, and air,  
10 and endanger the public health and welfare. Used oil should be  
11 collected and recycled to the maximum extent possible, by means  
12 which are economically feasible and environmentally sound, in  
13 order to conserve irreplaceable petroleum resources, preserve  
14 and enhance the quality of natural and human environments, and  
15 protect public health and welfare.

16       Section 2.   Short title.

17       This act shall be known and may be cited as the "Pennsylvania  
18 Used Oil and Recycling Act."

19       Section 3.   Definitions.

20       The following words and phrases when used in this act shall  
21 have, unless the context clearly indicates otherwise, the  
22 meanings given to them in this section:

23       "Department."   The Pennsylvania Department of Environmental  
24 Resources.

25       "Disposal."   Shall not include the application of used oil to  
26 roads for maintenance purposes or the use of used oil as a fuel,  
27 or the use of used oil for agricultural dust control or the use  
28 of used oil for weed abatement on the user's property.

29       "Person."   Any individual, private, or public corporation,  
30 partnership, cooperative, association, estate, municipality,

1 political or jurisdictional subdivision, or governmental agency  
2 or instrumentality.

3 "Recycle." To prepare used oil for reuse as a petroleum  
4 product or petroleum product substitute by refining, re-  
5 refining, reclaiming, reprocessing, or other means or to use  
6 used oil in a manner that substitutes for a petroleum product or  
7 petroleum product substitute made from new oil, provided that  
8 the preparation or use in operationally safe, environmentally  
9 sound, and complies with all laws and regulations.

10 "Used oil." A petroleum-based or synthetic oil as an engine  
11 lubricant, engine oil for use in an internal combustion engine,  
12 or a lubricant for motor vehicle transmissions, gears, or axles  
13 which through use, storage, or handling has become unsuitable  
14 for its original purpose due to the presence of impurities or  
15 loss of original properties.

16 "Used oil collector." Any Pennsylvania State inspection  
17 facility and any other facilities which are safe and  
18 conveniently located and agree to serve as collection facilities  
19 for the deposit of used oil. The department shall designate said  
20 facilities and provide for their registration.

21 "Used oil recycler." Any person who recycles more than 7,000  
22 gallons of used oil annually from sources not owned and operated  
23 by the person, and who is registered with the department.

24 Section 4. Duties of the department; public education program;  
25 registration.

26 (a) The department shall conduct a public education program  
27 to inform the public of the needs for and the benefits of  
28 collecting and recycling used oil in order to conserve resources  
29 and preserve the environment. As part of this program, the  
30 department shall:

1           (1) Require persons regularly engaged in the business of  
2     selling lubricating or other oil in containers for use off  
3     the premises, to post and maintain at or near the point of  
4     display or sale durable and legible signs informing the  
5     public of the importance of proper collection and disposal of  
6     used oil, and how and where used oil may be properly disposed  
7     of, including, whenever feasible locations and hours of  
8     operation of conveniently located collection facilities.

9           (2) Establish, maintain, and publicize a used oil  
10    information center that will explain local, State, and  
11    Federal laws and regulations governing used oil and will  
12    inform holders of quantities of used oil on how and where,  
13    and in what manner used oil may be properly disposed of.

14    (b) The department shall register an applicant as a used oil  
15    collector or a used oil recycler if it determines that the  
16    proposed means for collection, transport, transfer, storage,  
17    recycling, use, or disposal is operationally safe,  
18    environmentally sound, and consistent with the provisions of  
19    this article and shall impose terms in connection with the  
20    registration requiring the registration holder to install or  
21    effect controls, processes, or practices necessary to insure  
22    continuous compliance with existing laws and regulations. A  
23    registration shall be valid until revoked.

#### 24   Section 5. Collection facilities.

25    Each designated collection facility shall post and maintain a  
26    durable and legible sign readily visible in an appropriate place  
27    which indicates the facility is designated as a used oil  
28    disposal location. The designated facility shall install and  
29    maintain on the premises used oil collection containers,  
30    properly sheltered and protected to prevent spillage, seepage,

1 or discharge of the used oil into the water of the state, and of  
2 sufficient size to handle returns of used oil and used oil  
3 containers. Each designated facility regularly shall remove and  
4 dispose or have removed and disposed by used oil collectors, the  
5 accumulated oil in a manner as required by law.

6 Section 6. Used oil collectors; receipts; report.

7 (a) A registered used oil collector shall provide a receipt  
8 to any person to whom used oil is transferred; maintain a  
9 complete record of all such transactions, documented by  
10 reproducible receipts, for two years; and make available to the  
11 department, upon request, all records and copies of receipts for  
12 the purpose of review and audit.

13 (b) A registered used oil collector shall submit an annual  
14 report to the department on its activities during the calendar  
15 year based on the records kept in accordance with subsection  
16 (a). The report shall state the quantities of used oil possessed  
17 at the beginning and end of the reporting period, the total  
18 amount collected, and shall be itemized as to used oil  
19 collectors and used oil recyclers.

20 Section 7. Used oil recyclers; receipts; report.

21 (a) A registered used oil recycler shall provide a receipt  
22 to any person from whom used oil is received; maintain a  
23 complete record of all such transactions, documented by  
24 reproducible receipts, for two years; maintain records of the  
25 quantities of used oil recycled; and make available to the  
26 department, upon request, all records and copies of receipts for  
27 the purpose of review and audit.

28 (b) A registered used oil recycler shall submit an annual  
29 report to the department on its activities during the calendar  
30 year based upon the records kept in accordance with subsection

(a). The report shall state the quantities of used oil possessed at the beginning and end of the reporting period, the total amount received, and the amounts recycled during the reporting period. The amounts recycled shall be itemized as follows: prepared for reuse as a petroleum product; consumed in the process of preparing for reuse, including wastes generated; and other uses, specifying each type of use.

Section 8. Disposal.

A person may not dispose of or cause to be disposed of any used oil by discharge, dump, or deposit into sewers, drainage systems, surface or ground waters, any waters in this State, or by incineration or as refuse, or onto any public or private land unless such land is designated by the State or by any of its agencies or political subdivisions as a collection facility for such disposal, dumping, or deposit and the used oil is placed in a receptacle or container installed or located on such property.

Section 9. Report to the General Assembly.

The department shall prepare and submit an annual report to the General Assembly summarizing information on used oil collection and recycling, analyzing the effectiveness of the provisions of this act and their implementation, and making recommendations for any necessary changes in the provisions of their administration.

Section 10. Enforcement and penalty for violation.

(a) The Department of Environmental Resources is authorized to employ any of the following means of civil enforcement:

- (1) inspection of the operations of a registrant;
- (2) issuance of an administrative order directing specified actions in accordance with a specified schedule;
- (3) revocation of a registration, after providing an

1 opportunity for a hearing; and

2 (4) a civil action seeking equitable relief.

3 (b) Any person who in the course of business violates any  
4 provision of this article or rule or regulation of the  
5 department promulgated pursuant thereto, in addition to any  
6 penalty provided by law, shall be subject to a civil penalty of  
7 not more than \$1,000 for each such violation. For the purposes  
8 of this section, each day of a continuing violation shall be  
9 deemed as a separate and distinct violation.

10 When establishing the amount of civil liability pursuant to  
11 this subsection, the court shall consider, in addition to other  
12 relevant circumstances, the following:

13 (1) the extent of the harm caused by the violation or  
14 deposit;

15 (2) the persistence of the violation or deposit;

16 (3) the number of prior violations by the same violator;  
17 and

18 (4) the deterrent value of the penalty based on the  
19 financial resources of the violator.

20 Section 11. Effective date.

21 This act shall take effect in 60 days.