
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 242

Session of
1981

INTRODUCED BY J. L. WRIGHT, BURNS, SAURMAN, KUKOVICH, SEVENTY,
STAIRS, W. D. HUTCHINSON, TELEK, FRAZIER AND DAWIDA,
JANUARY 27, 1981

SENATOR FISHER, ENVIRONMENTAL RESOURCES AND ENERGY, IN SENATE,
AS AMENDED, JANUARY 26, 1982

AN ACT

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

7 TABLE OF CONTENTS

8 Section 1. Legislative findings and policy.
9 Section 2. Short title.
10 Section 3. Definitions.
11 Section 4. Duties of the department; public education
12 program; registration.
13 Section 5. Used oil collection site operators.
14 Section 6. Collection, storage, transportation and
15 recycling.
16 Section 7. Disposal.
17 Section 8. Report to the General Assembly.
18 Section 9. Used oil products.

1 Section 10. Enforcement and penalty for violation.

2 Section 11. Effective date.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Legislative findings and policy.

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

19 Section 2. Short title.

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

22 Section 3. Definitions.

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

26 "Department." The Pennsylvania Department of Environmental
27 Resources.

28 "Oil retailer." Any person who annually sells more than 500
29 gallons of lubricating oil in containers for use off the
30 retailer's premises.

1 "Person." Any individual, trust, firm, joint stock company
2 corporation (including a government corporation), partnership,
3 association, State, municipality, commission, political
4 subdivision of a state, or interstate body.

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

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

18 "Used oil collection site." Any Pennsylvania State
19 inspection facility, oil retailer or retail service station, or
20 any other site which accepts used oil for recycling with no
21 charge to the public for the service, and which has a used oil
22 collection tank existing on the premises.

23 "Used oil collection tank." Any tank, whether above or below
24 ground, into which used oil is drained.

25 "Used oil recycler." Any person who recycles more than 7,000
26 gallons of used oil annually.

27 "Used oil storage facility." Any facility which receives
28 more than 10,000 gallons of used oil annually, not including a
29 used oil collection ~~site~~ SITE.

30 "Used oil transporter." Any person who collects and

1 transports more than 500 gallons of used oil annually.

2 Section 4. Duties of the department; public education program;
3 registration.

4 (a) The department shall, in cooperation with any
5 appropriate agency or instrumentality of the Commonwealth or any
6 of its political subdivisions, conduct a public education
7 program to inform the public of the needs for and the benefits
8 of collecting, recycling and reusing used oil in order to
9 conserve resources, preserve the environment and decrease our
10 dependence on imported foreign oil. As part of this program:

11 (1) Oil retailers shall be required to post and maintain
12 at or near the point of display or sale durable and legible
13 signs informing the public of the importance of proper
14 collection and disposal of used oil and referring them to the
15 appropriate agency to obtain information on the locations and
16 hours of operation of conveniently located used oil
17 collection sites.

18 (2) A used oil information center shall be established
19 by the department, in cooperation with any appropriate agency
20 or instrumentality of the Commonwealth or any of its
21 political subdivisions, which will explain Federal, State and
22 local laws, ordinances and regulations governing used oil, as
23 well as how and where and in what manner used oil may be
24 properly disposed of.

25 (b) A used oil collection site operator may register with
26 the department the name, location and hours of operation of the
27 used oil collection site.

28 (c) The registration and subsequent recognition of a
29 facility as a used oil collection site shall be contingent upon
30 a determination by the department that the proposed means of

1 collection and storage are operationally safe, environmentally
2 sound and consistent with the provisions of this act.

3 Section 5. Used oil collection site operators.

4 Each used oil collection site operator who registers with the
5 department shall:

6 (1) Post and maintain a durable and legible sign,
7 readily visible in an appropriate place, which indicates that
8 the facility is an operating used oil collection site.

9 (2) Maintain on the premises used oil collection tanks
10 which are properly sheltered and protected to prevent
11 spillage, seepage or discharge of the used oil into the
12 water, land and air of the Commonwealth and of sufficient
13 size to handle returns of used oil.

14 (3) Maintain on the premises, within a very close
15 proximity to the collection tanks, collection facilities for
16 the safe and proper disposal of used oil containers.

17 Section 6. Collection, storage, transportation and recycling.

18 (a) It shall be unlawful for any person who collects,
19 stores, transports or recycles used oil to transfer such used
20 oil to persons other than used oil collectors, used oil storage
21 facilities, used oil transporters or used oil recyclers who
22 comply with the terms and conditions as set forth in this
23 section.

24 (b) It shall be unlawful for any person who collects,
25 stores, transports or recycles used oil to fail to:

26 (1) maintain such records as are necessary to accurately
27 identify quantities of used oil collected, stored,
28 transported or recycled;

29 (2) maintain such records as are necessary to accurately
30 identify quantities of used oil transferred to other used oil

1 storage facilities, used oil transporters or used oil
2 recyclers, as well as the method of transportation and the
3 delivery points of such used oil, including those facilities
4 not located in the Commonwealth of Pennsylvania;

5 (3) label any containers used for the collection,
6 storage or transportation of used oil so as to identify it
7 accurately as used oil to be recycled; and

8 (4) make available to the department such information
9 concerning used oil as the collectors, storage facility
10 operators, transporters or recyclers of used oil are required
11 by this section to maintain, or may have at their disposal.

12 Section 7. Disposal.

13 (a) No person shall deposit, dispose of or cause to be
14 deposited or disposed of, any used oil into any sewers, drainage
15 systems, surface or ground waters, watercourses or marine waters
16 in the Commonwealth, or onto any public or private land within
17 this Commonwealth, unless a used oil collection site for such
18 proper deposit is located on said land, where the used oil is
19 placed in a used oil collection tank, or unless a used oil
20 storage facility is installed or located on such property for
21 such proper deposit and storage as used oil.

22 (b) No person shall discharge water, antifreeze, industrial
23 waste or any other contaminant into a used oil collection tank
24 AND USED OIL STORAGE FACILITY. <—

25 (c) The provisions of this section do not include the
26 application of used oil to roads for maintenance purposes or the
27 use of recycled or used oil for maintenance or lubrication of
28 agricultural equipment, unless such application is specifically
29 prohibited through any Federal, State or local law, ordinance or
30 regulation.

(d) Any person who burns or incinerates used oil must bear the burden of proof that such burning or incineration is nontoxic and free of any chemical or physical contaminants which may endanger the public health, safety and welfare, or which may pose a threat to the environment.

Section 8. Report to the General Assembly.

The department shall prepare and submit an annual report to the General Assembly summarizing information on used oil collection, storage, transportation, recycling and reuse, 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 9. Used oil products.

All officials of this Commonwealth and any of its agencies or any political subdivisions and persons holding contracts with the State or any of its political subdivisions shall encourage and to the extent possible require the procurement and purchase of recycled oil products represented as substantially equivalent to products made from new oil in accordance with rules prescribed by the Federal Trade Commission under section 383(d)(1)(a) of the Energy Policy and Conservation Act, Public Law 94-163, whenever such products are available at prices competitive with those of new oil produced for the same purpose.

Section 10. Enforcement and penalty for violation.

(a) (1) The department shall have the right to conduct inspections of the property of any person subject to the provisions of this act for the purpose of complying with the act.

(2) Should the department find any person in violation of the provisions of section 4(a)(1) or section 5 the

1 department shall issue a written notice of violation of the
2 act, which notice shall state the specific section and which
3 shall require compliance within 30 days of receipt of notice.

4 (3) Should said person fail to comply with the act
5 within 30 days, said person shall be guilty of a summary
6 offense.

7 (b) (1) Any person who knowingly violates the provisions of
8 section 6(a) shall be guilty of a summary offense, and upon
9 second and subsequent offenses, shall be guilty of a
10 misdemeanor.

11 (2) Any person who violates the provisions of section
12 6(b)(1), (2) and (3), shall be guilty of a summary offense.

13 (c) Any person violating the provisions of section 7 shall,
14 upon first conviction, be guilty of a summary offense and upon
15 second or subsequent conviction be guilty of a misdemeanor.

16 (d) The department may, in lieu of, or in addition to, any
17 criminal penalties herein prescribed, impose civil penalties for
18 violations of this act or not more than \$1,000 for each
19 violation; each day of a continuing violation after notice
20 requirements of subsection (a)(2) shall be deemed as a separate
21 violation.

22 (e) Upon a violation of this act or any rules, regulations
23 or orders issued under this act, the department may institute a
24 civil action in the Commonwealth Court or in the court of common
25 pleas of the judicial district in which the violation occurs for
26 injunctive relief to restrain the violation and for such other
27 relief as the court shall deem proper. Neither the institution
28 of this action nor any of the proceedings therein shall relieve
29 any party to the proceedings from other fines or penalties
30 prescribed for the violation of this act or any rule.

1 Section 11. Effective date.

2 This act shall take effect in 60 days.