

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 AND FRAZIER, JANUARY 27, 1981

AS REPORTED FROM COMMITTEE ON MINES AND ENERGY MANAGEMENT,
HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 16, 1981

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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FOR THE PURPOSE OF PROVIDING A SYSTEM FOR THE COLLECTION AND
RECYCLING OF USED OIL; DEFINING CERTAIN TERMS; PROHIBITING
CERTAIN ACTIONS; GIVING CERTAIN AUTHORITY TO THE DEPARTMENT
OF ENVIRONMENTAL RESOURCES; PROVIDING FOR PENALTIES, AND
GENERALLY DEALING WITH USED OIL COLLECTION, STORAGE,
TRANSPORTATION AND RECYCLING.

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

~~Section 1. Legislative finding and policy.~~

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~~The Legislature finds that there are approximately 67,000,000
gallons of waste oil generated each year in this Commonwealth;
that used oil is a valuable petroleum resource which can be
recycled; and that, in spite of the potential for recycling,
significant quantities of used oil are wastefully disposed of or
improperly used by means which pollute the water, land, and air,
and endanger the public health and welfare. Used oil should be~~

~~collected and recycled to the maximum extent possible, by means which are economically feasible and environmentally sound, in order to conserve irreplaceable petroleum resources, preserve and enhance the quality of natural and human environments, and protect public health and welfare.~~

~~Section 2. Short title.~~

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

~~Section 3. Definitions.~~

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

~~"Department." The Pennsylvania Department of Environmental Resources.~~

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

~~"Person." Any individual, private, or public corporation, partnership, cooperative, association, estate, municipality, political or jurisdictional subdivision, or governmental agency or instrumentality.~~

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

~~"Used oil." A petroleum based or synthetic oil as an engine~~

~~lubricant, engine oil for use in an internal combustion engine,
or a lubricant for motor vehicle transmissions, gears, or axles
which through use, storage, or handling has become unsuitable
for its original purpose due to the presence of impurities or
loss of original properties.~~

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

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

~~Section 4. Duties of the department; public education program;
-registration.~~

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

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

~~(2) Establish, maintain, and publicize a used oil
information center that will explain local, State, and~~

~~Federal laws and regulations governing used oil and will inform holders of quantities of used oil on how and where, and in what manner used oil may be properly disposed of.~~

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

~~Section 5. Collection facilities.~~

~~Each designated collection facility shall post and maintain a durable and legible sign readily visible in an appropriate place which indicates the facility is designated as a used oil disposal location. The designated facility shall install and maintain on the premises used oil collection containers, properly sheltered and protected to prevent spillage, seepage, or discharge of the used oil into the water of the state, and of sufficient size to handle returns of used oil and used oil containers. Each designated facility regularly shall remove and dispose or have removed and disposed by used oil collectors the accumulated oil in a manner as required by law.~~

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

~~(a) A registered used oil collector shall provide a receipt to any person to whom used oil is transferred; maintain a complete record of all such transactions, documented by reproducible receipts, for two years; and make available to the~~

~~department, upon request, all records and copies of receipts for the purpose of review and audit.~~

~~(b) A registered used oil collector shall submit an annual report to the department on its activities during the calendar year based on 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 collected, and shall be itemized as to used oil collectors and used oil recyclers.~~

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

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

~~(b) A registered used oil recycler shall submit an annual report to the department on its activities during the calendar 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 opportunity for a hearing; and~~

~~(4) a civil action seeking equitable relief.~~

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

~~When establishing the amount of civil liability pursuant to~~

~~this subsection, the court shall consider, in addition to other relevant circumstances, the following:~~

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

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

~~(3) the number of prior violations by the same violator;~~

~~and~~

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

~~Section 11. Effective date.~~

~~This act shall take effect in 60 days.~~

SECTION 1. LEGISLATIVE FINDINGS AND POLICY.

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THE LEGISLATURE FINDS THAT A SUBSTANTIAL NUMBER OF GALLONS OF USED OIL ARE GENERATED EACH YEAR IN THIS COMMONWEALTH; THAT USED OIL IS A VALUABLE PETROLEUM RESOURCE WHICH CAN BE RECYCLED AND REUSED AND THAT IN SPITE OF THE POTENTIAL FOR RECYCLING, SIGNIFICANT QUANTITIES OF USED OIL ARE WASTEFULLY DISPOSED OF OR IMPROPERLY USED BY MEANS WHICH POLLUTE THE WATER, LAND AND AIR, AND ENDANGER THE PUBLIC HEALTH AND WELFARE. USED OIL SHOULD BE COLLECTED, RECYCLED AND REUSED TO THE MAXIMUM EXTENT POSSIBLE, BY MEANS WHICH ARE ECONOMICALLY FEASIBLE AND ENVIRONMENTALLY SOUND, IN ORDER TO CONSERVE IRREPLACEABLE PETROLEUM RESOURCES, PRESERVE AND ENHANCE THE QUALITY OF NATURAL AND HUMAN ENVIRONMENTS, REDUCE OUR DEPENDENCE ON IMPORTED FOREIGN OIL AND PROTECT THE PUBLIC HEALTH AND WELFARE.

SECTION 2. SHORT TITLE.

THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE "PENNSYLVANIA USED OIL RECYCLING ACT."

SECTION 3. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL

1 HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE
2 MEANINGS GIVEN TO THEM IN THIS SECTION:

3 "DEPARTMENT." THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL
4 RESOURCES.

5 "OIL RETAILER." ANY PERSON WHO ANNUALLY SELLS MORE THAN 500
6 GALLONS OF LUBRICATING OIL IN CONTAINERS FOR USE OFF THE
7 RETAILER'S PREMISES.

8 "PERSON." ANY INDIVIDUAL, TRUST, FIRM, JOINT STOCK COMPANY
9 CORPORATION (INCLUDING A GOVERNMENT CORPORATION), PARTNERSHIP,
10 ASSOCIATION, STATE, MUNICIPALITY, COMMISSION, POLITICAL
11 SUBDIVISION OF A STATE, OR INTERSTATE BODY.

12 "RECYCLE." TO PREPARE USED OIL FOR REUSE AS A PETROLEUM
13 PRODUCT OR PETROLEUM PRODUCT SUBSTITUTE BY REFINING, RE-
14 REFINING, RECLAIMING, REPROCESSING OR OTHER MEANS, OR TO PREPARE
15 USED OIL IN A MANNER THAT SUBSTITUTES FOR A PETROLEUM PRODUCT
16 MADE FROM NEW OIL, PROVIDED THAT THE PREPARATION OR USE IS
17 OPERATIONALLY SAFE, ENVIRONMENTALLY SOUND AND COMPLIES WITH ALL
18 LAWS AND REGULATIONS.

19 "USED OIL." A PETROLEUM-BASED OR SYNTHETIC OIL WHICH IS USED
20 IN AN INTERNAL COMBUSTION ENGINE AS AN ENGINE LUBRICANT, OR AS A
21 PRODUCT USED FOR LUBRICATING MOTOR VEHICLE TRANSMISSIONS, GEARS
22 OR AXLES WHICH THROUGH USE, STORAGE OR HANDLING HAS BECOME
23 UNSUITABLE FOR ITS ORIGINAL PURPOSE DUE TO THE PRESENCE OF
24 CHEMICAL OR PHYSICAL IMPURITIES OR LOSS OF ORIGINAL PROPERTIES.

25 "USED OIL COLLECTION SITE." ANY PENNSYLVANIA STATE
26 INSPECTION FACILITY, OIL RETAILER OR RETAIL SERVICE STATION, OR
27 ANY OTHER SITE WHICH ACCEPTS USED OIL FOR RECYCLING WITH NO
28 CHARGE TO THE PUBLIC FOR THE SERVICE, AND WHICH HAS A USED OIL
29 COLLECTION TANK EXISTING ON THE PREMISES.

30 "USED OIL COLLECTION TANK." ANY TANK, WHETHER ABOVE OR BELOW

1 GROUND, INTO WHICH USED OIL IS DRAINED.

2 "USED OIL RECYCLER." ANY PERSON WHO RECYCLES MORE THAN 7,000
3 GALLONS OF USED OIL ANNUALLY.

4 "USED OIL STORAGE FACILITY." ANY FACILITY WHICH RECEIVES
5 MORE THAN 10,000 GALLONS OF USED OIL ANNUALLY, NOT INCLUDING A
6 USED OIL COLLECTION CITE.

7 "USED OIL TRANSPORTER." ANY PERSON WHO COLLECTS AND
8 TRANSPORTS MORE THAN 500 GALLONS OF USED OIL ANNUALLY.

9 SECTION 4. DUTIES OF THE DEPARTMENT; PUBLIC EDUCATION PROGRAM;
10 REGISTRATION.

11 (A) THE DEPARTMENT SHALL, IN COOPERATION WITH ANY
12 APPROPRIATE AGENCY OR INSTRUMENTALITY OF THE COMMONWEALTH OR ANY
13 OF ITS POLITICAL SUBDIVISIONS, CONDUCT A PUBLIC EDUCATION
14 PROGRAM TO INFORM THE PUBLIC OF THE NEEDS FOR AND THE BENEFITS
15 OF COLLECTING, RECYCLING AND REUSING USED OIL IN ORDER TO
16 CONSERVE RESOURCES, PRESERVE THE ENVIRONMENT AND DECREASE OUR
17 DEPENDENCE ON IMPORTED FOREIGN OIL. AS PART OF THIS PROGRAM:

18 (1) OIL RETAILERS SHALL BE REQUIRED TO POST AND MAINTAIN
19 AT OR NEAR THE POINT OF DISPLAY OR SALE DURABLE AND LEGIBLE
20 SIGNS INFORMING THE PUBLIC OF THE IMPORTANCE OF PROPER
21 COLLECTION AND DISPOSAL OF USED OIL AND REFERRING THEM TO THE
22 APPROPRIATE AGENCY TO OBTAIN INFORMATION ON THE LOCATIONS AND
23 HOURS OF OPERATION OF CONVENIENTLY LOCATED USED OIL
24 COLLECTION SITES.

25 (2) A USED OIL INFORMATION CENTER SHALL BE ESTABLISHED
26 BY THE DEPARTMENT, IN COOPERATION WITH ANY APPROPRIATE AGENCY
27 OR INSTRUMENTALITY OF THE COMMONWEALTH OR ANY OF ITS
28 POLITICAL SUBDIVISIONS, WHICH WILL EXPLAIN FEDERAL, STATE AND
29 LOCAL LAWS, ORDINANCES AND REGULATIONS GOVERNING USED OIL, AS
30 WELL AS HOW AND WHERE AND IN WHAT MANNER USED OIL MAY BE

1 PROPERLY DISPOSED OF.

2 (B) A USED OIL COLLECTION SITE OPERATOR MAY REGISTER WITH
3 THE DEPARTMENT THE NAME, LOCATION AND HOURS OF OPERATION OF THE
4 USED OIL COLLECTION SITE.

5 (C) THE REGISTRATION AND SUBSEQUENT RECOGNITION OF A
6 FACILITY AS A USED OIL COLLECTION SITE SHALL BE CONTINGENT UPON
7 A DETERMINATION BY THE DEPARTMENT THAT THE PROPOSED MEANS OF
8 COLLECTION AND STORAGE ARE OPERATIONALLY SAFE, ENVIRONMENTALLY
9 SOUND AND CONSISTENT WITH THE PROVISIONS OF THIS ACT.

10 SECTION 5. USED OIL COLLECTION SITE OPERATORS.

11 EACH USED OIL COLLECTION SITE OPERATOR WHO REGISTERS WITH THE
12 DEPARTMENT SHALL:

13 (1) POST AND MAINTAIN A DURABLE AND LEGIBLE SIGN,
14 READILY VISIBLE IN AN APPROPRIATE PLACE, WHICH INDICATES THAT
15 THE FACILITY IS AN OPERATING USED OIL COLLECTION SITE.

16 (2) MAINTAIN ON THE PREMISES USED OIL COLLECTION TANKS
17 WHICH ARE PROPERLY SHELTERED AND PROTECTED TO PREVENT
18 SPILLAGE, SEEPAGE OR DISCHARGE OF THE USED OIL INTO THE
19 WATER, LAND AND AIR OF THE COMMONWEALTH AND OF SUFFICIENT
20 SIZE TO HANDLE RETURNS OF USED OIL.

21 (3) MAINTAIN ON THE PREMISES, WITHIN A VERY CLOSE
22 PROXIMITY TO THE COLLECTION TANKS, COLLECTION FACILITIES FOR
23 THE SAFE AND PROPER DISPOSAL OF USED OIL CONTAINERS.

24 SECTION 6. COLLECTION, STORAGE, TRANSPORTATION AND RECYCLING.

25 (A) IT SHALL BE UNLAWFUL FOR ANY PERSON WHO COLLECTS,
26 STORES, TRANSPORTS OR RECYCLES USED OIL TO TRANSFER SUCH USED
27 OIL TO PERSONS OTHER THAN USED OIL COLLECTORS, USED OIL STORAGE
28 FACILITIES, USED OIL TRANSPORTERS OR USED OIL RECYCLERS WHO
29 COMPLY WITH THE TERMS AND CONDITIONS AS SET FORTH IN THIS
30 SECTION.

(B) IT SHALL BE UNLAWFUL FOR ANY PERSON WHO COLLECTS,
STORES, TRANSPORTS OR RECYCLES USED OIL TO FAIL TO:

(1) MAINTAIN SUCH RECORDS AS ARE NECESSARY TO ACCURATELY
IDENTIFY QUANTITIES OF USED OIL COLLECTED, STORED,
TRANSPORTED OR RECYCLED;

(2) MAINTAIN SUCH RECORDS AS ARE NECESSARY TO ACCURATELY
IDENTIFY QUANTITIES OF USED OIL TRANSFERRED TO OTHER USED OIL
STORAGE FACILITIES, USED OIL TRANSPORTERS OR USED OIL
RECYCLERS, AS WELL AS THE METHOD OF TRANSPORTATION AND THE
DELIVERY POINTS OF SUCH USED OIL, INCLUDING THOSE FACILITIES
NOT LOCATED IN THE COMMONWEALTH OF PENNSYLVANIA;

(3) LABEL ANY CONTAINERS USED FOR THE COLLECTION,
STORAGE OR TRANSPORTATION OF USED OIL SO AS TO IDENTIFY IT
ACCURATELY AS USED OIL TO BE RECYCLED; AND

(4) MAKE AVAILABLE TO THE DEPARTMENT SUCH INFORMATION
CONCERNING USED OIL AS THE COLLECTORS, STORAGE FACILITY
OPERATORS, TRANSPORTERS OR RECYCLERS OF USED OIL ARE REQUIRED
BY THIS SECTION TO MAINTAIN, OR MAY HAVE AT THEIR DISPOSAL.

SECTION 7. DISPOSAL.

(A) NO PERSON SHALL DEPOSIT, DISPOSE OF OR CAUSE TO BE
DEPOSITED OR DISPOSED OF, ANY USED OIL INTO ANY SEWERS, DRAINAGE
SYSTEMS, SURFACE OR GROUND WATERS, WATERCOURSES OR MARINE WATERS
IN THE COMMONWEALTH, OR ONTO ANY PUBLIC OR PRIVATE LAND WITHIN
THIS COMMONWEALTH, UNLESS A USED OIL COLLECTION SITE FOR SUCH
PROPER DEPOSIT IS LOCATED ON SAID LAND, WHERE THE USED OIL IS
PLACED IN A USED OIL COLLECTION TANK, OR UNLESS A USED OIL
STORAGE FACILITY IS INSTALLED OR LOCATED ON SUCH PROPERTY FOR
SUCH PROPER DEPOSIT AND STORAGE AS USED OIL.

(B) NO PERSON SHALL DISCHARGE WATER, ANTIFREEZE, INDUSTRIAL
WASTE OR ANY OTHER CONTAMINANT INTO A USED OIL COLLECTION TANK.

(C) THE PROVISIONS OF THIS SECTION DO NOT INCLUDE THE APPLICATION OF USED OIL TO ROADS FOR MAINTENANCE PURPOSES OR THE USE OF RECYCLED OR USED OIL FOR MAINTENANCE OR LUBRICATION OF AGRICULTURAL EQUIPMENT, UNLESS SUCH APPLICATION IS SPECIFICALLY PROHIBITED THROUGH ANY FEDERAL, STATE OR LOCAL LAW, ORDINANCE OR 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.

1 (A) (1) THE DEPARTMENT SHALL HAVE THE RIGHT TO CONDUCT
2 INSPECTIONS OF THE PROPERTY OF ANY PERSON SUBJECT TO THE
3 PROVISIONS OF THIS ACT FOR THE PURPOSE OF COMPLYING WITH THE
4 ACT.

5 (2) SHOULD THE DEPARTMENT FIND ANY PERSON IN VIOLATION
6 OF THE PROVISIONS OF SECTION 4(A)(1) OR SECTION 5 THE
7 DEPARTMENT SHALL ISSUE A WRITTEN NOTICE OF VIOLATION OF THE
8 ACT, WHICH NOTICE SHALL STATE THE SPECIFIC SECTION AND WHICH
9 SHALL REQUIRE COMPLIANCE WITHIN 30 DAYS OF RECEIPT OF NOTICE.

10 (3) SHOULD SAID PERSON FAIL TO COMPLY WITH THE ACT
11 WITHIN 30 DAYS, SAID PERSON SHALL BE GUILTY OF A SUMMARY
12 OFFENSE.

13 (B) (1) ANY PERSON WHO KNOWINGLY VIOLATES THE PROVISIONS OF
14 SECTION 6(A) SHALL BE GUILTY OF A SUMMARY OFFENSE, AND UPON
15 SECOND AND SUBSEQUENT OFFENSES, SHALL BE GUILTY OF A
16 MISDEMEANOR.

17 (2) ANY PERSON WHO VIOLATES THE PROVISIONS OF SECTION
18 6(B)(1), (2) AND (3), SHALL BE GUILTY OF A SUMMARY OFFENSE.

19 (C) ANY PERSON VIOLATING THE PROVISIONS OF SECTION 7 SHALL,
20 UPON FIRST CONVICTION, BE GUILTY OF A SUMMARY OFFENSE AND UPON
21 SECOND OR SUBSEQUENT CONVICTION BE GUILTY OF A MISDEMEANOR.

22 (D) THE DEPARTMENT MAY, IN LIEU OF, OR IN ADDITION TO, ANY
23 CRIMINAL PENALTIES HEREIN PRESCRIBED, IMPOSE CIVIL PENALTIES FOR
24 VIOLATIONS OF THIS ACT OR NOT MORE THAN \$1,000 FOR EACH
25 VIOLATION; EACH DAY OF A CONTINUING VIOLATION AFTER NOTICE
26 REQUIREMENTS OF SUBSECTION (A)(2) SHALL BE DEEMED AS A SEPARATE
27 VIOLATION.

28 (E) UPON A VIOLATION OF THIS ACT OR ANY RULES, REGULATIONS
29 OR ORDERS ISSUED UNDER THIS ACT, THE DEPARTMENT MAY INSTITUTE A
30 CIVIL ACTION IN THE COMMONWEALTH COURT OR IN THE COURT OF COMMON

1 PLEAS OF THE JUDICIAL DISTRICT IN WHICH THE VIOLATION OCCURS FOR
2 INJUNCTIVE RELIEF TO RESTRAIN THE VIOLATION AND FOR SUCH OTHER
3 RELIEF AS THE COURT SHALL DEEM PROPER. NEITHER THE INSTITUTION
4 OF THIS ACTION NOR ANY OF THE PROCEEDINGS THEREIN SHALL RELIEVE
5 ANY PARTY TO THE PROCEEDINGS FROM OTHER FINES OR PENALTIES
6 PRESCRIBED FOR THE VIOLATION OF THIS ACT OR ANY RULE.
7 SECTION 11. EFFECTIVE DATE.
8 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.