

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 818

BY: EASLEY

AS INTRODUCED

AN ACT RELATING TO USED BATTERIES AND USED MOTOR OIL RECYCLING; CREATING THE OKLAHOMA BATTERY AND USED MOTOR OIL RECYCLING ACT; REQUIRING CERTAIN TRANSPORTERS OF USED MOTOR OIL TO REGISTER WITH THE STATE DEPARTMENT OF HEALTH; REQUIRING CERTAIN OPERATORS OF USED MOTOR OIL FACILITIES TO REGISTER WITH THE DEPARTMENT; REQUIRING PERSONS SELLING MOTOR OIL TO POST CERTAIN SIGN; STATING REQUIREMENTS FOR USED MOTOR OIL TRANSPORTATION, RECEIVING, TREATMENT, RECYCLING AND DISPOSAL; PROHIBITING CERTAIN ACTS RELATED TO USED MOTOR OIL DISPOSAL; PROVIDING PENALTY FOR VIOLATIONS; REQUIRING CERTAIN RETAIL SELLERS OF LEAD-ACID BATTERIES TO ACCEPT USED BATTERIES; REQUIRING CERTAIN SIGN TO BE POSTED BY SELLERS; REQUIRING CERTAIN NOTICE TO BE GIVEN TO CONSUMERS; REQUIRING BATTERY WHOLESALERS TO ACCEPT USED BATTERIES; STATING TIME PERIOD FOR REMOVAL OF BATTERIES; PROHIBITING DISPOSAL OF USED LEAD-ACID BATTERIES IN SOLID WASTE DISPOSAL SITES; STATING REQUIREMENTS FOR RETAILERS DISPOSING OF USED BATTERIES; REQUIRING CERTAIN PERSONS TO STORE BATTERIES IN AN ENVIRONMENTALLY SAFE MANNER; STATING VIOLATIONS; STATING CERTAIN PERSONS SHALL NOT BE HELD

RESPONSIBLE FOR COMMINGLING BATTERIES OR USED MOTOR
OIL WITH SOLID WASTE UNDER CERTAIN CONDITIONS;
AUTHORIZING DEPARTMENT TO PROMULGATE RULES TO
IMPLEMENT ACT; PROVIDING FOR CODIFICATION; AND
PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1-2450 of Title 63, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma
Battery and Used Motor Oil Recycling Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1-2451 of Title 63, unless there
is created a duplication in numbering, reads as follows:

A. Any person who transports or offers to transport five
hundred (500) gallons or more of used motor oil in any calendar year
for any purpose shall first register with the State Department of
Health. The transporter shall make monthly reports to the
Department, fully and accurately disclosing the quantities of used
motor oil transported and the receiving sites involved.

B. Any person who operates or offers to operate a facility that
receives, treats or recycles six thousand (6,000) or more gallons of
used motor oil in any calendar year shall first register with the
Department. Such person shall make monthly reports to the
Department, fully and accurately disclosing:

1. The quantities of the used motor oil received;
2. The used motor oil treated or recycled; and
3. The subsequent disposition of the treated or recycled used
motor oil, including names and addresses of purchasers or disposers.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2452 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Any person offering motor oil for sale to end-use consumers shall post and maintain at or near the point of display or sale a durable and legible sign. Said sign shall be at least eight and one-half (8 1/2) inches by eleven (11) inches in size. It shall inform the public of the importance of proper management of used motor oil and the location of the nearest collection center.

B. Any person offering motor oil for sale to any other person who intends to offer motor oil to end-use consumers shall provide the buyer with notice of the requirements of this section and recommendations for methods of compliance.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2453 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. No person shall transport, receive, treat or recycle used motor oil in regulated quantities in this state without registering and reporting as required by this act.

B. No person shall transport more than five hundred (500) cumulative gallons of used motor oil in one year to any place or facility that is not registered with the Department to collect, treat or recycle used motor oil.

C. An owner or operator of a solid waste disposal site shall not knowingly accept used motor oil for disposal. Provided, that a solid waste disposal site may serve as a collection and storage facility for a used motor oil recycling program in a manner approved by the Department.

D. Persons who transport, receive, treat or recycle used motor oil in regulated quantities shall hold such used motor oil and any treated or recycled used motor oil in an environmentally safe manner.

E. No person shall knowingly dispose of used motor oil in any solid waste collection container or disposal site except in containers or collection and management systems specifically designed for the management of used motor oil.

F. No person shall intentionally discharge used motor oil into sewers, drainage systems, septic tanks, surface waters, ground waters or soils.

G. No person shall mix or commingle used motor oil with substances that make it unsuitable for recycling or other beneficial reuse.

H. No person shall collect, transport, receive, store, treat, recycle, use, discharge, or dispose of used motor oil in any manner that endangers the public health or welfare or endangers or damages the environment.

I. No person shall make use of used motor oil for road oiling, dust control, weed abatement or any other purpose which has the potential to cause harm to the environment or the public health.

J. Persons who violate the provisions of this act shall be subject to the administrative penalty provisions of Section 1-1701.1A of Title 63 of the Oklahoma Statutes based on this act and not based on rules.

K. Each knowing violation of this act shall constitute a misdemeanor.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2454 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. 1. Any person who sells or offers to sell lead-acid batteries for sale to end-use consumers in the ordinary course of business shall accept used lead-acid batteries from said consumers. Said used lead-acid batteries shall be accepted at the point of transfer, in a quantity at least equal to the number of new batteries sold.

2. Any person offering lead-acid batteries for sale to end-use consumers shall post and maintain at or near the point of display or sale a durable and legible sign. Said sign shall be at least eight and one-half (8 1/2) inches by eleven (11) inches in size. It shall inform the public of the importance of recycling lead-acid batteries and that such batteries are accepted for recycling.

B. 1. Any person offering lead-acid batteries for sale to any other person who intends to offer lead-acid batteries to end-use consumers shall provide the buyer with notice of the requirements of this section and recommendations for methods of compliance.

2. Any person selling new lead-acid batteries at wholesale shall accept used lead-acid batteries from customers. Said used lead-acid batteries shall be accepted at the point of transfer, in a quantity at least equal to the number of new batteries purchased. A person accepting lead-acid batteries in transfer from a lead-acid battery retailer shall be allowed a period not to exceed ninety (90) days to remove lead-acid batteries from the retail point of collection.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2455 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. No person shall knowingly dispose of a used lead-acid battery in any solid waste collection container or disposal site except in containers or collection and management systems specifically designed for the management of used lead-acid batteries. Provided, however, this subsection shall not prohibit any person from delivering a used lead-acid battery to a lead-acid battery retailer or wholesaler or to a collection or recycling facility.

B. No lead-acid battery retailer shall dispose of used lead-acid batteries except by delivery to the agent of a lead-acid battery wholesaler or to a collection or recycling facility.

C. An owner or operator of a solid waste disposal site shall not knowingly accept a lead-acid battery for disposal. Provided, however, a solid waste disposal site may serve as a collection and storage facility for a lead-acid battery recycling program in a manner approved by the State Department of Health.

D. Retailers, wholesalers and recyclers shall store used lead-acid batteries in an environmentally safe manner.

E. Each lead-acid battery improperly stored, disposed of, or accepted for disposal shall constitute a separate violation.

F. Each violation of this act shall constitute a misdemeanor.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2456 of Title 63, unless there is created a duplication in numbering, reads as follows:

Nothing herein shall be construed to prohibit the collection, transportation, or disposal of used motor oil or used lead-acid batteries mixed or commingled with solid waste by any person engaged in the collection, transportation, or disposal of solid waste, unless it can be demonstrated that the person knew or should have known that such used motor oil or used lead-acid batteries had been mixed or commingled with the solid waste.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2457 of Title 63, unless there is created a duplication in numbering, reads as follows:

The State Department of Health shall promulgate rules to implement the provisions of this act.

SECTION 9. This act shall become effective September 1, 1992.

43-2-1478 MJM