

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1494

By: Crocker

AS INTRODUCED

An Act relating to environment and natural resources;
creating the Oklahoma Used Motor Oil Recycling Act;
providing for purpose and legislative intent;
defining terms; requiring certain registration;
setting certain criteria; requiring certain
reports; requiring certain signs; making certain
actions unlawful; setting penalties; providing for
construction of act; requiring certain collection
points; requiring revision of certain procedures
for purchase of certain oils; providing for
promulgation of rules; 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 10-601 of Title 27A, unless
there is created a duplication in numbering, reads as follows:

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

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 10-602 of Title 27A, unless
there is created a duplication in numbering, reads as follows:

The Legislature finds and declares the following:

1. The problems posed by used oil disposal require a comprehensive, statewide response, including, but not limited to, eliminating improper disposal, reducing landfill disposal of used oil, recycling of used oil into new uses and the promotion of secondary markets for recycled oil products;

2. Used oil represents a valuable state resource which should be reclaimed and recycled whenever possible. Many used oil recycling alternatives exist which have been demonstrated to be environmentally safe. These alternatives need to be promoted in order to achieve the maximum use of used oil and prevent damage to the environment; and

3. It is the intent of the Legislature to reduce the improper disposal of used oil and recycle and reclaim used oil to the greatest extent possible in order to recover valuable natural resources and to avoid damage to the environment and threats to public health.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-603 of Title 27A, unless there is created a duplication in numbering, reads as follows:

For purposes of the Oklahoma Used Motor Oil Recycling Act:

1. "Industrial oil" includes, but is not limited to, any compressor, turbine, or bearing oil, hydraulic oil, metal-working oil or refrigeration oil. The term "industrial oil" does not include dielectric fluids;

2. "Lubricating oil" includes, but is not limited to, any oil intended for use in an internal combustion engine crankcase, transmission, gearbox, or differential in an automobile, bus, truck, vessel, plane, train, heavy equipment, or other machinery powered by an internal combustion engine;

3. "State public entity" means the State Legislature, any bureau, agency, board, commission or authority of the state, the

Office of the Governor, the judiciary, or any state university, school district or county of the state which is supported in whole or in part by state funds; and

4. "Department" means the Department of Environmental Quality.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-604 of Title 27A, 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 Department. 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 five thousand (5,000) 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 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-605 of Title 27A, unless there is created a duplication in numbering, reads as follows:

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. The sign shall inform the public of the importance of proper management of used motor oil and the location of the nearest collection centers.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-606 of Title 27A, 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 the Oklahoma Used Motor Oil Recycling Act.

B. No person shall transport more than five hundred (500) cumulative gallons of used motor oil in one (1) 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 the Oklahoma Used Motor Oil Recycling Act shall be subject to the general administrative penalty provisions of the Oklahoma Environmental Quality Code.

K. Each violation of the Oklahoma Used Motor Oil Recycling Act shall constitute a misdemeanor. Any person upon conviction thereof shall be subject to a fine of not more than One Hundred Dollars (\$100.00) or imprisonment in the county jail for not more than thirty (30) days or both such fine and imprisonment.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-607 of Title 27A, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Used Motor Oil Recycling Act shall not be construed to prohibit the collection, transportation or disposal of used motor oil 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 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 10-608 of Title 27A, unless there is created a duplication in numbering, reads as follows:

Each board of county commissioners in this state shall provide for the collection of used oil from the public at the district maintenance facilities of such county.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-609 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. The Department of Central Services and any state public entity not subject to the Central Purchasing Act shall revise its procedures and specifications on or before September 1, 1993, for the purchase of lubricating oil and industrial oil to eliminate any exclusion of recycled oils and any requirement that oils be manufactured from virgin materials.

B. The Department of Central Services and any state public entity not subject to the Central Purchasing Act shall purchase lubricating oil and industrial oil from the seller whose oil product contains the greater percentage of recycled oil, if the availability, fitness, quality and price of the recycled oil product is otherwise equal to, or better than, virgin oil products.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-610 of Title 27A, unless there is created a duplication in numbering, reads as follows:

The Department of Environmental Quality shall promulgate rules to implement the provisions of the Oklahoma Used Motor Oil Recycling Act.

SECTION 11. This act shall become effective September 1, 1993.

44-1-5313 KSM