

SHORT TITLE: Used batteries and used motor oil; creating the Oklahoma Battery and Used Motor Oil Recycling Act; codification; effective date.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 295

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 Department of Environmental Quality; 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 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; providing for act to be administered by the

Department of Environmental Quality; authorizing Environmental Quality Board 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 2001 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 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 2002 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 of Environmental Quality. 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 2003 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. It shall inform the public of the importance of proper management of used motor oil and the location of the nearest collection center.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2004 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 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 of Environmental Quality 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.

K. Each knowing violation of this act shall constitute a misdemeanor with a fine of not more than One Thousand Dollars (\$1,000.00), or imprisonment in the county jail for not more than six (6) months, or both.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2005 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. 1. Any person who sells or offers to sell lead-acid batteries 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.

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. 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.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2006 of Title 27A, 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 Department of Environmental Quality.

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 with a fine of not more than One Thousand Dollars (\$1,000.00), or imprisonment in the county jail for not more than six (6) months, or both.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2007 of Title 27A, 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 2008 of Title 27A, unless there is created a duplication in numbering, reads as follows:

The Department of Environmental Quality shall administer this act pursuant to rules promulgated by the Environmental Quality Board to implement the provisions of this act.

SECTION 9. This act shall become effective September 1, 1993.

44-1-0418 MJM