

By Mr. Doran of Lexington, petition of Stephen W. Doran relative to amending the law providing for the maintenance of waste oil retention facilities. Natural Resources and Agriculture.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT AMENDING THE LAW PROVIDING FOR THE MAINTENANCE OF WASTE OIL RETENTION FACILITIES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 21 of the General Laws is hereby  
2 amended by striking out section 52A.

1 SECTION 2. Chapter 21C of the General Laws is hereby  
2 amended by inserting after section 4 the following sections: —

3 Section 4A. Every automobile service station, marina serving  
4 powered watercraft, and retail outlet selling automotive  
5 lubricating oil shall install on its premises and maintain waste oil  
6 retention facilities, properly sheltered and protected to prevent  
7 spillage, seepage or discharge of such waste oil into storm or  
8 sanitary sewers or into the waters of the commonwealth. The  
9 owner or operator of such waste oil retention facility shall be  
10 considered as a hazardous waste generator for the purposes of this  
11 chapter.

12 Every such station, marina and retail outlet shall remove or  
13 have removed, periodically, the accumulated waste oil so as not  
14 to violate any water pollution control statute or other such statute  
15 or regulation of the commonwealth. Said waste oil retention  
16 facilities shall be protected and enclosed so as to limit access to  
17 such facilities to attendants or others properly authorized to  
18 accept waste oil from customers.

19 Section 4B. There shall be a required deposit placed by the

20 buyer of fifty cents on each quart of automotive motor oil  
21 purchased at all motor oil retail outlets in Massachusetts that is  
22 not installed on the premises of said station, marina, or retail  
23 outlet. Said deposit shall be refunded to the buyer upon  
24 presentation of the receipt of purchase and the equivalent product  
25 in waste oil.

26 Every said station, marina, or retail outlet shall make a  
27 reporting annually to the department providing information as  
28 required by said department including, but not limited to, number  
29 of quarts of oil sold, total amount of dollars collected in deposits,  
30 total amount of dollars refunded to buyers with appropriate  
31 receipts of purchase, and total amount of waste oil collected by  
32 said station, marina, or retail outlet.

33 Within twenty-one business days of the end of each annual  
34 period, the department shall determine the total amount of deposit  
35 monies held by each station, marina and retail outlet in excess  
36 of the total amount of monies refunded to purchasers. Each said  
37 station, marina and retail outlet shall forward said total amount  
38 of excess deposit monies to the department and the department  
39 shall use these monies for the purposes of enforcing the provisions  
40 of this act.

41 Section 4C. The department is hereby authorized and directed  
42 to work in cooperation with local boards of health in the  
43 enforcement of the provisions of this act. Within ninety days of  
44 the effective date of this act, the department shall promulgate rules  
45 and regulations, pursuant to chapter thirty A of the General Laws,  
46 which shall establish reporting criteria and procedures for  
47 automobile service stations, marinas, and retail outlets to use in  
48 the administering of the provisions of this act. The department  
49 shall develop an understanding of agreement with said boards of  
50 health concerning any aspects of the enforcement of the provisions  
51 of this act. The department shall make available to said boards  
52 of health grant monies for the purposes of reimbursing, subject  
53 to review, said boards for any cost incurred with the enforcement  
54 of the provisions of this act.

55 Section 4D. Every automobile service station, marina serving  
56 powered watercraft, and retail outlet selling lubricating oil in  
57 containers for use off the premises shall post and maintain at or  
58 near the point of display or sale, or in a prominent location if

59 such oil is not displayed, the following legend, or words of the  
60 same import and clearly stated, in letters not less than one inch  
61 high: "Used oil can pollute water and is a valuable energy resource.  
62 Return used lubricating oil to a service station, marina or  
63 appropriate retail outlet for proper disposal and for recycling."

64 Section 4E. Each quart of automotive motor oil imported into  
65 or offered for sale in the Commonwealth by a distributor, dealer,  
66 retail outlet, or other such entity which intends to sell the oil shall  
67 clearly indicate in at least twelve point type, by embossing or by  
68 stamp, or by label or other method securely affixed to any portion  
69 except the bottom of the container, the refund value of the oil.

70 Section 4F. Officials of the commonwealth shall procure  
71 refined automotive lubricating oil for all state uses, whenever such  
72 refined oil is available at prices competitive with those of new oil  
73 produced for the same purpose.

74 Section 4G. Any person who violates any provision of sections  
75 four A through E inclusive (a) shall be punished by a fine of not  
76 more than twenty-five thousand dollars, or by imprisonment for  
77 not more than two years or both, for each such violation; or (b)  
78 shall be subject to a civil penalty not to exceed twenty-five  
79 thousand dollars for each such violation. Each day each such  
80 violation occurs or continues shall be deemed a separate offense.

1 SECTION 3. The department of environmental protection  
2 shall establish and maintain a telephone information and referral  
3 "1-800" service for citizen inquiry and complaint relative to  
4 operation of the waste oil program as established by this act. The  
5 department shall compile information relative to the purpose,  
6 scope, and information available to any interested person upon  
7 request.

