

HOUSE No. 1547

By Mr. Hodgkins of Lee, petition of Christopher J. Hodgkins 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 biannually 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 buyers with appropriate receipts
31 of purchase, and total amount of waste oil collected by said
32 station, marina, or retail outlet.

33 Within twenty-one business days of the end of each biannual
34 period, the department shall determine the total amount of deposit
35 monies held by each said station, marina and retail outlet in excess
36 to 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
48 in the administering 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 purpose of reimbursing, subject to
53 review, said boards for any costs 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. Officials of the commonwealth shall procure
65 refined automotive lubricating oil for all state uses, whenever such
66 refined oil is available at prices competitive with those of new oil
67 produced for the same purpose.

68 Section 4F. Any person who violates any provision of sections
69 four A through E inclusive shall be punished by a fine of not more
70 than twenty-five hundred dollars for the first offense and by a fine
71 of not more than five thousand dollars for each successive offense
72 thereafter. Each day each such violation occurs or continues shall
73 be a separate offense. Monies obtained by the department in the
74 administering of said fines shall be dedicated to the department
75 for the purposes of enforcement of this act.

1 SECTION 3. The department of environmental quality
2 engineering is authorized and directed to expend a sum, not to
3 exceed five million dollars, to be raised by the sale of notes and
4 bonds authorized by Sections four and five, for the purpose of
5 carrying out the actions authorized by sections four B and four C
6 of chapter twenty-one C of the General Laws. Funds provided
7 by this act shall be in addition to any funds previously authorized
8 for the purposes of sections four B and four C of chapter twenty-
9 one C.

1 SECTION 4. The state treasurer may borrow from time to
2 time on credit of the commonwealth such sums of money as may
3 be necessary for the purposes of meeting payments authorized by
4 section three of this act, and may issue and renew from time to
5 time notes of the commonwealth therefor, bearing interest payable
6 at such times and at such rates as shall be fixed by the state
7 treasurer. Said notes may be issued and may be renewed one or
8 more times for such terms, not exceeding one year, as the governor
9 may recommend to the general court in accordance with the

10 provisions of the Commonwealth, but the final maturities of such
11 notes shall be not later than June thirtieth, nineteen hundred and
12 ninety-seven.

1 SECTION 5. To meet the expenditures necessary in carrying
2 out the provisions of section three of this act, the state treasurer,
3 shall upon request of the governor, issue and sell bonds of the
4 commonwealth, registered or with coupons attached, as he deems
5 best, to an amount to be specified by the governor from time to
6 time, but not exceeding, in the aggregate, the sum of five million
7 dollars.

8 All bonds so issued by the commonwealth, as aforesaid, shall
9 be designated on their face, Waste Oil Retention Facilities Loan
10 Act of 1987, and shall be issued for such maximum terms of years,
11 not exceeding thirty-five years, as the governor may recommend
12 to the general court pursuant to Section 3 of Article LXII of the
13 Amendments to the Constitution of the Commonwealth;
14 provided, however, that all such bonds shall be payable not later
15 than June thirtieth, two thousand and twenty-two. All interest and
16 payments on account of principal of such obligations shall be
17 payable from the General Fund. Bonds and the interest thereon
18 issued under the authority of this section, notwithstanding any
19 other provisions of this act, shall be general obligations of the
20 commonwealth. The initial maturities of such bonds shall be
21 payable not later than one year from the date of issue thereof,
22 and the entire issue not later than June thirtieth, two thousand
23 and twenty-two.