

By Mr. Doran of Lexington, petition of Stephen W. Doran, Stephen J. Karol, Thomas P. Kennedy and Thomas M. Petrolati 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-One.

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 property 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.

