

MAINE STATE LEGISLATURE

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L.D. 1610

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DATE: 3/14/96

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NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1178, L.D. 1610, Bill, "An Act to Enhance Used Oil Recycling Capabilities"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 38 MRSA §1303-C, sub-§§2-A and 2-B are enacted to read:

2-A. Class I liquid. "Class I liquid" means any liquid having a flash point below 100° Fahrenheit.

2-B. Class II liquid. "Class II liquid" means any liquid having a flash point at or above 100° Fahrenheit and below 140° Fahrenheit.

Sec. 2. 38 MRSA §1303-C, sub-§§39-B and 39-C are enacted to read:

39-B. Used oil. "Used oil" means waste oil, as defined in subsection 42.

39-C. Used oil collection center. "Used oil collection center" means a site or facility where used oil is accepted from the public and collected or stored in an aboveground tank for recycling.

COMMITTEE AMENDMENT

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Sec. 3. 38 MRSA §1319-G, sub-§3 is enacted to read:

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3. Waiver of reimbursement for registered used oil collection centers. Upon petition of the owner or operator of a registered used oil collection center, the commissioner may waive the right to reimbursement to the fund of costs incurred in the removal or abatement of up to 660 gallons of hazardous waste from that collection center if the commissioner finds that:

A. The registered used oil collection center is in compliance with the requirements contained in section 1319-Y and any rules adopted pursuant to section 1319-O, subsection 2, paragraph B;

B. The owner or operator of the registered used oil collection center:

(1) Did not mix the oil with hazardous waste; and

(2) Did not knowingly accept hazardous waste or oil mixed with hazardous waste; and

C. The commissioner has not granted any previous waivers of reimbursement for costs incurred in the removal or abatement of hazardous waste from the same registered used oil collection center pursuant to this subsection during the previous 12 months.

Notwithstanding this subsection, the commissioner may not grant waivers of reimbursement to the fund pursuant to this subsection that total more than \$10,000 in any one fiscal year.

Sec. 4. 38 MRSA §1319-O, sub-§2, ¶A, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §261, is further amended to read:

A. The board may adopt rules relating to the transportation, collection and storage of waste oil by waste oil dealers to protect public health, safety and welfare and the environment. The rules may include, without limitation, rules requiring licenses for waste oil dealers and the location of waste oil storage sites that are operated by waste oil dealers, evidence of financial capability and manifest systems for waste oil. A person licensed by the department to transport or handle hazardous waste is not required to obtain a waste oil dealer's license, but the hazardous waste license must include any terms or conditions determined necessary by the department relating to the transportation or handling of waste oil; and

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2 **Sec. 5. 38 MRSA §1319-O, sub-§2, ¶B** is enacted to read:

4 B. The board may adopt rules relating to the registration,
6 design and operation of used oil collection centers for the
8 purposes of section 1319-Y. Rules adopted pursuant to this
 paragraph are major substantive rules as defined in the
 Maine Administrative Procedure Act, Title 5, chapter 375,
 subchapter II-A.

10 **Sec. 6. 38 MRSA §1319-Y** is enacted to read:

12 **§1319-Y. Requirements for used oil collection centers**

14 Owners and operators of used oil collection centers who wish
16 to register their used oil collection centers for the purposes of
18 section 1319-G, subsection 3 must comply with the following
20 requirements in addition to any other requirements that may be
 established in rules adopted pursuant to section 1319-O,
 subsection 2, paragraph B. Other used oil collection centers are
 not required to comply with the provisions of this section.

22 **1. Registration.** Registration of used oil collection
24 centers is governed by this subsection.

26 A. The owner or operator of a used oil collection center
28 shall register the center on a form provided by the
30 department. The registration form must be sent by certified
 mail or hand-delivered to the department. The registration
 form must be accompanied by photographs of the used oil
 collection center that clearly show that the design
 requirements of subsection 2 have been met.

32 B. If the applicable requirements of this section have not
34 been met, the department shall notify the owner or operator
36 in writing no later than 30 days after the department
38 receives the completed registration form and photographs.
 If the department has not notified the applicant within the
 30-day period, the center is deemed to be registered.

40 C. The owner or operator of a used oil collection center
42 shall file an amended registration form within 10 business
44 days upon any change in the information provided on the
 initial registration form.

46 **2. Design requirements.** In order to qualify for the waiver
48 of reimbursement under section 1319-G, subsection 3, the
 following design requirements applicable to aboveground tanks
 used to collect or store used oil must be met.

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2 A. Tanks that are located outdoors must be watertight, must
3 be equipped with spill and overflow protection, must be
4 secured to prevent the tank from tipping over and must
5 either:

6 (1) Be double-walled; or

8 (2) Have an alternate means of impervious secondary
9 containment that is watertight and has the capacity to
10 hold a minimum of 110% of the contents of the tank,
11 with a roof over both the tank and the secondary
12 containment.

14 B. Tanks that are located inside a building must have rigid
15 piping, must have a funnel that is rigidly attached, must be
16 secured to prevent the tank from tipping over and must
17 either:

18 (1) Be double-walled; or

20 (2) Have an alternate means of impervious secondary
21 containment that has the capacity to hold a minimum of
22 50% of the contents of the tank.

24 C. Tanks must be constructed of fiberglass, steel or other
25 nonporous material.

28 D. The total aggregate capacity of all used oil tanks at a
29 used oil collection center may not exceed the greater of 660
30 gallons or the total aggregate capacity of the used oil
31 tanks at that center on the effective date of this section.

32 E. Tanks must be located in a manner that permits them to
33 be readily inspected for evidence of leaks.

36 F. Tanks may not be located where any leaks could drain
37 into sewers, floor drains or storm water catch basins or in
38 areas subject to floods.

40 G. Tanks must be maintained in good condition with no
41 severe rusting, no apparent structural defects or
42 deterioration and no visible leaks.

44 H. Tanks must be clearly labeled or marked with the words
45 "Used Oil."

46 I. Tanks must be located so that they are not exposed to a
47 spill or leak of a Class I or Class II liquid.

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J. The installation of tanks must be in accordance with applicable local ordinances.

K. Tanks must be protected from vehicular traffic by location or protection with bollards or similar devices.

3. Operational requirements. In order to qualify for the waiver of reimbursement under section 1319-G, subsection 3, the owners and operators of used oil collection centers:

A. May accept no more than 20 gallons of used oil from any entity or individual in a 24-hour period;

B. Shall inspect each load of used oil by sight or scent before accepting the used oil for collection;

C. Shall keep the used oil collection tank locked at all times, except when used oil is being added or removed;

D. Shall supervise the addition of used oil to the tank;

E. Shall provide ongoing maintenance and repairs at the used oil collection center to avoid any environmental hazards such as spills, leaks, discharges, fires and explosions;

F. May offer used oil only to persons licensed with the department as waste oil transporters pursuant to section 1319-0, subsection 2, paragraph A;

G. Shall report to the Department of Public Safety within 2 hours of becoming aware of a discharge and immediately take action to contain and remove any discharges of used oil; and

H. Shall notify the department no later than 24 hours after discovery that used oil delivered to or collected at the center is a hazardous waste.'

Further amend the bill by inserting at the end before the statement of fact the following:

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FISCAL NOTE

1996-97

REVENUES

Other Funds (\$10,000)

R. W. S.

COMMITTEE AMENDMENT "A" to H.P. 1178, L.D. 1610

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Allowing the Commissioner of Environmental Protection to waive the reimbursement of certain costs to the Maine Hazardous Waste Fund may reduce reimbursements to the fund. Beginning in fiscal year 1996-97, the annual reductions of dedicated revenue are limited to \$10,000.

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The Department of Environmental Protection will incur some minor additional costs to administer certain requirements pertaining to the recycling of used oil and to adopt certain rules. These costs can be absorbed within the department's existing budgeted resources.'

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STATEMENT OF FACT

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This amendment replaces the bill. The amendment does the following.

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1. It provides definitions, within the Maine Hazardous Waste, Septage and Solid Waste Management Act, of "Class I liquid," "Class II liquid," "used oil" and "used oil collection center."

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2. It authorizes the Commissioner of Environmental Protection to waive the reimbursement of costs to the Maine Hazardous Waste Fund incurred in the removal or abatement of hazardous waste from a registered used oil collection center if the center is in compliance with applicable statutory requirements and rules. Reimbursement may not be waived more than once per year for any one used oil collection center, and waivers may not total more than \$10,000 in any one fiscal year.

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3. It authorizes the Board of Environmental Protection to adopt rules relating to the registration, design and operation of used oil collection centers and identifies those rules as major substantive rules for the purposes of the Maine Administrative Procedure Act.

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4. It establishes registration, design and operational requirements for used oil collection centers to be eligible for reimbursement waivers.

The amendment also adds a fiscal note.