

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1995

Legislative Document

No. 1610

H.P. 1178

House of Representatives, December 8, 1995

An Act to Enhance Used Oil Recycling Capabilities.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Received by the Clerk of the House on December 6, 1995. Referred to the Committee on
Natural Resources and ordered printed pursuant to Joint Rule 14.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SAXL of Bangor.
Cosponsored by Representative ETNIER of Harpswell and
Representatives: ADAMS of Portland, DAGGETT of Augusta, DAVIDSON of Brunswick,
DESMOND of Mapleton, DORE of Auburn, GOULD of Greenville, HARTNETT of
Freeport, MITCHELL of Portland, MORRISON of Bangor, O'NEAL of Limestone, SAXL of
Portland, STEVENS of Orono, STONE of Bangor, TOWNSEND of Portland, TREAT of
Gardiner, WATSON of Farmingdale, Senators: AMERO of Cumberland, HARRIMAN of
Cumberland, RAND of Cumberland.

Be it enacted by the People of the State of Maine as follows:

2

Sec. 1. 10 MRSA §1023-D, sub-§3, as repealed and replaced by PL 1993, c. 601, §2, is amended to read:

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6 **3. Application of fund.** Money in the fund may be applied
to carry out any power of the authority under this section or
8 under or in connection with section 1026-F, including, but not
limited to, to pledge or transfer and deposit money in the fund
10 as security for and to apply money in the fund in payment of
principal, interest and other amounts due on insured loans.
12 Money in the fund may be used for direct loans or grants for all
or part of underground oil storage facility replacement projects,
14 underground oil storage tank replacement projects, aboveground
oil storage tank or facility construction or replacement
16 projects, including the construction of aboveground oil storage
facilities designed to meet the requirements for used oil
18 collection centers, or gasoline service station vapor control or
petroleum liquids transfer vapor recovery projects as described
20 in paragraph A when the authority determines that:

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A. One or more of the following circumstances exists:

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(1) The underground oil storage facility or tank is
leaking or has been identified by the Department of
26 Environmental Protection as posing an environmental
threat, or removal is required by applicable law;

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(2) The applicant is required to install equipment
related to the improvement of air quality pursuant to
30 requirements for gasoline service station vapor control
and petroleum liquids transfer vapor recovery; ~~or~~

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(3) The applicant is constructing, replacing or
renovating a tank or facility used for the aboveground
36 storage of oil; or

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(4) The applicant is constructing an aboveground used
oil center designed to meet the applicable requirements
40 in Title 38, section 1319-Y and any rules adopted
pursuant to Title 38, section 1319-O;

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B. The applicant, if the applicant is not a unit of local
government, demonstrates financial need for the assistance;
and

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C. If the assistance includes a loan, there is a reasonable
likelihood that the applicant will be able to repay the loan.

2 Applicants demonstrating the requirement to install equipment
4 related to the improvement of air quality pursuant to section
6 1026-F and who own fewer than 15 service stations, and who are
not able to repay a loan, are eligible to receive no more than
\$35,000 per service station in grants for the payment of expenses
relating to the installation of this equipment.

8 The authority, pursuant to Title 5, chapter 375, subchapter II,
10 shall adopt rules for determining eligibility, feasibility,
12 terms, conditions and security for the loans and grants. In the
14 case of loans, the authority may charge an interest rate that may
16 be as low as 0% and may be greater, depending on the financial
18 ability of the applicant to pay as determined by the authority,
up to a maximum of the prime rate of interest charged by major
Boston banks. The maximum the authority may loan or grant to any
one borrower, including related entities as determined by the
authority, is \$600,000. Money in the fund not needed currently
to meet the obligations of the authority as provided in this
section may be invested as permitted by law.

20 **Sec. 2. 38 MRS §1303-C, sub-§39-B** is enacted to read:

22 **39-B. Used oil collection center.** "Used oil collection
24 center" means a site or facility that is registered with the
26 department to collect or store an aggregate of 550 gallons or
less of waste oil in an aboveground tank.

28 **Sec. 3. 38 MRS §1319-G, sub-§3** is enacted to read:

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

36 **A. The center is in compliance with the design and**
38 **operational requirements contained in section 1319-Y and any**
40 **rules adopted pursuant to section 1319-O;**

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

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

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

48 **C. The commissioner has granted no more than one waiver of**
reimbursement for removal, abatement or disposal of

2 hazardous waste from the same used oil collection center
3 pursuant to this subsection during the previous 12 months.

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

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

12 A. The board may adopt rules relating to the registration,
13 design and operation of used oil collection centers and the
14 transportation, collection and storage of waste oil by waste
15 oil dealers to protect public health, safety and welfare and
16 the environment. The rules may include, without limitation,
17 rules requiring licenses for waste oil dealers and the
18 location of waste oil storage sites that are operated by
19 waste oil dealers, evidence of financial capability and
20 manifest systems for waste oil. A person licensed by the
21 department to transport or handle hazardous waste is not
22 required to obtain a waste oil dealer's license, but the
23 hazardous waste license must include any terms or conditions
24 determined necessary by the department relating to the
25 transportation or handling of waste oil.

26 **Sec. 5. 38 MRSA §1319-Y** is enacted to read:

28 **§1319-Y. Requirements for used oil collection centers**

30 Owners and operators must comply with the following
31 requirements in addition to any other requirements that may be
32 established in rules adopted pursuant to section 1319-O.

34 **1. Registration.** The owner of a used oil collection center
35 shall register the center on a form provided by the department.
36 The owner of a used oil collection center shall file an amended
37 registration form within 10 business days upon any change in the
38 information provided on the initial registration.

39 **2. Design requirements.** The following design requirements
40 apply.

41 A. A used oil collection center may only collect or store
42 used oil in aboveground storage tanks that are double-walled
43 with 360° of secondary containment, are capable of being
44 locked when oil is not being added or removed and have an
45 aggregate capacity of 550 gallons or less.
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- 2 B. Used oil storage tanks must be located in a manner that
 permits them to be readily inspected for evidence of leaks.
- 4 C. Used oil tanks may not be located where any leaks could
 drain into sewers, floor drains or storm water catch basins.
- 6 D. Aboveground tanks used to store used oil must be
8 maintained in good condition with no severe rusting,
10 apparent structural defects or deterioration and no visible
 leaks.
- 12 E. Aboveground tanks used to store used oil must be clearly
14 labeled or marked with the words "Used Oil."
- 16 3. Operational requirements. The owners and operators of
 used oil collection centers shall:
- 18 A. Register a used oil collection center with the
 department prior to operating the center;
- 20 B. Refrain from accepting more than 15 gallons of used oil
22 from any entity or individual in a 24-hour period;
- 24 C. Maintain a logbook indicating the name, address and
26 telephone number for each individual or entity who brings
 used oil to the center for collection. The source and
28 approximate quantity of used oil accepted must also be noted
 for each delivery;
- 30 D. Visually inspect each load of used oil before accepting
 the used oil for collection;
- 32 E. Maintain the used oil collection tank locked at all
34 times, except when used oil is being added or removed;
- 36 F. Provide ongoing maintenance and repairs at the center to
38 avoid any environmental hazards such as spills, leaks,
 discharges, fires and explosions;
- 40 G. Offer used oil only to persons licensed with the
42 department pursuant to section 1319-O, subsection 2,
 paragraph A, as waste oil transporters;
- 44 H. Report to the Department of Public Safety, which shall
46 immediately notify the department and the public safety
 agency of the municipality in which the discharge takes
48 place, within 2 hours of becoming aware of a discharge and
 immediately take action to contain and remove any discharges
 of used oil; and
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2 I. Notify the department no later than 24 hours after
3 discovery that used oil delivered to or collected at the
4 center is determined to be a hazardous waste.

6 **STATEMENT OF FACT**

8 This bill affects used oil collection centers in the
9 following ways:

10 1. It allows persons wishing to construct used oil
11 collection centers to receive low-interest loans or grants from
12 funding administered by the Finance Authority of Maine for the
13 purpose of constructing a center that meets the applicable
14 requirements;

15 2. It provides a definition of a used oil collection center
16 within the Maine Hazardous Waste, Septage and Solid Waste
17 Management Act;

18 3. It authorizes the Commissioner of Environmental
19 Protection to waive certain costs incurred by the Maine Hazardous
20 Waste Fund. Reimbursements not to exceed \$10,000 per fiscal year
21 may be waived if the commissioner determines that the center has
22 been designed and operated in accordance with the applicable
23 standards. Reimbursement waivers may not be granted more than
24 twice per fiscal year at any one location;

25 4. It provides the Department of Environmental Protection
26 with authority to adopt rules relating to the registration,
27 design and operation of used oil collection centers; and

28 5. It establishes registration, design and operational
29 requirements for used oil collection centers.
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