

HOUSE No. 826

By Mr. Petersen of Marblehead, petition of Douglas W. Petersen and others for legislation to regulate the handling and recycling of used oil filters. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

PETITION OF:

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In the Year Two Thousand and Seven.

AN ACT REQUIRING THE FURTHER MANAGEMENT OF USED OIL FILTERS.

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 21C of the General Laws is hereby
- 2 amended by adding the following six sections:—
- 3 Section 31. As used in sections thirty-one to thirty-six, inclusive,
- 4 the following words shall have the following meanings unless the
- 5 context requires otherwise:—
- 6 “Used oil filter”, any device or component of a device, the pri-
- 7 mary purpose of which is to remove contaminants from oil, which
- 8 contains a residue of “waste oil” as defined in 802 CMR 2.00 and
- 9 801 CMR 20.00 and is not considered hazardous under federal regu-
- 10 lations.
- 11 “Used oil filter processor”, a person who removes oil from used
- 12 oil filters to prepare the filters for recycling. A generator of used oil
- 13 filters who consolidates, drains or crushes used oil filters for off-site
- 14 recycling is not a used oil filter processor if the generator complies
- 15 with the requirements of section thirty-three.
- 16 “Used oil filter transfer facility”, any facility which is used to
- 17 store used oil filters which were not generated at that facility, and
- 18 which stores used oil filters for more than ten days. A person who
- 19 stores used oil filters generated at his own non-contiguous operation

20 on his property shall not be considered a used oil filter transfer
21 facility, provided the used oil filters are processed by a registered
22 used oil filter processor or are managed by a waste-to-
23 energy/resource recovery facility with ferrous metal recovery.

24 “Used oil filter transporter”, any person who transports for hire
25 used oil filters to a used oil filter transfer or processing facility. Per-
26 sons transporting used oil filters, along with other solid waste, to be
27 managed at a waste-to-energy/resource recovery facility with ferrous
28 metal recovery shall not be considered a “used oil filter transporter.”

29 Section 32. Used oil filters shall be recycled or disposed of at a
30 waste-to-energy/resource recovery facility with ferrous metal
31 recovery. No used oil filters or used oil filter components shall be
32 landfilled. The provisions of sections thirty-two and thirty-three
33 shall not apply to used oil filters that remain in place during engine
34 block recycling and used oil filters generated by individual house-
35 holds.

36 Section 33. Each generator of used oil filters shall either register
37 as a used oil filter processor or shall ensure that its filters are recy-
38 cled by a registered used oil filter processor or managed through a
39 waste-to-energy/resource recovery facility with ferrous metal
40 recovery.

41 Section 34. the following persons shall register with the depart-
42 ment of environmental protection:—

- 43 (1) used oil filter transporters;
- 44 (2) used oil filter transfer facilities;
- 45 (3) used oil filter processors;

46 Section 35. (a) Each registered used oil filter processor shall
47 maintain records on forms as required by the department of environ-
48 mental protection. These records shall include the destination or end
49 use of the processed oil filters, including the name and street address
50 of each destination or end user.

51 (b) The records required by this section shall be retained for a
52 period of three years. The records shall be kept at the street address
53 of the registered person and shall be available for inspection by the
54 department during normal business hours.

55 (c) No later than March first of every year, each registered used
56 oil filter processor shall submit an annual report for the preceding
57 calendar year to the department. This report shall summarize the
58 information recorded pursuant to subsection (a) and include the

59 yearly quantity of waste oil procured and the amount of steel
60 processed.

61 Section 36. (a) Used oil filters shall be stored in a Federal Depart-
62 ment of Transportation approved container for liquid which are
63 clearly labeled “Used Oil Filters”, and which are in good condition
64 without severe rusting, apparent structural defects or deterioration or
65 visible oil leakage. The containers shall be sealed or otherwise pro-
66 tected from weather and stored on an oil impermeable surface. Used
67 oil filters that are sent to a waste-to-energy/resource recovery facility
68 with ferrous metal recovery shall be exempt from the provisions of
69 section 36.

70 (b) If all of the applicable requirements of this law are met, waste
71 oil that incidentally accumulates in a container used to store and/or
72 transport used oil filters destined for recycling shall not be subject to
73 the requirements of 310 CMR 30.000 or any other state or local haz-
74 ardous waste requirements until after the filters or waste oil have
75 been removed from the container.

76 (c) Upon detection of a release of oil from any used oil filter con-
77 tainer the facility owner and operator shall:

- 78 1.) stop the release;
- 79 2.) contain the released oil;
- 80 3.) cleanup and manage properly the released oil and any subse-
81 quent oil waste; and
- 82 4.) repair or replace any leaking used oil filter storage containers
83 prior to returning them to service.

1 SECTION 2. The commissioner of the department of environ-
2 mental protection shall promulgate regulations necessary to carry out
3 the provisions of this act within one year of passage of this act. All
4 rules and regulations promulgated hereunder shall be filed with the
5 joint committee on natural resources and agriculture 60 days prior to
6 their effective date.