

104TH CONGRESS
1ST SESSION

H. R. 189

To amend the Solid Waste Disposal Act and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to provide for the recycling and management of used oil and to reduce emissions of lead into the ambient air, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mrs. COLLINS of Illinois introduced the following bill; which was referred to the Committee on Commerce and, in addition, to the Committee on Transportation and Infrastructure, and for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Solid Waste Disposal Act and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to provide for the recycling and management of used oil and to reduce emissions of lead into the ambient air, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oil Recycling and Safe
5 Handling Act of 1995”.

1 **SEC. 2. MANAGEMENT OF USED OIL.**

2 (a) DEFINITION OF USED OIL.—Section 1004(36) of
3 the Solid Waste Disposal Act is amended to read as fol-
4 lows:

5 “(36) The term ‘used oil’ means any oil which
6 has been—

7 “(A) refined from crude oil,

8 “(B) used, and

9 “(C) as a result of such use or as a result
10 of spillage or commingling with other wastes,
11 contaminated by physical or chemical impuri-
12 ties.”.

13 (b) RESTRICTIONS ON USED OIL.—(1) Section 3014
14 of the Solid Waste Disposal Act is amended to read as
15 follows:

16 **“SEC. 3014. MANAGEMENT OF USED OIL.**

17 “(a) MODIFIED LISTING AS A HAZARDOUS WASTE.—

18 “(1) LISTING OF CERTAIN USED OIL AND
19 PRODUCTS DERIVED FROM USED OIL.—Not later
20 than 12 months after the date of enactment of the
21 National Oil Recycling and Safe Handling Act of
22 1995, the Administrator shall promulgate regula-
23 tions under section 3001 listing as a hazardous
24 waste used oil, and any product derived from used
25 oil, that fails to meet the specifications set forth in
26 paragraph (2).

1 “(2) SPECIFICATIONS FOR LISTING—

2 “(A) IN GENERAL.—The specifications re-
3 ferred to in paragraph (1) are as follows:

4 “(i) Flashpoint: 100° F. minimum.

5 “(ii) Lead: 2 ppm maximum.

6 “(iii) Arsenic: 2 ppm maximum.

7 “(iv) Chromium: 2 ppm maximum.

8 “(v) Cadmium: 2 ppm maximum.

9 “(vi) Total halogens: 1,000 ppm maxi-
10 mum.

11 “(vii) Polychlorinated biphenyls
12 (PCBs): 2 ppm maximum.

13 No used oil shall be listed or identified as a
14 hazardous waste for purposes of this subtitle if
15 it meets each of the specifications set forth in
16 clauses (i) through (vii) above. No product de-
17 rived from used oil shall be listed or identified
18 as a hazardous waste for purposes of this sub-
19 title if it meets each of the specifications set
20 forth in clauses (i) through (vii) above. Compli-
21 ance with the specifications set forth in this
22 subparagraph may not be achieved by blending
23 used oil with virgin oil or with any other solid
24 waste or other material.

1 “(B) MARKETING OF FUEL.—Fuel con-
2 taining used oil which, without treatment,
3 meets the specifications of subparagraph (A)
4 (including the requirements relating to blend-
5 ing) may be marketed as containing ingredients
6 that never were, and are not now, hazardous
7 wastes if the used oil is analyzed upon receipt
8 at, and the used oil-derived fuel is analyzed be-
9 fore shipment from, the recycling facility to
10 demonstrate compliance with such specifica-
11 tions. Records of such analyses shall be re-
12 tained for at least 3 years.

13 “(3) USED OIL GENERATED BY PETROLEUM
14 REFINING OR PRODUCTION FACILITIES.—Used oil
15 generated by petroleum refining or production facili-
16 ties, which is to be refined along with normal proc-
17 ess streams at a petroleum refining facility, shall be
18 exempt from the provisions of this subtitle applicable
19 to hazardous waste if it is inserted into the refining
20 process or production pipeline.

21 “(b) EPA REGULATIONS.—

22 “(1) IN GENERAL.—On the effective date pro-
23 vided in subsection (i), the provisions of this subtitle
24 applicable to listed hazardous waste shall apply to
25 all used oil which fails to meet the specifications set

1 forth in subsection (a)(2)(A). Simultaneously with
2 the promulgation of regulations listing used oil as
3 provided in subsection (a)(1), the Administrator
4 shall promulgate regulations under paragraph (2) of
5 this subsection, together with additional regulations
6 under this section applicable to the generation, col-
7 lection, transportation, treatment, storage, recycling,
8 burning and disposal of used oil which is listed as
9 provided in subsection (a)(1). Such regulations shall
10 take effect on the effective date provided in sub-
11 section (i). The Administrator shall ensure that such
12 regulations protect human health and the environ-
13 ment and, to the extent consistent with that goal, do
14 not discourage the recovery or recycling of used oil.

15 “(2) EXEMPTION FROM SUBTITLE C REQUIRE-
16 MENTS.—

17 “(A) PERSONS GENERATING USED OIL
18 WHICH IS HOUSEHOLD WASTE.—Any person
19 who generates used oil which is household waste
20 (as defined under regulations of the Adminis-
21 trator under this subtitle) shall be exempt, with
22 respect to such used oil, from regulation under
23 this section or under any other provision of this
24 subtitle.

1 “(B) CURBSIDE PICKUP AND TRANSPOR-
2 TATION OF USED OIL.—The curbside pickup
3 and transportation of used oil which is house-
4 hold waste (as defined under regulations of the
5 Administrator under this subtitle) from residen-
6 tial locations as part of a curbside pickup pro-
7 gram sanctioned by a State or local government
8 shall be exempt from regulation under this sec-
9 tion or under any other provision of this sub-
10 title. For purposes of this subparagraph, the
11 term ‘curbside pickup’ shall not include storage
12 (including storage at a used oil collection center
13 which is part of a program sanctioned by a
14 State or local government).

15 “(C) RECYCLING OF SCRAP METAL, PAPER,
16 PLASTIC, GLASS, TEXTILES, ETC.—No scrap
17 metal, paper, plastic, glass, textile, or any ab-
18 sorbent material shall be subject to this section
19 by reason of the incidental presence of used oil
20 in or on such material.

21 “(c) GENERATION AND COLLECTION CENTERS.—
22 Notwithstanding the listing of used oil under section 3001,
23 no generator of used oil and no person operating a used
24 oil collection center shall be deemed to have generated or
25 stored a listed hazardous waste, and no such generator

1 or collection center shall be subject to regulation under
2 provisions of this subtitle other than this section, if such
3 generator or collection center has complied with each of
4 the following paragraphs—

5 “(1) The generator or collection center has ei-
6 ther—

7 “(A) recycled or burned the used oil at any
8 facility with a permit under subsection (c) or
9 (e) of section 3005, or

10 “(B) entered into an agreement or other
11 arrangement with a transporter, recycler, or
12 any other person for periodic transportation of
13 the used oil from the point of generation or col-
14 lection by a licensed used oil transporter for de-
15 livery to a facility with a permit under sub-
16 section (c) or (e) of section 3005 within 90 days
17 of generation (except that volumes of less than
18 500 gallons may be stored by the generator for
19 up to 12 months prior to such delivery).

20 “(2) The generator or collection center has not
21 disposed of the used oil in a manner other than as
22 provided under paragraph (1) or mixed the used oil
23 with any other type of hazardous wastes. The Ad-
24 ministrators shall promulgate rules under which any
25 used oil collection center which is also a generator

1 of used oil may segregate the used oil which such
2 person generates from the used oil collected from
3 other persons. For purposes of this paragraph, no
4 generator of used oil or used oil collection center
5 shall be presumed to have mixed such used oil with
6 other hazardous waste by reason of the used oil's
7 halogen content if the halogen content of such used
8 oil is less than 3,000 parts per million (ppm).

9 “(3) The generator or collection center has
10 maintained records of—

11 “(A) the volume of all used oil recycled or
12 burned by the generator or collection center at
13 a facility which has a permit under subsection
14 (c) or (e) of section 3005; and

15 “(B) all agreements or arrangements pur-
16 suant to paragraph (1) and the approximate
17 volume of all used oil transferred to any other
18 person for transportation to a facility which has
19 a permit under subsection (c) or (e) of section
20 3005.

21 “(d) TRANSPORTATION.—All transporters of used oil
22 which is a hazardous waste listed under section 3001 shall
23 comply with standards promulgated under section 3003,
24 except that in the case of used oil that does not contain
25 concentrations of 3,000 parts per million (ppm) or more

1 of halogens, the Administrator shall modify the require-
2 ments otherwise applicable under section 3003 to used oil
3 transporters to require such transporters to meet the in-
4 surance requirements of the Hazardous Materials Trans-
5 portation Act for fuel oil not otherwise specified. The Ad-
6 ministrator shall also modify the manifest requirements
7 applicable to such used oil so as to allow the transporter
8 to fill out 1 manifest for each load delivered to a facility
9 which has a permit under subsection (c) or (e) of section
10 3005, which manifest shall list each source and volume
11 of the oil delivered to the facility. The transporter shall
12 provide to the generator or collection center a receipt for
13 the oil transported, setting forth the name and address
14 of the permitted facility to which the oil will be trans-
15 ported and such other information as the Administrator
16 may deem necessary.

17 “(e) DISPOSAL, BURNING, OR PROCESSING FACILI-
18 TIES.—

19 “(1) IN GENERAL.—The regulations under this
20 section shall require hazardous waste management
21 units of facilities that dispose of, or burn, used oil
22 which is hazardous waste listed under section 3001
23 or that process or rerefine any such used oil which
24 is generated off-site to comply, without exception,
25 with the standards promulgated under section 3004

1 applicable to hazardous waste treatment, storage
2 and disposal facilities, as in effect as of the date of
3 the enactment of the Oil Recycling and Safe Han-
4 dling Act of 1995. Each hazardous waste manage-
5 ment unit of a facility referred to in the preceding
6 sentence shall be required to obtain an individual
7 permit under section 3005(c) and the Administrator
8 may not issue a permit-by-rule for any such facility.
9 Each facility that processes or rerefines any such
10 used oil to produce a product that meets the speci-
11 fications set forth in subsection (a)(2)(A) of this sec-
12 tion shall maintain records of volumes and constitu-
13 ent concentrations of incoming used oil and outgoing
14 recycled oil and documentation to demonstrate to
15 the satisfaction of the Administrator that compliance
16 with such specifications have been achieved without
17 blending used oil with virgin oil or with any other
18 solid waste or other material.

19 “(2) EXPEDITED PERMITTING.—The Adminis-
20 trator shall promulgate regulations to develop modi-
21 fied procedures to expedite the issuance of permits
22 to used oil recycling facilities referred to in para-
23 graph (1) where such facilities consist primarily of
24 tank and container units and where such permitting
25 does not involve decisions and determinations on

1 site-specific matters (including, but not limited to
2 decisions on post-closure care, corrective action, or
3 other remediation).

4 “(f) USED OIL CREDIT SYSTEM.—The Administrator
5 shall promulgate rules under this subsection establishing
6 a mandatory recycling program for used oil to require pro-
7 ducers and importers of lubricating base stock to reuse
8 or guarantee the reuse of an annually increasing percent-
9 age of used lubricating oil. The program shall include the
10 establishment of a system of economic credits to imple-
11 ment such program. Such percentage for the first year of
12 this program shall be equal to the percentage which is 2
13 percent higher than the percent of used oil that was
14 rerefined into lubricating base stock or processed for en-
15 ergy recovery during the last calendar year ending prior
16 to the enactment of the Oil Recycling and Safe Handling
17 Act of 1995 and shall increase each year for no fewer than
18 10 subsequent years at least an additional 2 percent per
19 year.

20 “(g) USED OIL COLLECTION PROGRAMS.—In order
21 to encourage used oil collection the Administrator shall re-
22 quire States to provide economic and other incentives to
23 retailers and other persons who collect, or otherwise ac-
24 cept, used oil from persons exempt from regulation under
25 this title pursuant to subsection (b)(2)(A) or from persons

1 engaged in the curbside pickup or transportation of used
2 oil which is exempt from this subtitle pursuant to sub-
3 section (b)(2)(B) where such retailer or other person col-
4 lecting or accepting the used oil does not impose a charge
5 on such persons for such collection or receipt. Each State
6 shall establish a program under this subsection which shall
7 include the imposition of fees in the amount of 5 cents
8 per quart on refined or re-refined lubricating base stock
9 sold or transferred in the State or imported into the State
10 for sale at retail in the State. No fee shall be required
11 for oil for which a fee has previously been imposed in any
12 State. The fee shall be paid by the person or entity who
13 first packages, distributes, or sells lubricating oil for use
14 in the State. Each such State shall use the revenues de-
15 rived from such fees to improve State and local used oil
16 collection efforts described in this subsection. A State may
17 also establish a system, in conjunction with a nonprofit
18 organization, to certify used oil collection sites which com-
19 ply with the requirements of this section as participants
20 in an ‘Environmentally Beneficial Used Oil Collection Pro-
21 gram.’.

22 “(h) DEFINITIONS.—As used in this section—

23 “(1) USED OIL COLLECTION CENTER.—The
24 term ‘used oil collection center’ means any site at
25 which used oil is accepted from other persons and

1 temporarily stored or any site at which used oil is
2 removed from motor vehicles and temporarily stored,
3 including service stations, fleet maintenance facilities
4 and community recycling facilities. The term ‘used
5 oil collection center’ shall not include any site that
6 generates used oil as a household waste or any facil-
7 ity at which used oil is stored by a transporter sub-
8 ject to subsection (d) or a facility subject to sub-
9 section (e). The Administrator may limit this defini-
10 tion in terms of the maximum volume stored as may
11 be necessary.

12 “(2) USE OF TERMS ‘RECYCLE’ AND ‘RECY-
13 CLING’.—The terms ‘recycle’ and ‘recycling’ do not
14 include burning for heat, energy, disposal or for any
15 other purpose.

16 “(i) EFFECTIVE DATE.—The requirements of this
17 section applicable to the management of used oil and the
18 requirements of any regulations promulgated under this
19 section shall take effect on the date 18 months after the
20 enactment of the Oil Recycling and Safe Handling Act of
21 1995, except that the Administrator may extend such ef-
22 fective date for not more than an additional 24 months
23 in order to provide adequate opportunity for facilities en-
24 gaged in the recycling, burning, re-refining, and storage

1 of used oil to come into compliance with such require-
2 ments.”.

3 (2) The item relating to section 3014 in the table of
4 contents for subtitle C of the Solid Waste Disposal Act
5 is amended to read as follows:

“Sec. 3014. Management of used oil.”.

6 (c) PROCUREMENT OF RE-REFINED OIL.—Section
7 6002(c) of the Solid Waste Disposal Act is amended by
8 adding the following after paragraph (3):

9 “(4) Each procuring agency shall submit a report to
10 the Administrator on the procuring agency’s annual review
11 and monitoring of the effectiveness of its re-refined oil
12 procurement program, as set forth in 40 C.F.R. section
13 252.24. The Administrator shall submit a report to Con-
14 gress summarizing these reports by October 1 of each
15 year, starting with October 1, 1992.”.

16 (d) AMENDMENT OF CERCLA.—Section 114(c)(1)
17 of the Comprehensive Environmental Response, Com-
18 pensation, and Liability Act of 1980 (Superfund) is
19 amended to read as follows:

20 “(c) USED OIL.—

21 “(1) SERVICE STATION DEALERS, ETC.—No
22 person (including the United States or any State)
23 may bring an action under the authority of sub-
24 section (a)(3) or (a)(4) of section 107 against a
25 service station dealer for any response costs or dam-

1 ages resulting from a release or threatened release
2 of used oil, or use the authority of section 106
3 against a service station dealer other than a person
4 described in subsection (a)(1) or (a)(2) of section
5 107, if such used oil—

6 “(A) is not mixed with any other hazard-
7 ous waste, and

8 “(B) is stored, treated, transported, or
9 otherwise managed in compliance with regula-
10 tions or standards promulgated pursuant to
11 section 3014 of the Solid Waste Disposal Act
12 and other applicable authorities.

13 Nothing in this paragraph shall affect or modify in
14 any way the obligations or liability of any person
15 under any other provision of State or Federal law,
16 including common law, for damages, injury, or loss
17 resulting from a release or threatened release of any
18 hazardous substance or for removal or remedial ac-
19 tion or the costs of removal or remedial action. For
20 the purpose of subsection (c)(1)(A), no used oil shall
21 be deemed to be mixed with hazardous waste by rea-
22 son of its halogen content if it contains less than
23 3,000 ppm halogens.”.

1 (e) DEFINITION.—Section 101(37) of the Com-
2 prehensive Environmental Response, Compensation, and
3 Liability Act of 1980 is amended to read as follows:

4 “(37)(A) The term ‘service station dealer’
5 means any person—

6 “(i) who owns or operates a motor vehicle
7 service station, filling station, garage, or similar
8 retail establishment engaged in the business of
9 selling, repairing, or servicing motor vehicles or
10 parts, where a significant percentage of the
11 gross revenue of the establishment is derived
12 from the fueling, repairing, servicing, or sale of
13 parts for motor vehicles, and

14 “(ii) who accepts for collection, accumula-
15 tion, and delivery to an oil recycling facility,
16 used oil that (I) has been removed from the en-
17 gine of a light duty motor vehicle or household
18 appliances by the owner of such vehicle or ap-
19 pliances, and (II) is presented, by such owner,
20 to such person for collection, accumulation, and
21 delivery to an oil recycling facility.

22 “(B) For purposes of section 114(c), the term
23 ‘service station dealer’ shall, notwithstanding the
24 provisions of subparagraph (A), include any govern-
25 ment agency that establishes a facility solely for the

1 purpose of accepting used oil that satisfies the cri-
2 teria set forth in subclauses (I) and (II) of subpara-
3 graph (A)(ii) and, with respect to used oil that satis-
4 fies the criteria set forth in subclauses (I) and (II),
5 owners or operators of refuse collection services who
6 are compelled by State law to collect, accumulate,
7 and deliver such oil to an oil recycling facility.

8 “(C) The President shall promulgate regula-
9 tions regarding the determination of what con-
10 stitutes a significant percentage of the gross reve-
11 nues of an establishment for purposes of this para-
12 graph.”.

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