

METAL RECYCLING AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: Lee B. Perry

LONG TITLE

General Description:

This bill deals with the recycling of engine blocks and the disposal of used oil.

Highlighted Provisions:

This bill:

- ▶ states that a person who recycles an engine block is not required to remove the used oil filter on that engine block; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-6-706, as last amended by Laws of Utah 2012, Chapter 360

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **19-6-706** is amended to read:

19-6-706. Disposal of used oil -- Prohibitions.

(1) (a) Except as authorized by the director, or by rule of the board, or as exempted in this section, a person may not place, discard, or otherwise dispose of used oil:

(i) in any solid waste treatment, storage, or disposal facility operated by a political subdivision or a private entity, except as authorized for the disposal of used oil that is

30 hazardous waste under state law;

31 (ii) in sewers, drainage systems, septic tanks, surface or ground waters, watercourses,
32 or any body of water; or

33 (iii) on the ground.

34 (b) A person who unknowingly disposes of used oil in violation of Subsection (1)(a)(i)
35 is not guilty of a violation of this section.

36 (2) (a) A person may dispose of an item or substance that contains de minimis amounts
37 of oil in disposal facilities under Subsection (1)(a)(i) if:

38 (i) to the extent reasonably possible all oil has been removed from the item or
39 substance; and

40 (ii) no free flowing oil remains in the item or substance.

41 (b) (i) A nonterne plated used oil filter complies with this section if it is not mixed with
42 hazardous waste and the oil filter has been gravity hot-drained by one of the following
43 methods:

44 (A) puncturing the filter antidrain back valve or the filter dome end and gravity
45 hot-draining;

46 (B) gravity hot-draining and crushing;

47 (C) dismantling and gravity hot-draining; or

48 (D) any other equivalent gravity hot-draining method that will remove used oil from
49 the filter at least as effectively as the methods listed in this Subsection (2)(b)(i).

50 (ii) As used in this Subsection (2), "gravity hot-drained" means drained for not less
51 than 12 hours near operating temperature but above 60 degrees Fahrenheit.

52 (iii) This Subsection (2) does not require a person who recycles an engine block to
53 drain a used oil filter or remove a used oil filter from that engine block.

54 (3) A person may not mix or commingle used oil with the following substances, except
55 as incidental to the normal course of processing, mechanical, or industrial operations:

56 (a) solid waste that is to be disposed of in any solid waste treatment, storage, or
57 disposal facility, except as authorized by the director under this chapter; or

58 (b) any hazardous waste so the resulting mixture may not be recycled or used for other
59 beneficial purpose as authorized under this part.

60 (4) (a) This section does not apply to releases to land or water of de minimis quantities
61 of used oil, except:

62 (i) the release of de minimis quantities of used oil is subject to any regulation or
63 prohibition under the authority of the department; and

64 (ii) the release of de minimis quantities of used oil is subject to any rule made by the
65 board under this part prohibiting the release of de minimis quantities of used oil to the land or
66 water from tanks, pipes, or other equipment in which used oil is processed, stored, or otherwise
67 managed by used oil handlers, except wastewater under Subsection 19-6-708(2)(j).

68 (b) As used in this Subsection (4), "de minimis quantities of used oil:"

69 (i) means small spills, leaks, or drippings from pumps, machinery, pipes, and other
70 similar equipment during normal operations; and

71 (ii) does not include used oil discarded as a result of abnormal operations resulting in
72 substantial leaks, spills, or other releases.

73 (5) Used oil may not be used for road oiling, dust control, weed abatement, or other
74 similar uses that have the potential to release used oil in the environment, except in compliance
75 with Section 19-6-711 and board rule.

76 (6) (a) (i) Facilities in existence on July 1, 1993, and subject to this section may apply
77 to the director for an extension of time beyond that date to meet the requirements of this
78 section.

79 (ii) The director may grant an extension of time beyond July 1, 1993, upon a finding of
80 need under Subsection (6)(b) or (c).

81 (iii) The total of all extensions of time granted to one applicant under this Subsection
82 (6)(a) may not extend beyond January 1, 1995.

83 (b) The director upon receipt of a request for an extension of time may request from the
84 facility any information the director finds reasonably necessary to evaluate the need for an
85 extension. This information may include:

86 (i) why the facility is unable to comply with the requirements of this section on or
87 before July 1, 1993;

88 (ii) the processes or functions which prevent compliance on or before July 1, 1993;

89 (iii) measures the facility has taken and will take to achieve compliance; and

90 (iv) a proposed compliance schedule, including a proposed date for being in
91 compliance with this section.

92 (c) Additional extensions of time may be granted by the director upon application by
93 the facility and a showing by the facility that:

94 (i) the additional extension is reasonably necessary; and

95 (ii) the facility has made a diligent and good faith effort to comply with this section
96 within the time frame of the prior extension.