

Public Law 96-463
96th Congress

An Act

To amend the Solid Waste Disposal Act to further encourage the use of recycled oil.

Oct. 15, 1980

[S. 2412]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Used Oil
Recycling Act of
1980.

SHORT TITLE

SECTION 1. This Act may be cited as the "Used Oil Recycling Act of 1980".

42 USC 6901
note.

FINDINGS

SEC. 2. The Congress finds and declares that—

42 USC 6901a.

(1) used oil is a valuable source of increasingly scarce energy and materials;

(2) technology exists to re-refine, reprocess, reclaim, and otherwise recycle used oil;

(3) used oil constitutes a threat to public health and the environment when reused or disposed of improperly; and that, therefore, it is in the national interest to recycle used oil in a manner which does not constitute a threat to public health and the environment and which conserves energy and materials.

DEFINITIONS

SEC. 3. Section 1004 of the Solid Waste Disposal Act is amended by adding the following new paragraphs at the end thereof:

42 USC 6903.

"(36) The term 'used oil' means any oil which has been—

"(A) refined from crude oil,

"(B) used, and

"(C) as a result of such use, contaminated by physical or chemical impurities.

"(37) The term 'recycled oil' means any used oil which is reused, following its original use, for any purpose (including the purpose for which the oil was originally used). Such term includes oil which is re-refined, reclaimed, burned, or reprocessed.

"(38) The term 'lubricating oil' means the fraction of crude oil which is sold for purposes of reducing friction in any industrial or mechanical device. Such term includes re-refined oil.

"(39) The term 're-refined oil' means used oil from which the physical and chemical contaminants acquired through previous use have been removed through a refining process."

LABELING REQUIREMENTS

SEC. 4. (a) Subtitle B of title II of the Solid Waste Disposal Act is amended by inserting the following new section immediately after section 2004 and by redesignating sections 2005 and 2006 as 2006 and 2007, respectively:

42 USC 6915,
6916.

"LABELING OF CERTAIN OIL

42 USC 6914a.

"SEC. 2005. For purposes of any provision of law which requires the labeling of commodities, lubricating oil shall be treated as lawfully labeled only if it bears the following statement, prominently displayed:

"DON'T POLLUTE—CONSERVE RESOURCES; RETURN USED OIL TO COLLECTION CENTERS'."

(b) The table of contents for such subtitle B of title II of the Solid Waste Disposal Act is amended by inserting the following new item immediately after the item relating to section 2004 and by redesignating the items relating to sections 2005 and 2006 as 2006 and 2007, respectively:

"Sec. 2005. Labeling of certain oil."

Labeling standards, applicability. 42 USC 6363 note. 42 USC 6363.

(c) Before the effective date of the labeling standards required to be prescribed under section 383(d)(1)(A) of the Energy Policy and Conservation Act, no requirement of any rule or order of the Federal Trade Commission may apply, or remain applicable, to any container of recycled oil (as defined in section 383(b) of such Act) if such requirement provides that the container must bear any label referring to the fact that it has been derived from previously used oil. Nothing in this subsection shall be construed to affect any labeling requirement applicable to recycled oil under any authority of law to the extent such requirement relates to fitness for intended use or any other performance characteristic of such oil or to any characteristic of such oil other than that referred to in the preceding sentence.

ASSISTANCE TO STATES

42 USC 6943.

SEC. 5. (a) Section 4003 of the Solid Waste Disposal Act is amended by striking out "Minimum" in the heading thereof.

(b) Such section 4003 is further amended by inserting "(a) MINIMUM REQUIREMENTS.—" after "4003" and by adding the following new subsection at the end thereof:

"(b) DISCRETIONARY PLAN PROVISIONS RELATING TO RECYCLED OIL.— Any State plan submitted under this subtitle may include, at the option of the State, provisions to carry out each of the following:

"(1) Encouragement, to the maximum extent feasible and consistent with the protection of the public health and the environment, of the use of recycled oil in all appropriate areas of State and local government.

"(2) Encouragement of persons contracting with the State to use recycled oil to the maximum extent feasible, consistent with protection of the public health and the environment.

"(3) Informing the public of the uses of recycled oil.

"(4) Establishment and implementation of a program (including any necessary licensing of persons and including the use, where appropriate, of manifests) to assure that used oil is collected, transported, treated, stored, reused, and disposed of, in a manner which does not present a hazard to the public health or the environment.

Ante, p. 2055.

Any plan submitted under this title before the date of the enactment of the Used Oil Recycling Act of 1980 may be amended, at the option of the State, at any time after such date to include any provision referred to in this subsection."

(b) Section 4008 of such Act is amended by adding at the end the following new subsection:

“(f) ASSISTANCE TO STATES FOR DISCRETIONARY PROGRAM FOR RECYCLED OIL.—(1) The Administrator may make grants to States, which have a State plan approved under section 4007, or which have submitted a State plan for approval under such section, if such plan includes the discretionary provisions described in section 4003(b). Grants under this subsection shall be for purposes of assisting the State in carrying out such discretionary provisions. No grant under this subsection may be used for construction or for the acquisition of land or equipment.

“(2) Grants under this subsection shall be allotted among the States in the same manner as provided in the first sentence of subsection (b).

“(3) No grant may be made under this subsection unless an application therefor is submitted to, and approved by, the Administrator. The application shall be in such form, be submitted in such manner, and contain such information as the Administrator may require.

“(4) For purposes of making grants under this subsection, there are authorized to be appropriated \$5,000,000 for fiscal year 1982 and \$5,000,000 for fiscal year 1983.”

Grants.
42 USC 6948.

42 USC 6947.

Ante, p. 2056.

Allotment.

Application.

Appropriation
authorization.

TECHNICAL ASSISTANCE

SEC. 6. Section 4008(d) of the Solid Waste Disposal Act is amended by inserting “(1) after ASSISTANCE.—” and by adding the following new paragraph at the end thereof:

“(2) In carrying out this subsection, the Administrator may, upon request, provide technical assistance to States to assist in the removal or modification of legal, institutional, economic, and other impediments to the recycling of used oil. Such impediments may include laws, regulations, and policies, including State procurement policies, which are not favorable to the recycling of used oil.”

42 USC 6948.

RESTRICTIONS ON RECYCLED OIL

SEC. 7. (a) Subtitle C of the Solid Waste Disposal Act is amended by adding the following new section at the end thereof:

“RESTRICTIONS ON RECYCLED OIL

“SEC. 3012. Not later than one year after the date of the enactment of this section, the Administrator shall promulgate regulations establishing such performance standards and other requirements as may be necessary to protect the public health and the environment from hazards associated with recycled oil. In developing such regulations, the Administrator shall conduct an analysis of the economic impact of the regulations on the oil recycling industry. The Administrator shall ensure that such regulations do not discourage the recovery or recycling of used oil.”

Regulations.
42 USC 6932.

(b) The table of contents for such subtitle is amended by inserting the following new item immediately after the item relating to section 3011:

“Sec. 3012. Restrictions on recycled oil.”

USED OIL AS A HAZARDOUS WASTE

“SEC. 8. Not later than ninety days after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency shall—

42 USC 6921.

Report to Congress.

(1) make a determination as to the applicability to used oil of the criteria and regulations promulgated under subsections (a) and (b) of section 3001 of the Solid Waste Disposal Act relating to characteristics of hazardous wastes, and

(2) report to the Congress the determination together with a detailed statement of the data and other information upon which the determination is based.

In making a determination under paragraph (1), the Administrator shall ensure that the recovery and reuse of used oil are not discouraged.

STUDY

42 USC 6932 note.

SEC. 9. The Administrator of the Environmental Protection Agency, in cooperation with the Secretary of Energy, the Federal Trade Commission, and the Secretary of Commerce, shall conduct a study—

(1) assessing the environmental problems associated with the improper disposal or reuse of used oil;

(2) addressing the collection cycle of used oil prior to recycling;

(3) analyzing supply and demand in the used oil industry, including (A) estimates of the future supply and quality of used oil feedstocks for purpose of re-refining and (B) estimates of the future supply of virgin crude oil available for refining for purposes of producing lubricating oil;

(4) comparing the energy savings associated with re-refining used oil and the energy savings associated with other uses of used oil; and

(5) recommending Federal, State, and local policies to encourage methods for environmentally sound and economically feasible recycling of used oil.

Where appropriate, for purposes of the study under this section, the Administrator may utilize and update information and data previously collected by the Administrator and by other agencies, departments, and instrumentalities of the United States. The Administrator shall submit to Congress a report containing the results of the study under this section not later than one year after the date of the enactment of this Act.

Report to
Congress.

Approved October 15, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1415 (Comm. on Interstate and Foreign Commerce).
SENATE REPORT No. 96-879 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Aug. 18, considered and passed Senate.
Sept. 30, considered and passed House, amended.
Oct. 1, Senate concurred in House amendment.