§ 23-2307. Used oil retention facilities required; installation and maintenance; posting of notice.

1. Service establishments. a. Every service establishment, and every other person, industrial operation, airport, trucking terminal, state or local government facility generating at least five hundred gallons of used oil annually, shall, no later than September first, nineteen hundred seventy-nine, provide and maintain used oil retention facilities, properly sheltered and protected to prevent spillage, seepage or discharge of used oil into storm or sanitary sewers or into or on any lands or waters of the state including groundwaters thereof. The used oil shall be periodically removed from the retention facility by a waste transporter duly permitted by the department under the provisions of title three of article twenty-seven of this chapter. Waste transporters may dispose of used oil only by delivery to a rerefiner except where otherwise permitted by the commissioner. Rules and regulations defining proper design and maintenance of a retention facility may be promulgated by the commissioner.

b. An owner or an employee of every service establishment who is present on the premises shall be required to accept during the normal business hours of the establishment and at no charge, used oil in quantities not exceeding five gallons per day from any individual; provided, however, this requirement to accept does not apply if the petroleum-based lubricating oil brought to the establishment is determined to have been contaminated through other than ordinary and normal use, and does not apply if the used oil retention facility is temporarily filled to capacity; and provided further that such establishment need only accept used oil in screw-top, rigid, closed containers. No such establishment shall impose upon a customer a separate charge or fee for accepting or disposing of used oil; nor shall such establishment impose any charge upon any individual who is not a customer for such service.

c. Every service establishment shall post a conspicuous sign, open to public view, stating: "WE ACCEPT USED OIL FOR RECYCLING AT NO CHARGE". Such establishment may additionally state, on the same sign or an

additional sign, that used oil is accepted only during normal business hours and may state such hours.

2. Retail establishments. a. Unless exempted, every retail establishment shall provide and maintain used oil retention facilities, properly sheltered and protected to prevent spillage, seepage or discharge of used oil into storm or sanitary sewers or into or on any lands or waters of the state including groundwater thereof. The used oil shall be periodically removed from the retention facility by a waste transporter duly permitted by the department under the provisions of title three of article twenty-seven of this chapter. Waste transporters may dispose of used oil only by delivery to a rerefiner except where otherwise permitted by the commissioner. Rules and regulations defining proper design and maintenance of a retention facility may be promulgated by the commissioner.

b. Every retail establishment shall be required to accept at no charge, used oil in quantities not exceeding five gallons per day from any individual during normal business hours of the establishment; provided, however, this requirement to accept does not apply if the petroleum-based lubricating oil brought to the establishment is determined to have been contaminated through other than ordinary and normal use; and provided further, that such establishment need only accept used oil in screw-top, rigid, closed containers.

c. Exemptions. Pursuant to rules and regulations promulgated by the department for the implementation of this section, a retail establishment shall not be required to accept used oil if:

(1) the used oil retention facility is temporarily filled to capacity; or

(2) the retail establishment has a current contract with another retail establishment, municipality or service establishment with an on-premises used oil retention facility, for the collection of the contracting retail establishment's used lubricating oil. In counties or cities with a population of one million or more the distance between such contracting retail establishment and the contractor shall not exceed eight miles. In all other areas of the state the contracting

retail establishment and the contractor shall be within the same or adjacent towns or cities; or

(3) the retail establishment has been granted a hardship waiver by the commissioner for the inability to comply with this section.

d. Signs required. (1) Every retail establishment with an on-premises used oil retention facility shall post a conspicuous sign, open to public view, stating "WE ACCEPT USED OIL FOR RECYCLING AT NO CHARGE". Such establishment may additionally state, on the same sign or an additional sign, that used oil is accepted only during normal business hours, and may state such hours.

(2) Every retail establishment that contracts with another retail establishment or service establishment, shall post a conspicuous sign, open to the public view stating: "USED OIL FOR RECYCLING WILL BE ACCEPTED BY (name of contracted establishment) AT (Address of contracted establishment) AT NO CHARGE". Such establishment may additionally state, on the same sign or an additional sign, that used oil is accepted only during normal business hours of the contracted establishment, and may state such hours.

3. For the purposes of this section, so long as a service or retail establishment shall maintain its used oil retention facilities in compliance with the provisions of this section and any rules and regulations promulgated hereunder and shall deliver collected quantities of used oil to a duly permitted waste transporter or dispose of the used oil as otherwise authorized or permitted by the commissioner, such service establishment shall be exempt from the provisions of titles seven and nine of article twenty-seven and article seventy-two of this chapter.