

107TH CONGRESS
1ST SESSION

S. 1495

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to modify provisions concerning the liability associated with a release or threatened release of recycled oil.

IN THE SENATE OF THE UNITED STATES

OCTOBER 3, 2001

Mr. SMITH of New Hampshire (for himself and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to modify provisions concerning the liability associated with a release or threatened release of recycled oil.

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. RECYCLED OIL LIABILITY.**

4 Section 114 of the Comprehensive Environmental Re-
5 sponse, Compensation, and Liability Act of 1980 (42
6 U.S.C. 9614) is amended by striking subsection (c) and
7 inserting the following:

8 “(c) RECYCLED OIL.—

1 “(1) DEFINITIONS.—In this subsection:

2 “(A) RECYCLED OIL.—The term ‘recycled
3 oil’ has the meaning given the term in section
4 1004 of the Solid Waste Disposal Act (42
5 U.S.C. 6903).

6 “(B) USED OIL.—The term ‘used oil’ has
7 the meaning given the term in section 1004 of
8 the Solid Waste Disposal Act (42 U.S.C. 6903).

9 “(2) SALE, REPAIR, AND SERVICE OF MOTOR
10 VEHICLES.—With respect to any filling station, ga-
11 rage, or retail establishment that sells, repairs, or
12 services motor vehicles and of which the primary
13 function is not the generation of used oil—

14 “(A) a person—

15 “(i) may not recover from the filling
16 station, garage, or retail establishment,
17 under paragraph (3) or (4) of section
18 107(a), any response costs or damages for
19 injury resulting from a release or threat-
20 ened release of recycled oil; and

21 “(ii) may not use any authority under
22 section 106 against a filling station, ga-
23 rage, or retail establishment (except for a
24 filling station, garage, or retail establish-

1 ment described in paragraph (1) or (2) of
2 section 107(a));

3 unless the filling station, garage, or retail estab-
4 lishment did not comply with all applicable re-
5 quirements governing the storage, treatment,
6 transportation, or management of the recycled
7 oil that were in effect on the date on which the
8 storage, treatment, transportation, or manage-
9 ment of recycled oil occurred;

10 “(B) any oil at the filling station, garage,
11 or retail establishment shall be presumed not to
12 have been mixed with any other hazardous sub-
13 stance if the oil—

14 “(i)(I) has been removed from the en-
15 gine of a light duty motor vehicle or house-
16 hold appliance by the owner of the vehicle
17 or appliance; and

18 “(II) is presented by the owner of the
19 vehicle or appliance to the filling station,
20 garage, or retail establishment for collec-
21 tion, accumulation, and delivery to a facil-
22 ity that recycles oil; or

23 “(ii) has been removed from an engine
24 or appliance by the filling station, garage,
25 or retail establishment for collection, accu-

1 mulation, and delivery to a facility that re-
2 cycles oil; and

3 “(C) nothing in this paragraph affects or
4 modifies any obligation or liability of any filling
5 station, garage, or retail establishment under
6 any other provision of Federal or State law (in-
7 cluding under a regulation or common law)
8 for—

9 “(i) damages, injury, or loss resulting
10 from a release or threatened release of any
11 hazardous substance; or

12 “(ii) a removal or remedial action or
13 any cost of a removal or remedial action.

14 “(3) NO EFFECT ON FINAL ACTIONS.—Paragraph
15 (2) shall not affect any final judicial or administra-
16 tive action.”.

17 “(4) APPLICABILITY.—This subsection shall
18 apply to a filling station, garage, or retail establish-
19 ment referred to in paragraph (2), on and after the
20 date on which any storage, treatment, transpor-
21 tation, or management of recycled oil at the filling
22 station, garage, or retail establishment first oc-
23 curred.”.

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