

(S.B. 827)

(No. 109)

(Approved September 1, 2005)

AN ACT

To amend Section 4 of Act No. 278 of September 14, 2004, as amended, in order to suspend its effectiveness until December 31, 2005, with the exception of the last sentence of the first (1st) paragraph of Section 8, which is amended; and to establish that during that time Sections 8, 11 and 12, of Act No. 172 of August 31, 1996, as amended, known as the “Act for the Proper Management of Used Oil in Puerto Rico,” shall be in effect to September 13, 2004.

STATEMENT OF MOTIVES

The improper disposal of used oil, with a high content of heavy metals and additives and pollutants has a disastrous effect on the environment, the health and the public wellbeing due to the possibility of polluting surface and underground water and the soil and subsoil. It is known that the used oil disposed of through the sanitary sewer system destroys the bacteria in the water treatment systems and when disposed of in the storm-water sewer or on land, it has the potential of polluting the drinking water reserves.

This is the case of used lubricating oils generated by motor vehicles. However, those used lubricating oils constitute a valuable resource that may be used as an additional source of safe energy in environmental terms or as clean products once they are re-refined. In spite of its potential value, a

significant amount of used oil is improperly disposed of, thus resulting in a significant environmental risk or threat and in the wasteful disposal of a recoverable energy source.

Act No. 172 of August 31, 1996, as amended, known as the “Act for the Proper Management of Used Oil in Puerto Rico”, was adopted to handle the problem that arises from the improper disposal of used oil. This law has been the object of innumerable amendments, including those set forth in Act No. 278 of September 14, 2004, for the purpose of establishing better controls for the management of the deposits or charges – Environmental Protection Deposits – established in Section 8 of the aforesaid Act No. 172.

Possible problems in the implementation of some of the amendments introduced in Act No. 172, supra, and in the preparation or modification of applicable regulations, have been brought for the consideration of the Legislature, for which it is believed necessary to suspend their application until December 31, 2005, so that they may be evaluated and so that this matter may be attended to properly.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-Section 4 of Act No. 278 of September 14, 2004, as amended, is hereby amended to read as follows:

“Section 4.-This Act shall take effect after December 31, 2005, it being understood that during that time Sections 8, 11 and 12, as amended, of Act No. 172 of August 31, 1996, known as the “Act for the Proper Management of Used Oil in Puerto Rico, shall be in effect to September 13, 2004; except for the last sentence of the first (1st) paragraph of Section 8 which is amended to read as follows:

‘The unclaimed deposits shall be administered by the Department of the Treasury and fifty (50) percent of said unclaimed deposits shall be

distributed among the agencies charged with the education, implementation and supervision of this Act as follows: The Environmental Quality Board, twenty-two point five (22.5) percent; the Department of the Treasury, sixteen (16) percent; and the Solid Waste Authority, eleven point five (11.5) percent and the remaining fifty (50) percent shall be transferred and deposited, in equal parts, with the Environmental Emergencies Fund and the Fund for Land Acquisition and Conservation, as provided in subsection 2 of Section 12 of this Act.”

Section 2.-This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 109 (S.B. 326) of the 1st Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Section 4 of Act No. 278 of September 14, 2004, as amended, in order to suspend its effectiveness until December 31, 2005, with the exception of the last sentence of the first (1st) paragraph of Section 8, which is amended; and to establish that during that time Sections 8, 11 and 12, of Act No. 172 of August 31, 1996, as amended, known as the “Act for the Proper Management of Used Oil in Puerto Rico,” shall bein effect to September 13, 2004,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 24th of January of 2006.

Francisco J. Domenech
Director