

# **STATE REGULATIONS AFFECTING AUTO REPAIR FACILITIES**

## **SHOP FEES**



**AUTOMOTIVE  
MAINTENANCE &  
REPAIR  
ASSOCIATION**



**MOTORIST  
ASSURANCE  
PROGRAM**

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**STANDARDS FOR AUTOMOTIVE REPAIR**

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# State Regulations Affecting Auto Repair Facilities

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## Shop Fees

### Alabama

#### Filter Recycling and Disposal

Alabama follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours and drained until there is no free-flowing used oil.

The Alabama Department of Environmental Management Strongly recommends that filters be recycled rather than landfilled.

40 CFR 261.4(b)(13); also see Used Oil Generator Fact Sheet ([link below](#))

#### State Battery Recycling and Fees

No Statutes/Regulations available at this time

#### Tire Recycling and Disposal (Including Fees)

The Alabama Scrap Tire Environmental Quality Act became effective October 1, 2004. This Act sets forth requirements pertaining to the storage, transportation and processing of waste tires. No person may accumulate more than 100 scrap tires, except as a permitted processor, registered receiver, or permitted landfill. No person may expose accumulated scrap tires to the elements for more than 30 days. Persons violating the act are subject to criminal penalties. (See Title 22, Chapter 40A of Alabama Code for full details).

A "scrap tire environmental fee" in the amount of \$1 per tire must be collected from the customer upon the purchase of replacement tires. The fees collected are to be paid monthly to the Department of Revenue using the electronic payment system set up by the Department. Tire dealers may retain 7% of the fees collected to cover the administrative costs of fee collection and payment to the State.

Alabama law does not expressly prohibit charging an additional tire disposal fee or including it in calculating shop fees.

Code of Ala. § 22-40A-14

# Shop Fees

## Alaska

### Filter Recycling and Disposal

Alaska follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. Alaska recommends that used oil filters be drained for 12 hours.

40 CFR 264.1(b)(13).

### State Battery Recycling and Fees

No Statutes/Regulations available at this time

### Tire Recycling and Disposal (Including Fees)

Sellers of tires are required to collect a fee of \$ 2.50 per tire for every tire sold that is designed for use on a highway. Additionally, sellers must collect a fee of \$5 per tire for motor vehicle tire designed for use on a highway that are studded with metal studs or spikes weighing more than 1.1 grams each embedded in the periphery of the tire surface and protruding beyond the tread surface of the tire. This fee must also be paid if the metal studs or spikes are installed on a vehicle tire designed for use on a highway.

Seller must add the amount of the fees to the total price of the tire or service subject to the fees, and the fees must be stated separately on any sales receipt, invoice, or other record of the sale or other transfer or of the installation of studs. The tire fees are not subject to sales or use tax. Because the fees must be separately stated and are not subject to tax, they may not be included in calculating shop fees.

Sellers must file a return on a form prescribed by the department and remit the fees collected to the department no later than 30 days following the last day of the calendar quarter of the sale or installation. Sellers may retain 5% of the fees collected (not exceeding \$900 per quarter) to cover expenses associated with collecting and remitting the fees.

Each seller who collects a tire fee must maintain records of inventories to account for:

- (1) tire inventories on the first day of each month;
- (2) tire inventories on the last day of each month;
- (3) tires purchased, produced, or otherwise received in each month;
- (4) tires sold or transferred in each month; and
- (5) tires and services to which a fee imposed does not apply. Sellers must maintain for three years after the due date of a return, or the date the return was filed, whichever is later, all books and records required.

Alaska Stat. § 43.98.025

# Shop Fees

## Arizona

### Filter Recycling and Disposal

Arizona follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours. Contact your landfill prior to sending large volumes for disposal. Arizona recommends recycling filters rather than landfilling when possible.

40 CFR 261.4(b)(13); A.R.S. § 49-802; see also Used Oil Filter Fact Sheet ([link below](#))

### State Battery Recycling and Fees

Sellers of new batteries may charge no more than a \$15 fee per battery. The customer is entitled to have this fee reimbursed if, within 45 days of the purchase, he returns a used battery and displays a receipt for the new battery just purchased. Sellers are expressly prohibited from charging any additional fees for accepting used batteries upon the sale of a new battery. However, sellers may keep any lead acid battery fees which are not properly claimed within thirty days of the purchase.

Sellers are also required to post a written notice that is clearly visible in the public sales area and that contains the following language:

"It is unlawful to dispose of a motor vehicle battery or other lead acid battery in a landfill or any unauthorized site.

Recycle all used batteries.

This seller is required by law to accept used lead acid batteries. When any new lead acid battery is purchased, an additional fee of five dollars will be charged unless a used battery is returned for refund within thirty days."

A.R.S. § 44-1323

### Tire Recycling and Disposal (Including Fees)

# Shop Fees

Whole tires are banned from disposal in landfills. Chopped or shredded tires can be mono-filled but not landfilled. Chopped or shredded tires can also be used as waste tire daily cover at a solid waste landfill. Scrap tire manifests are required for disposal of tires at a collection site. Retail tire sellers must accept waste tires from customers at the point of transfer. [See Arizona Revised Statutes, Title 44, Chapter 9, Article 8 (ARS § 44-1301 et seq) for more details]

Retail sellers of new tires must collect a fee of 2% of the purchase price of the new tires but not more than \$2 per tire. As the maximum amount that may be collected is \$2 per tire, retailers cannot mark-up the state tire fee or charge an additional disposal fee unless the state tire fee (2% of the purchase price) is less than \$2 per tire. The fees are to be paid to Department of Revenue on a quarterly basis. Retailers may retain a credit of \$.10 per tire for collection and administration of the fees. The fee charged to customers must be listed separately on invoices. Therefore, it cannot be included in calculating shop fees.

Additionally, sellers of motor vehicle tires shall post a written notice that is clearly visible in the public sales area of the business that contains the following language:

"It is unlawful to throw away a motor vehicle tire.

Recycle all used tires.

This retailer is required to accept scrap tires if any new or recapped tires are purchased here. When any new tire is purchased, an additional fee will be charged."

Additionally, advertisements or other printed promotional material related to the retail sale of tires shall contain the following notice in bold print: "State or local taxes or surcharges for environmental protection will be an extra charge."

A.R.S. §§ 44-1302 through 44-1304.01

# Shop Fees

## Arkansas

### Filter Recycling and Disposal

Arkansas follows state and federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation (and may be disposed of as general refuse) if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. Used oil filters must be hot-drained for 12 hours.

40 CFR 261.4(b)(13); Arkansas Pollution Control and Ecology Commission Regulation 23, Section 279; see also Used Oil Filter Fact Sheet ([link below](#))

### State Battery Recycling and Fees

Sellers of new batteries are required to accept used batteries from customers and must charge a \$10 fee per new battery sold. The customer is entitled to have this fee reimbursed if:

- Within 30 days of the purchase, he returns a used battery to the retailer;
- He provides a valid police report indicating that the battery was stolen; or
- The purchase is for installation in an item, which was sold without a lead acid battery and the customer signs a written statement indicating such.

Sellers may keep any lead acid battery fees, which are not properly claimed within thirty days of the purchase.

Sellers must also post written notices (8.5" x 11" or larger) that contain the universal recycling symbol and the following language:

- "It is illegal to discard a motor vehicle or marine battery;"
- "Recycle your used batteries;"
- "State law requires us to accept used lead acid batteries for recycling, in exchange for new lead acid batteries purchased;" and
- "When you purchase any new lead acid battery, you will be charged an additional ten dollars (\$10.00) unless you return a used lead acid battery for refund within thirty (30) days."

A.C.A. § 8-9-303

### Tire Recycling and Disposal (Including Fees)

Retail sellers of new tires must charge a post-tax fee of \$2 per automobile tire and \$5 per truck tire. The fees collected are to be paid monthly to the Department of Finance and Administration by the 20th day of the following month and should be accompanied with a form prescribed by the Department of Revenue. Tire retailers may retain 5% of the fees collected to cover the administrative costs of fee collection and payment to the State but may not charge the customer for any additional disposal fees. The fee charged to customers must be listed separately on invoices. Therefore, it cannot be included in calculating shop fees.

A.C.A. § 8-9-404

# Shop Fees

## California

### Filter Recycling and Disposal

Used oil filters are required to be managed as hazardous waste in California unless the following conditions are met:

- (1) The used oil filters are drained of free-flowing oil;
- (2) The drained filters are properly containerized (rainproof, non-leaking containers with tightly-sealed lids, tightly secured to prevent spillage during transportation);
- (3) The containerized filters are properly labeled ("Drained Used Oil Filters" and the initial date of accumulation or receipt is marked on each container);
- (4) The Labeled containers of drained filters are transported (under a bill of lading containing specified information) to an allowed destination for metals reclamation, such as a smelter or scrap metal processor.
- (5) Generator storage time limits are met: less than 1 ton - 1 year; 1 ton or more - 180 days;
- (6) A copy of each bill of lading is maintained by the generator, transporter and receiving facility for three years; and
- (7) Any drained used oil is managed as hazardous waste according to Article 13, Ch. 6.5 Health and Safety Code, commencing with Section 25250.1.

22 CCR 6266.130

### Fluid Disposal

Automobile repair shops may only charge a customer for costs associated with the handling, management and disposal of hazardous substances if they are directly related to the servicing or repair of the customer's vehicle. The charge must be disclosed to the customer by being separately itemized on the estimate and invoice. Additionally, in order to assess the charge, the auto repair shop must include its Environmental Protection Agency identification number on the estimate and invoice.

16 CCR 3356.1

### State Battery Recycling and Fees

Dealers selling new lead acid batteries must accept, at the point of transfer, used lead acid batteries from its customers. California does not have a state battery fee.

Cal Health & Saf Code §§ 25215.2, 25215.3

### Tire Recycling and Disposal (Including Fees)



# Shop Fees

California has enacted two separate statutory schemes pertaining to tire disposal fees. Under the first scheme, which is operative until January 1, 2024, retailer sellers of new tires must collect a \$1.75 fee per tire sold. Retailers may retain 1 ½ percent of the fees collected as reimbursement for costs associated with the fee collection and must remit the remainder of fees to the State for deposit in the California Tire Recycling Management Fund on a quarterly basis.

The California tire fee must be separately stated by the retailer on the invoice given to the customer at the time of sale. Therefore, the state tire fee may not be included in calculating shop fees. Retailers may charge additional disposal or transaction fees, but these must be identified separately from the state tire fee. There is no express prohibition from including such additional fees in calculating shop fees.

The second statutory scheme, effective on and after January 1, 2024, is the same as the first with two exceptions. First, the tire fee is reduced to \$.75 per tire. Second, the retailer may retain 3% of the fee before remitting the remainder to the State.

The tire fee does not apply to retreaded, reused, or recycled tires.

Cal Pub Resources Code § 42885

# Shop Fees

## Colorado

### Filter Recycling and Disposal

Colorado generally follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is a :

- 1) punctured through its dome end or its anti-drain back valve and hot-drained; or
- 2) hot-drained and crushed; or
- 3) dismantled and hot-drained; or
- 4) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours. If these conditions are not met, the filters must be tested or assumed to be hazardous waste and managed accordingly. Terne plated oil filters and fuel filters should be tested or assumed to be hazardous waste and managed accordingly.

40 CFR 261.4(b)(13); see also Management Standards for Used Oil Generators ([link below](#))

### State Battery Recycling and Fees

Retailers may collect a deposit of "at least ten dollars" on the sale of an "automotive-type replacement lead acid battery" that is not accompanied by the return of a used lead acid battery of the same general type. Based on this language, it appears that retailers can charge an amount above the state minimum deposit of \$10. The deposit shall be returned to the customer if he returns a used automotive lead acid battery to the retailer within thirty days of the date of sale. Otherwise, the retailer may keep the deposit.

C.R.S. § 30-20-1003

### Tire Recycling and Disposal (Including Fees)

# Shop Fees

Waste tires must be used beneficially, recycled, or reused; except that, if authorized by Sections 30-20-1414(1)(b), they may be disposed of at a permitted solid waste facility.

Retailers and wholesalers of tires and tire recycling/collection facilities must arrange for the commercial hauling of waste tires only with a hauler who is currently registered pursuant to C.R.S. §30-20-1414. Additionally, retailers selling replacement tires in the Colorado may not refuse to accept from customers, at the point of transfer, waste tires of the same general type and in a quantity at least equal to the number of new tires purchased.

Retailers must collect a fee to be determined by the Hazardous Waste Commission of up to \$1.50 per tire at the time the tire is sold (\$0.55 starting January 1, 2018). However, no fee shall be collected for tires that are recapped or otherwise reprocessed for use. The receipt from the retailer to the customer for every new motor vehicle tire sold in Colorado shall contain the following statement in no less than fifteen-point, bold-faced type: "SECTION 30-20-1403, COLORADO REVISED STATUTES, REQUIRES RETAILERS TO COLLECT A WASTE TIRE FEE SET BY THE SOLID AND HAZARDOUS WASTE COMMISSION ON THE SALE OF EACH NEW MOTOR VEHICLE TIRE AND EACH NEW TRAILER TIRE." Retailers are to submit any fees collected by the 20th of each month, along with any reports required by Colorado law.

The fee charged to customers must be listed separately on invoices. Therefore, it cannot be included in calculating shop fees. Colorado law does not expressly prohibit charging an additional tire disposal fee or including such a fee in calculating shop fees.

C.R.S. §§ 30-20-1006, 30-20-1007, 30-20-1401 et seq

# Shop Fees

## Connecticut

### Filter Recycling and Disposal

Connecticut recommends used oil filters be managed in the following way:

- 1) Oil must be removed from the filter by puncturing and gravity draining for at least 12 hours or by crushing the filter. A combination of crushing and draining is preferred.
- 2) The drained oil must be collected and recycled.
- 3) The oil filter can be disposed of in a permitted solid waste landfill. Generators and/or collectors of used oil filters must obtain a permit or management of used oil document from Waste Engineering / Enforcement Division.

### State Battery Recycling and Fees

Retailers of new batteries must charge a \$5 deposit fee per battery. The customer is entitled to have this fee reimbursed if, within 30 days of the purchase, he returns a used battery and displays a receipt for the new battery just purchased. Retailers may keep any lead acid battery fees that are not properly claimed within thirty days of the purchase.

Retailers must also post a notice (at least 8 ½ inches by 11 ½ inches) at their place of business that advises customers that:

- It is illegal to discard a battery;
- That such batteries must be recycled; and
- That the retailer is required to accept a used battery for recycling in exchange for the purchase of a new battery.

Conn. Gen. Stat. § 22a-256h

### Tire Recycling and Disposal (Including Fees)

Connecticut no longer permits the landfilling of waste tires, either whole or in pieces. Most of Connecticut's waste tires are burned to create energy at the tire-to-energy plant in Sterling. Connecticut also has three volume reduction facilities which process tires. They include:

Lakin Tire East, Inc. in West Haven, (203) 932-5801; Meridian, Inc. in Plainfield, (860) 289-9004; and

Don Stevens Tire Co. in Southington, (860) 621-3256.

The DEP Solid Waste Management Regulations, under Section 22a-209-8(g) of the Regulations of CT State Agencies (RCSA) specify the handling requirements for the storage, disposal or processing (sort, shred, grind, etc.) of waste tires. Tire-to-energy plants are considered resource recovery facilities. Their design, permitting and operation, including storage of tires, must conform to the requirements of Section 22a-209-10 RCSA. DEP also requires that facilities that process or burn tires are required to report quarterly on the origin of the waste received, amounts received, and amounts recycled and disposed, and the destination of all materials leaving their facility. DEP does not track the transport of tires. There is no prohibition against the shipment of tires across state lines.

(See <http://www.ct.gov/Dep/cwp/view.asp?A=2714&Q=324902>)

# Shop Fees

## Delaware

### Filter Recycling and Disposal

Delaware follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13)

### State Battery Recycling and Fees

No Statutes/Regulations available at this time

### Tire Recycling and Disposal (Including Fees)

No Scrap tire legislation at the present time. However, tires are being managed as special solid waste under existing solid waste regulations. The States three sanitary landfills are permitted to accept tires for landfilling provided that the tires are shredded or split. Whole tires of ten per truckload are prohibited from being landfilled.

Landfill Tipping fee of \$95 per ton for whole tires; \$58.50 per ton for shredded or sliced tires.

Delaware requires retailers of tires to pay a \$2 fee to the Department of Finance for each tire sold. The fees are to be remitted on or before the 20th day of the following month. Retailers may charge customers for this fee if it is listed as a separate line item on the invoice. Thus, the state tire fee cannot be included in calculating shop fees. However, Delaware law does not expressly prohibit charging customers an additional tire disposal or including such fees in calculating shop fees.

30 Del. C. § 2910

# Shop Fees

## District of Columbia

### Filter Recycling and Disposal

DC follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13)

### State Battery Recycling and Fees

No Statutes/Regulations available at this time

### Tire Recycling and Disposal (Including Fees)

D.C. law requires sellers of new tires to pay the district a \$2 fee per tire sold. Although not expressly stated, this fee presumably can be charged to customers. Businesses are not expressly prohibited from charging an additional tire disposal fee or including either in calculating shop fees.

D.C. Code § 8-1015.01

# Shop Fees

## Florida

### Filter Recycling and Disposal

Used oil filters generated by commercial entities may not be landfilled in Florida. It is the responsibility of the generator to try to ensure that such filters are not disposed of in a landfill. A commercial generator of used oil filters must have the filters managed by a registered processor or must register with the Department of Environmental Protection as a used oil filter processor. All used oil filter transporters, transfer facilities, processors and end users of used oil filters must register with the Department.

Storage Requirements: Used oil filters must be stored in above ground containers which are clearly labeled "Used Oil Filters" and in good condition with no visible oil leakage. The containers must be sealed and protected from weather and stored on an oil impermeable surface. If oil leaks from a used oil filter container, the owner or operator shall:

1. Stop the release;
2. Contain the released oil;
3. Clean up and manage the released oil and any oily waste; and
4. Repair or replace any leaking used oil filter storage containers before returning them to service.

Processors: Used oil filter processors must maintain records on forms provided by the department. These records must include the final destination of the processed used oil filters, including name and street address of each destination or end user. These records must be retained for three years. By March 1 of each year, each registered used oil filter processor must submit an annual report to the Department.

62-710.850, F.A.C.

### State Battery Recycling and Fees

Florida law also requires retailers of new or remanufactured lead acid batteries to pay a \$1.50 non-refundable fee to the Department of Revenue for each battery sold. The fees, which are subject to sales and use taxes, are to be remitted on or before the 20th day of the following month. Although not expressly stated, presumably this fee may be charged to the customer. There is not express prohibition on marking-up this fee or including it when calculating shop fees.

Fla. Stat. § 403.7185

### Tire Recycling and Disposal (Including Fees)

# Shop Fees

Waste tires must be disposed of at a permitted solid waste management facility. Whole waste tires may not be deposited in a landfill as a method of ultimate disposal. A person may not contract with a waste tire collector for the transportation, disposal, or processing of waste tires unless the collector is registered with the department or exempt from requirements provided under this section. Any person who contracts with a waste tire collector for the transportation of more than 25 waste tires per month from a single business location must maintain records for that location and make them available for review by the department or by law enforcement officers, which records must contain the date when the tires were transported, the quantity of tires, the registration number of the collector, and the name of the driver.

Permits are required for waste tire collectors. However, a permit is not required for tire storage at the following places unless 1,500 or more waste tires are stored on the business premises:

- (1) a tire retreading business;
- (2) a single facility that, in the ordinary course of business, removes tires from motor vehicles;  
or
- (3) a retail tire-selling business which is serving as a waste tire collection center.

Florida law requires retailers of tires to pay a \$1 fee to the Department of Revenue for each new tire sold. The fee does not apply to recapped tires. The fees are to be remitted on or before the 20th day of the following month. Retailers may charge customers for this fee if it is listed as a separate line item on the invoice. Thus, the state tire fee cannot be included in calculating shop fees. However, Florida law does not expressly prohibit charging customers an additional tire disposal fee or including such a fee in calculating shop fees.

Fla. Stat. §§ 403.717-18; 62-711.300, F.A.C.



# Shop Fees

## Georgia

### Filter Recycling and Disposal

Georgia follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13)

### State Battery Recycling and Fees

Retailers selling lead acid vehicle batteries must accept, at the point of transfer, such batteries from customers for recycling. Retailers must also post a written notice (at least 8 1/2 inches by 11 inches in size), which contains the universal recycling symbol and the following language:

"IT IS ILLEGAL TO PUT A MOTOR VEHICLE BATTERY IN THE GARBAGE. RECYCLE YOUR USED BATTERIES. STATE LAW REQUIRES US TO ACCEPT MOTOR VEHICLE BATTERIES FOR RECYCLING."

Although there is no state battery fee to be assessed to the customer, there is no express prohibition on retailers from charging their own disposal fee or from including such a fee in their shop fee calculations.

O.C.G.A. § 12-8-28

### Tire Recycling and Disposal (Including Fees)

Whole tires have been banned from landfills. Shredded or chopped tires can be land filled if no other end markets are available. No one may store more than 100 scrap tires anywhere in the State. Exceptions include tire retailers, if the number of scrap tires stored is under 3,000. Generators of scrap tires are required to obtain an identification number. Carriers must obtain permits including financial assurance.

A fee in the amount of \$1 per tire must be collected from the customer upon the purchase of replacement tires. The fees collected are to be paid no less than quarterly to the Department of Revenue accompanied with a form prescribed by the Department of Revenue. Tire dealers may retain 3% of the first \$3,000 in fees collected and 1/2 % of fees collected in excess of the first \$3,000 to cover the administrative costs of fee collection. However, no administrative costs may be retained if payment is not made on time.

Retailers are to cease collection of state tire fees on June 30, 2011.

Georgia law does not expressly prohibit charging an additional tire disposal fee or including either in calculating shop fees.

O.C.G.A. § 12-8-40.1

# Shop Fees

## Hawaii

### Filter Recycling and Disposal

Hawaii allows for used oil filters to be disposed of in a landfill provided that the filters are:

- a) drained for at least 24 hours; or
- b) crushed and are not contaminated with a hazardous waste.

The State of Hawaii encourages the recycling of used oil filters.

### State Battery Recycling and Fees

Retailers of lead acid batteries must accept, at the point of transfer, in a quantity at least equal to the number of new batteries purchased, used lead acid batteries from customers.

Additionally, retailers must post written notice that is at least 5" by 7" in size, contains the universal recycling symbol, and the contains the following language:

"It is illegal to discard a motor vehicle battery or other lead acid battery";

"Recycle your used batteries";

"State law requires us to accept used motor vehicle batteries or other lead acid batteries for recycling, in exchange for new batteries purchased"; and

"The price of a new battery includes disposal of your old battery".

Any advertising pertaining to the price of lead acid batteries shall include the statement "the price includes disposal of your old battery."

All facilities accepting five or more lead acid batteries per day from an individual shall maintain records for three years that provide, at a minimum, the following information:

- (1) the name, phone number, and address of the person from whom the batteries were received;
- (2) the date of receipt of the lead acid batteries; and
- (3) the record of shipment indicating the ultimate destination of the lead acid batteries and the date of shipment.

HRS §§ 342I-2, 342I-6

### Tire Recycling and Disposal (Including Fees)

# Shop Fees

Whole tire may not be disposed of in landfills. Tire retailers may dispose of tires by delivering them to the agent of a motor vehicle tire wholesaler, to a motor vehicle tire manufacturer, or to an authorized motor vehicle tire recycler. Tire retailers must accept used tires from customers. The quantity of used tires that must be accepted is equal to the number of new tires purchased by the customer.

Retailers must post written notice, at least 5" by 7" in size and easily visible to customers, that contains the universal recycling symbol and the following language:

"It is illegal to discard a motor vehicle tire";

"Recycle your used tires";

"State law requires us to accept used motor vehicle tires for recycling or disposal, in exchange for new tires purchased;" and

"The final price of a new tire includes disposal of your old tire. The disposal fee is not subject to reduction or refund."

These signs are to be furnished by the Department of Health.

Any advertising pertaining to the price of motor vehicle tires must disclose whether a separate disposal fee may be added to the final price of the tire and the actual cost of the disposal fee.

Additionally, all facilities that accept used tires, must maintain, for a minimum of 3 years, records that provide, at least, the following information:

- (1) the name, phone number, and address of the person, company, business, source, or entity from whom the used tires were received, if receiving used tires from entities other than the general public, such as tire retailers, wholesalers, transporters, collectors, and recyclers;
- (2) the date of receipt of the used tires;
- (3) the quantity of used tires received; and
- (4) the record of shipment indicating the ultimate destination of the used tires, identification of the transporter, date of shipment; and quantity of tires shipped. A summary of this information must be submitted to the department by July 31 of each year, listing the total quantity of used tires collected and the ultimate disposition of the used tires.

Persons importing at least 50 tires into Hawaii annually must pay a tire surcharge of \$1 per tire. Payment must be made to the Department of Health quarterly (yearly if importing less than 200 tires per year).

HRS § 342I-21 et seq.

# Shop Fees

## Idaho

### Filter Recycling and Disposal

Idaho follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13)

### State Battery Recycling and Fees

Sellers of lead acid batteries must accept used batteries from customers purchasing new batteries. Sellers are to charge customers \$10 per battery unless a used battery is exchanged for the new battery or returned, with a receipt, to the seller within 30 days of the purchase. Sellers may keep any lead acid battery fees not properly claimed within 30 days of the sale.

Additionally, sellers must display the following written notice in a clearly visible portion of the public sales area:

"It is unlawful to dispose of a motor vehicle battery or other lead acid battery in a landfill or any unauthorized site.

Recycle all used batteries."

There is no express prohibition against marking-up the battery fee.

Idaho Code § 39-7003

### Tire Recycling and Disposal (Including Fees)

# Shop Fees

Waste tires must be disposed of at permitted public or private municipal solid waste landfills which have been approved to accept waste tires in their operating plans. The tires must be reduced to no more than 64 square inches in size.

No person shall store waste tires on any public or private property in Idaho unless the property is a waste tire storage site as defined or otherwise exempted under the Idaho code. No person shall own or operate a waste tire storage site without a permit or other written county or city authorization.

The owner or operator of a waste tire storage site shall maintain financial assurance in the form of a cash bond payable to the county or city, in an amount acceptable to the county or city where the waste tire storage site is located; provided however, counties and cities shall require a minimum initial financial assurance of two dollars and fifty cents (\$ 2.50) per tire authorized to be stored at the site.

Owners and operators of a waste tire storage site shall record and maintain on-site for a period of three (3) years, operational records including, but not limited to, the daily quantity of tires transported to and from the site, and the estimated quantity of tires located at the site.

Idaho Code §§ 39-6502, 39-6503

# Shop Fees

## Illinois

### Filter Recycling and Disposal

Used oil filters that are drained or drained and crushed and are shipped to a recycling facility would be considered scrap metal, not waste. There are no permitting, manifesting or special waste hauling requirement. Used oil filters that are drained or drained and crushed and shipped for disposal would have to be visually inspected to see if they contain terne plating.

Terne-plated filters must have a TCLP test completed if you wish to demonstrate the filters are not characteristically hazardous. Terne-plated filters that are hazardous and un-drained filters must be managed as a special waste using the requirements dictated below. Non-terne filters would be considered general solid waste (non-special).

The disposal site must be permitted by this Agency. Illinois requires that un-drained used oil filters be managed as special waste. A generator of special wastes must make a determination (hazardous waste) in accordance with 35 Ill. Admin. Code 722.11. Special wastes must be delivered to treatment, storage & disposal facilities with current operating permits.

If a generator produces 100 kgs (220 pounds) or more special waste per month, the waste must be transported by a licensed special waste hauler and manifested.

If a generator produces less than 100 kgs (220 pounds) of special waste per month, manifest requirements are waived, but a licensed special waste hauler must be used unless the waste is transported by the generator. A shipment of non-special waste does not require manifesting or shipment by a special waste hauler.

### State Battery Recycling and Fees

Retailers selling lead acid batteries may either charge a recycling fee on each new lead acid battery sold for which the customer does not return a used battery to the retailer, or provide a recycling credit to each customer who returns a used battery for recycling at the time of purchasing a new one. Illinois law does not specifically set the amount of the battery fee, but the fee must be refunded if the customer returns a used battery.

Retailers must also post a notice (at least 8 ½ inches by 11 ½ inches) at their place of business that contains the universal recycling symbol and the following statements:

- "DO NOT put motor vehicle batteries in the trash;"
- "Recycle your used batteries;" and
- "State law requires us to accept motor vehicle batteries for recycling, in exchange for new batteries purchased."

415 ILCS § 5/22.23

### Tire Recycling and Disposal (Including Fees)

# Shop Fees

Repair shops that replace or repair motor vehicle tires must have a contract for the removal and disposal of motor vehicle tires replaced by such motor vehicle repair shop. The contract shall be kept on the premises of the motor vehicle repair shop and be made available for inspection by the city during the repair shop's business hours. The motor vehicle repair shop shall be jointly and severally liable with the repair shop's waste tire transporter and the repair shop's tire disposal contractor for any illegal disposal of the repair shop's tires by such transporter or disposal contractor.

City of Chicago Municipal Code § 4-228-024

Tire facilities (i.e. any business where 100 or more new or used tires are collected, stored, maintained, altered, repaired, changed, prefabricated or disposed at any one time) are required to obtain a license from the Department of Business Affairs and Licensing.

Tire facilities located within a structure must adhere to the following requirements:

- (1) every building which houses a tire facility is classified as a Class H storage unit pursuant to Section 13-56-170 of the Municipal Code. All structures in which tire facilities are located are subject to the height and area limitations of Chapter 13-48 of the Municipal Code;
- (2) facilities where tires are stored below grade must comply with Section 15-16-030(b) of the Municipal Code;
- (3) smoking is prohibited in the room or other enclosure where the tires are stored or disposed of, and appropriate signs indicating the prohibition must be posted;
- (4) the interior of all structures used for tire storage must be secured against unauthorized access;
- (5) all tires shall be stored no less than ten feet from any heat producing appliance;
- (6) tires shall be stacked on a level surface, with no less than three feet in clearance from the top of stackage to any sprinkler, fixtures, structural support, ceiling or roof. Aisles shall be no less than four feet wide. Except for tire storage on metal racks approved under N.F.P.A. Standard 231D, Storage of Rubber Tires, tires shall be stacked in piles no longer than 25 feet and no wider than ten feet.

Tire facilities located on any open site shall adhere to the following requirements:

- (1) tires shall be stacked, in an orderly manner, in piles not to exceed 25 feet in height;
- (2) individual piles shall be separated by a distance of ten feet. No pile shall be closer than four feet to any building. No pile covering a total ground area greater than 100 square feet shall be located closer than 25 feet to a lot line, unless in the determination of the commissioner or his designee a greater or lesser setback is required or sufficient for fire prevention purposes;
- (3) each such facility shall be enclosed by a noncombustible fence, six feet high with not less than two gates, unless bounded by a cement abutment, river, or other body of water. The area around or within the tire piles shall be kept free of rubbish, weeds, grass, or other growth. No oil or other flammable liquid shall be permitted to accumulate on the area around or within the piles. No flame cutting or welding operation shall be conducted within 25 feet of any pile of tires.

City of Chicago Municipal Code § 4-229-010 et seq.

# Shop Fees

Since July 1, 1994, whole tires are banned from landfills. Sites with more than 5,000 tires are required to have financial insurance to cover the cost of site cleanup.

Any person who sells new or used tires at retail or operates a tire storage site or a tire disposal site which contains more than 50 used or waste tires shall give notice of such activity to the Agency. The form of such notice shall be specified by the Agency and shall be limited to information regarding the following:

- (1) the name and address of the owner and operator;
- (2) the name, address and location of the operation;
- (3) the type of operations involving used and waste tires (storage, disposal, conversion or processing); and
- (4) the number of used and waste tires present at the location.

Retailers selling tires must accept used tires from customers and collect a \$2.50 fee per new or used tire sold. The fees are to be remitted to the Department of Revenue. Retailers are entitled to keep \$.10 per tire as a collection allowance. The fee must be a distinct item stated separately on invoices. Therefore, it may not be included in the calculation of shop fees. Illinois law provides that the state tire fee and "any such fees collected by a retailer" constitute a debt owed by the retailer to the State. Thus, retailers are prohibited from charging customers additional tire fees.

Any retailer that collects used tires for recycling may not allow the tires to accumulate for a period of more than 90 days. Additionally, retailers must post in a conspicuous place a written notice that conforms to the following requirements:

- The notice is at least 8.5 by 11 inches in size
- The notice includes the universal recycling symbol
- The notice contains the following statements:
  - "DO NOT put used tires in the trash;"
  - "Recycle your used tires;" and
  - "State law requires us to accept used tires for recycling, in exchange for new tires purchased."

415 ILCS §§ 5/55, 5/55.8, and 5/55.9



# Shop Fees

## Indiana

### Filter Recycling and Disposal

Indiana follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours. Some municipal landfills have banned used oil filters. Please contact your local municipal landfill to ensure that they accept used oil filters.

40 CFR 261.4(b)(13)

### State Battery Recycling and Fees

Retailers of lead acid batteries must accept from customers used batteries in exchange for new batteries purchased. There is no specified state battery fee.

Each retail establishment selling lead acid batteries must also post in a conspicuous place a written notice (at least 8 ½ inches wide and 11 inches tall) that bears the following statements:

- "Improper disposal of batteries is against the law."
- "It is illegal to put used motor vehicle batteries or other vehicle or boat batteries in the trash."
- "Recycle your used batteries."
- "State law requires us to accept your used battery for recycling if you purchase a new battery from us."

Ind. Code Ann. §§ 13-20-16-1, 13-20-16-2

### Tire Recycling and Disposal (Including Fees)

# Shop Fees

Waste tires may not be disposed of in a landfill. A person that is the source of more than twelve (12) waste tires per year, including tire retailers, auto salvagers, and sellers of used tires, shall:

- (1) retain a copy of manifests received from a waste tire transporter under IC 13-20-14-5 for at least one (1) year; and
- (2) make a copy of the manifests available to the department upon request.

Burns Ind. Code Ann. §§ 13-20-14-1, 13-20-14-5.3

Waste tire storage sites must register in Indiana and comply with various other requirements (see Indiana Administrative Code, Title 329, Article 15 for entire details). "Waste tire storage sites" are sites where at least:

- (1) one thousand (1,000) waste tires are accumulated outdoors or within a structure that is not completely enclosed; or
- (2) two thousand (2,000) waste tires are accumulated indoors within a completely enclosed structure.

329 IAC §§ 15-2-13.4, 15-3-3

Indiana law requires sellers of new tires to accept waste tires in return for new tires and collect from customers a \$.25 fee per tire sold. The fee is to be paid to the Department of State Revenue at the same time and in the same manner as the seller pays the state gross retail tax. There is no express prohibition against including it in calculating shop fees. An additional charge may not be imposed on consumers for accepting waste tires.

Each retail establishment selling new tires must also post in a conspicuous place a written notice (at least 8 ½ inches wide and 11 inches tall) that bears the following statements:

- "Do not put waste tires in the trash."
- "Recycle your waste tires."
- "State law requires us to accept your waste tires for recycling or proper disposal if you purchase new tires from us."

Ind. Code Ann. §§ 13-20-13-7, 13-20-14-2, 13-20-14-3

# Shop Fees

## Iowa

### Filter Recycling and Disposal

A business that generates used oil filters or accepts used oil filters from a person may not dispose of the used oil filters in a sanitary landfill and shall source separate and recycle the used oil filters. Any person accepting used oil filters from customers shall comply with the following requirements:

- (1) The used oil filters shall be collected, stored and transported in a container designed and maintained to prevent the spillage or discharge of used oil from the filters;
- (2) The collection container shall be located on an impervious surface engineered to contain spills;
- (3) The collection container shall be protected from inclement weather;
- (4) The collection container shall be clearly labeled "used oil filters;"
- (5) Used oil filter collectors shall comply with Iowa Code section 455B.386 when actual or imminent oil spills pose a threat to the public health or the environment; and
- (6) Absorbent material shall be available at the site for use by the operator to control spillage or discharge of used oil from the used oil filters.

Iowa also requires retailers that sell household hazardous products (including both motor oil, oil additives and oil filters) to display consumer information booklets on the proper use, disposal and emergency information regarding household hazardous products. Retailers also are required to display signs with information on hazardous products. Consumer information booklets and signs are made available free from the IA Department of Natural Resources. A retailer can prepare its own literature as long as the language is identical to the DNR's. As a first option, the State of Iowa urges everyone to recycle oil filters. The DNR publishes an Automotive Products Directory that lists recycling sites, transporters and processors for oil filters.

567 IAC 119.1 et seq. (455D,455B)

### State Battery Recycling and Fees

Iowa does not have a mandatory battery fee. Retailers are, however, required to accept used lead acid batteries from customers who purchase new lead acid batteries. Additionally, retailers must post a written notice indicating that land disposal of lead acid batteries is prohibited and that state law requires the retailer to accept lead acid batteries for recycling when new lead acid batteries are purchased.

Iowa Code § 455D.10

### Tire Recycling and Disposal (Including Fees)

# Shop Fees

Land disposal of waste tires, in whole, cut, or shredded form, is prohibited. Waste tires shall be accepted at a permitted sanitary landfill for final disposal if the tires have first been cut into pieces that are not more than 18 inches on any one side. Business or individuals that store more than 500 passenger tire equivalents or temporarily store more than 1500 passenger tire equivalents must obtain a permit for a waste tire stockpile.

567 IAC 117.3-117.4

Iowa does not have a mandatory state tire fee. Although not expressly prohibited by Iowa law, retail tire dealers are discouraged from adding tire disposal fees as a separate charge on sales invoices. Instead, the Iowa statute encourages dealers to include the fee within the sales price of new tires. Although not expressly stated, it is reasonable to assume that the practice of including tire disposal fees in the general category of shop fees is also discouraged.

Iowa Code § 455D.11G

# Shop Fees

## Kansas

### Filter Recycling and Disposal

Kansas follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 24 hours.

### State Battery Recycling and Fees

No Statutes/Regulations available at this time

### Tire Recycling and Disposal (Including Fees)

Tire retailers must accept as many used tires from its customers as the customers purchase from the retailer. Disposal of whole waste tires in landfills is prohibited. Tires may be disposed of in landfills if cut into sufficiently small pieces. The following methods are acceptable:

- (1) shredding;
- (2) cutting in half along the circumference;
- (3) cutting into at least four parts, with no part being greater than 1/3 of the original tire size;
- (4) chipping;
- (5) crumbing;
- (6) baling in a manner that reduces the volume of the waste tires by at least 50%; or
- (7) using an equivalent volume-reduction process that has received prior approval, in writing, from the secretary.

Retailers of new tires must charge customers an excise tax of \$.25 per vehicle tire sold. Such tax shall be paid to the Department of Revenue as follows:

- Total amount of taxes collected by the retailer is less than \$80- file annual return on or before January 25th of the following year.
- Total amount of taxes collected by the retailer does not exceed \$1600- file returns quarterly on or before the 25th day of the month following the end of each calendar quarter.
- Total amount of taxes collected by the retailer exceeds \$1600- file a return for each month on or before the 25th day of the following month.

Kansas law does not expressly prohibit charging an additional fee for tire disposal or including such a fee in calculating shop fees.

Tire retailers must also prominently display or make available to customers educational materials provided by the Department of Health and Environment and Department of Revenue relating to proper waste tire management practices.

K.S.A. §§ 65-3424d, 65-3424i; K.A.R. § 28-29-29

# Shop Fees

## Kentucky

### Filter Recycling and Disposal

Kentucky allows two types of management options for used oil filters.

The first and the preferred option is recycling. If a used filter is recycled, it is not regulated as hazardous waste. Handlers and transporters do not need a permit to manage used filters if the filters are destined for recycling. The used oil collected during crushing and draining of filters does not have to be managed as a hazardous waste if the used oil is managed properly and is recycled.

The second option is disposing of the used filters in a landfill. The following conditions must be met for landfill disposal:

- (1) the landfill accepts the used the filters;
- (2) the used oil is removed from the filter by either crushing, splitting or other process and the filter is allowed to drain until no oil flows freely from the filter;
- (3) the residual oil passes a TCLP test. (Limited quantity hazardous waste generators are exempt (produce less than 100 kg (220 lbs.) per month); and
- (4) the processed filters pass the paint filter test.

### State Battery Recycling and Fees

Retail sellers of lead acid batteries must accept one used lead acid battery from customers for each new battery sold. There is no mandatory state battery fee, but Kentucky law does not expressly prohibit charging the customer a refundable deposit if the customer does not give the retailer an old battery when purchasing a new one.

Retailers must also post a notice at the place of sale indicating that they are required to accept, if offered, a used lead acid battery for each new battery sold.

### Shop Fees

There is no specific prohibition against collecting shop fees in any amount. However, all businesses must comply with Kentucky's Consumer Protection Act. Therefore, any advertisements containing a price for a service should also disclose any applicable shop fees.

KRS § 224.50-413

### Tire Recycling and Disposal (Including Fees)

# Shop Fees

Tire retailers and accumulators can transfer waste tires only to registered transporters or authorized facilities. Receipts are required. Only tires "rendered suitable for disposal" may be disposed of in landfills. Retailers of new tires may accumulate up to 1000 waste tires without registering as an accumulator, provided the tires are stored in accordance with Kentucky law.

Retailers must accept used tires in exchange for new tires purchased and charge customers a state tire fee of \$1 per new tire sold. The fee does not apply to recapped tires. These fees should be remitted to the Department of Revenue on or before the 20th day of each month. Retailers may keep 5% of the fees collected as a handling fee.

Kentucky law does not expressly prohibit charging an additional fee for tire disposal or including either in the calculation of shop fees.

Retailers must also post a notice in the area where sales are made indicating the following:

- State law requires the retailer to accept, if offered, a waste tire for each new motor vehicle tire sold;
- Persons purchasing a new motor vehicle tire to replace another tire must comply with KRS § 224.50-868(2) regarding the disposal of the used tire;
- The following statement word-for-word: "Law requires a new tire buyer to pay one dollar (\$1) for each new tire purchased. The money is collected and used by the state to oversee the management of waste tires, including cleaning up abandoned waste tire piles and preventing illegal dumping of waste tires."

KRS §§ 224.50-856, 224.50-868, 224.50-874

# Shop Fees

## Louisiana

### Filter Recycling and Disposal

Louisiana follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours. Rather than disposal, the LA Department of Environmental Quality encourages generators to recycle crushed and drained filters.

40 CFR 264.1(b)(13); LAC § 33:V.105(D)(2)(n)

### State Battery Recycling and Fees

Retail sellers of lead acid batteries must accept one used lead acid battery from customers for each new battery sold. There is no mandatory state battery fee. Additionally, the following notice, which must be at least 8.5 inches by 11 inches in size, must be conspicuously posted by retailers:

"It is illegal to discard a motor vehicle battery or other lead acid battery. Recycle your used batteries. State law requires us to accept used motor vehicle batteries or other lead acid batteries for recycling, in exchange for new batteries purchased."

La. R.S. § 30:2420

### Tire Recycling and Disposal (Including Fees)



# Shop Fees

The Department of Environmental Quality has formulated regulations for scrap tire recycling.

The current regulations include:

- (1) manifest and reporting requirements;
- (2) site notification requirements;
- (3) permitting requirements for transporters and waste tire collection storage, recycling and disposal sites;
- (4) tire dealer responsibilities; and
- (5) provisions for a \$2 per tire fee on retail sale.

As of January 1990, tires must go to a permitted recycling or solid waste disposal facility or to waste tire collection sites. Since January 1, 1991, whole tires cannot be disposed in landfills. They must be cut or shredded prior to disposal.

Louisiana has established the following post-tax state tire fees:

- Passenger or Light Truck Tires - \$2 per tire
- Medium Truck Tires - \$5 per tire
- Off-Road Tires - \$10 per tire
- Recapped or Retreaded Tires- \$1.25 per tire

The fees are to be collected by tire dealers upon the sale of each tire and remitted to the Office of Management and Finance, Financial Services Division ("Division") on or before the 20th day following the month in which the fees were collected. Dealers must also submit a monthly Waste Tire Fee Report on or before the 20th day of each month for the previous month's activity. The fee charged to customers is post-tax and must be listed as a separate line on the retail sales invoice. Therefore, it cannot be included in calculating shop fees. Furthermore, charging an additional tire fee is prohibited.

Additionally, dealers must post a notice (made available by the Division) with the following statements:

- "It is unlawful for any person to dispose, discard, burn, or otherwise release waste tires to the environment in a manner in contravention to the Louisiana Solid Waste Regulations. A fine of up to \$ 25,000 per day per violation may be imposed on any company or individual who violates these rules and regulations."
- "All Louisiana tire dealers, other than qualified scrap or salvage yard tire dealers selling tires salvaged from a Louisiana-titled vehicle, are required to collect a waste tire cleanup and recycling fee of \$ 2 for each passenger/light truck tire, \$ 5 for each medium truck tire, and \$ 10 for each off-road tire, upon sale of each tire. These fees shall also be collected upon replacement of all recall and adjustment tires. Tire fee categories are defined in the Waste Tire Regulations. No fee shall be collected on tires weighing more than 500 pounds or solid tires. This fee must be collected whether or not the purchaser retains the waste tires. Tire dealers must accept from the purchaser, at the time of sale, one waste tire for every tire sold, unless the purchaser elects to retain the waste tire."
- "Qualified scrap or salvage yard tire dealers are only exempt on tires salvaged from Louisiana-titled vehicles through June 30, 2008. Any new or used tires sold by qualified scrap or salvage yard tire dealers that are not salvaged from Louisiana-titled vehicles shall have the appropriate fees collected upon the sale."

La. R.S. §§30:2412, 30-2418; LAC § 33:VII.10519

# Shop Fees

## Maine

### Filter Recycling and Disposal

Maine follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours. Filters being disposed of must not fail TCLP testing. In lieu of testing, the generator can use the rebuttable presumption that the filters are non-hazardous through his/her knowledge of the filter use.

40 CFR 264.1(b)(13)

### State Battery Recycling and Fees

A "recycling assistance fee" of \$1 per tire is imposed on the retail sale of new lead acid batteries. The recycling fee is to be remitted to the State in the same manner as sales and use tax (Form ST-7). Because the fee is imposed post-tax, sellers may not mark-up the state battery fee or including the fee in the calculation of shop fees.

Additionally, a person selling or offering for retail sale lead acid batteries must accept, at the point of transfer, used lead acid batteries from customers in a quantity at least equal to the number of new batteries purchased. If a used lead acid battery is not exchanged at the time of sale, the seller must collect a \$ 10 deposit on the new battery. The deposit shall be returned to the customer when the customer delivers a used lead acid battery within 30 days of the date of sale. All funds received by a dealer as a deposit on a lead acid battery shall be held in trust and separately accounted for by the retailer. Any interest on those funds shall inure to the benefit of the retailer. Annually on July 1st, all deposits not returned to customers in exchange for lead acid batteries during the previous year ending June 30th shall inure to the benefit of the retailer.

Sellers of new batteries must also post an 8 1/2 " x 11" written notice that includes the display of the universal recycling symbol and the following language:

- "State law requires us to accept motor vehicle batteries or other lead acid batteries for recycling in exchange for new batteries purchased."
- "A deposit of \$ 10 will be charged for each new lead acid battery that is not exchanged with an old lead acid battery."
- "It is illegal to dump, bury or incinerate a motor vehicle lead acid battery or other lead acid battery."
- "Recycle your used batteries."

36 M.R.S.A. § 4832; 38 M.R.S.A. § 1604

### Tire Recycling and Disposal (Including Fees)

# Shop Fees

A permit is required if the tire storage area is greater than 10,000 square feet. No whole tires in landfills.

A "recycling assistance fee" of \$1 per tire is imposed on the retail sale of new tires. Retread tires are considered used tires and are not subject to the fee. The recycling fee is to be remitted to the State in the same manner as sales and use tax (Form ST-7). The fee is not included in the sales price of the tire and, therefore, is not subject to sales tax. As such, it cannot be included in calculating shop fees. However, there is no express prohibition against charging an additional fee for tire disposal or including such a fee in calculating shop fees.

36 M.R.S. §§ 1752, 4832; 38 M.R.S. § 1316-L

# Shop Fees

## Maryland

### Filter Recycling and Disposal

Maryland follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 264.1(b)(13)

No Statutes/Regulations available at this time

### State Battery Recycling and Fees

No Statutes/Regulations available at this time

No Statutes/Regulations available at this time

### Tire Recycling and Disposal (Including Fees)

COMAR 26.04.08 (1992) contains regulations covering storage, collection, transferring, hauling, recycling, and processing of scrap tires. Tires are banned from all Maryland landfills after January 1, 1994. Scrap tire collection facilities must obtain a license by filling out a prescribed application form. Collection facilities are classified as "primary" (i.e. more than 1500 scrap tires are accumulated at any one time) and "secondary" (i.e. between 51 and 1500 scrap tires are accumulated at any one time). See regulations for more info regarding conditions, standards, and other requirements of collection facilities.

Tire wholesalers and retailers must register and pay a tire recycling fee of \$.80 on each new tire sold in Maryland. However, the fee only applies to the first sale of the tire in Maryland. The fees are to be paid to the Comptroller of the Treasury on or before the 21st day of the month following the month in which the sale was made. Retailers may retain .6% of the fee to cover administrative costs.

Although Maryland law prohibits local municipalities from charging an additional tire fee, there is no express prohibition against businesses marking-up the fee or charging additional tire disposal fees. Retailers are not required to state the fee as a separate line item on an invoice. Thus, there is no express prohibition against including the fee in calculating shop fees. However, the tire recycling fee is not subject to any tax if it is separately stated on the invoice.

Additionally, retailers must comply with Maryland's general Consumer Protection Act, which prohibits unfair and deceptive trade practices. As discussed above, any time a state tire fee is marked-up, it would likely be an unfair and/or deceptive act to represent or imply that the entire fee is a mandatory state recycling fee. Similarly, if the tire retailer is not responsible for paying the tire recycling fee because the sale is not the first one in the state, it would be unfair and/or deceptive to tell a customer or infer that any fees charged are state tire recycling fees.

Md. ENVIRONMENT Code Ann. § 9-228; COMAR 26.04.08.01 et seq.

No Statutes/Regulations available at this time

# Shop Fees

## Massachusetts

### Filter Recycling and Disposal

Massachusetts does not consider used oil filters to be hazardous if they are managed in one of the following ways:

- (1) the anti-drain back valve or the dome end of the filter is punctured and hot drained for at least 12 hours;
- (2) the filter is drained and crushed so that no free flowing oil remains; or
- (3) the filter is drained and dismantled; and
- (4) all collected used oil is managed as a hazardous waste.

If a generator does any one of the above, the filter (or any of its parts minus the oil) then can be disposed of as a solid waste. However, the Commonwealth of Massachusetts strongly recommends recycling of used oil filters.

See Massachusetts Department of Environmental Protection website:  
<http://www.mass.gov/dep/recycle/hazardous/motoroil.htm>

### State Battery Recycling and Fees

No Statutes/Regulations available at this time

### Tire Recycling and Disposal (Including Fees)

Storage and processing facilities are regulated as handling facilities, and must meet permitting criteria. As of December 31, 1991, whole tires are banned from disposal in landfills. Tires must be shredded prior to disposal in landfills.

310 CMR 19.017

# Shop Fees

## Michigan

### Filter Recycling and Disposal

Michigan exempts non-terne plated used oil filters from hazardous waste regulation provided that they are not mixed with a hazardous waste and if they are gravity hot-drained using one of the following methods:

- (1) puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
- (2) hot-draining and crushing;
- (3) dismantling and hot-draining; or
- (4) any other equivalent hot-draining method that removes used oil.

Terne is an alloy of lead and tin. The generator is responsible for determining that a filter is not terne-plated either through knowledge from the supplier or through testing. Used oil filters that are recycled as scrap metal are exempt from hazardous waste regulation provided the above requirements are met. The state does encourage recycling as opposed to other disposal methods.

MICH. ADMIN. CODE R 299.9204(2)(n)

### State Battery Recycling and Fees

There is no mandatory state battery fee in Michigan. However, retailers of lead acid batteries are required to accept a used lead acid battery in connection with the sale of a new lead acid battery. Additionally, retailers must post a written notice in a location that is readily visible to customers that is at least 8.5" x 11" in size and contains the universal recycling symbol and essentially all of the following statements:

- Recycle your used lead acid batteries.
- It is illegal to discard a lead acid battery except by delivery to a retailer, a distributor, a manufacturer, or a collection, recycling, or smelting facility approved by the department.
- State law requires retailers to accept used lead acid batteries upon the purchase or within 30 calendar days of the purchase of a lead acid battery.

The precise format, design, and wording of the notice is provided by the Department of Natural Resources and Environmental Protection.

MCLS § 324.17103

### Tire Recycling and Disposal (Including Fees)

# Shop Fees

Uncovered tire collection sites with more than 50 scrap tires are regulated. Scrap tires must NOT be stored in piles greater than 15 feet in height, with horizontal dimensions no greater than 200 by 40 feet with 30 foot spacing between. Tires must not be stored within 20 feet of property line or within 60 feet of a building or structure. Tires must be covered, shredded or sprayed to limit potential for mosquito breeding.

Bond, in the form of Surety Bond, Irrevocable Letter of Credit, Certificate of Deposit or Cash, is required for all storage of tires to ensure removal. The minimum bond requirements are as follows: \$25,000 per 1/4 acre for outdoor storage, \$2 per square foot of indoor storage, and \$750 per vehicle for storage in trailers.

Tires may be landfilled at facilities licensed under part 115 of the NREPA or stored in compliance with Michigan scrap tire legislation.

There is a state tire disposal fee in Michigan. However, unlike other states, which assess the fee on the sale of each new tire, Michigan imposes a \$1.50 tire disposal fee for each new certificate of title or duplicate of a certificate of title issued. As such, retail sellers of tires have no collection obligations.

Michigan law does not expressly prohibit charging customers additional tire disposal fees or including such fees in calculating shop fees.

MCLS § 257.806; MCL § 324.16901 et seq.

## Vehicle Inspection

The Bureau of Automotive Regulation encourages facilities to inform customers of all safety defects.

# Shop Fees

## Minnesota

### Filter Recycling and Disposal

Used oil filters are prohibited from solid waste disposal. MN requires business generators of used oil filters to either recycle the used oil filter or dispose of the filter as hazardous waste. The landfill ban on used oil filters applies to both household (DIY) and commercial generators. If the used filters are being recycled, the generator is not required to test the filter for a characteristic. However, used filters destined for recycling must be drained of all free-flowing oil. There is no requirement for how long the filter must be drained. The state also suggests crushing as a way to remove oil. All drained oil must be collected and recycled. Used filters must be stored in containers that ensure that oil does not escape into the environment. Such containers must be labeled "Used Oil Filters." Businesses located in Greater Minnesota generating used oil filters are not required to report annually to MPCA. Business located in the Twin Cities seven-county metropolitan area may be required to report annually amounts of oil filters generated and how they are managed to the county hazardous waste staff.

Additionally, a recycling sign is required to be posted by retailers. This sign is available at: <http://www.pca.state.mn.us/waste/pubs/usedoilsign.pdf>

Minn. R. 7045.0990

### State Battery Recycling and Fees

Retail sellers of lead acid batteries must accept used lead acid batteries from consumers and may not charge a fee for doing so. Consumers may not deliver more than 5 lead acid batteries to a retailer at one time.

Upon the sale of a new lead acid battery, retailers are to charge customers a fee of at least \$10 unless the customer provides the retailer with a used lead acid battery. This fee must be refunded if the customer returns a used lead acid battery within 30 days after the purchase. If the customer does not return a used battery within 30 days, retailers may keep the battery surcharge.

Retailers must also post a notice which is at least 8.5 inches by 11 inches in size, contains the universal recycling symbol, is clearly visible to consumers making purchasing decisions, and contains the following language:

"NOTICE: USED BATTERIES

This retailer is required to accept your used lead acid batteries, EVEN IF YOU DO NOT PURCHASE A BATTERY. When you purchase a new battery, you will be charged an additional \$5 unless you return a used battery within 30 days.  
It is a crime to put a motor vehicle battery in the garbage."

Minn. Stat. §§ 325E.115, 325E.115

### Tire Recycling and Disposal (Including Fees)



# Shop Fees

The Scrap Tire Law was passed in 1984. Tire retailers may store up to 500 scrap tires without a storage permit. Tire retailers are required to use only scrap tire transporters that have a valid ID number from the State. Tires are banned from disposal in landfills

Minnesota does not have a mandatory state tire fee. Retail sellers of automotive tires are required to accept waste tires from customers for collection and recycling. Specifically, retailers must accept one waste tire per new tire sold. However, there is no express prohibition against businesses charging a tire disposal fee or including such a fee in calculating shop fees.

Minn. Stat. §§ 325E.32, 115A.902 et seq.

# Shop Fees

## Mississippi

### Filter Recycling and Disposal

Mississippi follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13)

### State Battery Recycling and Fees

There is no mandatory state battery fee in Mississippi. However, retailers of lead acid batteries are required to accept a used lead acid battery in connection with the sale of a new lead acid battery. Additionally, retailers must post a written notice in a location that is readily visible to customers that is at least 8.5" x 11" in size and contains the universal recycling symbol and following language:

- "IT IS ILLEGAL TO DISCARD A MOTOR VEHICLE BATTERY OR OTHER LEAD ACID BATTERY;"
- "RECYCLE YOUR USED BATTERIES;" and
- "STATE LAW REQUIRES U.S. TO ACCEPT USED MOTOR VEHICLE BATTERIES OR OTHER LEAD ACID BATTERIES FOR RECYCLING IN EXCHANGE FOR NEW BATTERIES PURCHASED."

These notices may be obtained from the Department of Environmental Quality.

Miss. Code Ann. §§ 17-17-431, 17-17-433

### Tire Recycling and Disposal (Including Fees)

# Shop Fees

SB 2985, a bill addressing the disposal of batteries, tires, and household hazardous waste was passed in 1991. Scrap tire management regulations were finalized and adopted in August 1992. The regulations include requirements for collection sites, processing facilities and disposal sites and financial responsibility requirements for agriculture, erosion control, or other alternative uses of scrap tires. Tires may be deposited only at authorized collection, processing, or disposal points. A scrap tire collection site permit must be obtained if you store more than 100 tires, unless you are a retail outlet where you can store up to 500 tires. Tires must be cut, sliced or shredded to facilitate recycling or disposal. Landfill ban on all tires began on January 1, 2000.

Under Mississippi law, there is a waste tire fee imposed on each new tire sold at wholesale. The amount of the fee is \$1 for each new tire sold with a diameter of less than 24" and \$2 for each new tire sold with a diameter of 24" or greater. The fee is added to the total cost incurred by the purchaser at wholesale. The wholesaler is then responsible for remitting the fees to the State Tax Commission. However, if a retailer purchases tires for resale from an out of state wholesaler (who does not pay the \$2 fee), the retailer is responsible for submitting the fee directly to the Tax Commission. Additionally, wholesalers making retail tire sales are to pay the waste tire fee.

According to the Code of Mississippi Rules, the waste tire fee "may not be charged on the retail sale to the end customer." However, the seller may recoup the waste tire fee by including the cost of the fee in the selling price of the tire or listing the fee as a "reimbursement of waste tire fee" on the sales invoice. The difference between charging the fee to the customer and obtaining "reimbursement" for the fee appears to be that the reimbursement charge is subject to sales tax. As the fee must be included as part of the tire price or separately listed on the invoice, it cannot be included in calculating shop fees.

The seller making payment to the Tax Commission is entitled to deduct 5% of the total fees as compensation for collection costs. Payment is to be made on or before the 20th day of the month following the month in which the fee accrues. The fee is NOT to be reported on the sales tax return. Rather, the fee should be reported on the Mississippi Tire Disposal Fee Return (Form 72-220)

Mississippi law expressly permits retailers to charge additional disposal fees. However, retailers are prohibited from charging a disposal fee in excess of the actual per tire disposal costs incurred by the retailer. Additionally, retailers may not waive the disposal fee if the customer keeps the used tire. If the retailer is required to pay the waste tire fee directly to the Tax Commission, that amount may be included in calculating total disposal costs.

Mississippi law does not expressly require additional tire disposal fees to be separately stated on invoices. However, because state law expressly limits the amount a retailer can charge for tire disposal, retailers should be able to provide documentation proving how much customers were charged and how the retailers' disposal costs were calculated.

Miss. Code Ann. §§ 17-17-401 et seq; CMSR 08-030-011, CMSR 08-030-012

# Shop Fees

## Missouri

### Filter Recycling and Disposal

Missouri follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13)

### State Battery Recycling and Fees

Missouri law requires retailers of new lead acid batteries to accept a used lead acid battery in connection with the sale of a new lead acid battery. Retailers must also collect a \$.50 fee per battery sold until June 30, 2011, at which point the fee will be terminated. The fee is to be added to the total cost after sales taxes have been computed. As such, it cannot be marked-up or included in the calculation of shop fees. Battery retailers are required to remit the fees collected, minus a 6% collection fee, to the Department of Revenue on a quarterly basis and in accordance with the state's sales and use tax requirements.

Additionally, retailers must post a written notice at least 4" x 6" in size which contains the universal recycling symbol and the following language:

- "It is illegal to discard a motor vehicle battery or other lead acid battery;"
- "Recycle your used batteries;" and
- "State law requires us to accept used motor vehicle batteries, or other lead acid batteries for recycling, in exchange for new batteries purchased."

These required notices may be obtained from the Department of Natural Resources.

R.S. Mo. §§260-262, 260.264

### Tire Recycling and Disposal (Including Fees)

SB 530, an omnibus solid waste bill passed in August 1990 and includes provisions for regulating tires. Tire retailers and wholesalers can store more than 500 tires but not for over 30 days and must use permitted haulers. Recordkeeping regarding the generation and disposition of the tires is required. Whole tires are banned from disposal in landfills.

Missouri law requires retailers of new tires to collect a \$.50 fee per tire sold until January 1, 2010, at which point the fee will be terminated. The fee is to be added to the total cost after sales taxes have been computed. As such, it cannot be included in the calculation of shop fees. Tire retailers are required to remit the fees collected, minus a 6% collection fee, to the Department of Revenue on a quarterly basis and in accordance with the state's sales and use tax requirements.

There is no express prohibition on charging an additional tire disposal fee or including such an additional fee in calculating shop fees.

R.S. Mo. § 260.270 et seq.; 12 CSR 10-44.020; 10 CSR 80-8.010 et seq.

# Shop Fees

## Montana

### Filter Recycling and Disposal

Montana requires business generators to perform a hazardous waste determination on terne-plated used oil filters. Filters that do not exhibit a hazardous waste characteristic may be thrown into a municipal licensed Class II landfill once they are properly drained. Generators may throw their used non-terne plated oil filters into licensed Class II landfills if the filters are drained and there are no recycling options available in their area.

Montana strongly recommends recycling used filters over disposing them. Other filters are subject to generator knowledge of, or testing for, a hazardous waste characteristic. If the waste exhibits a hazardous characteristic, the status of the generator (small or large quantity generator or conditionally exempt small quantity generator) must be determined. Conditionally exempt small generators are businesses that generate no more than 100 kgs. (220 lbs. or roughly 25 gallons) of hazardous waste or no more than 1 kg of acute hazardous waste (one that in any one month is regulated more strictly by the USEPA).

Additionally, they cannot store more than 1,000 kgs of hazardous waste on site. Such waste must either be treated on-site for legitimate recycling/reclamation purposes or must be sent to a recycling facility; a permitted hazardous waste treatment or disposal facility; or must be disposed of in a licensed Class II landfill. Wastes destined for landfill disposal must be in a solid state and operator of landfill must accept the waste. Large quantity generators exceed 1,000 kgs. per month and are subject to stricter requirements than small quantity generators.

### State Battery Recycling and Fees

No Statutes/Regulations available at this time

### Tire Recycling and Disposal (Including Fees)

Scrap tires are regulated under the Montana Solid Waste Management Act and the Montana Motor Vehicle Recycling and Disposal Act and the associated administrative rules. Both Acts were passed in 1977. Tires are currently accepted at landfills. Some landfills are beginning to charge differential fees for whole versus split tires.

See the Montana Department of Environmental Quality's website at:  
<http://deq.mt.gov/Recycle/Tires/TiresLandfills.asp>

# Shop Fees

## Nebraska

### Filter Recycling and Disposal

Nebraska regulates used oil filters as special wastes rather than a potential hazardous waste if they are managed as follows. Used oil filters should be drained and managed pursuant to the federal guidelines and title 128, Chapter 2, Section 009.12. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above room temperature. If the above are followed, the filters may be disposed of in a landfill without departmental approval. Individual landfills or jurisdiction might be made restrictive, check prior to disposal.

Nebraska Admin. Code Title 128, Ch. 2, Section 009.12

### State Battery Recycling and Fees

No Statutes/Regulations available at this time

### Tire Recycling and Disposal (Including Fees)

Land disposal of waste tires is prohibited. Accumulation of more than five hundred passenger tire equivalents of waste tires shall be deemed disposal of solid waste and is prohibited. Tire collectors must obtain permits. However, the following entities are exempt from the permit requirement:

- (1) tire retailers if there are no more than five hundred scrap tires at the retail site;
- (2) tire retreading businesses if there are no more than two thousand scrap tires on the business premises; and
- (3) businesses which removes tires from motor vehicles if no more than five hundred scrap tires are kept on the premises.

Nebraska law requires retailers of tires to collect a \$1 fee on every tire sold. There is no fee on recapped or regrooved tires. The fees are to be submitted to the Department of Revenue in the same manner as sales tax, and retailers are not entitled to retain any portion of the \$1 as a collection fee. Nebraska law does not expressly prohibit charging additional tire disposal fees or including either in calculating shop fees.

R.R.S. Neb. §§ 81-15,162, 81-15,164, 13-2033 et seq.; Nebraska Admin. Code Title 136

# Shop Fees

## Nevada

### Filter Recycling and Disposal

Nevada follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13)

### State Battery Recycling and Fees

No Statutes/Regulations available at this time

### Tire Recycling and Disposal (Including Fees)

Tire retailers in Nevada must charge a post-tax fee of \$1 per new tire sold. Retailers must hold the fees collected separately, in trust, until they are remitted to the State. The fees are to be remitted to the State, along with a prescribed form, on or before the last day of the month following the month in which the tire surcharges are collected. Retailers may deduct a 5% collection fee. Records of all tire fees collected must be maintained for at least 4 years.

The tire fee must be identified as the "State Recycling Fee" on the sales receipt and must be displayed separately from the price of the tire and all other fees. Therefore it cannot be included in calculating shop fees. Although tire retailers are required to accept used tires in exchange for the purchase of new tires, there is no express prohibition against charging additional tire disposal fees or including such in the calculation of shop fees.

Tire retailers must also post at the point of purchase a written notice which is at least 8.5" x 11" in size and contains the following information:

Notice

State law requires us to accept used tires for disposal or recycling when new tires are purchased from us.

Nev. Rev. Stat. Ann. §§ 44A.060, 44A.090; NAC §§ 444A.045, 444A.0511

# Shop Fees

## New Hampshire

### Filter Recycling and Disposal

New Hampshire follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13); N.H. Admin Rules, Env-Wm 401.03(b)

### State Battery Recycling and Fees

No Statutes/Regulations available at this time

### Tire Recycling and Disposal (Including Fees)

Waste tires may only be disposed at authorized facilities. Tires may be landfilled only if done so in a manner that will preclude movement of the tires after burial, such as by shredding, splitting or quartering the tires prior to landfilling or by filling the tires during landfilling. Tires must be collected, stored and transferred in accordance with the state's solid waste requirements (N.H. Admin. Rules, Env-Sw 400). The open burning of tires or processed tires is prohibited. Also, tires must be managed in a manner as to avoid establishing habitat for breeding mosquito populations.

N.H. Admin. Rules, Env-Sw 905.01 et seq.



# Shop Fees

## New Jersey

### Filter Recycling and Disposal

New Jersey follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13)

### Fluid Disposal

Requirements Relating to Used Motor Oil (13:1E-99.36)

Under New Jersey law, retail service stations with used oil collection tanks on the premises are considered "used oil collection centers." As such, they must be registered or recognized by the county or municipality to manage used oil. Additionally, they must post a durable and legible sign at least 11" x 15" in size which informs the public that it is a collection site for the disposal of used oil. The sign must be posted on the outside wall of the collection center and must be at least 4 feet above the ground at its lowest point and not higher than 8 feet above the ground at its highest point. The language on the sign must be at least 1" in height and contain the following statements:

- "USED OIL COLLECTION CENTER"
- "RECYCLE YOUR USED MOTOR OIL HERE"
- "LIMIT: \_\_\_\_\_" (if the collection center sets a limit on the amount of used oil accepted, it must be displayed on the sign)
- "FEE: \_\_\_\_\_" (if the collection center charges a fee for this service, the fee must be displayed as part of the sign).

### State Battery Recycling and Fees

Retailers of new lead acid batteries are required to accept a used lead acid battery in connection with the sale of a new lead acid battery. However, there is no mandatory state battery fee.

Retailers must also post, at or near the point of sale, a legible notice to consumers, not less than 8.5" x 11" in size that contains the state recycling symbol and the following language:

"Lead acid batteries can be recycled here. It is illegal to discard an automotive or marine lead acid battery in New Jersey. State law requires us to accept and recycle any used automotive or marine lead acid battery returned to us, in exchange for the purchase of a new lead acid battery."

N.J. Stat. §§ 13:1E-201, 13:1E-204

### Tire Recycling and Disposal (Including Fees)

# Shop Fees

Regulations at NJAC 7:26A address solid waste recycling and contain provisions relating to scrap tire recycling. Tires must be taken to permitted solid waste facilities, approved tire recycling centers, or sites operating pursuant to an exemption from the recycling center approval process. The methods of processing tires that may be approved by the Department are limited to slicing, shredding, chipping, crumbing or other activities as determined by the Department. Incineration, landfilling, and abandonment of tires is expressly prohibited.

New Jersey law requires retailers of new tires to charge a post-tax fee of \$1.50 per tire upon the sale of new motor vehicle tires. Only sales of new tires that are subject to sales and use tax are subject to the fee. The fee is to be collected by the retailer and paid to the New Jersey Division of taxation on a quarterly basis. The fee is imposed post-tax and must be separately stated on all bills, receipts, invoices, or similar documents provided to the customer. Therefore, it cannot be included in calculating shop fees. There is no express prohibition against charging additional tire disposal fees or including such fees in calculating shop fees.

N.J. Stat. § 54:32F-1; N.J.A.C. 7:26A-3.8

## New Mexico

### Filter Recycling and Disposal

New Mexico follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. New Mexico recommends that used oil filters be hot-drained for 24 hours before disposing of in a landfill.

40 CFR 261.4(b)(13)

### State Battery Recycling and Fees

No Statutes/Regulations available at this time

### Tire Recycling and Disposal (Including Fees)

There is a state tire disposal fee in New Mexico. However, unlike most other states, which assess the fee on the sale of each new tire, New Mexico imposes a \$1.50 tire disposal fee for each new certificate of title or duplicate of a certificate of title issued. As such, retailer sellers of tires have no collection obligations.

New Mexico law does not expressly prohibit charging customers additional tire disposal fees or including such fees in calculating shop fees.

N.M. Stat. Ann. §§ 66-6-2, 66-6-4

# Shop Fees

## New York

### Filter Recycling and Disposal

New York follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours. Terne-plated used oil filters may be required to be handled as a hazardous waste and are subject to a Toxicity Characteristic determination.

40 CFR 261.4(b)(13)

### Fluid Disposal

New York law requires service establishments and retail establishments selling motor oil to accept, at no charge, up to 5 gallons per day of used motor oil from any consumer during its normal business hours.

Service establishments and retail establishments selling motor oil must also post a conspicuous sign, viewable to the public, which states: "WE ACCEPT USED OIL FOR RECYCLING AT NO CHARGE."

NY CLS ECL § 23-2307

### State Battery Recycling and Fees

New York law requires retailers of lead acid batteries to accept up to 2 used lead acid batteries per calendar month from any individual at no charge. Retailers, however, must charge a \$5 fee if a customer purchases a new battery and does not exchange a used battery. This fee must be returned if the customer returns a used battery within 30 days of the purchase. If the customer does not return a used battery, the retailer may keep the incentive fee.

Retailers must inform their customers of their obligation to refund the charge and post a sign containing the universal recycling symbol and the following language:

"IT IS ILLEGAL TO DISCARD VEHICLE BATTERIES. STATE LAW REQUIRES US TO ACCEPT VEHICLE BATTERIES AT NO CHARGE FOR RECYCLING."

NY CLS ECL § 27-1701

### Tire Recycling and Disposal (Other)

# Shop Fees

## Notice Requirements

Until December 31, 2010, retailers must post written notice at least 8.5" x 14" in size in a prominent location of the store containing the following language:

- "New York State law requires us to accept and manage waste tires from vehicles in exchange for an equal number of new tires that we sell or install. Tire retailers are required to charge a separate and distinct waste tire management and recycling fee of \$2.50 for each new tire sold;" and
- "The retailers in addition are authorized, at their sole discretion, to pass on waste tire management and recycling costs to tire purchasers. Such costs may be included as part of the advertised price of the new tire, or charged as a separate per-tire charge in an amount not to exceed \$ 2.50 on each new tire sold."

The written notice must also contain one of the following statements at the end of the aforementioned language:

- "Our waste tire management and recycling costs are included in the advertised price of each new tire;" or
- "We charge a separate per-tire charge of \$ [-----] on each new tire sold that will be listed on your invoice to cover our waste tire management and recycling costs."

NY CLS ECL § 27-1905

Disposal of tires in landfills is prohibited. State Regulations for Solid Waste regulate waste tire storage and processing facilities. Waste tire storage requirements depend upon number of waste tires sold. No person shall engage in storing 1,000 or more waste tires at a time without a permit. Storage permit requirements cover waste tire pile size, dimensions and fire controls. Disposal of whole tires in any landfill is prohibited.

NY CLS ECL § 27-1911; 6 NYCRR § 360-13.1 et seq.

## Tire Recycling and Disposal Fees

# Shop Fees

## Mandatory Fee

Until December 31, 2010, tire retailers must collect a tire disposal fee of \$2.50 per tire for each new tire sold. However, the fee does not apply to:

- (1) recapped or resold tires;
- (2) mail-order sales; or
- (3) the sale of new tires to a person solely for the purpose of resale (so long as the subsequent sale of the tire is subject to the fee).

Retailers are to remit the fees to the Department of Taxation and Finance on a quarterly basis, and may deduct a \$.25 collection fee for each tire sold. The returns must be made by the last day of the month following each quarter and must include the following information:

- The name of the tire service;
- The address of the tire service's principal place of business and the address of the principal place of business (if that is a different address) from which the tire service engages in the business of making retail sales of tires;
- The name and signature of the person preparing the return;
- The total number of new tires sold at retail for the preceding quarter and the total number of new tires placed on motor vehicles prior to original retail sale;
- The amount of waste tire management and recycling fees due; and
- Such other reasonable information as the department of taxation and finance may require.

Copies of each report must be retained by the tire retailer for 3 years.

The state tire fee must be stated as an invoice item separately and distinctly from the selling price of the tire or other fees. As such, it may not be included in calculating shop fees.

## Additional Fees

New York law expressly permits retailers to charge additional tire disposal fees as part of the price of the new tire or charged as a separate per-tire charge on each new tire sold. If the fee is imposed on a per-tire basis, the following criteria must be met:

- The charge must be stated as an invoice item separate and distinct from the selling price of the tire;
- The invoice shall state that the charge is imposed at the sole discretion of the tire service; and
- The amount of such charge shall reflect the actual cost to the tire service for the management and recycling of waste tires accepted by the tire service (max of \$2.50).

Thus, additional fees are permitted but may not exceed \$2.50 per tire and may not be included in calculating shop fees.

NY CLS ECL § 27-1913

# Shop Fees

## North Carolina

### Filter Recycling and Disposal

North Carolina follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. North Carolina requires that oil filters be effectively drained prior to disposal. Those filters with an anti-drain back valve should be punctured to remove oil. The state encourages people to contact their local solid waste landfill to find out if there are any local requirements stricter than state guidelines. The North Carolina Division of Waste Management strongly recommends recycling of used oil filters.

40 CFR 261.4(b)(13); 15A NCAC 13A.0006(b)

### State Battery Recycling and Fees

Retailers of lead acid batteries are required to accept from customers, at the point of transfer or sale, used lead acid batteries. There is no mandatory state fee. Retailers must also post a sign at least 8.5" x 11" in size which contains the universal recycling symbol and the following language:

- "It is illegal to improperly dispose of a motor vehicle battery or other lead acid battery;"
- "Recycle your used batteries;" and
- "State law requires us to accept used motor vehicle batteries or other lead acid batteries for recycling in exchange for new batteries purchased."

N.G. Gen. Stat. § 130A-309.71

### Tire Recycling and Disposal (Including Fees)

North Carolina requires each county to provide a place for disposal of scrap tires. Tires presented for disposal must be accompanied with a scrap tire certification form signed by generator and hauler. Counties are not allowed to impose tipping fees for tires that are certified as generated in North Carolina. Scrap tire collection sites are required to obtain a permit. The number of scrap tires stored at a scrap tire collection site must not exceed the stated number of scrap tires shipped off-site per month plus the stated number of scrap tires disposed of onsite per month. At no time can more than 60,000 scrap tires be stored. Tires must be shredded or sliced prior to landfilling.

North Carolina law requires retailers of new tires to impose and collect a privilege tax upon the sale of every new tire. The tax does not apply to recapped tires or tires sold for placement on newly manufactured vehicles. The amount of the tax is based on the size of the tire. Tires having a "bead diameter" of less than 20 inches are subject to a tax of 2% of the sale price. Tires having a "bead diameter" of 20 inches or more are subject to a tax of 1% of the sales price. These taxes are considered additional state sales taxes and are to be administered in the same manner as sales and use tax. As such, they may not be included in calculating shop fees. However, there is no express prohibition against charging an additional tire disposal fee or including such a fee in calculating shop fees.

N.G. Gen. Stat. §§ 105-187.16 through .18, 130A-309.51 et seq.; 15A N.C.A.C. 13B.1101 et seq.

# Shop Fees

## North Dakota

### Filter Recycling and Disposal

North Dakota follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours. Please check with the local landfill authority regarding the acceptance of used oil filters by the landfill. Recycling is the recommended option for managing used oil filters.

40 CFR 261.4(b)(13)

### State Battery Recycling and Fees

Sellers of lead acid batteries are required to accept used lead acid batteries from customers who purchase new batteries. North Dakota law does not impose a mandatory state fee or require retailers to post recycling notices.

N.D. Cent. Code § 23-29-05.2

### Tire Recycling and Disposal (Including Fees)

Solid Waste Management rules have been adopted and went into effect December 1, 1992. The rules address scrap tire storage. Tire piles of more than 1,300 tires must be in compliance with regulations governing pile dimensions, control of access, fire control, run-on/run-off control systems and financial assurance. Tire piles of more than 1,300 tires must have a solid waste management permit. Tire piles with a base area exceeding 10,000 square feet must comply with liner requirements.

See N.D. Admin. Code Article 33-20, especially 33-20-02.1-02 (pertaining to permits)

# Shop Fees

## Ohio

### Filter Recycling and Disposal

Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is: a) punctured through its dome end or its anti-drain back valve and hot-drained; or b) hot-drained and crushed; or c) dismantled and hot-drained; or d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

OAC Ann. 3745-51-04(b)(13)

### State Battery Recycling and Fees

Retailers of lead acid batteries are required to accept used lead acid batteries from customers who purchase new batteries. There is no mandatory state battery fee. Retailers must also conspicuously post a sign in close proximity to the location in which lead acid batteries are displayed for sale. The sign must be at least 8.5" x 11" in size, use at least 30-point font, and contain the universal recycling symbol and the following language:

- "It is illegal to discard a used lead acid battery."
- "Recycle your used batteries."
- "State law requires us to accept used lead acid batteries for recycling in exchange for new batteries purchased."

ORC Ann. §§ 3734.912, 3734.914

### Tire Recycling and Disposal (Including Fees)

Ohio has comprehensive legislation pertaining to the regulation of scrap tire collection, storage, transportation, recovery, monofill, and monocell facilities. Sellers and other generators are required to utilize registered facilities for transportation/disposal of the scrap tires they generate. Storage and recovery facilities must post financial assurance to cover the costs of closure. Individual storage piles are limited to 2,500 square feet in base area and 14 feet in height. Fire lanes at least 50 feet wide are required on all sides of outdoor storage piles. A registered storage facility is limited to 10,000 square feet of scrap tire storage. Mosquito control is required of all scrap tire transporters and scrap tire facilities.

Under Ohio law, the state tire fee is paid by wholesalers unless the retailer acquires the tires from a person who is not registered with the tax commissioner as a wholesaler, in which case the retailer is liable for the fee. The total fee to be imposed is \$1 per tire and ends on June 30, 2011.

The fees are to be paid on the 20th day of the month following the month the fees are collected using a return prescribed by the tax commissioner. The person filing the return or an authorized employee, officer or agent is required to sign the return.

There is no express prohibition against businesses charging an additional tire disposal fee or including such a charge in calculating shop fees.

ORC Ann. § 3734.70 et seq. ORC Ann. § 3734.901 et seq.



# Shop Fees

## Oklahoma

### Filter Recycling and Disposal

Oklahoma follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past, (terne must be tested to determine if lead is present at a hazardous waste level of 5.0, if greater than mg/e (TCLP) the filters must be managed as hazardous waste). Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours. Facilities must submit a one time notification/certification form to the DEQ for any amount of filters being disposed in the trash if the amount is disposed in quantities of 10 cubic yds per month or greater. This form is found on the DEQ website: [www.deq.state.ok.us](http://www.deq.state.ok.us) (Click on the following: Land Protection, Solid Waste Compliance & Inspection Section, Solid Waste Forms, and Non-Hazardous Industrial Waste Disposal Form).

40 CFR 261.4(b)(13)

### Fluid Disposal

All persons selling motor oil to end-use consumers must post and maintain a sign at or near the point of display or sale to inform the public of the location of the nearest used oil collection center.

27A Okl. St. § 2002

### State Battery Recycling and Fees

Retailers of lead acid batteries are required to accept used lead acid batteries from consumers for recycling. They must also post a sign near or at the point of display or sale informing the public that such batteries are accepted for recycling. There is no mandatory state battery fee.

27A Okl. St. § 2002

### Tire Recycling and Disposal (Including Fees)

# Shop Fees

A site storing, collecting or disposing of more than 50 tires must be permitted by the State Department of Environmental Quality. This does not apply to tire manufacturers, retailers, wholesalers, or retreaders who store 2,500 or fewer used tires. Tires must be cut before being disposed of in a landfill.

Oklahoma law imposes a tire recycling fee on the sale of each new tire sold as well as whenever a motor vehicle is first registered in Oklahoma. Tire retailers are responsible for the collection and remittance of the fee imposed on the sale of new tires. The amount of the tire recycling fee is as follows:

- \$1 per tire if the rim diameter is 17.5 inches or less;
  - \$2.50 per tire if the rim diameter is greater than 17.5 inches but less than or equal to 19.5 inches;
  - \$3.50 per tire if the rim diameter is greater than 19.5 inches; and
  - \$1 if the tire is to be used on a motorcycle, motor-driven cycle or a motorized bicycle.
- 
- Tires used on implements of husbandry and agricultural equipment that are not more than fourteen (14) inches wide and forty-four (44) inches in diameter shall be assessed a waste tire recycling fee of five cents (\$0.05) per pound of the weight of the tire, with a minimum fee of Two Dollars and fifty cents (\$2.50) per tire.
  - Beginning July 1, 2013: Tires used on implements of husbandry and agricultural equipment that are any size shall be assessed a waste tire recycling fee of five cents (\$0.05) per pound of the weight of the tire, with a minimum fee of Two Dollars and fifty cents (\$2.50) per tire.

No fees are to be assessed for used or retreaded tires as long as the dealer can document that the recycling fee was previously paid. Tire retailers are permitted to keep 2.25% of the total fees collected and must remit the remaining amount in the same manner as they remit sales tax.

Oklahoma law does not expressly prohibit charging additional tire disposal fees or including either in calculating shop fees.

27A Okl. St. § 2-11-401.1 et seq.

# Shop Fees

## Oregon

### Filter Recycling and Disposal

Oregon follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil. Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. Oregon requires that used oil filters be hot-drained for 12 hours. Oregon requires solid waste facilities that accept more than 30 gallons of used oil filters at a time include management procedures for these filters in their solid waste management plans.

40 CFR 261.4(b)(13); OAR 340-111-020

### State Battery Recycling and Fees

Retailers of lead acid batteries are required to accept used lead acid batteries from customers who purchase new batteries. However, there is no mandatory state battery fee. Retailers must also post a clearly visible sign in each area where lead acid batteries are sold stating that:

- Lead acid batteries cannot be disposed of in household solid waste or mixed municipal waste, but must be recycled; and
- The dealer will accept used lead acid batteries of the same type sold by the dealer.

Retailers are allowed to charge a fee to customers who do not turn in a used lead acid battery when purchasing a new one. If the retailer chooses to do so, the retailer must include a statement on or near the required sign advising potential customers that the dealer charges a fee if the customer does not provide a used lead acid battery for trade-in.

ORS §§ 459.422, 459.426

### Tire Recycling and Disposal (Including Fees)

# Shop Fees

Waste tire generators must dispose of the tires by having them transported by a licensed waste tire carrier or by delivering them to a licensed waste tire storage site. Any person who generates waste tires shall maintain a written record of the disposition of the waste tires including:

- (1) Receipts indicating the disposition of the waste tires;
- (2) the name and permit number of the waste tire carrier to whom waste tires were given for disposal;
- (3) the name and location of the disposal site where waste tires were taken, including the date and number of waste tires; and
- (4) any other information the department may require. These records must be made available to the state upon request.

Generally, a permit is required to store more than 100 waste tires. However, the following entities are not required to obtain a permit:

- (1) a solid waste disposal site permitted by the Department of Environmental Quality if the permit has been modified by the department to authorize the storage of tires;
- (2) a tire retailer with not more than 1,500 waste tires in storage;
- (3) a tire retreader with not more than 3,000 waste tires in storage so long as the waste tires are of the type the retreader is actively retreading; or
- (4) a motor vehicle dismantling business issued a certificate under ORS 822.110 with not more than 1,500 waste tires in storage.

Whole tires have been banned from landfills.

ORS § 459.705 et seq.

# Shop Fees

## Pennsylvania

### Filter Recycling and Disposal

Pennsylvania follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13)

### State Battery Recycling and Fees

Retailers of lead acid batteries must accept used lead acid batteries from customers who purchase new lead acid batteries. However, there is no mandatory state battery fee. Additionally, retailers must post a written notice at least 8.5" x 11" in size which contains the universal recycling symbol and the following language:

- "It is illegal to discard a motor vehicle or other lead acid battery."
- "Recycle your used batteries."
- "State law requires us to accept used motor vehicle or other lead acid batteries for recycling, in exchange for new batteries purchased."

The State is responsible for producing, printing and distributing these notices.

53 P.S. § 4000.1510

### Tire Recycling and Disposal (Including Fees)

# Shop Fees

Disposal of whole waste tires in the State of Pennsylvania is prohibited. Regulations govern the storage requirements for waste tires. However, these regulations do not apply to persons storing less than 500 waste tires in open storage or who store less than 1,500 waste tires in enclosed storage unless the open or enclosed storage threatens or causes harm to the public health, safety, welfare or the environment.

Retailers of new tires must collect a post-tax tire fee of \$1 per tire on the sale of all new tires. The fee does not apply to the following transactions:

- The sale of tires not for highway use;
- The sale of new tires to governmental entities;
- The rental or lease of new tires. The lessor is required to pay the tire fee on the purchase of tires to be rented or leased;
- The sale of used tires including retreads or recaps;
- The sale of tires when delivered to the purchaser at an out-of-state location. The subsequent use of the tires within this Commonwealth is not subject to the tire fee.

Pennsylvania law also requires all persons making sales subject to the tire tax to apply for a "Public Transportation Assistance Tax License Number" on a form prescribed by the Department of Revenue. This registration is separate from the sales tax registration requirements. The fees are to be reported on a return prescribed by the Department of Revenue and remitted quarterly.

Because the mandatory state tire fee is imposed post-tax, retailers cannot include it when calculating shop fees. However, there is no express prohibition against charging an additional tire disposal fee or including such a fee calculating shop fees.

61 Pa. Code § 47.19(a)-(b); 35 P.S. § 6029.106; 25 Pa. Code § 299.155 et seq.

# Shop Fees

## Rhode Island

### Filter Recycling and Disposal

Used automotive engine oil filters that are not terne-plated and were not contaminated by mixtures of used oil and any Federally listed hazardous waste identified in 40 CFR 261 Subpart D are not subject to Rule 15.00 (Used Oil Management Standards) or other hazardous waste management rules if the filters were gravity hot-drained using one of the following methods:

- (1) puncturing the filter anti-drain back valve or the filter dome end and hot draining;
- (2) hot-draining and mechanically crushing the filter;
- (3) any other equivalent hot draining method that will remove all pourable liquids from the filter; or
- (4) cold-draining and crushing using a mechanical, pneumatic, or hydraulic device designed for the purpose of crushing oil filters and effectively removing the oil.

Used automotive engine oil filters that are terne-plated are not subject to Rule 15.00 or Rules 1.00 through and including 12.00 and 17.00 if the generator processes the filters in accordance with Rule 15.01(E), sends the processed filters out for scrap metal reclamation and documents the recycling of the filters.

All free liquids that are collected as a result of any draining activity shall be properly managed in accordance with Rule 15.00. Used automotive oil filters that are not fully drained using one of the methods prescribed above may be managed as a material contaminated with used oil in accordance with the requirements of Rule 15.00.

CRIR 12-030-003, Section 15

### State Battery Recycling and Fees

Battery dealers are required to accept used vehicle batteries from customers in exchange for the purchase of a new vehicle battery. Dealers may add a "core charge" (i.e. deposit) to the sale of the battery if a used battery is not exchanged at the time of purchase. This charge must be refunded if the customer returns a used vehicle battery within 7 days of purchasing the new battery. All fees not claimed within 7 days may be kept by the dealer.

R.I. Gen. Laws § 23-60-3

### Tire Recycling and Disposal (Including Fees)

# Shop Fees

Facilities storing more than 400 tires must obtain a license from the Department of Environmental Management. Disposal of scrap tires is restricted to one of three methods:

- (1) facilities operated by the State Solid Waste Management Corporation;
- (2) privately operated and licensed tire storage, recycling, or recovery facilities; or
- (3) transport to an out-of-state recycling facility.

Rhode Island law requires retailers of new tires to pay a hard-to-dispose material tax of \$.50 per tire to the wholesaler or directly to the Division of Taxation. Retailers are not allowed to charge their customers a tax and/or separately state the tax on their customers' invoices. Therefore, any "tire disposal fees" must be built into the price of the tire. When making payment directly to the Division of Taxation, retailers are required to file returns by the 25th day of the month following the month the tax is assessed. Retailer must keep such books, including records, receipts, and other pertinent papers, in such form as the tax administrator requires. These records must be open for inspection by the tax administrator.

Retailers are also required to collect a \$5 deposit from all customers purchasing new tires who do not exchange the new tire for a used tire. The deposit must be refunded if the customer provides a used tire within 14 days of the new tire purchase. Tire retailers in Rhode Island must accept used tires from any consumer, so long as the tire is reasonably clean and substantially intact.

R.I. Gen. Laws §§ 23-63-1 et seq.; CRIR § 01-087-002



# Shop Fees

## South Carolina

### Filter Recycling and Disposal

Non-terne plated used oil filters that are not mixed with a hazardous waste may be disposed of in a municipal solid waste landfill provided all used oil filters are hot-drained for a minimum of twelve (12) hours using one of the following methods:

- a) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining
- b) Dismantling and hot-draining; or
- c) Any other equivalent hot-draining method which will remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. Used oil filters which are compacted to their smallest practical volume do not require hot-draining prior to disposal, provided the used oil is collected during crushing. The used oil drained from the oil filters shall be processed, re-refined or otherwise recycled. For recycling markets, please contact Elizabeth Rosinski at (803) 896-4233 or call 1-800-SO-USE-IT (800-768-7348).

S.C. Admin. Code R. 61-107.279.92

### State Battery Recycling and Fees

Sellers of lead acid batteries must accept used lead acid batteries from customers purchasing new batteries. There is a mandatory state fee of \$2 per battery. The fees must be paid to the Department of Revenue on a monthly basis in the same manner that sales and use taxes are paid. Sellers may keep 3% of the total fees collected for administrative costs. South Carolina law does not expressly prohibit marking-up the battery fee or including it when calculating shop fees.

Additionally, sellers of lead acid batteries must collect a \$5 deposit if the customer does not exchange a used lead acid battery when purchasing a new one. This deposit must be refunded if the customer returns a used lead acid battery within 30 days of purchase. All deposits not claimed within 30 days may be kept by the seller.

S.C. Code Ann. § 44-96-180

### Tire Recycling and Disposal (Including Fees)

# Shop Fees

The Department of Health currently has mandatory guidelines for scrap tire storage. Owners and operators of waste tire sites are required to notify the South Carolina Department of Health and Environmental Control of the site's location, size, and number of tires accumulated. Waste tires may only be disposed of at permitted solid waste disposal facilities.

All collectors, processors, recyclers, haulers, and disposers of waste tires are required to obtain a permit. However, the following entities are exempt from obtaining a permit so long as the tires are stored in such a manner to control mosquitoes or other public health nuisances:

(1) a tire retailing business where less than one thousand waste tires are kept on the business premises;

(2) a tire retreading business where less than two thousand five hundred waste tires are kept on the business premises or a tire retreading facility that is owned or operated by a company that manufactures tires in South Carolina or the tire manufacturer's parent company or its subsidiaries;

(3) a business that, in the ordinary course of business, removes tires from motor vehicles if less than one thousand of these tires are kept on the business premises; and

(4) a permitted solid waste facility with less than two thousand five hundred waste tires temporarily stored on the business premises.

South Carolina imposes a fee of \$2 per new tire sold to the ultimate consumer. The fees must be paid to the Department of Revenue on a monthly basis in the same manner that sales and use taxes are paid. Sellers may keep 3% of the total fees collected for administrative costs. South Carolina law does not expressly prohibit charging an additional tire disposal fee or including either fee in calculating shop fees.

S.C. Code Ann. § 44-96-170

# Shop Fees

## South Dakota

### Filter Recycling and Disposal

South Dakota follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit.

40 CFR 261.4(b)(13)

### State Battery Recycling and Fees

Retailers of lead acid batteries are required to accept used lead acid batteries in exchange for each new lead acid battery purchased by its customers. There is no mandatory state battery fee.

S.D. Codified Laws § 34A-6-91

### Tire Recycling and Disposal (Including Fees)

No waste tire stockpiling or processing may be done without a permit. However, no permit is required for waste tire generators if they store less than 700 waste tires (the waste tire storage and processing facility requirements (below) must still be met.)

Tires must be cut into at least four pieces or shredded prior to landfilling. Waste tire storage and processing facilities must be designed and operated as follows:

- (1) a waste tire pile may not have an area greater than 5,000 square feet or a vertical height greater than 10 feet;
- (2) each waste tire pile must be surrounded by a 50-foot fire lane;
- (3) no more than 100,000 passenger car tires or the equivalent weight of other waste tires or tire-derived products may be stored on site at any one time;
- (4) operations involving the use of open flames, blow torches, or highly flammable substances may not be conducted within 300 feet of a waste tire pile;
- (5) all waste tire piles must be maintained free of mosquitoes and rodents; and
- (6) storage of waste tires may not exceed one year.

South Dakota has a mandatory state tire fee of \$.25 per tire (maximum of \$1). However, this fee is paid when the motor vehicle is registered and is collected by county treasurers. As such, retailers do not have any state tire fee collection responsibilities. South Dakota law does not expressly prohibit tire retailers from charging an additional tire disposal fee or including such a fee in calculating shop fees.

S.D. Codified Laws §§ 34A-6-64, 34A-6-83; ARSD §§ 74:27:13:17.01, 74:27:22:05

# Shop Fees

## Tennessee

### Filter Recycling and Disposal

Tennessee requires used oil filters to be managed using one of the four following methods:

- (1) Recycle the oil and metal from the filters;
- (2) Drain and crush the filters, recycle the oil and dispose of the filters as a special waste in any Class I Landfill;
- (3) Puncture and Hot Drain or Cold Drain & dispose of as special waste in a Subtitle D Landfill (Synthetic Liner);
- (4) Dispose of the filters as a hazardous waste.

#### Option 1:

To qualify for the scrap metal recycling exemption, free flowing oil must be removed from the filters through draining and crushing or disassembly of the filter prior to shipping to a metal recycler. Under the used oil recycling exemption, the physical processing of the filters (draining, crushing and/or transporting) is not subject to regulation under the hazardous waste regulations and may be conducted by the generator or by another party at a different location. If disassembled, the filter media must be mechanically compressed to remove all free flowing oil and the oil is collected for recycling. The generator then certifies that the filter element and gaskets are nonhazardous and all free flowing oil has been removed.

#### Option 2:

This option requires that non-terne plated used oil filters be drained and crushed before being landfilled and that the oil collected from draining and crushing the filter be recycled. Filters managed in this way are considered "special waste." Generators must certify that all free-flowing oil has been removed but does not require a TCLP by the generator. As with option 1, processors of used oil filters are not subject to hazardous waste regulation.

#### Option 3:

A statewide special waste approval is being granted for all used oil filters which are certified as nonhazardous and which have been punctured and hot drained for a minimum of 12 hours or cold drained for 24 hours. Hot draining is defined as draining the filter at near engine operating temperature and above 60 degrees Fahrenheit. Cold draining is defined as when the draining begins at a temperature when the oil and filter is at less than engine operating temperature. At least one hole must be punctured in the dome end of the filter and the dome end pointed downward while being drained. Filter should be double bagged in 3mm (garbage) plastic bags and tied at the loose end prior to disposal. The oil removed during draining must be collected and properly recycled. Processing of the filters is not subject to regulation under the hazardous waste regulations.

#### Option 4:

If a generator chooses not to recycle, crush, or puncture and hot or cold drain, then the filters are handled as a hazardous waste. Special waste approval will not be granted for filters that are not punctured and drained or drained and crushed. Any oil which drains from the filters must be disposed of as a hazardous waste if it is not recycled.

See "Used Oil Collection & Recycling Program Guide," available at:  
<http://www.state.tn.us/environment/swm/pdf/uoguide.pdf>

### State Battery Recycling and Fees

# Shop Fees

Retailers of lead acid batteries are required to accept used lead acid batteries in exchange for each new lead acid battery purchased by its customers. There is no mandatory state battery fee.

Tenn. Code Ann. § 68-211-608

## **Tire Recycling and Disposal (Including Fees)**

Storage and Processor facilities must have a permit. Whole tires have been banned from landfills since January 1, 1995. Effective in 2002, tire shreds are banned from landfills

Retail sellers of new tires must register with the tax commissioner and collect a mandatory state tire fee of \$1.35 per tire sold. Tires sold for delivery outside of the state are not subject to the fee. The fees are to be submitted along with return forms prescribed by the tax commissioner on a quarterly basis by the 25th day of the month immediately following the close of each calendar quarter. Sellers may deduct \$.10 per tire from the amount reported as a collection fee so long as payment is made on time.

Although counties are expressly prohibited from charging additional tire disposal fees, businesses are not expressly prohibited from marking-up the fee, charging additional disposal fees or including either in calculating shop fees.

Tenn. Code Ann. §§ 67-4-1603 et seq., 68-211-867

# Shop Fees

## Texas

### Filter Recycling and Disposal

The Texas rule provides cradle to grave management for used oil filters. Used oil filters are banned from Texas landfills. The generator must remove all free-flowing oil from the filter and make arrangements for filter removal and processing. Storage requirements - any person storing more than six 55-gallon drums or 330 gallons bulk of used oil filters must register with the TX Natural Resource Conservation Commission (TNRCC) as a used oil filter storage facility.

All persons operating filter storage facilities must demonstrate financial responsibility as approved by the TNRCC. Filters may not be stored on-site for more than 120 days transfer and storage, 90 day for processors and 10 days for transporters. Filters must be stored in a covered, rainproof container. The containers must be labeled "Used Oil Filters" in letters at least 3" high and must also be labeled with the owner's name and phone number.

General Transporter, Processor & Collection Center requirements - By January 25 of each year, each transporter, processor and operator of a collection center of used oil filters must register with the TNRCC Program and must report the previous year's volume of used oil filters, the names and locations of the storage facilities, processors, end users and/or disposal facilities, and the amounts shipped to the processors or end users.

Public Used Oil Filter Collection Center requirements: A generator (non-DIY) must ensure that all free-flowing oil is removed from the filter. The State does not require that used oil be removed in any specific way, it lists the following methods for removing used oil:

1. puncturing the filter anti-drain valve or the filter dome end and hot-draining;
2. hot-draining and crushing;
3. dismantling and hot-draining;
4. flushing; or
5. an equivalent method to remove free-flowing oil.

For filters accepted from the DIY, a generator or collection center shall remove the free-flowing oil to "the greatest extent feasible."

The operator of a collection center must keep copies of all used oil filter bills of lading for at least 3 years. For those that have collection centers that are unmanned they do not have the capacity to store 3 years' worth of paper on-site, other accommodations can be made. Collection center operators must arrange with registered transporters to transport the used oil filters to a registered processor, storage facility, disposal facility or end user.

Generators and operators of collection centers must ensure that each container is sealed for transportation and that a label that corresponds to the bill of lading is affixed to the container. These containers must also be labeled "Used Oil Filters" with letters at least 3" tall and must indicate who owns the container and the owner's phone number.

Collection centers may charge a reasonable fee to cover the cost of managing DIY used oil filters. Industrial used oil filters and used oil filters regulated by the Railroad Commission of Texas are not subject to these regulations. However, such oil filters may be delivered to a transporter, storage facility or processor for the purpose of recycling. Once such oil filters are delivered to a registered used oil filter handler for recycling, they then are managed under used oil filter regulations.

Tex. Health & Safety Code § 371.101 et seq. 30 TAC § 328.21 et seq.

### State Battery Recycling and Fees

# Shop Fees

Texas law requires sellers of lead acid batteries to collect a mandatory battery fee. The amount of the fee is \$2 if the battery has a capacity of less than 12 volts or \$3 if the battery has a capacity of 12 or more volts. Retailers must remit the fees (along with the Texas battery sales fee report) on a monthly basis unless the total collected is less than \$50 for a month or \$150 for a quarter. In such case, the fees must be submitted quarterly. In either case, the fees are due by the 20th day of the month following the reporting period in which they were collected. Retailers may retain \$.025 from each fee collected and must sign the return forms.

The fee must be stated as a separate item on invoices and identified as the "Texas battery sales fee." Therefore it cannot be marked-up or included in calculating shop fees.

## Exemptions

Battery sales are exempt from the above requirements if the batteries meet the following criteria:

- The ampere-hour rating of the battery is less than 10 ampere-hours;
- The sum of the dimensions of the battery (height, width, and length) is less than 15 inches; and
- The battery is sealed so that no access to the interior of the battery is possible without destroying the battery.

Notice (Tex. Health & Safety Code § 361.452-53)

Retailers must post a written notice at least 8.5" x 11" in size which contains the universal recycling symbol and the following language:

- "It is illegal to discard or improperly dispose of a motor-vehicle battery or other lead acid battery."
- "Recycle your used batteries." and
- "State law requires us to accept used motor-vehicle batteries or other lead acid batteries for recycling."

The State is responsible for producing, printing and distributing these notices.

Record Keeping (30 TAC § 328.17)

Retailers are also required to maintain a record of the number of lead acid batteries that are purchased, the number of used lead acid batteries traded-in and the number of lead acid batteries delivered to a disposal facility. These records must be kept for at least 3 years.

## Tire Recycling and Disposal (Including Fees)

If over 500 scrap tires are stored on public or private property, the site must be registered with the State and have a site identification number. All tires that are disposed of must be split, quartered or shredded.

Tex. Health & Safety Code § 361.112

# Shop Fees

## Utah

### Filter Recycling and Disposal

Utah follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13); U.A.C. R315-2-4(b)(14); U.A.C. R315-1.6

### State Battery Recycling and Fees

Retailers of lead acid batteries must accept up to used 2 lead acid batteries for every new battery purchased by customers. There is no mandatory state battery fee. Retailers must also post a clearly legible notice at least 8.5" x 11" in size which is visible to customers and states: "It is illegal under state law to discard a motor vehicle battery or other lead acid battery. You must recycle your used battery. State law requires us to accept up to two of your used lead acid batteries for recycling when you purchase a new lead acid battery."

You may take lead acid batteries for recycling to \_\_\_\_\_ (retailer to insert name of at least one facility near the retailer which is authorized to accept used lead acid batteries)."

Utah Code Ann. § 19-6-603

### Tire Recycling and Disposal (Including Fees)



# Shop Fees

Persons may not dispose of more than four whole tires at one time in a landfill or any other location in the state authorized by the executive secretary to receive waste tires. Waste tires may be disposed of in a landfill if:

- (1) the land fill is operated in compliance with the requirements of Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act;
- (2) the waste tire is shredded; and
- (3) the waste tire is stored in a segregated cell or other landfill facility that ensures that the disposed shredded waste tire is in a clean and accessible condition so that the waste tire may be reasonably retrieved and recycled at a future time.

All storage and processing facilities have to be licensed through by the state. Utah also has regulations pertaining to the method of storage, financial assurance, record retention and reporting requirements. (See R315-314-3 for more information). Waste tire transporters and recyclers must also register and comply with additional regulatory requirements.

Retailers are required to collect a post-tax tire recycling fee from customers who purchase new tires. The fee for each tire with a rim diameter up to and including 24.5 inches is \$1. The fee does not apply to recapped or resold used tires or to tires sold and delivered out of the state. The fees collected by retailers are to be paid quarterly at the same time and in the same manner as sales and used tax returns are filled. Payment must be accompanied by the prescribed form and should be made by the last day of the month following the calendar quarter. Tire retailers may retain 2.5% of the total amount collected as a collection fee.

Because the fee is collected post-tax, it cannot be included in calculating shop fees. However, there is no express prohibition against charging an additional tire disposal fee or including such a fee in calculating shop fees.

Utah Code Ann. § 19-6-801 et seq.; U.A.C. R865-19S-93, U.A.C. R315-314-1 et seq., U.A.C. R315-310-1 et seq.

# Shop Fees

## Vermont

### Filter Recycling and Disposal

Vermont exempts used oil filters from hazardous status if:

- (1) the filter does not exhibit a hazardous characteristic;
- (2) the filter is drained for at least 4 hours or is crushed and drained;
- (3) all drained oils are collected and managed as prescribed by regulation.

Once drained, used oil filters are considered solid waste and can be landfilled. The filters may be subject to local solid waste management requirements as determined by the local solid waste management district

### State Battery Recycling and Fees

Retailers of lead acid batteries must accept one used lead acid battery for every new battery purchased by customers. There is no mandatory state battery fee. Retailers must also post a clearly legible notice in bold print in the immediate vicinity where lead acid batteries are sold that states:

"It is illegal to discard lead acid batteries in Vermont's landfills. This store accepts used lead acid batteries for recycling, in exchange for new batteries being purchased."

10 V.S.A. § 6621c

### Tire Recycling and Disposal (Including Fees)

Although there is no legislation specific to tires, scrap tire management is addressed as part of other environmental legislation. Scrap tire transporters must have a permit. Since January 1, 1992, all tires have been banned from landfills. Landfills will be allowed to accept tires if the facility functions as a tire recycling facility or transfer station.

10 V.S.A. § 6621a

# Shop Fees

## Virginia

### Filter Recycling and Disposal

Used oil filters are NOT regulated as a hazardous waste if managed by one of the following methods:

- 1) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining
- 2) Hot draining and crushing
- 3) Dismantling and hot draining; or
- 4) Any other equivalent hot-draining method which will remove used oil.

Filters managed by one of these methods are still regulated as a solid waste subject to solid waste management regulations; however, they may be managed for scrap metal reclamation. (NOTE: Gasoline, diesel, air, transmission or other type filters are NOT included in the used oil filter exclusion. They may be excluded from potential HW regulation only if being recycled as scrap metal. Otherwise, the generator must determine if they meet a HW characteristic.)

40 CFR 261.4(b)(13); see also the Virginia Department of Environmental Quality at <http://www.deq.virginia.gov/tanks/disposal.html>

### State Battery Recycling and Fees

Retailers of lead acid batteries must accept used lead acid batteries from customers who purchase new lead acid batteries. However, there is no mandatory state battery fee. Additionally, retailers must post a written notice at least 8.5" x 11" in size which contains the universal recycling symbol and the following language:

- "It is illegal to discard a motor vehicle or other lead acid battery."
- "Recycle your used batteries."
- "State law requires us to accept used motor vehicle or other lead acid batteries for recycling, in exchange for new batteries purchased."

The State is responsible for producing, printing and distributing these notices.

Va. Code Ann. §§ 10.1-1425.2, 10.1-1425.3

### Tire Recycling and Disposal (Including Fees)

# Shop Fees

It is unlawful for any person to store, dispose of, speculatively accumulate or otherwise place more than 100 waste tires on public or private property, without first having obtained a permit. Violation of the permit requirement is a misdemeanor unless it involves 500 or more tires, in which case the violation is a Class 6 Felony. The permit requirement does not apply to the storage of less than 1,500 waste tires in a container at a convenience center or at a salvage yard licensed by the Department of Motor Vehicles, as long as the tires are not being speculatively accumulated.

Virginia law requires retailers of new tires to collect a mandatory state tire fee. Alternatively, the fee can be collected by a person who installs the new tire(s) pursuant to an agreement with a person who makes a retail sale of such tires, but does not collect the fee. The current amount of the fee is \$1 per new tire. However, beginning on July 1, 2011, the fee is reduced to \$.50 per new tire. The fees are to be collected by the Tax Commissioner in the same manner as the retail sales and use tax. Retailers are allowed to deduct 5% of the amount due if the return is made on time.

There is no express prohibition against charging an additional tire disposal fee or including either in calculating shop fees.

Va. Code Ann. §§ 58.1-641, 58.1-642, 10.1-1418.2

# Shop Fees

## Washington

### Filter Recycling and Disposal

Used oil filters are not considered hazardous waste if they are recycled as used oil and scrap metal. To prepare filters for recycling please follow these three steps:

- (1) invert filter onto its base end and puncture a hole in it's top;
- (2) drain the filter (about 24 hours) over a spill-proof container with a lid;
- (3) place the drained filter into a leak-proof container (coffee can with lid, sealable plastic bag or bucket) and take to a household hazardous waste collection facility (you may also bring the drained oil).

40 CFR 261.4(b)(13); WAC 173-303-071(3)(y); see also  
<http://www.clark.wa.gov/recycle/documents/Publications/web%20page%20oil%20filter.pdf>

### State Battery Recycling and Fees

Retailers of vehicle batteries are required to accept used batteries from customers purchasing new batteries. Retailers must also charge a mandatory state battery "core charge" (i.e. deposit) of no less than \$5 to customers who do exchange a used battery when purchasing a new one. This charge must be refunded if the customer returns a used battery within 30 days of the purchase. The core charge is not required if the buyer submits verifiable proof that the battery is needed for an original battery installation. Verifiable proof consists of a voucher issued by the seller of the vehicle containing the following information:

- Title, address and phone number of the retail establishment;
- A brief description of the vehicle or device sold within indication that a battery(s) was not included;
- Date of issuance;
- Name of the purchaser; and
- Signature of the sales agent.

Washington law also requires retailers to post a notice at least 8.5" x 11" in size which contains the universal recycling symbol and the following language:

- "It is illegal to put a motor vehicle battery or other vehicle battery in your garbage."
- "State law requires us to accept used motor vehicle batteries or other vehicle batteries for recycling, in exchange for new batteries purchased."
- "When you buy a battery, state law also requires us to include a core charge of five dollars or more if you do not return your old battery for exchange."

The notices must be posted in the main vehicle battery display area or other area clearly visible to battery purchasers and may be no lower than 4 feet and no higher than 7 feet from the floor. The State is responsible for producing, printing and distributing these notices.

Rev. Code Wash. §§ 70.95.630-.660; WAC §§ 458-20-272(3), 173-331-010 et seq.

### Tire Recycling and Disposal (Including Fees)

# Shop Fees

Tire may be disposed of only at property designated for the disposal of scrap tires. Persons storing 800 or more scrap tires or transporting scrap tires must register with the state. Tires may only be given to persons licensed to transport and/or store scrap tires. Washington also has regulations pertaining to the method of storage, operating requirements, groundwater monitoring, and financial assurance requirements.

Washington law requires retailers of new vehicle tires to collect a state tire fee of \$1 per tire on all sales of new tires until June 30, 2010. The fees are to be held in trust by the retailer and paid to the department of revenue via an excise tax return. Retailers may keep 10% from the total amount collected, but must pay sales tax on the amount retained. The mandatory state tire fee is not subject to sales tax. As such, it may not be included in calculating shop fees.

There is no express prohibition on charging an additional tire disposal fee or including such a charge in calculating shop fees.

Rev. Code Wash. §§ 70.95.500-.570; WAC §§ 458-20-272(2), 173-350-350

# Shop Fees

## West Virginia

### Filter Recycling and Disposal

West Virginia follows the federal guidelines for used oil filters. Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. West Virginia requires that used oil filters be hot-drained for 24 hours.

40 CFR 261.4(b)(13)

### State Battery Recycling and Fees

Retailers of lead acid batteries must accept used lead acid batteries from customers who purchase new lead acid batteries. However, there is no mandatory state battery fee. Additionally, retailers must post a written notice at least 8.5" x 11" in size which contains the universal recycling symbol and the following language:

- "It is unlawful to dispose of a lead acid battery in a W. Va. landfill."
- "Please RECYCLE your used batteries."
- "State rules require us to accept used or spent lead acid batteries for recycling in exchange for new batteries purchased from the dealer. Note: It is not necessary to exchange a used battery in order to purchase a new one."

The State is responsible for producing, printing and distributing these notices.

### Tire Recycling and Disposal (Including Fees)

# Shop Fees

Permits are required for the operation of a solid waste facility, waste tire monofill, waste tire processing facility, and the accumulation of waste tires by any other person. Waste tires may only be disposed of at facilities holding a valid permit for waste tire disposal. Open burning of waste tires is also prohibited.

There is a state tire disposal fee in West Virginia. However, unlike most other states, which assess the fee on the sale of each new tire, West Virginia imposes a \$5 tire disposal fee for each new certificate of title issued. As such, retailer sellers of tires have no fee collection obligations.

Retailers are required to accept waste tires from customers purchasing new tires. Additionally, customers purchasing new tires are required to provide a used waste tire to the retailer or sign a waiver, provided to the retailer by the State, acknowledging that he or she is retaining the waste tire and that he or she is legally responsible for proper disposal of the tire. Customers buying winter tires are permitted to retain usable summer tires for later installation without signing the waiver.

Retailers must also post in a conspicuous place a written notice at least 8.5" x 11" in size that contains the following statements:

- "State law requires us to accept your (old) waste tires for recycling or proper disposal if you purchase new tires from us."
- "State law authorizes us to charge you no more than the actual cost of disposal of your waste tires even if you do not leave your tires with us."
- "It is a crime to burn, bury, abandon or throw away waste tires without authorization and or permits from the Department of Environmental Protection."

This notice is to be furnished to the retailers by the State.

West Virginia law expressly permits retailers to charge an additional tire disposal fee. However, these fees are limited to the actual costs of lawful waste tire disposal. There is no express condition against including such a fee in calculating shop fees.

W. Va. Code §§ 22-15-21, 17A-10-16



# Shop Fees

## Wisconsin

### Filter Recycling and Disposal

Non-terne plated used oil filters can be treated as solid waste if they are not mixed with a listed hazardous waste and are gravity hot-drained using any one of the following methods:

- (1) puncturing the filter anti-drain back valve or the filter dome and draining for a recommended 12 hours; or
- (2) hot-draining and crushing the filter; or
- (3) dismantling and hot-draining; or
- 4) an equivalent hot-draining method which adequately removes used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. It is recommended that used oil filters be hot-drained for 12 hours.

40 CFR 261.4(b)(13), see also "Used Oil Filter Fact Sheet" (link in "Additional Resources Section" below)

### State Battery Recycling and Fees

Retailers of new lead acid batteries are required to accept used lead acid batteries from customers purchasing new batteries at no charge. Retailers may charge up to a \$5 deposit per battery if a used battery is not provided. This deposit must be refunded if the customer returns a used lead acid battery during normal business hours at any business location owned or operated by the retailer. There is no time limit for customers to return used batteries, but they must provide proof that they purchased a battery from the retailer.

Retailers must also accept used batteries from consumers who do not purchase new batteries. However, retailers are only required to accept 2 batteries from a person in one day and may charge a fee of up to \$3 per battery if the consumer did not purchase a new battery.

Additionally, retailers must display a notice provided by the State regarding the disposal of batteries. The notice must be 8.5" x 11" and contain the following information:

- That it is illegal to dispose of a motor vehicle battery or other battery in a landfill or incinerator;
- That batteries should be recycled; and
- That state law requires retailers to accept used batteries in trade and in some other instances.

Wis. Stat. § 287.18

### Tire Recycling and Disposal (Including Fees)

Disposal of waste tires in landfills is prohibited. The Wisconsin Department of Natural Resources has the authority to declare a tire dump a nuisance. However, the following entities are among those exempt from being considered a nuisance:

- (1) a retail business premises where tires are sold if no more than 500 waste tires are kept on the premises at one time;
- (2) the premises of a tire retreading business if no more than 3,000 waste tires are kept on the premises at one time;
- (3) a premises where tires are removed from motor vehicles in the ordinary course of business if no more than 500 waste tires are kept on the premises at one time.

Wis. Stat. §§ 287.07(3)(j), 289.55

# Shop Fees

## Wyoming

### Filter Recycling and Disposal

Non-terne plated used oil filters are exempt from hazardous waste regulation if the used oil filter is:

- a) punctured through its dome end or its anti-drain back valve and hot-drained; or
- b) hot-drained and crushed; or
- c) dismantled and hot-drained; or
- d) hot-drained using an equivalent method to remove used oil.

Terne is an alloy of lead and tin that was used in some heavy duty filters in the past. Hot-draining is defined as draining the oil filter at near engine operating temperature and above 60 degrees Fahrenheit. WY recommends that used oil filters be hot-drained for 12 hours prior to disposal. Wyoming encourages the recycling of both used oil filters and used oil.

40 CFR 261.4(b)(13); WCWR 020-110-002 Section 261.4(b)(13)(M).

### State Battery Recycling and Fees

Retailers of lead acid batteries must accept used lead acid batteries from customers who purchase new lead acid batteries. However, there is no mandatory state battery fee. Additionally, retailers must post a written notice at least 8.5" x 11" in size which contains the universal recycling symbol and the following language:

- "It is illegal to discard a motor vehicle or other lead acid battery."
- "Recycle your used batteries."
- "State law requires us to accept used motor vehicle or other lead acid batteries for recycling in exchange for new batteries purchased."

The State is responsible for producing, printing and distributing these notices.

Wyo. Stat. § 35-11-510

### Tire Recycling and Disposal (Including Fees)

Scrap tires are considered a solid waste in Wyoming. Scrap tires may be disposed of only in permitted municipal and industrial landfills.

For more information, see Wyoming Solid Waste Guideline # 21 (Standards for Scrap Tire Management), available at: <http://www.warws.com/documents/ScrapTires.pdf>



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