

**19-6-718 Limitations on liability of operator of collection center.**

- (1) Subject to Subsection (2), a person may not recover from the owner, operator, or lessor of a DIYer used oil collection center any costs of response actions at another location resulting from a release or threatened release of used oil collected at the center if the owner, operator, or lessor:
  - (a) operates the DIYer used oil collection center in compliance with this part and rules made under this part and the director upon inspection finds the center is in compliance with this part and rules made under this part;
  - (b) does not mix any used oil collected with any hazardous waste or PCBs or with any material that would render the resulting mixture as a hazardous waste;
  - (c) does not knowingly accept any used oil containing hazardous waste or PCBs;
  - (d) ensures the used oil is transported from the center by a permitted used oil transporter; and
  - (e) complies with Section 114(c) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended.
- (2)
  - (a) This section applies only to that portion of a used oil collection center used for the collection of DIYer used oil under this part.
  - (b) This section does not apply to willful or grossly negligent activities of the owner, operator, or lessor in operating the DIYer used oil collection center.
  - (c) This section does not affect or modify in any way the obligations or liability of any person other than the owner, operator, or lessor under any other provisions of state or federal law, including common law, for injury or damage resulting from a release of used oil or hazardous waste.
  - (d) For the purposes of this section, the owner, operator, or lessor of a DIYer used oil collection center may presume a quantity of not more than five gallons, except under Subsection (2)(e), of used oil accepted from a member of the public is not mixed with a hazardous waste or PCBs if:
    - (i) the oil is accepted in accordance with the inspection and identification procedures required by board rule; and
    - (ii) the owner, operator, or lessor operates the DIYer used oil collection center in good faith and in compliance with this part and rules made under this part.
  - (e) The owner, operator, or lessor of a DIYer used oil collection center may claim the presumption under Subsection (2)(d) for a quantity of more than five gallons but not more than 55 gallons, if the quantity received is:
    - (i) from a farmer exempted under Subsection 19-6-708(1)(b);
    - (ii) generated by farming equipment; and
    - (iii) handled in accordance with all requirements of this section.
  - (f) This section does not affect or modify the obligations or liability of any owner, operator, or lessor of a DIYer used oil collection center regarding that person's services or functions other than accepting DIYer used oil under this part.

Amended by Chapter 360, 2012 General Session