



# City of Cambridge

7.

IN CITY COUNCIL

December 18, 1989

COUNCILLOR WALTER J. SULLIVAN

ORDERED: That all items currently pending before the City Council with the exception of those items currently listed under "Unfinished Business" and not acted upon by the end of the 1989 legislative session be placed in the files of the City Clerk without prejudice, subject to recall by any member.

In City Council December 18, 1989.  
Adopted by the affirmative vote of nine members.  
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

Joseph E. Connarton, City Clerk.

C. Duehay

AN ORDINANCE TO PROMOTE THE RECYCLING OF USED MOTOR OIL IN THE CITY OF  
CAMBRIDGE

SECTION 1. Annual Reporting by Retailers of Automotive Lubricating Oil

A. Any person engaged in the retail sale of automotive lubricating oil shall file an annual report with the Cambridge License Commission. This report shall detail:

1. the total amount of automotive lubricating oil sold at each retail outlet during the previous calendar year;
2. the total amount of used motor oil accepted from the public at each retail outlet during the previous calendar year; and
3. a statement of how the accumulated used motor oil was recycled and/or otherwise handled.

B. The first such annual report shall be filed within 180 days of the passage of this ordinance. Subsequent annual reports shall be filed by January 31st of each year and shall provide the required information for the calendar year ending on the preceding December 31st. The License Commission shall provide the Massachusetts Department of Environmental Protection with copies of these annual reports.

C. Any person who fails to file a report as required by this section shall be subject to a fine of not more than one hundred dollars (\$100) for each day such violation occurs. The fines collected pursuant to this section shall be appropriated to the Cambridge License Commission to support the implementation of this section.

SECTION 2. Cambridge Oil Recycling Committee

A. Establishment There is hereby established in the City of Cambridge an Oil Recycling Committee, to meet initially within forty-five (45)

days after enactment of this ordinance and to serve for up to eighteen (18) months after the initial meeting.

B. Powers and Duties The Committee shall investigate and shall make recommendations to the City Council and the general public concerning the following matters:

- i. The type of local program which should be established by the City of Cambridge to ensure that its residents have an opportunity to recycle their used motor oil. Such investigation shall include a consideration of at least two options: (a) local enforcement of Massachusetts General Law Chapter 21, Section 52A, and (b) establishment of a municipal used oil collection program funded wholly or in part by the retailers of automotive lubricating oils in the City of Cambridge.
- ii. The feasibility and advisability of a pilot program involving the procurement and use of re-refined and/or synthetic lubricating oils in vehicles owned and operated by the City of Cambridge.
- iii. The feasibility and advisability of encouraging Cambridge Electric Light Company to establish a recycling program utilizing used motor oil as a fuel supplement.
- iv. Ways in which the Cities of Cambridge, Arlington, Belmont, Lexington, Lincoln, Medford, Somerville, Waltham, Watertown and Weston can cooperatively encourage the recycling of used motor oil.
- v. Whether there is a need for a continuing Used Oil Recycling Committee to function after the expiration of the interim committee.
- vi. Any other issues concerning used oil recycling which the Committee may deem in the best interest of the City of Cambridge to consider.

Reports of the Committee shall include specific recommendations for an ongoing process of public education, information and involvement as a central element of any actions to be taken.

C. Members; Reporting; Terms The Committee shall consist of nine (9) members. Six members shall be appointed by the City Manager. Of these six persons, two shall be representatives of the public knowledgeable in environmental affairs; one shall be a representative of the retailers of automotive lubricating oils in the City of Cambridge; and three (3) shall be from the public at large. If possible, one of the public-at-large members shall be a person knowledgeable in automotive engineering and one shall be a representative of an electric utility company. A seventh member shall be the Commissioner of Health and Hospitals or his or her designee. An eighth member shall be the Commissioner of Public Works or his or her designee. A ninth member shall be the Chairperson of the License Commission or his or her designee. Six (6) of the Committee members shall be citizens and residents of the City of Cambridge.

The Committee shall file interim reports to the City Council and the general public every six (6) months and shall file a final report within eighteen (18) months of the first regular meeting of the Committee.

The members shall serve until the filing of the Committee's final report. Any member so appointed may be removed at the discretion of the City Manager. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as the original appointment. Said members shall serve without compensation.

D. Meetings The Committee shall hold regular meetings and shall designate the time and place thereof. Notice of such meetings shall be forwarded to the City Clerk and shall be published in a local newspaper at least one week prior to the meeting. A simple majority shall constitute a quorum.

E. Officers The Committee shall from time to time designate a chairperson from among its members. The chairperson, or a member designated by him or her, shall preside at Committee meetings, and the chairperson or a majority of the members shall have the power to call emergency meetings.

The Committee shall elect such officers, subcommittees and task forces from among its members as they may from time to time deem necessary.

F. Cooperation with the Cambridge License Commission Upon request by the Committee, the Cambridge License Commission shall provide the Committee with copies of the annual reports filed by retailers pursuant to Section 1 of this ordinance.

G. Staff The Committee may utilize, by and with the approval of the City Manager, such assistants and experts as it deems necessary to carry out its functions and duties.

### SECTION 3. Illegal disposal of Used Motor Oil

A. No person shall dispose of used motor oil by abandoning it on any public or private property or by discarding it for disposal on the ground, in a sewer or storm drain, or in any commercial or residential rubbish or garbage; provided, however, that nothing in this section shall prohibit the disposal of empty used oil containers in commercial or residential rubbish or garbage.

B. Any person who violates any provision of this section shall be subject to a fine of not more than one hundred dollars (\$100) for the first offense, not more than two hundred dollars (\$200) for the second offense, and not more than three hundred dollars (\$300) for each subsequent offense. In addition thereto, the court may require that such person remove such used motor oil and have it properly disposed of or recycled at his or her own expense.

C. Any person observing a violation of this section may file a petition for issuance of a complaint pursuant to this section with the clerk of the district court having jurisdiction, and upon determining that probable cause exists therefor, such clerk shall issue such complaint.

D. Persons designated by the Commissioner of Health and Hospitals shall enforce this section of the ordinance.

SECTION 4. Severability

If any part or provision of this ordinance or the application thereof to any person, entity or circumstances shall be adjudged unconstitutional or invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application which is directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this ordinance or the application thereof to other persons, entities or circumstances.

Statement of Cambridge City Councillor Francis H. Duehay in Introducing two ordinance to protect the environment.

1. An Ordinance to Regulate Food and Beverage Packaging and to Promote Environmentally Acceptable Packaging
2. An Ordinance to Promote the Recycling of Used Motor Oil.

I am introducing this evening two proposed ordinances, each designed to protect our environment from a serious source of pollution. One addresses problems resulting from excessive packaging, especially in the food and beverage industry, and from the use of packaging materials that are environmentally damaging. The other ordinance addresses the improper disposal of used motor oil, which threatens our water supply.

By failing to address these problems we impose needless and unacceptable costs of disposal and cleanup on our citizens, we endanger their health, and we risk contamination and loss of our water supply. By taking action, on the other hand, we can save taxpayers' dollars and provide a secure and livable environment for the future.

I shall comment now on each of these ordinances in turn. I refer first to the packaging ordinance.

Our society is producing an ever-increasing mountain of waste, a growing proportion of which is generated by the food and beverage industry. Much food-and-beverage packaging is made of plastics and other environmentally damaging materials. Fifty percent of all supermarket items are packaged entirely in plastic.

According to a recent article in the New York Times plastics now constitute about 7% of the municipal solid waste stream by weight, up from 3% in 1970. However, they constitute a disproportionately large disposal problem because they take 30% of the space in landfills and they constitute 40 - 50% of our litter.<sup>1</sup>

10-30-79

Received at Rostrom  
JBF

Furthermore, when plastic packaging is placed in landfills it has been found to leach hazardous chemicals into groundwater. When it is burned in incinerators these chemicals escape into the air and remain in the ash.

By taking local action Cambridge will join a groundswell of activity to minimize and limit food and beverage packaging waste. Nearly 350 legislative initiatives have been taken at the federal, state and local levels to curb certain types of food and beverage packaging.<sup>2</sup>

The proposed ordinance would prohibit the sale of food or beverages not packaged in an "environmentally acceptable" manner. Items sold by Cambridge restaurants, grocery and convenient stores, schools and other retail food establishments would have to be packaged according to criteria established by an advisory committee. Such criteria might include biodegradability, returnability and recyclability.

The ordinance would go into effect October 1, 1991. Prior to that time the Advisory Committee would meet regularly and produce detailed recommendations. Those recommendations would form the basis for regulations to be promulgated by the Department of Health and Hospitals just before the ordinance is scheduled to go into effect.

The Advisory Committee, based on a highly successful model currently being used in Minneapolis, MN, is conceived as a broadly based group representing all affected sectors, whose consensus-based decisions would therefore be widely acceptable. The committee would include, for example, representatives from the restaurant and retail grocery business along with others from consumer and environmental groups.

---

1. John Holusha, "Doubts are Voiced on 'Degradable' Plastic Waste," New York Times, 25 October, 1989, D9.

The committee's mandate also includes support for public education and voluntary efforts towards "environmentally aware shopping" through establishment of an Environmental Practices Recognition Program.

The ordinance also provides exemptions where there are no commercially acceptable alternative types of packaging and for reasons of health and public policy.

I refer now to the used-motor-oil ordinance.

Oil is toxic to people, animals and plants, and used motor oil currently constitutes the largest single component of hazardous waste in the state.<sup>3</sup> The Department of Environmental Protection (DEP) estimates that Massachusetts residents generate 6.25 million gallons of used motor oil each year, and most of this oil is discarded improperly into the trash, down storm drains, and onto the ground. John DeVillars, Massachusetts Secretary of Environmental Affairs, says that such improperly discarded oil "has gummed up our sewage treatment plants, fouled our beaches, and further threatened public drinking water supplies."<sup>4</sup>

A survey by the Charles River Watershed Association showed that "two thirds of the towns and cities in the Charles River vicinity alone have uncovered pollution problems due to discarded motor oil."<sup>5</sup>

The Metropolitan Area Planning Council (MAPC) noted in June, 1989, that "... 40 communities [statewide] have lost water supplies to chemical or bacterial contamination, representing over 47 million gallons per day in capacity. Of those supplies contaminated, only about 25% have been restored to use through treatment or remediation. [In the MAPC region petroleum products and road salt constitute a major source of contamination, second only to volatile organic compounds.] Nearly every contamination incident docu-

mented has been caused by an inappropriate high-risk land use [near] a water supply source."<sup>6</sup>

Although Massachusetts General Law Chapter 21, Section 52A requires motor-oil retailers to accept used oil from their customers, it has not been enforced during the 16 years that it has been on the books. Moreover, it imposes requirements that customers bring proof of purchase and bring no more than two gallons when returning used motor oil to their retailers for recycling. These requirements pose serious impediments to consumer participation.

Local action is therefore needed. Leadership on this issue is especially important in Cambridge because we draw water from reservoirs located within five other towns as well as from the Fresh Pond Reservoir. Cambridge must show willingness to control illegal disposal of used motor oil within its own borders if it is to win the cooperation of Belmont, Lexington, Lincoln, Waltham and Weston where our reservoirs lie.

The proposed ordinance would overcome some limitations of the state law and establish a more comprehensive used-oil return program for Cambridge and its residents.

It provides first for annual collection from retailers of information about the sale, return and disposition of motor oil in the city. Such information is now lacking; once available, it will enable us to analyze and monitor the problem and to plan an appropriate response. When provided to DEP these data will also encourage the state to enforce Section 52A.

The ordinance establishes an Oil Recycling Committee to investigate ways in which Cambridge might promote and enforce the recycling of used motor oil, including possible centralized collection. Within 18 months the Committee will propose a compre-

hensive program for Cambridge, based on its investigations and data from the retailers' reports.

Finally, the ordinance makes disposal of motor oil by dumping it onto the ground, pouring it into a sewer or storm drain, or placing it in commercial or residential rubbish or garbage an infraction punishable by fine.

---

2. Ibid.

3. Daniel T. Sullivan, information from research conducted by Karen Jankowski for Charles River Watershed Association. Transcript from electronic bulletin board, July 14, 1988.

4. "Sellers of Oil Must Provide for its Return," article by Larry Tye, The Boston Globe, August 25, 1989.

5. Daniel T. Sullivan, Op. Cit.

6. Cambridge Reservoir Watershed Protection Plan: Technical Memo #3: Land Use, Potential Sources of Contamination, and Zoning, June, 1989, p. 1.

Comm. from Councillor Duehay transmitting two proposed amendments to the General Ordinances to be referred to the Ordinance Committee for hearing and report as follows:

1. ~~ORDINANCE TO REGULATE FOOD AND BEVERAGE PACKAGING AND TO PROMOTE ENVIRONMENTALLY ACCEPTABLE PACKAGING AND~~
- ② ORDINANCE TO PROMOTE THE RECYCLING OF USED MOTOR OIL.

*12/28/89. Plaus m file  
without prejudice.*

In City Council,

October 30, 1989

REFERRED TO THE ORDINANCE COMMITTEE  
FOR HEARING AND REPORT.

*Copy sent to Ord. Comm.  
10/31/89 (dw)*