TITLE 14: NATURAL RESOURCES
DIVISION 7. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
CHAPTER 8. USED OIL RECYCLING PROGRAM

Article 1. General Provisions and Definitions

Section 18600. Introduction.

~~For the purposes of this Chapter, both the question and answer in each section have regulatory effect for implementation and enforcement.~~ This Chapter has been adopted by the California Department of Resources Recycling and Recovery (CalRecycle) ~~Integrated Waste Management Board~~ pursuant to and for the purpose of implementing the California Oil recycling Enhancement Act, Sections 48600 through 48691 of the Public Resources Code. Nothing in this Chapter is intended to limit the authority of any other state or local agency in its proper exercise of regulatory authority over oil manufacturers, used oil haulers, or used oil recycling facilities.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Sections 48600, 48630, and 48680 of the Public Resources Code.

Section 18601. Definitions.

(a) In addition to the definitions provided in the Public Resources Code, the following definitions shall apply whenever the terms are used in this Chapter.

(1) "Act" means the California Oil Recycling Enhancement Act as described in Division 30, Part 7, Chapter 4 of the Public Resources Code

~~(2) "Annual report" means a report that is submitted to the Board by each grant recipient beginning on the first January 1 after receiving a block grant and on or before January 1 thereafter for the term of the grant agreement, and as defined in Section 48674 of the Public Resources Code.~~

(~~3~~2) "Anonymously donated" means delivered to a used oil collection center under circumstances which prevent identification of the generator, such as delivery after hours.

~~(4) "Block grant" means an award of funds from the California Used Oil Recycling Fund to a local agency which is based on the evaluation of an applicant's used oil collection program submitted pursuant to Section 48690 of the Public Resources Code.~~

~~(5) "Block grant account" means monies available for block grants to local governments as described in Section 48653(a)(4) of the Public Resources Code.~~

~~(6) "Board" means the California Integrated Waste Management Board.~~

(3) “CalRecycle” means the California Department of Resources Recycling and Recovery.

DRAFT

(~~7~~4) "~~CIWMB~~ CalRecycle Oil manufacturer registration number" means the registration number provided by ~~the Board~~ CalRecycle or its designee to all oil manufacturers. All oil manufacturers must obtain a registration number from ~~the Board~~ CalRecycle prior to submitting reports to ~~the Board~~ CalRecycle.

(~~8~~5) "Curbside collection program" means a service which collects or provides collection opportunities for used oil from households on a monthly or more regular basis, and which may collect other recyclable materials, including but not limited to newspaper, glass containers, aluminum cans, and bi-metals.

(~~9~~6) "Department" means the Department of Toxic Substances Control.

(~~10~~7) "Fee" means the $0.~~16~~24 per gallon fee that oil manufacturers must pay to ~~the Board~~ CalRecycle for each gallon of lubricating oil sold, and the $0.12 per gallon fee that manufacturers pay to CalRecycle for each gallon of rerefined lubricating oil sold, pursuant to Section 48650~~(a)~~ of the Public Resources Code.

(~~11~~8) "Fiscal year" means the year commencing on July 1 and ending on June 30 of each year.

(~~12~~9) "Generator" means any entity which generates used oil or causes a used oil hauler to transport such oil.

(~~13~~10) "Generator category" includes:

(A) Collection station (i.e., service station, shop, garage, recycling center, curbside recycling operation)

(B) Industrial source

(C) Marine source

(D) Agricultural source

(E) Governmental source

(F) Outside California

(G) Other Haulers

~~(14) "Grant agreement" means the written document, and any amendment(s) and written change orders thereto, which is signed by the Board or by its designated representative and the grant recipient, which defines the terms, provisions and conditions governing a block grant.~~

~~(15) "Grant recipient" means the local agency which receives a block grant from the Board.~~

~~(16) "Grant year" means the time period in which the grant application submittal, evaluation, selection, and award distribution will occur. The time period will begin on the first day of July in one year and end on June 30 of the next calendar year.~~

(~~17~~11) "Incentive claim~~/report~~" means the formal request for payment of incentive fees on used lubricating oil ~~either used to generate electricity by an electric utility, or~~ transported by a used oil hauler to a certified used oil recycling facility or to an out-of-state facility registered with the U.S. EPA and in compliance with the regulations

DRAFT

of the state in which the facility is located. The incentive claim/report is designed to satisfy the report requirements described in Public Resources Code Section 48670.

(~~18~~12) "Industrial oil", as it is defined in Public Resources Code, Section 48616, includes, but is not limited to, any compressor, turbine, or bearing oil, hydraulic oil, metal-working oil, or refrigeration oil. Industrial oil does not include dielectric ~~d-electric~~ fluids.

(~~19~~13) "Internal combustion engine" includes engines powered by gasoline, methanol, alcohol fuels, diesel, compressed natural gas, propane, or butane.

(~~20~~14) "Local agency" means a public entity which is a city, county, or district, or any political subdivision but not the State.

(~~21~~15) "Lubricating oil", as it is defined in Public Resources Code, Section 48618, includes any oil which is intended for use in machinery powered by an internal combustion engine. Lubricating oil includes oil intended for use in an internal combustion engine crankcase, transmission, gearbox, or differential in an automobile, bus, truck, vessel, plane, train, heavy equipment, or other machinery powered by an internal combustion engine. Lubricating oil also includes consumer additives which are intended to be mixed with lubricating oils in an internal combustion engine and synthetic lubricating oils. Lubricating oil does not include oil intended for use in a 2-cycle engine where the oil is entirely consumed during usage.

(16) “Lubricating oil seller” means an entity that sells lubricating oil in California.

(~~22~~17) "Manifest" means a uniform hazardous waste manifest as defined in Section 25160 of the Health and Safety Code, which is hereby incorporated by reference.

(~~23~~18) "~~Modified~~ Manifest Receipt" means the receipt completed for each generator and attached to the manifest pursuant to ~~Section 25250.8(b)(3) and (4)~~ 25160.2 of the Health and Safety Code, which is hereby incorporated by reference.

(~~24~~19) "Must" means a provision is mandatory.

(~~25~~20) "Oil manufacturer" as it is defined in Section 48619 of the Public Resources Code, means the first person or entity in California to take title to lubricating or industrial oil for sale, use or transfer in California. For purposes of this chapter a person or entity who first takes title to lubricating or industrial oil from an out-of-state entity, for purposes of sale or distribution, is the oil manufacturer.

(~~26~~21) "Operator" means the person or entity responsible for the handling and collection of used oil at a certified used oil collection center, curbside collection program, private business, state or local governmental agency, nonprofit organization, or electric utility.

(~~27~~22) "Patron" means the person or entity delivering used oil to a certified collection center for storage and transportation to a recycling facility.

(~~28~~23) "Quarter" means a three month period during a calendar year. For each year, the first quarter commences January 1 and ends March 31, the second quarter commences April 1 and ends June 30, the third

DRAFT

quarter commences July 1 and ends September 30, and the fourth quarter commences October 1 and ends December 31, all inclusive.

(~~29~~24) "Recycling incentive" means the amount ~~the Board~~ CalRecycle pays for each quart of lubricating oil recycled, to every industrial generator, curbside collection program, or certified used oil collection center~~, or electric utility pursuant~~ to Sections 48651(a) and (b) of the Public Resources Code.

(~~30~~25) "Regional" means any geographic area which includes two or more local agencies.

(26) "Rerefining Incentive," means the amount CalRecycle pays to a certified rerefining facility for each quart of lubricating oil rerefined pursuant to Section 48651.5(a) of the Public Resources Code.

(~~31~~27) "Used lubricating oil generated by a certified used oil collection center" means used lubricating oil generated on-site by the certified used oil collection center. It does not include used oil generated by an entity other than the center, except used oil delivered by the public in quantities of no more than 20 gallons per person per day.

(~~32~~28) "Used oil collection program" means a program undertaken by a local agency to encourage the collection, recycling, and proper disposal of used oil generated at households. A used oil collection program includes, but is not limited to, integration of used oil collection into an existing curbside collection program, household hazardous waste program, and a public education and awareness program to promote opportunities for, and to educate the public as to the benefits from, the recycling of used oil.

(~~33~~29) "Used oil storage facility" means a hazardous waste facility which stores used oil, as defined in Section 25123.3(a) of the Health and Safety Code.

(~~34~~30) "Used oil transfer facility" means a hazardous waste transfer facility that either stores used oil for periods greater than 144 hours, or that transfers used oil from one container to another as defined in Section 25123.3(c) of the Health and Safety Code.

(~~35~~31) "U.S. EPA" means the United States Environmental Protection Agency.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

48601, 48616, 48618, 48619, 48620.2, 48651, 48651.5, 48660, 48670, 48671, ~~48674~~, 48690, and 48691, of the Public Resources Code.

Article 2. General Recordkeeping Requirements

Section 18610. Scope and Applicability.

The regulations contained in this Article set forth recordkeeping requirements with which oil manufacturers, used oil haulers, and operators of used oil recycling facilities must comply.

Note:

DRAFT

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Sections 48631(d), 48671, 48672, and 48673 of the Public Resources Code.

Section 18611. ~~Will the Board examine my books and records to determine whether I comply with these regulations?~~ Inspection of Books and Records.

(a) ~~Yes. The Board~~ CalRecycle, or persons authorized by ~~the Board~~ CalRecycle, may conduct examinations of the books and records of oil manufacturers, used oil haulers, and operators of used oil recycling facilities, for the purposes of determining compliance with the provisions of the Act. Nothing herein shall limit the authority of ~~the Board~~ CalRecycle pursuant to the Act to audit, examine, review, inspect, or otherwise determine the compliance of any person with the Act.

(b) An examination is a review or inspection of any books or records or other documentation of sales or transfers of new or used lubricating or industrial oil. Such reviews may include verification of measurements or procedures regarding reporting, payments and other activities related to the Act.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Sections 48657, 48671, 48672, and 48673 of the Public Resources Code.

Section 18612. ~~Are the reports and information that I submit to the Board public documents?~~ Proprietary or Confidential Information Submitted to CalRecycle.

(a) All information obtained by ~~the Board,~~ CalRecycle or persons authorized by ~~the Board~~ CalRecycle may be disclosed to the public upon request, unless the information is exempt from disclosure pursuant to the Act, the Public Records Act (Government Code Section 6250 et. seq.), or other applicable law. Information exempt from public disclosure may include, but is not limited to, proprietary information concerning specific sales or purchases of new or used lubricating or industrial oil; market reports; personal financial data; and trade secrets which the reporter has requested not be publicly disclosed.

(b) ~~If you believe that a~~Any information submitted to ~~the Board~~ CalRecycle that is believed to be ~~is~~ a trade secret, ~~you~~ must be identified~~y this information~~ at the time of submission. Any information not identified ~~by you~~ as a trade secret shall be made available to the public, unless exempted from disclosure by another provision of law.

(c) Regarding trade secrets, ~~the Board~~ CalRecycle shall determine whether any or all of the information has been properly identified as a trade secret.

DRAFT

(d) Upon receipt of a written request for records pertaining to information obtained by ~~the Board~~ CalRecycle pursuant to this Chapter, ~~the Board~~ CalRecycle shall determine whether the requested information is exempt from disclosure.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48675 of the Public Resources Code.

Go to Top

Section 18613. ~~Articles 3, 4, and 5 of this Chapter describe specific records that I must maintain. How must I maintain these records?~~ Recordkeeping Procedures for this Chapter.

Any records which ~~you~~ are required to maintain pursuant to this Chapter or the Act must be kept in accordance with the following provisions:

(a) ~~You must give the Board~~ CalRecycle must be given notice of the location of applicable ~~your~~ records on or before November 30, 1992. Notice of any change in location, or intent to establish a new location of such records, must be provided no less than 10 days prior to any change in location or establishment of a new location. Notice shall mean written notice stating the name of the business entity, the complete present and potential future addresses of the location of the records, if applicable, and the names and telephone numbers of the individuals responsible for such records.

(b) Oil manufacturers must maintain records for at least four years. Used oil haulers and used oil recycling facilities must maintain records for at least three years.

(c) All records maintained pursuant to this Chapter must include the books of account that are ordinarily maintained by the average prudent business person engaged in the same activity, together with all bills, receipts, invoices, manifests, cash register tapes, or other documents of original entry supporting the entries in the books of account. An Automatic Data Processing (ADP) system must have built into its program a method of producing visible and legible records which will provide the necessary information to determine compliance with the requirements of this Chapter.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Sections 48657, 48671, 48672, and 48673 of the Public Resources Code.

Section 18614. ~~Articles 3, 4, and 5 of this chapter contain specific reporting requirements. How do I submit reports, notices and applicable supporting documents to the Board?~~ Submittal of Reports,

DRAFT

Notices, and Applicable Supporting Documents.

(a) Except where specifically provided otherwise, any reports and notices must be prepared and submitted in the form designated by ~~the Board~~ CalRecycle. Oil manufacturer reports must include the information specified in Section 18622 of this Chapter. Used oil hauler reports must include the information specified in Section 18634 of this Chapter. Operators of used oil recycling facilities must include the information specified in Section 18642 of this Chapter. Only notices and reports containing such information and bearing an original signature pursuant to (c)(4), below, will be acceptable.

(b) Reports, notices and applicable supporting data must be accurate, complete and typed or legibly handwritten in English.

(c) All reports to ~~the Board~~ CalRecycle must contain all of the following information:

(1) The full name, mailing address and street address, and identification number of the person preparing the report;

(A) For used oil hauler and used oil recycling facility reports, the identification number will be the U.S. EPA Identification number.

(B) For oil manufacturer reports, the identification number will be the Oil Recycler Fee Permit Number as issued by ~~the Board~~ CalRecycle or its representative.

(C) If an entity preparing the report has no EPA Identification number or Oil Recycler Fee Permit Number, an identification number must be obtained from ~~the Board~~ CalRecycle upon written request.

(2) The name and telephone number of a contact person for purposes of the report;

(3) The reporting period, if applicable, and date of preparation of the report;

(4) The signature and title of the representative of the entity authorized to prepare the report. The signature block must state that the information in the report is correct to the best knowledge and belief of the person submitting the report;

(5) The date of signing of the report.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Sections 48671, 48672 and 48673 of the Public Resources Code.

Go to Top

Section 18614.1 ~~What if my report does not contain all of the information required by Section 18614 of this Article?~~ Reports Missing Information Required by Section 18614 of this Article.

DRAFT

~~The Board~~ CalRecycle will reject ~~your~~ a report if it fails to comply with the reporting requirements of Section 18614. Any such rejection shall not extend any applicable due date or time period.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Sections 48671, 48672, and 48673 of the Public Resources Code.

~~Section 18615. When are reports due to the Board?~~ ~~Report Due Dates.~~

~~Report due dates are discussed in this Chapter as follows: in Section 18622 for oil manufacturers, Section 18634 for used oil haulers, and Section 18642 for used oil recycling facilities.~~

~~**Note:**~~

~~***Authority cited:***~~

~~*Sections 40502 and 48641, of the Public Resources Code*~~

~~***Reference:***~~
~~*Sections 48650(a), 48671, 48672, and 48673 of the Public Resources Code.*~~

Section 18616. ~~On what date is a report, complaint, payment, notice or other information considered to be submitted to the Board?~~ Submittal Dates for Reports, Complaints, Payments, Notices, and Other Information.

Reports, complaints, payments, notices and other information will be considered submitted to ~~the Board~~ CalRecycle on the postmarked date if deemed complete by ~~the Board~~ CalRecycle.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:
Sections 48650(a), 48671, 48672, and 48673 of the Public Resources Code.

Article 2.1 Recordkeeping, Auditing, and Administrative Actions for Entities Claiming Recycling Incentives

Section 18619.1. Scope and applicability.

The regulations contained in this Article set forth recordkeeping requirements with which certified used oil collection centers, industrial generators, and curbside collection programs~~, and electric utilities~~ wishing to claim recycling incentives must comply.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

DRAFT

Reference:

Section 48631(d), 48660, 48670, and 48680 of the Public Resources Code.

Section 18619.2. ~~Will the Board examine my books, records, and operations to determine whether I am in compliance with the program requirements?~~ Inspection of Books, Records, and Operations for Compliance.

(a) ~~Yes.~~ An operator of a certified or registered program shall provide access to ~~the Board~~ CalRecycle or persons authorized by ~~the Board~~ CalRecycle for any one or all of the following purposes:

(1) To determine compliance with the provisions of the Act and this Chapter;

(2) To determine the accuracy of any information provided to ~~the Board~~ CalRecycle;

(3) For the investigation of complaints related to compliance with the provisions of the Act and this Chapter; or

(4) To inspect any records required by the Act or this Chapter.

(b) An applicant for certification or registration shall provide access to ~~the Board~~ CalRecycle or persons authorized by ~~the Board~~ CalRecycle for the purposes listed in subparts (a)(1), (a)(2), and (a)(4) of this Section.

(c) Failure to provide access, as required, may result in one or more of the following:

(1) Denial of a pending application;

(2) Cancellation of a certification or registration, or denial of a recertification request;

(3) Legal actions pursuant to Public Resources Code Section 48680;

(4) Recoupment of monies previously paid by ~~the Board~~ CalRecycle, which were the subject of the inspection; or

(5) Rejection of incentive claims made to ~~the Board~~ CalRecycle.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48631(d), 48660, 48670, and 48680 of the Public Resources Code.

Go to Top

Section 18619.3. ~~How must records be maintained to satisfy the requirements of this Chapter?~~ Maintenance of Records for the Requirements of this Chapter.

(a) Any records which ~~you~~ are required to be maintained pursuant to this Chapter or the Act must be kept in accordance with the following provisions:

DRAFT

(1) ~~You must give the Board~~ CalRecycle must be given notice of the location of applicable ~~your~~ records on or before April 1, 1993, or upon certification or registration pursuant to Articles 6 and 6.1 of this Chapter, respectively. "Notice" of any change in location, or intent to establish a new location of such records, must be provided no less than ten (10) days prior to any change in location or establishment of a new location. "Notice" shall mean a written notice stating the name of the business entity, the complete present and potential future addresses of the location of the records, if applicable, and the names and telephone numbers of the individual(s) responsible for such records.

(2) Records must be retained for at least three years.

(3) All records maintained pursuant to this Chapter must include the books of account that are ordinarily maintained by the average prudent business person engaged in the same activity, together with all bills, receipts, invoices, manifests, cash register tapes, or other documents of original entry supporting the entries in the books of account. If records are maintained in an Automatic Data Processing (ADP) system, it must have built into its program a method of producing visible and legible records which will provide the necessary information to determine compliance with the requirements of this Chapter.

(4) All records maintained pursuant to this Chapter shall be suitable for examination. Records satisfy this standard when they are prepared and retained in accordance with generally accepted accounting principles and good business practice.

Note:

Authority cited:

Sections 40502 and 48651 of the Public Resources Code.

Reference:

Sections 48631 (d), 48660, 48670, and 48680 of the Public Resources Code.

Go to Top

Section 18619.4. ~~Are the reports and information that I submit to the Board public documents?~~
Proprietary or Confidential Information Submitted to CalRecycle.

(a) All information obtained by ~~the Board~~ CalRecycle, or persons authorized by ~~the Board~~ CalRecycle, may be disclosed to the public upon request, unless the information is exempt from disclosure pursuant to the Act, the Public Records Act (Government Code Section 2650 et. seq.), or another applicable law. Information exempt from public disclosure may include, but is not limited to: proprietary information concerning specific sales or purchases of new or used lubricating or industrial oil; market reports; personal financial data; and trade secrets, as defined in the Public Resources Code, which the reporter has requested not be publicly disclosed.

(b) ~~If you believe that a~~Any information submitted to ~~the Board~~ CalRecycle that is believed to be a trade secret, ~~you~~ must be identified~~y~~ ~~this information~~ at the time of submission. Any information not identified ~~by you~~ as a trade secret shall be made available to the public, unless exempted from disclosure by another provision of law.

(c) Regarding trade secrets, ~~the Board~~ CalRecycle shall determine whether any or all of the information has been properly identified as a trade secret.

(d) Upon receipt of a written request for records pertaining to information obtained by ~~the Board~~ CalRecycle pursuant to this Chapter, ~~the Board~~ CalRecycle shall determine whether the requested information is exempt from disclosure.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48675 of the Public Resources Code.

Section 18619.5 ~~What happens if my certified or registered used oil collection program is not in compliance with the requirements of the Act or of this Chapter?~~ Non-compliance of Certified or Registered Used Oil Collection Programs.

Violations of the Act or of any regulation contained in this Chapter may be subject to the provisions of Section 48680 of the Public Resources Code.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48631(d), 48660, and 48680 of the Public Resources Code.

Article 3. Oil Manufacturers and Lubricating Oil Sellers

Section 18620. Applicability.

In addition to the general requirements of this Chapter, oil manufacturers and lubricating oil sellers must comply with the provisions of this Article.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48671 of the Public Resources Code.

Section 18621. ~~As an oil manufacturer, what records am I required to maintain?~~ Oil Manufacturer Recordkeeping Requirements.

~~Beginning May 1, 1992, you~~ Oil manufacturers must maintain records of all industrial oil sold in California and all lubricating oil sold in California which is not exempt from payment of the fee pursuant to Section 48650 of the Public Resources Code. Records must include:

DRAFT

(a) The amount, in gallons, of lubricating oil sold monthly;

(b) The amount, in gallons, of industrial oil sold monthly~~.~~;

(c) The amount, in gallons, of finished lubricant containing at least 70% rerefined base lubricant

(1) Oil manufacturers paying the reduced fee for finished lubricants containing rerefined base lubricant shall maintain documentation demonstrating that the oil sold meets the 70% requirement as described in Section 18622(d)(2).

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Sections 48650 and 48671 of the Public Resources Code.

Section 18622. ~~As an oil manufacturer, what reports must I submit to the Board?~~ Oil Manufacturer Reports.

All oil manufacturers must prepare and submit to ~~the Board~~ CalRecycle a report in accordance with the general requirements for reporting contained in section 18614 of this Chapter.

~~(a) You must submit a report for the period between May 1, 1992, and September 30, 1992, which includes:~~

~~(1) The amount, in gallons, of lubricating oil sold monthly in California;~~

~~(2) The amount, in gallons, of industrial oil sold monthly in California.~~

~~This report is due to the Board by January 31, 1993.~~

~~(b) For the quarter beginning October 1, 1992, and each following quarter, you~~ Each quarter, manufacturers must submit reports which include:

(~~1~~a) The amount, in gallons, of lubricating oil sold monthly in California;

(~~2~~b) The amount, in gallons, of industrial oil sold monthly in California;

(c) The amount, in gallons, of finished lubricating oil containing at least 70% rerefined base oil sold monthly in California;

(d) The amount, in gallons, of finished industrial oil containing at least 70% rerefined base oil sold monthly in California; and

(~~3~~e) The total amount of fees due pursuant to Section 48650 of the Public Resources Code.

DRAFT

~~(A) You must calculate t~~The total amount of fees due must be calculated by ~~multiplying the number of gallons of lubricating oil sold during the quarter by $0.16 per gallon~~ subtracting exemptions from the fee calculated based on total sales of lubricating oil.

(1) The fee calculated based on total lubricating oil sales must be calculated by the following procedure:

(A) Multiply the number of gallons of lubricating oil sold during the quarter that does not contain at least 70% rerefined base lubricant by $0.24 per gallon;

(B) Multiply the number of gallons of lubricating oil sold during the quarter that contains at least 70% rerefined base oil by $0.12 per gallon.

(i) A minimum of 70% of the base oil portion of a finished lubricant must be rerefined oil in order to qualify for the $0.12 per gallon fee as described in Section 48650(c) of the Public Resources Code.

(ii) Oil manufacturers paying the reduced fee for finished lubricants containing rerefined base lubricant shall identify to CalRecycle what facility produced the rerefined base oil that was used in their finished lubricants.

(2) The amount of exemptions must be calculated by the following procedure:

(A) Indicate the number of gallons of oil that are exempt per PRC Section 48650(a)(1)-(5), by category;

(B) Multiply the number of exempt gallons of lubricating oil sold during the quarter that do not contain at least 70% rerefined base lubricant by $0.24 per gallon;

(C) Multiply the number of exempt gallons of finished lubricating oil sold during the quarter that contains at least 70% rerefined base oil by $0.12 per gallon

Reports must be submitted to ~~the Board~~ CalRecycle on or before the last day of the month following each quarter, as defined in Section 18601 of this Chapter. For example, lubricating oil sold during the quarter commencing October 1 and ending December 31 must be reported by January 31.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Sections 48650~~(a) and (b)~~ and 48671 of the Public Resources Code.

Go to Top

Section 18623. ~~What date is considered the date of sale?~~ Date of Sale.

The date of sale of lubricating or industrial oil is the date of receipt by the purchaser, as evidenced by an invoice.

Note:

DRAFT

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48650~~(a) and (b)~~ of the Public Resources Code.

Section 18624. ~~How should payments be made to the Board and when are they due?~~ Payment of Manufacturers' Fees to CalRecycle.

(a) All payments made pursuant to Sections 48650(a), ~~and~~ (b), (c) and (d) of the Public Resources Code must accompany the report submitted pursuant to Section 18622 of this Chapter. Payments received after the due date of this report shall be deemed late.

(1) If a payment is deemed late, interest shall be added to the amount due pursuant to the procedures of Section 55061(a) of the Revenue and Taxation Code.

(2) If a late payment is found to have been occasioned by negligence or intentional disregard of the Act or this Chapter, a penalty of 10 percent of the amount due shall be added, plus interest as provided in subsection (1).

(b) All payments must be reported and recorded in currency of the United States of America ("U.S. dollars"). All payments to ~~the Board~~ CalRecycle must be made in U.S. dollars and made by either check, draft, credit card, electronic payment, money order or cashier's check payable to the State of California, ~~Integrated Waste Management Board~~ Department of Resources Recycling and Recovery or an entity designated by ~~the Board~~ CalRecycle to collect payments.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Sections 48650~~(a) and (b)~~ and 48671 of the Public Resources Code~~.~~ and Section 55061 of the Revenue and Taxation Code.

Section 18625. ~~How do I notify those who purchase lubricating oil from me that the fee has been paid?~~ Lubricating Oil Seller Requirements.

~~You~~

(a) Lubricating oil sellers must inform ~~your~~ their customers that the fee has been paid by one of the following methods:

(~~a~~1) A sales invoice or a contract which clearly states that the fee is included in the invoiced or contracted amount;

(~~b~~2) Documentation showing that the fee has been paid to ~~the Board~~ CalRecycle.

(b) Lubricating oil sellers shall provide the following information to their customers for each sale that is 100 gallons or greater in volume:

DRAFT

(1) The name of the entity that paid the initial oil fee to CalRecycle for the volume of oil that is being sold; and

(2) The year and quarter in which the initial fee was paid to CalRecycle.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48650~~(a) and (b)~~ of the Public Resources Code.

Go to Top

Article 3.1. Exemptions

Section 18626. Exemption Certificates.

(a) Scope and Applicability. All sales or transfers of lubricating oil in the state by an oil manufacturer are subject to the oil recycling fee unless exempted.

(b) Exemption from Responsibility for the Oil Recycling Program Fee. A seller is exempt from responsibility for the oil recycling fee when the purchaser certifies in writing, in a timely manner, to the seller that the lubricating oil purchased will be used in an exempt manner as provided in PRC section 48650. To be considered timely, an exemption certificate shall be given:

(1) At any time before the seller bills the purchaser for the lubricating oil; or

(2) At any time within the seller's normal billing and payment cycle; or

(3) Any time at or prior to delivery of the subject oil to the purchaser.

Exemption certificates are valid until there is a change in the use of the oil as described in the certificate. The purchaser is responsible for submitting a revised exemption certificate prior to any change in use of the oil purchased.

(c) Liability for the Fee for Other Uses.

If a purchaser certifies in writing to a seller that the lubricating oil purchased will be used in an exempt manner, as provided in PRC section 48650 (b), and instead uses the lubricating oil in some other manner which is not exempt, the purchaser shall be liable for payment of the oil recycling fee as if the purchaser were the first person or entity to take title to the lubricating oil for sale, use, or transfer in this state. The fee will apply at the time of the sale, use or transfer by the purchaser.

(d) Form of Exemption Certificates.

(1) All purchasers qualifying for an exemption must provide certification as follows:

(A) the name and address of the purchaser;

DRAFT

(B) the purchaser's ~~CIWMB~~ CalRecycle oil manufacturer registration number;

(i) if the purchaser is not required to hold an oil manufacturer registration number, a statement to that effect and the reasons;

(C) a description of the lubricating oil purchases associated with the certificate, including the number of gallons;

(D) a statement describing the exempt use of the lubricating oil pursuant to the exemptions described in PRC section 48650(b);

(E) date;

(F) signature of the purchaser.

~~(2) Submission to the Board of form CIWMB 36 "State of California Oil Recycling Program Fee Exemption Certificate" (rev. 11/94), which is incorporated herein by reference, will satisfy the requirements of part d(1), above. (See Appendix A.)~~

(e) "Qualified" Fee Exemption Certificates.
Purchasers may issue "Qualified" Fee Exemption Certificates if a portion of the total oil purchased is to be used in an exempt manner. In these cases, the ~~CIWMB~~ CalRecycle Fee Exemption Certificate form requires that a purchase order be attached. Each purchase order must indicate that the oil is purchased for exempt use. If a purchase order does not so specify, it will be presumed that the oil purchased is to be used in a nonexempt manner, and is subject to the fee.

(f) Untimely Exemption Certificates.
An exemption certificate which is not issued in a timely manner is not retroactive, and will not relieve the seller of the responsibility for the fee, unless the seller presents satisfactory evidence that (1) the specific oil was used in an exempt manner or (2) that the fee was paid to the state by the purchaser.

(g) Good Faith.
A seller will be presumed to have been issued a certificate in good faith in the absence of evidence to the contrary. A seller will not be relieved of the responsibility for the oil recycling fee if it knew, or should have known, that the lubricating oil would not be used by the purchaser in an exempt manner.

(h) Penalties for Improper Use of an Exemption Certificate.
Civil penalties, as described in Public Resources Code (PRC) section 48680, may be assessed if there is unauthorized issuance or use of an Exemption Certificate.

Note:

Authority cited:
Sections 40502 and 48641 of the Public Resources Code.

Reference:
Sections 48650 and 48680 of the Public Resources Code.

DRAFT

Go to Top

Section 18627. Refund of Lubricating Oil Payment.

(a) Any person who has made the lubricating oil payment on oil which is later sold or used for an exempt purpose pursuant to PRC section 48650, may request a refund. For this chapter, an exempt purpose shall include lubricating oil that is subsequently sold to an agency of the Federal Government and on which the payment was not made by that agency. The request for a refund must include the information in Section 18613 of this chapter. as well as the following information:

(1) The volume of oil that the refund is being requested for, including the volumes of both rerefined lubricating oil and non-rerefined lubricating oil;

(2) The total dollar amount of the refund being requested;

(3) Proof that the person filing the refund claim has paid the fee on the oil that is on the refund claim;

(4) Proof that the oil is fee exempt and that the fee was not applied to subsequent sales, if applicable; and

(5) The name of the individual(s) who paid the initial fee to CalRecycle, and which quarter and year that the fee was paid, per Section 18625(b) of this Chapter, for claims based on purchases of 100 gallons or greater of lubricating oil.

(b) Refund claims for oil other than oil exported from the state must be submitted to CalRecycle within three (3) years of the initial purchase of the oil by the person that is submitting the claim. If the refund is for oil that is exported from the state, the claim must be submitted to CalRecycle within the three months after the close of the calendar month in which the lubricating oil is exported or 13 months from the date of the purchase of the lubricating oil, whichever is later.

(c) CalRecycle may withhold or adjust payments for refund claims that are improper, illegible, or incomplete or otherwise deficient. If a payment claim is denied or adjusted, CalRecycle will notify the claimant within ten (10) days of the denial or adjustment and provide the reasons its determination.

(d) A claimant may appeal CalRecycle's determination in writing within thirty (30) calendar days of the date of the denial notification. Any appeal received by CalRecycle after thirty (30) calendar days from the date of the denial notification shall be denied without consideration of the appeal.

(1) A written appeal shall include, at minimum, the following information:

(A) Business entity name and location;

(B) The reporting period for which the claim was submitted;

(C) An explanation of why the adjustment or denial was in error; and

(D) Any other relevant documentation in support of the appeal.

DRAFT

(2) CalRecycle may consider the reasons for payment denial or payment adjustment, and any relevant information presented by the applicant or CalRecycle staff. CalRecycle will notify the applicant of its determination, in writing, within twenty (20) calendar days of its receipt of the appeal..

Note:

Authority cited:

Sections 40502 and 48641, Public Resources Code.

Reference:

Sections 48650~~(a) and (b)~~, 48650.5, 48671 and 48680, Public Resources Code.

Article 4. Used Oil Haulers

Section 18630. Scope and Applicability.

In addition to the general requirements of Article 2 of this Chapter, used oil haulers must comply with the provisions of this Article.

Note:

Authority cited:

Sections 40502 and 48641, Public Resources Code.

Reference:

Section 48672, Public Resources Code.

Section 18631. ~~As a used oil hauler, what records am I required to maintain?~~ Recordkeeping Requirements for Used Oil Haulers.

~~You~~ Used oil haulers must keep all manifests and modified manifest receipts as described in Section 25250.8 of the Health and Safety Code and Section 66263.22 of Title 22 of the California Code of Regulations. These documents must be made available to the Board for examination pursuant to Section 18611 of this Chapter. These records must be maintained in accordance with the general requirements set forth in Section 18613 of this Chapter, in addition to any recordkeeping requirements of the Department of Toxic Substances Control.

Note:

Authority cited:

Sections 40502 and 48641, Public Resources Code.

Reference:

Section 48672, Public Resources Code.

Section 18632. ~~What specific information am I required to include on each modified~~ ~~m~~Manifest ~~r~~Receipt Requirements.~~?~~

In addition to the information required by Section 25250.8 of the Health and Safety Code, ~~you~~ used oil haulers must include the following information on each ~~modified~~ manifest receipt:

DRAFT

(a) The generator category of the entity generating the used oil, as defined in Section 18601 of this Chapter;

(b) If a load of oil contains any volume of lubricating oil, ~~A~~ the hauler must provide an estimate of the amount, in gallons, of lubricating oil and the amount, in gallons, of industrial oil collected from the generator.

(1) To obtain an estimate, ~~you~~ used oil haulers must ask each generator to provide an approximation of the amount of used lubricating oil and the amount of used industrial oil being collected.

(2) If the generator fails to provide ~~you~~ a hauler with an estimate of the amount of lubricating versus industrial oil, ~~you~~ the hauler must use its ~~your~~ best judgment to provide an estimate based upon its ~~your~~ knowledge, if any, of the types of machinery used by the generator.

(3) ~~You~~ Used oil haulers will not be held liable for the accuracy of estimates made pursuant to (1) and (2), above.

(4) If no estimate is provided by the hauler, the load will be considered to contain only industrial oil.

Note:

Authority cited:

Sections 40502 and 48641, Public Resources Code.

Reference:

Section 48672, Public Resources Code.

Go to Top

Section 18633. Information To Be Provided To Recipients Of Used Oil Deliveries. ~~Am I required to provide any specific information to the recipients of the used oil I deliver?~~

~~Yes.~~ Used oil haulers must provide the recipients of their used oil (i.e., a used oil transfer facility, a used oil storage facility, or a used oil recycling facility) with either

(a) A receipt containing the following information for each delivery:

(1) The manifest number;

(2) If a load of oil contains any volume of lubricating oil, the hauler must provide a~~A~~n estimate of the amount, in gallons, of lubricating oil and the amount, in gallons, of industrial oil contained in the delivery; or

(b) An estimate in box 11 or box 15 of the Uniform Hazardous Waste Manifest, of the amount, in gallons, of lubricating oil and the amount, in gallons of industrial oil contained in the delivery.

Note:

Authority cited:

Sections 40502 and 48641, Public Resources Code.

DRAFT

Reference:

Sections 48672 and 48673, Public Resources Code.

Section 18634. ~~As a used oil hauler, what reports must I submit to the Board?~~ Used Oil Hauler Reports.
All used oil haulers must prepare and submit to ~~the Board~~ CalRecycle a report in accordance with the general requirements for reporting contained in Section 18614 of this Chapter.

(a) All reports must be submitted to ~~the Board~~ CalRecycle on or before the last day of the month following each quarter, as defined in section 18601 of this Chapter. For example, used oil transported during the quarter commencing July 1 and ending September 30 must be reported by October 31, and used oil transported during the quarter commencing October 1 and ending December 31 must be reported by January 31.

(b) Reports must contain all of the following information for the used oil that ~~you~~ used oil haulers collected during the reporting period:

(1) An estimate, by generator category, of the total amount, in gallons, of lubricating oil collected and transported;

(2) An estimate, by generator category, of the total amount, in gallons, of industrial oil collected and transported;

(3) The sum total, in gallons, of all used lubricating and industrial oil collected and transported;

(4) If ~~you~~ used oil haulers are also the operator of a used oil transfer facility or a used oil storage facility, indicate the amount of used oil included in this report which was, or will be, to the best of ~~you~~ used oil haulers' knowledge, reported to ~~the Board~~ CalRecycle by another hauler;

(5) A listing of all the locations to which ~~you~~ used oil haulers transported used oil during the reporting period, including used oil transfer facilities, used oil storage facilities, and used oil recycling facilities. For each location, ~~you~~ used oil haulers must specify the volumes of lubricating and industrial oil transported to the location, the name of the entity, the street address, the mailing address, the telephone number, and the U.S. EPA Identification Number.

Note:

Authority cited:

Sections 40502 and 48641, Public Resources Code.

Reference:

Section 48672, Public Resources Code.

Article 5. Used Oil Recycling Facilities

Section 18640. Scope and Applicability.
In addition to the general requirements of Article 2 of this Chapter, used oil recycling facilities, as defined in Section 48624 of the Public Resources Code, shall comply with the provisions of this Article.

Note:

DRAFT

Authority cited:

Sections 40502 and 48641, Public Resources Code.

Reference:

Sections 48624, 48662, and 48673, Public Resources Code.

Section 18641. ~~As the operator of a used oil recycling facility, what records am I required to maintain?~~ Recordkeeping Requirements for Used Oil Recycling Facilities and Used Oil Rerefining Facilities.

~~You~~ Operators of used oil recycling facilities and used oil rerefining facilities must maintain the following records in accordance with the general requirements set forth in Section 18613 of this Chapter.

(a) Manifests, maintained pursuant to Section 66264.71(a)(6) of Title 22 of the California Code of Regulations, must be made available for examination pursuant to Section 18611 of this Chapter.

(b) For each delivery received, ~~you must~~ an estimate of the amount, in gallons, which is used lubricating oil and the amount which is used industrial oil. ~~You may obtain a~~An estimate of these amounts may be obtained from the used oil hauler delivering the used oil pursuant to Section 18633 of this Chapter.

(c) ~~You must maintain~~ R~~r~~ecords of the amount of used oil processed at the ~~your~~ facility must be maintained. These records must include:

(1) The amount, in gallons, of recycled oil produced. For purposes of this section, recycled oil includes used oil which is prepared for reuse, as it is defined in the Section 25250.1 of the Health and Safety Code, including used oil which is:

(A) ~~Re-refined as motor vehicle oil~~ Processed into rerefined oil;

(B) ~~Re-refined as~~ Processed into industrial oil;

(C) Processed into fuel oil;

(D) Processed into asphalt;

(E) Consumed in the process of preparing it for reuse, including being burned for energy recovery;

(2) The amount, in gallons, of used oil transferred to another facility for processing or treatment;

(3) The amount, in gallons, of residual material produced. For purposes of this section, residual material includes constituents of the used oil which remain after processing, including those:

(A) Produced as a nonhazardous waste (e.g., water);

(B) Produced as a hazardous waste;

(C) Other.

If "other" is indicated, ~~you must indicate~~ the specific residual material produced must be indicated.

DRAFT

Note:

Authority cited:

Sections 40502 and 48641, Public Resources Code.

Reference:

Section 48673, Public Resources Code.

Go to Top

Section 18642. ~~As an operator of a used oil recycling facility, what reports must I submit to the Board?~~
Used Oil Recycling and Used Oil Rerefining Facility Reports.

(a) ~~You~~ Used oil recycling and rerefining facilities that have been registered or certified by CalRecycle must prepare and submit to ~~the Board~~ CalRecycle a report in accordance with the general requirements for reporting contained in Section 18614 of this Chapter.

(b) All reports must be submitted on or before the last day of the month following each quarter, as defined in section 18601 of this Chapter. For example, used oil received and recycled during the quarter commencing July 1 and ending September 30 must be reported by October 31, and used oil received and recycled during the quarter commencing October 1 and ending December 31 must be reported by January 31.

(c) ~~Your r~~Reports must contain all of the following information for the reporting period:

(1) The total amount, in gallons, of used oil received during the reporting period, including:

(A) An estimate of the total amount of lubricating oil received;

(B) An estimate of the total amount of industrial oil received.

(2) The amount of used lubricating and used industrial oil received from:

(A) Within California;

(B) Outside of California.

If used oil is received from outside of California, the report must include the state or country from which the used oil was received.

(3) The total amount, in gallons, of recycled oil produced by the facility. For purposes of this section, recycled oil includes used oil which is prepared for reuse, as it is defined in the Section 25250.1 of the Health and Safety Code, including used oil which is:

(A) ~~Re-refined as motor vehicle oil~~ Processed into rerefined oil;

(B) ~~Re-refined as~~ Processed into industrial oil;

(C) Processed into fuel oil;

DRAFT

(D) Processed into asphalt;

(E) Consumed in the process of preparing it for reuse, including being burned for energy recovery;

(4) The total amount, in gallons, of used oil transferred to another facility for processing or treatment and the name and U.S. EPA Identification number of each facility;

(5) The total amount, in gallons, of residual material produced. For purposes of this section, residual material includes constituents of the used oil which remain after processing, including those:

(A) Produced as a nonhazardous waste (e.g., water);

(B) Produced as a hazardous waste;

(C) Other.

If "other" is indicated, ~~you must indicate~~ the specific residual material produced must be indicated.

Note:

Authority cited:

Sections 40502 and 48641, Public Resources Code.

Reference:

Section 48673, Public Resources Code.

Go to Top

Section 18643.0. ~~Who may become a certified used oil recycling facility?~~ Registration and Certification of Used Oil Recycling Facilities and Rerefining Facilities.

(a) ~~The Board~~ CalRecycle shall consider certifying any used oil recycling facility in California, as defined in Section 48624 of the Public Resources Code. Upon application, CalRecycle shall consider registering any used oil recycling facilities outside of California that meet the requirements as described in Section 48662(b) of the Public Resources Code. Upon application, CalRecycle shall consider certifying any used oil rerefining facilities that meet the requirements as described in Section 48662(c) of the Public Resources Code.

(b) All out-of-state facilities must submit the following information in order to become registered or certified with CalRecycle:

(1) Name, address, and EPA identification number of facility;

(2) Name and address of the company that owns the facility, if different from facility;

(3) Full name, phone number, and e-mail address of a contact person for facility;

(4) Name of enforcement agency responsible for enforcing Part 279 of Title 40 of the Code of Federal Regulations;

DRAFT

(5) Full name, phone number, and e-mail address of contact person for enforcement agency;

(6) Declaration that the following conditions are met:

(A) The facility is operating within substantial compliance with Part 279 (commencing with Section 279.1) of Title 40 of the Code of Federal Regulations (Part 279). "Substantial compliance" means that the facility meets the essential requirements of Part 279;

(B) The facility will provide the Department and/or CalRecycle, upon request, with a copy of any inspection report and/or any related documents issued for the facility by the Enforcement Agency identified above;

(C) If approved for registration, the facility will issue to CalRecycle quarterly reports identifying the amount of California used oil received and the resultant amount of recycled oil produced;

(D) The laws of the State of California shall govern all proceedings concerning the validity and operation of this registration form and the performance of the obligations imposed hereunder. All proceedings concerning the validity and operation of this registration form shall be held in Sacramento County, California. The parties hereby waive any right to any other venue;

(E) In the event any of the above conditions are no longer true/correct, the facility will immediately notify CalRecycle;

(F) The individual signing the application has the authority to make this declaration and to contractually bind the facility;

(7) The application shall be signed by an individual who has the authority to make the declarations outlined in Section (6) above, under penalty of perjury;

(c) All used oil re-refining facilities must submit the following information in order to become certified with CalRecycle:

(1) Name, address, and EPA Identification Number of the facility;

(2) Name and address of the company that owns the facility, if different from facility;

(3) Full name, phone number, and e-mail address of contact person for the facility;

(4) Name of the enforcement agency responsible for enforcing Part 279 of Title 40 of the Code of Federal Regulations;

(5) Full name, phone number, and e-mail address of a contact person for the enforcement agency;

(6) Declaration that the following conditions are met:

(A) The facility produces rerefined base lubricant meeting the specifications of Section 48620.2(a) of the Public Resources Code;

DRAFT

(B) If approved for Certification, the facility will issue to CalRecycle quarterly reports identifying the amount of California used oil received and the resultant amount of recycled oil produced;

(C) If the facility is located outside of California, the following conditions must also be met:

(i) The facility is operating within substantial compliance with Part 279 (commencing with Section 279.1) of Title 40 of the Code of Federal Regulations (Part 279). "Substantial compliance" means that the facility meets the essential requirements of Part 279;

(ii) The facility will annually certify in writing to CalRecycle, under penalty of perjury, that it substantially meets the requirements in PRC section 48662(c)(2);

(iii) The facility has entered into an agreement with the Department pursuant to PRC section 48662(f); and

(iv) The facility will provide the Department and/or CalRecycle, upon request, with a copy of any inspection report and/or any related documents issued for the facility by the Enforcement Agency per PRC section 48662(b).

(E) In the event any of the above conditions are no longer true/correct, the facility will immediately notify CalRecycle; and

(F) The individual signing the certification application has the authority to make this declaration and to contractually bind the facility.

(7) The certification application shall be signed by an individual who has the authority to make the declarations, under penalty of perjury.

(d) If an application for rerefiner certification is approved, the applicant will receive written notice, a certification number, and a certificate.

(e) If registration or certification is denied, CalRecycle will notify the applicant of the reason(s) for denial within ten (10) days of the denial. If CalRecycle denies registration or certification, the facility may appeal that decision within thirty (30) calendar days after the date of the denial notification. Any appeal received by CalRecycle after thirty (30) calendar days from the date of the denial notification shall be denied without consideration of the appeal.

(1) A written appeal shall include, at minimum, the following information:

(A) The facility's name and location;

(B) The type of certification or registration denied;

(C) the date on the notification from CalRecycle and the stated reasons for denial;

(D) a statement of the basis for objecting to the denial; and

DRAFT

(E) any other relevant documentation in support of the appeal. CalRecycle may consider the reasons for denialand any additional relevant information presented by the applicant or CalRecycle staff.

(2) CalRecycle will notify the appealing party of its determination, in writing, within twenty (20) calendar days of its receipt of the appeal.

(f) If an application for registration or certification is denied, the applicant may re-apply, and CalRecycle may approve the new application if it determines that the facility meets the registration or certification standards as described above. **Note:**

Authority cited:

Sections 40502 and 48641, Public Resources Code.

Reference:

Sections 48624 and 48662, Public Resources Code.

~~**Section 18643.1. Why should I become a certified used oil recycling facility?**~~

~~It is necessary for used oil recycling facilities to become certified because recycling incentives can only be paid to certified used oil collection centers, industrial generators, or curbside collection programs that transport used oil to certified used oil recycling facilities or to an out of state recycling facility as described in Section 48651 of the Public Resources Code. Industrial oil must also be hauled to certified used oil recycling facilities.~~

Note:

Authority cited:

Sections 40502 and 48641, Public Resources Code.

Reference:

Section 48651, Public Resources Code.

Section 18643.2. ~~As an operator of a used oil recycling facility, must I apply for certification/recertification of the facility?~~ Recertification of Used Oil Rerefining Facilities.

~~No. Once the Board receives a report from the Department following the annual inspection of your facility, the Board initiates the certification/recertification process for your facility.~~

(a) Certified rerefining facilities must annually certify to CalRecycle that they substantially meet the requirements described in Section 48662(c) of the Public Resources Code, in writing and under penalty of perjury. Certified rerefining facilities must also include the following certifications:

(1) The facility must certify that it produces rerefined base lubricant meeting the specifications in Section 48620.2 of the Public Resources Code. A facility located out-of-state shall, upon request, provide CalRecycle or the Department with a copy of records demonstrating that the used oil has been recycled to meet the specifications for rerefined oil as defined in Section 48620.2 of the Public Resources Code; and

DRAFT

(2) If the facility is located outside of California, it must certify that it is operating within substantial compliance with Part 279 (commencing with Section 279.1) of Title 40 of the Code of Federal Regulations (Part 279) per PRC section 48662(b);.

(b) Upon receipt of the annual statements from a rerefining facility, CalRecycle will review the facility and will notify the operator of the facility in writing that its certification is either:

(1) Approved; or

(2) Denied, and the reasons for denial.

(c) Denial may occur when a facility is engaged in a repeating or recurring pattern of:

(1) non-compliance with the requirements of Section 18643.2(a) above; or

(2) a failure to submit quarterly facility reports as described in Section 18642 of this Chapter.

(d) If re-certification is denied, CalRecycle will notify the facility of the reason(s) for denial within ten (10) days of the denial. If CalRecycle denies re-certification, the facility may appeal that decision within thirty (30) calendar days after the date of the denial. Any appeal received by CalRecycle after thirty (30) calendar days from the date of the denial shall be denied without consideration of the appeal.

(1) A written appeal shall include, at minimum, the following information:

(A) The facility's name and location;

(B) The type of certification denied;

(C) the date on the notification from CalRecycle and the stated reasons for denial;

(D) a statement of the basis for objecting to the denial; and

(E) any other relevant documentation in support of the appeal. CalRecycle may consider the reasons for denial, and any additional relevant information presented by the applicant or CalRecycle staff.

(2) CalRecycle will notify the appealing party of the determination in writing within twenty (20) calendar days from the date of the decision.

Note:

Authority cited:

Sections 40502 and 48641, Public Resources Code.

Reference:

Section 48662, Public Resources Code.

DRAFT

Section 18643.3. ~~How does the Board certify or recertify a used oil recycling facility?~~ Certification and Registration Status of Used Oil Recycling Facilities.

(a) Following the annual inspection of a used oil recycling facility pursuant to Section 48661 of the Public Resources Code, the Department forwards an inspection report of the facility to ~~the Board~~ CalRecycle for review.

(b) Within ~~a minimum of six (6), a median of eight (8), and a maximum of~~ ten (10) working days of receipt of an inspection report for a used oil recycling facility, ~~the Board~~ CalRecycle notifies the operator of the facility in writing that its certification/recertification is being processed.

(c) Within ~~a minimum of twenty-five (25), a median of thirty-five (35), and a maximum of~~ forty-five (45) working days of receipt of the above described inspection report, ~~the Board~~ CalRecycle notifies the operator of the facility in writing that its certification or registration is either:

(1) Approved; or

(2) Denied, and the reasons for denial.

(b) Denial may occur when a facility is engaged in a repeating or recurring pattern of:

(1) noncompliance that poses a significant threat to public health and safety or the environment. Such a pattern may include violations as described in Public Resources Code Sections 48661(b) and (c); or

(2) a failure to submit quarterly facility reports as described in Section 18642 of this Chapter.

~~(d) If a certification is approved, the Board CalRecycle sends a certificate to the operator of the facility.~~

(~~e~~c) If re-registration or re-certification is denied, CalRecycle will notify the applicant of the reason(s) for denial within ten (10) days of the denial. If CalRecycle denies re-registration or re-certification, the facility may appeal that decision within thirty (30) calendar days after the date of the denial notification. Any appeal received by CalRecycle after thirty (30) calendar days from the date of the denial notification shall be denied without consideration of the appeal.

If CalRecycle denies an application for certification or registration, certificate or suspends or revokes a certificate, the facility may appeal that decision within thirty (30) calendar days after the date of the denial, suspension or revocation. Any appeal received by CalRecycle after thirty (30) calendar days from the date of the denial, suspension or revocation shall be denied without consideration of the appeal.

(1) A written appeal shall include, at minimum, the following information:

(A) The facility's name and location;

(B) The type of certification or registration denied;

(C) the date on the notification from CalRecycle and the stated reasons for denial;

(D) a statement of the basis for objecting to the denial; and

(E) any other relevant documentation in support of the appeal. CalRecycle may consider the reasons for denial, and any additional relevant information presented by the applicant or CalRecycle staff.

(2) CalRecycle will notify the appealing party of the determination in writing within twenty (20) calendar days from the date of the decision.

Note:

Authority cited:

Sections 40502 and 48641, Public Resources Code.

Reference:

Section 48662, Public Resources Code.

Section 18643.4. ~~As an operator of a used oil recycling facility, what should I do with the certificate that the Board issues to me?~~ Used Oil Recycling and Re-Refining Facility Certificate.

(a) The used oil recycling facility or re-refining facility certificate issued by CalRecycle shall be kept on file at the ~~used oil recycling~~ facility. An operator may request that the certificate be kept on file at another location, and ~~the Board~~ CalRecycle may grant approval of such request when the request is submitted in writing and the following conditions are met:

(1) A copy of the certificate with a statement indicating where the original certificate is maintained is kept at the recycling facility; and

(2) The original certificate is maintained at the main business office of the operator where records and reports meeting the requirements of Article 5 of these regulations are maintained.

Note:

Authority cited:

Sections 40502 and 48641, Public Resources Code.

Reference:

Section 48662, Public Resources Code.

Go to Top

Section 18643.5. ~~How long is a certificate valid?~~ Certificate Validity.

~~(a)~~ A certificate is valid until such time that it is surrendered by the operator, or recertification is denied pursuant to Sections 18643.2 or 18643.3 of this Article.

~~(b) A certificate does not expire, and the operator of a used oil recycling facility is not required to submit an application for recertification. Upon receipt of the annual inspection report from the Department, the Board automatically initiates the certification/recertification process for a facility. However, upon evaluating the annual~~

DRAFT

~~inspection report, the Board may either certify/recertify a used oil recycling facility or deny its certification/recertification pursuant to Section 18643.3 of this Article.~~

Note:

Authority cited:

Sections 40502 and 48641, Public Resources Code.

Reference:

Section 48662, Public Resources Code.

Section 18643.6. ~~Is the certificate transferrable?~~ Transfer of Registration or Certification.

~~No. The certificate~~ Registration or certification of a facility is neither transferrable nor assignable to any other person. It is issued to a specific operator of a used oil recycling or used oil rerefining facility for a specific location. The operator of a ~~used oil recycling~~ facility must notify ~~the Board~~ CalRecycle in writing of any change in the operator, location of the facility, or cessation of facility operation. The notification shall be submitted to ~~the Board~~ CalRecycle within sixty (60) calendar days of the change occurring.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48662 of the Public Resources Code.

Section 18643.7. ~~Is there a list of certified used oil recycling facilities available?~~ List of Certified Used Oil Recycling Facilities.

(a) ~~Yes. The Board~~ CalRecycle will maintain~~s~~ on its website a current list of certified used oil recycling facilities, registered out-of-state used oil recycling facilities, and certified used oil rerefining facilities. ~~The list is available to the public upon request.~~

(b) ~~The Board~~ CalRecycle ~~also~~ will maintain~~s~~ on its website a current list of used oil recycling facilities whose certifications were denied by ~~the Board~~ CalRecycle. ~~This list is also available to the public upon request.~~

Note:

Authority cited:

Sections 40502 and 48641, Public Resources Code.

Reference:

Section 48662, Public Resources Code.

Article 6.0. Used Oil Collection Center Certification and Operation Standards

Section 18650.0. Scope and Applicability.

Any person wishing to certify a used oil collection center, pursuant to Section 48660 of the Public Resources Code, must comply with the provisions of this Article.

DRAFT

Note:

Authority cited:
Sections 40502 and 48641 of the Public Resources Code.

Reference:
Section 48660 of the Public Resources Code.

Section 18650.1. ~~Who may apply for certification?~~ Eligibility for the Certified Collection Center Program.
Any operator or proposed operator of a used oil collection center is eligible to apply for certification from ~~the Board~~ CalRecycle. Application for certification of a used oil collection center is optional and is not required by the Act or this Chapter.

Note:

Authority cited:
Sections 40502 and 48641 of the Public Resources Code.

Reference:
Section 48660 of the Public Resources Code.

Section 18650.2. ~~How do I apply for certification?~~ Application for Certification.
(a) A separate, complete application containing the information requested in Section 18650.3, below, for each used oil collection center must be submitted to ~~the Board~~ CalRecycle when requesting certification.

(b) The filing period for applications is continuous.

Note:

Authority cited:
Sections 40502 and 48641 of the Public Resources Code.

Reference:
Section 48660 of the Public Resources Code.

Section 18650.3. ~~What information am I required to provide in the application for certification?~~ Certification Application Requirements.
(a) To be considered complete, applications shall contain the following information:

(1) A request for either initial certification, or recertification.

(A) If the application is for recertification, it shall include only that information which has changed since the last application for certification was submitted to ~~the Board~~ CalRecycle.

(2) The name, street and mailing address, e-mail address (if available), and phone number (if applicable), of the used oil collection center, and, if different, of the operator.

DRAFT

(3) The name, phone number, and e-mail address (if available) of a contact person for the used oil collection center if different from the operator.

(~~3~~4) The type of organization which the operator represents.

(A) If the organization is an individual business doing or proposing to do business under a different name, the applicant shall provide a copy of the fictitious business name statement.

(B) If the organization is a partnership, the applicant shall provide a copy of the current partnership agreement.

(C) If the organization is a corporation, the applicant shall provide the corporate number as assigned by the Secretary of State.

(D) If the organization is a husband and wife co-ownership, the application shall contain both names.

(E) If the organization is a local government agency, the applicant shall provide a copy of either an authorizing letter or a resolution from the governing board.

(F) If the operation is a private, nonprofit program, the applicant shall provide verification of nonprofit status. Any one of the following will constitute verification:

(~~1~~i) A copy of a letter from the Federal Internal Revenue Service confirming tax exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code; or

(~~2~~ii) A copy of a letter from the State of California Franchise Tax Board confirming tax exempt status pursuant to Section 23701(d) of the Revenue and Taxation Code; or

(~~3~~iii) A corporate number as assigned by the Secretary of State.

(~~4~~5) The federal identification number (employer ID number) of the organization.

(~~5~~6) A description of the physical location of the facility in relation to the nearest cross street.

(~~6~~7) If it is a proposed operation, the specific date the center intends to begin accepting used oil from the public at no charge and offering the recycling incentive.

(~~7~~8) If it is an existing facility, the specific date the center began accepting used oil from the public at no charge and offering the recycling incentive.

~~(8) The actual days and hours the used oil collection center is, or will be, open for business.~~

~~(9) The actual days and hours the used oil collection center is, or will be, accepting used oil from the public at no charge and offering the recycling incentive.~~

(~~10~~9) If applicable, the hazardous waste generator identification number assigned by either the Department of Toxic Substances Control or the U.S. EPA.

DRAFT

(~~11~~10) Description of operations conducted at the collection center, if any, in addition to the collection of used oil from the public. Description of other materials collected for disposal and/or recycling at the facility.

(~~12~~11) Total anticipated or actual used oil storage vessel capacity of all storage vessels on site, in gallons.

(~~13~~12) If the application is for initial certification, a statement affirming that the collection center will meet the advertising requirements described in Section 48660(b) of the Public Resources Code ~~a description of the type and frequency of advertising which will be conducted to comply with Section 18651.4 of this Chapter.~~

(~~14~~13) If the application is for recertification, a statement affirming that the collection center has been meeting and will continue to meet the advertising requirements described in Section 48660(b) of the Public Resources Code. ~~a description of the method and frequency of each type of advertising conducted (since the previous application for certification was submitted) to comply with Section 48660(b)(4) of the Public Resources Code and Section 18651.4 of this Chapter. Whenever possible, an example or facsimile of each advertising event should be included.~~

(~~15~~14) An indication whether the proposed operator or owner also operates or owns a used oil hauler business, as defined in Public Resources Code Section 48623, or a used oil recycling facility, as defined in Public Resources Code Section 48624.

(~~16~~15) Identify the company name or individual and address to whom ~~the Board~~ CalRecycle should pay the recycling incentive.

(~~17~~16) Any other information ~~the Board~~ CalRecycle determines is necessary to aid in a finding of compliance with Public Resources Code Section 48660(b).

(b) The application shall be signed by the applicant(s) as described below, under penalty of perjury. The signature block shall contain an affidavit stating the following: "I certify, under penalty of perjury, that the information contained in this application is true and correct to the best of my knowledge, and that the facility for which this application is being made is currently in compliance with all Federal, State and local requirements. I certify that the property owner is aware that I am applying to become a certified used oil collection center and will be accepting used oil from the public. I agree to operate in compliance with the requirements of the California Oil Recycling Enhancement Act, and with all related regulatory provisions."

(1) If the operator is a partnership, the application shall be signed by at least one partner with authority to bind the partnership.

(2) If the operator is a firm, association, corporation, county, city, public agency or other governmental entity, the application shall be signed by the chief executive officer or the individual with authority to legally bind the entity to a contract.

(3) If the operator is a husband and wife co-ownership, the application shall be signed by both the husband and the wife.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

DRAFT

Reference:

Section 48660 of the Public Resources Code.

Section 18650.4. ~~How does the Board process an application for certification of a used oil collection center?~~ Certification Process.

(a) ~~The Board~~ CalRecycle issues an identification number to all used oil collection centers upon receipt of an application for initial certification.

(b) All applications for certification are reviewed by ~~the Board~~ CalRecycle for compliance with these regulations and with the Act.

(c) ~~The Board~~ CalRecycle or persons authorized by CalRecycle will periodically conduct field investigations to verify the ongoing accuracy of information contained in a certification application.

(d) ~~The Board~~ CalRecycle will notify an applicant in writing within ~~a minimum of six (6), a median of eight (8), and a maximum of~~ ten (10) working days of receipt of the application that it is either:

(1) Complete and correct and accepted for further review; or

(2) Incomplete and rejected and the reason(s) for rejection.

(e) Upon determining that an application is complete and correct, ~~the Board~~ CalRecycle shall notify the applicant in writing within ~~a minimum of twenty-five (25), a median of thirty-five (35), and a maximum of~~ forty-five (45) calendar days that certification is either:

(1) Granted; or

(2) Denied and the reason(s) for denial.

(f) If ~~the Board~~ CalRecycle grants certification, the applicant shall receive the written notice, a certificate, and a certification sign.

(g) ~~If the Board denies certification of a used oil collection center, and the applicant wishes a hearing on such denial, a request for hearing must be made to the Board in writing.~~ CalRecycle may deny a used oil collection center's certification for failure to comply with the applicable collection center requirements including failure to submit any information required by CalRecycle. Reasons for denial of certification may include, but are not limited to:

(1) Failure to provide information or documentation to substantiate the application as stipulated in Section 18650.3 of this Chapter;

(2) The used oil collection center's certification history demonstrates a pattern of operation in violation of the requirements of the Act, including any relevant regulations; and

(3) The used oil collection center's certification history demonstrates outstanding fines, penalties, or unresolved audit findings.

DRAFT

(h) If CalRecycle denies an application for certification, the site may appeal that decision within thirty (30) calendar days after the date of notification of denial. Any appeal received by CalRecycle after thirty (30) calendar days from the date of notification of denial shall be denied without consideration of the appeal.

(1) A written appeal shall include, at minimum, the following information:

(A) The business entity name and facility location;

(B) The site's identification number as issued by CalRecycle pursuant to Section 18650.4(a) of this Chapter;

(C) The date on the notification from CalRecycle and the stated reasons for denial;

(D) A statement of the basis for objecting to the denial; and

(E) Any other relevant documentation in support of the appeal. CalRecycle may consider the reasons for denial and any additional relevant information presented by the applicant or CalRecycle staff.

(2) CalRecycle will notify the appealing party of the determination in writing within twenty (20) calendar days of its receipt of the appeal.

~~(h) Reasons for denial of certification may include, but are not limited to:~~

~~(1) Failure to provide information or documentation to substantiate the application as stipulated in Section 18650.3 of this Chapter;~~

~~(2) For recertification:~~

~~(A) The used oil collection center's certification history demonstrates a pattern of operation in violation of the requirements of the Act, including any relevant regulations;~~

~~(B) The used oil collection center's certification history demonstrates outstanding fines, penalties, or unresolved audit findings.~~

(i) If the certification of a used oil collection center is denied, the applicant can reapply for certification ~~at any time~~ no sooner than three (3) months after CalRecycle's denial of certification.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48660 of the Public Resources Code.

§ 18650.5. ~~May a Person~~ Withdrawal of an Application for Certification.~~?~~

~~Yes.~~ An applicant may withdraw an application from review by ~~the Board~~ CalRecycle. Such withdrawal shall be requested in writing and submitted to ~~the Board~~ CalRecycle. A withdrawal of application does not prohibit the operator of a used oil collection center from reapplying at a later date.

DRAFT

Note: Authority cited: Sections 40502 and 48641, Public Resources Code. Reference: Section 48660, Public Resources Code.

Section 18650.6. ~~As the operator of a certified used oil collection center, might there ever be an occasion when I will need to submit a new application?~~ Circumstances that Require New Certification.

(a) ~~Yes.~~ An operator shall be required to file a new application with ~~the Board~~ CalRecycle in accordance with the requirements of this Chapter when any of the following conditions occur:

(1) A change in the location of the certified used oil collection center; or

(2) A change in the operator of the certified used oil collection center; or

(3) Expiration of the certificate pursuant to Section 18650.8 of this Article.

(b) Because a certificate is not transferrable (see Section 18650.9 of this Article), an application for initial certification must be submitted whenever there is a change in the location or operator of a certified used oil collection center.

(c) An application for initial certification or recertification shall be submitted at least ~~sixty (60)~~ fourteen (14) calendar days prior to any of the events listed in (a) above to avoid any loss of incentive payments.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48660 of the Public Resources Code.

Section 18650.61. ~~As the operator of a certified used oil collection center, what should I do if I decide to cease collection center operations?~~ Closing a Certified Collection Center.

~~You should notify~~ ~~the Board~~ CalRecycle shall be notified, in writing, of ~~your~~ the intention to cease collection center operations a minimum of thirty (30) days prior to cessation of operation. This written notice should indicate the date the collection center will cease accepting used lubricating oil from the public. Within thirty (30) days of cessation of operation, ~~you must return you're~~ the certificate and certification sign (if issued by ~~the Board~~ CalRecycle) shall be returned to ~~the Board~~ CalRecycle.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48660 of the Public Resources Code.

Section 18650.7. ~~What should I do with the certificate once I have received it?~~ Maintenance of a Certificate.

DRAFT

(a) The certificate shall be kept on file at the used oil collection center. An operator may request that the certificate be kept on file at another location, and ~~the Board~~ CalRecycle may grant approval of such request when the request is submitted in writing and the following conditions are met:

(1) A copy of the certificate with a statement indicating where the original certificate is maintained is kept at the used oil collection center; and

(2) The original certificate is maintained at the main business office of the operator where records and reports meeting the requirements of this Chapter are maintained.

Note:

Authority cited:

Sections 40502 and 4864 of the Public Resources Code.

Reference:

Section 48660 of the Public Resources Code.

18650.8 ~~When does my certificate expire?~~ Expiration of Certificates.

A certificate shall be valid for ~~two (2)~~ four (4) years from the ~~date certification~~ last day of the month in which the site is approved by ~~the Board~~ CalRecycle, or until such time as it is voluntarily surrendered by the operator, denied pursuant to Section 18650.4 of this Chapter, or canceled by ~~the Board~~ CalRecycle pursuant to Section 48660(a) of the Public Resources Code.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48660 of the Public Resources Code.

Section 18650.9. ~~Is a certificate transferrable or assignable~~? Transfer of Certificates.

~~No.~~ The certificate is issued to a specific used oil collection center operator for a specific location and is neither transferrable nor assignable to any other person.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48660 of the Public Resources Code.

Go to Top

DRAFT

Section 18651.0. ~~What must I do with a certification sign once I have received it?~~ Certification Signs.

(a) All certified used oil collection centers shall display a certification sign provided by ~~the Board~~ CalRecycle. The sign shall be in compliance with Public Resources Code Section 48660(b)(4) and will also include the following information:

(1) State of California Certified;

~~(2) Contaminated oil, or oil suspected of contamination, may not be accepted;~~

~~(3) Space for insertion, by operator, of the center operating hours.~~

(b) The certification sign must be posted in a location easily readable from a public street. The sign may be posted in a different location if requested in writing and approved in writing by ~~the Board~~ CalRecycle.

(c) The certification sign shall not be displayed by any person, company, or other entity not approved for certification by ~~the Board~~ CalRecycle.

(d) The certification sign is the property of ~~the Board~~ CalRecycle and shall be returned to ~~the Board~~ CalRecycle or persons authorized by CalRecycle upon surrender, expiration, or cancellation of certification.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48660 of the Public Resources Code.

Section 18651.1. ~~What if local zoning ordinances prevent posting of the sign provided by the Board?~~ Certification Signs in Conflict with Local Zoning Ordinances.

Where local zoning ordinances do not permit posting of the sign provided by ~~the Board~~ CalRecycle in accordance with Section 18651.0 of this Article, and Section 48660(b)(4) of the Public Resources Code, the collection center operator must petition ~~the Board~~ CalRecycle by submitting a written request describing how the center will meet these requirements. ~~The Board~~ CalRecycle shall notify the center in writing within thirty (30) calendar days of receipt of the petition that its request is either:

(a) Approved; or

(b) Denied and the reasons for denial.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48660 of the Public Resources Code.

DRAFT

Section 18651.2. ~~What are the required operational procedures for certified used oil collection centers?~~
Operational Procedures for Certified Used Oil Collection Centers.

(a) Certified used oil collection centers shall operate in accordance with all Federal, State and local laws and regulations.

(b) Certified used oil collection centers shall accept used oil from the public at no charge and shall ~~verbally offer to~~ pay persons an amount equal to the recycling incentive the center will receive for the used oil upon request of the individual bringing the used oil to the certified used oil collection center. The recycling incentive may be given in the form of a credit that may be applied toward the purchase of goods or services offered by the center, provided the following requirements are met:

(1) The credit shall be in the form of a voucher or coupon with a value of at least twice the incentive amount to be paid pursuant to Section 48652 of the Public Resources Code.

(2) The credit shall have no other limits for use. Limits that cannot be placed upon the credit shall include, but are not limited to:

(A) Limiting its usage to only one per purchase;

(B) Attaching an expiration date to the credit;

(C) Disallowing combining the credit with coupons or discounts; and

(D) Disallowing use of the credit for specific products or services.

(c) Certified used oil collection center operators shall not accept more than fifty-five~~twenty~~ (55~~20~~) gallons of used oil, in containers not larger than fifty-five (55) gallons, from a person each day.

(d) Operators of certified collection centers may set a maximum limit for used lubricating oil accepted at certified centers. The maximum limit may not be less than 5 gallons per person per day.

(e) Operators of certified collection centers may set a maximum limit for the size of the containers used to transport lubricating oil to certified centers. The maximum limit may not be less than 5 gallons.

(~~e~~f) Used oil received from the public may be refused if it is contaminated by materials which render the used oil infeasible for recycling. Certified used oil collection center operators shall provide the name and address of the nearest business or governmental entity which accepts contaminated oil to any member of the public whose used oil is refused due to contamination.

(g~~f~~) If the collection center accepts or generates used industrial oil in addition to used lubricating oil, it shall maintain a Used Industrial Oil Receipt Log. The Industrial Oil Receipt Log shall include:

(1) Date used industrial oil received or generated; and

(2) Quantity of used industrial oil received or generated, in gallons or quarts.

DRAFT

(h~~g~~) If the collection center is owned or operated by a used oil hauler or a used oil recycling facility, it shall maintain a Used Oil Receipt Log. The Used Oil Receipt Log shall include:

(1) An entry for each receipt of used oil. This entry shall include:

(A) Printed name and signed name of patron;

(B) Date received;

(C) Quantity of oil received, in gallons or quarts;

(D) Amount of recycling incentive fee paid, if any;

(E) Indication if the oil is lubricating or industrial oil; and

(F) An indication if the used lubricating oil was:

1. From out of state (in which case no incentive payment was made); or

2. Anonymously donated.

(~~h~~i) Logs must be available for inspection at the collection center, or other location specified in accordance with Section 18650.7 of this Article, during normal business hours. Logs must contain data for the last three-year period.

(j~~i~~) If the collection center is owned or operated by a used oil hauler or a used oil recycling facility:

(1) The percentage of anonymously donated used lubricating oil received must not exceed ten (10) percent of the total amount received for any quarter.

(2) ~~The Board~~ CalRecycle may refuse to pay the recycling incentive to the center for the amount of anonymously donated used lubricating oil in excess of ten (10) percent of the total amount received for any quarter.

(3) ~~Should~~ If a center wishes to receive payment of the recycling incentive for a quantity of anonymously donated used lubricating oil in excess of ten (10) percent of the total amount received for any quarter, the center shall petition ~~the Board~~ CalRecycle for approval. Such petition shall be a written request describing why the center is entitled to payment. ~~The Board~~ CalRecycle shall notify the center in writing within thirty (30) calendar days of receipt of the petition that it is either:

(A) Approved; or

(B) Denied and the reasons for denial.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

DRAFT

Reference:

Sections 48660(b), 48660(c), 48660(d), and 48670 of the Public Resources Code.

Section 18651.3. ~~How do I calculate the amount of recycling incentive I owe to a person delivering used oil?~~ Calculation of the Recycling Incentive.

~~(a)~~ To calculate the payment, multiply the total number of quarts received by the value of the recycling incentive set by ~~the Board~~ CalRecycle. Payment to the patron must be based on a determination of the nearest quart.

~~(b) A certified used oil collection center shall have available at all times a graduated container capable of accurately measuring, in one quart increments, and safely transferring, one liquid gallon. The graduated container shall be used for measurement if the amount of oil brought in by the public is in question by either the patron or the collection center staff.~~

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48660(b)(2), of the Public Resources Code.

Section 18651.4. ~~As the operator of a certified used oil collection center, how do I comply with the Act's requirement for periodic advertising in local media?~~ Advertising Requirements for Certified Collection Centers.

(a) Advertising using one or more of the following mechanisms at least once every six months shall constitute compliance with the requirements of the Act:

(1) Newspaper, magazine, newsletter or other periodic publication;

(2) Radio;

(3) Press releases, public service announcements, or feature news;

(4) Printed material including brochures or posters;

(5) Outdoor advertising including billboards and transit signs;

(6) Special events;

(7) Television;

(8) Direct mail;

(9) Yellow pages~~.~~;

(10) Online website;

(11) Social media platform.

DRAFT

(b) An advertisement shall include the name, location, and hours used lubricating oil is accepted at the center and indicate that the center accepts used lubricating oil at no charge, and offers payment of the recycling incentive.

(c) Two or more collection centers may jointly advertise their centers provided the name, location, and hours of each center is identified, and the form and frequency of advertisement complies with part (a) of this Section. The advertisement must also indicate that each center accepts used lubricating oil at no charge and offers payment of the recycling incentive.

(d) If ~~Should~~ a collection center wishes to implement an advertising program different from that described in part (a) of this Section, the center shall petition ~~the Board~~ CalRecycle for approval by submitting a written request describing how the center will meet the advertising requirement of the Act. ~~The Board~~ CalRecycle shall notify the center in writing within thirty (30) calendar days of receipt of the petition that its request is either:

(1) Approved; or

(2) Denied and the reasons for denial.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48660 of the Public Resources Code.

Section 18651.5. ~~As a certified used oil collection center, how can I determine if used oil is contaminated in excess of that which would occur through normal use?~~ Contaminated Oil Testing.

In order to determine contamination in excess of that which would occur through normal use, a certified used oil collection center may test used oil received from the public for halogenated compounds, and may conduct verbal and/or visual screening.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48660(c), 48660.5 (a), 48660.5(b)(1) of the Public Resources Code.

Go to Top

Section 18651.6. ~~Under what conditions will a contaminated used oil shipment be eligible for reimbursement of disposal costs, pursuant to Section 48660.5 of the Public Resources Code?~~ Reimbursement of Costs for Contaminated Oil.

(a) A shipment of contaminated used oil meeting both of the following conditions will qualify for reimbursement:

(1) Used oil which meets the criteria of Public Resources Code Section 48660.5; and,

DRAFT

(2) Used oil which has been properly disposed of and issued a receipt of disposal. A Uniform Hazardous Waste Manifest may be used for this purpose. Disposal, for the purpose of this Section, means incinerating, burying, or otherwise processing contaminated used oil for purposes of elimination which result in a higher cost than the cost to recycle non-contaminated used oil.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48660.5(a), 48660(c) of the Public Resources Code.

Section 18651.7. Shipment Size for Reimbursement of Costs for Contaminated Oil. ~~What constitutes one shipment in regards to reimbursement of disposal costs, pursuant to Section 48660.5 of the Public Resources Code?~~

Disposal costs will not be reimbursed pursuant to Section 48660.5 for shipments that exceed ~~A shipment may not exceed~~ the capacity of the storage tank normally used by the certified used oil collection center to contain used lubricating oil received from the public.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48660.5(c) of the Public Resources Code.

Section 18651.8. ~~How do I apply for reimbursement of additional disposal costs pursuant to Public Resources Code Section 48660.5?~~ Application for Reimbursement of Contaminated Oil Costs.

~~The Board~~ CalRecycle may reimburse an operator of a certified used oil collection center for the cost of hauling contaminated oil minus the amount normally charged to haul the same amount of uncontaminated oil. To receive reimbursement, an operator must submit a written request to ~~the Board~~ CalRecycle.

(a) An application must include:

(1) The collection center name, its location, and its Board identification number;

(2) The hazardous waste generator identification number (ID Number) assigned by either the California Department of Toxic Substances Control or the U.S. EPA;

(3) Quantity of shipment for which reimbursement is sought, in gallons;

(4) Source, type, and level of contamination (if known);

(5) Registered hazardous waste hauler (pursuant to Article 6.5, Chapter 6.5, Division 20, Health and Safety Code) name, ID Number, and actual total disposal cost;

DRAFT

(6) A statement signed by the applicant(s) as described below, under penalty of perjury. The signature block shall contain an affidavit stating the following: "I certify under penalty of perjury that the information contained in this application is true and correct to the best of my knowledge.";

(7) Signature of collection center supervisor.

(b) Applicant must also submit:

(1) A copy of invoice or receipt from a used oil hauler indicating:

(A) The Uniform Hazardous Waste Manifest number for the shipment;

(B) Amount of actual total disposal cost minus the amount normally charged to pick-up the same amount of uncontaminated oil;

(2) Copy of the Uniform Hazardous Waste Manifest from the used oil hauler;

(3) Copy of established certified used oil collection center procedures for preventing contamination of oil with hazardous waste.

(c) In any calendar year, a certified used oil collection center shall be reimbursed for not more than one shipment of contaminated used oil ~~and for not more than five thousand dollars ($5,000) in disposal costs~~, subject to the availability of funds pursuant to Public Resources Code Section 48656.

(1) Halogen-contaminated used oil shall not be reimbursed for more than for more than the actual net additional costs of disposing of the contaminated wastes exceeding the normal costs of recycling uncontaminated oil, and shall not be reimbursed for more than five thousand dollars ($5,000) in disposal costs.

(2) Polychlorinated biphenyl-contaminated oil shall not be reimbursed for more than the actual net additional costs of disposing of the contaminated wastes exceeding the normal costs of recycling uncontaminated oil.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48660.5 of the Public Resources Code.

Section 18651.9. ~~Must certified used oil collection centers maintain written procedures to prevent the acceptance of contaminated used lubricating oil?~~ Contaminated Oil Procedures for Certified Collection Centers.

(a) ~~Yes.~~ Established procedures for preventing the acceptance of contaminated used lubricating oil must be in writing and available to ~~Board~~ CalRecycle staff, collection center personnel, and the public during normal business hours.

(b) Procedures may include:

DRAFT

(1) Posted signs which list unacceptable contaminants;

(2) A list of questions to ask patrons regarding contaminants;

(3) A description of tests of used oil for the presence of contaminants.

(A) Olfactory testing ("nose test") should not be utilized as a test method.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:
Section 48660, 48660.5 of the Public Resources Code.

Section 18651.10 Cancellation of Certification of a Certified Collection Center

(a) If a certified collection center is found to not be in compliance with the operator requirements described in Section 18651.2, CalRecycle will send a written notice that the center's certification will be canceled in thirty (30) days unless they comply with the operator requirements described in Section 18651.2 of this Chapter.

(1) If a center comes into compliance with operator requirements within the thirty day period, it will remain certified until its normal expiration date, at which time the center will need to submit an application for recertification as described in Section 18650.3 of this Chapter.

(2) If a center does not comply with operator requirements within the thirty day period, it's certification will be canceled, and it may not submit any used oil claims for used oil received after the cancellation date unless it has obtained a new, valid certification number.

(3) If CalRecycle cancels a site's certification, the site may appeal that decision within thirty (30) calendar days after the date of notification of cancellation. Any appeal received by CalRecycle after thirty (30) calendar days from the date of notification of cancellation shall be denied without consideration of the appeal.

(A) A written appeal shall include, at minimum, the following information:

(i) The business entity name and certified collection center location;

(ii) The site's identification number as issued by CalRecycle pursuant to Section 18650.4(a) of this Chapter;

(iii) The date on the notification from CalRecycle and the stated reasons for cancellation;

(iv) A statement of the basis for objecting to the cancellation; and

(v) any other relevant documentation in support of the appeal. CalRecycle may consider the reasons for cancellation and any additional relevant information presented by the applicant or CalRecycle staff.

DRAFT

(4) CalRecycle will notify the appealing party of the determination in writing within twenty (20) calendar days of its receipt of the appeal.

(5) If the certification of a used oil collection center is cancelled, the applicant can reapply for certification no sooner than three (3) months after CalRecycle's cancellation of the certification.

Article 6.1. Registration Requirements for Industrial Generators~~,~~ and Operators of Curbside Collection Programs~~, and Electric Utilities~~

Section 18653.0. Scope and Applicability.
In addition to the general requirements of this Chapter, industrial generators~~,~~ and operators of curbside collection programs~~, and electric utilities~~ wishing to claim the used oil recycling incentive must comply with the provisions of this Article.

Note:

Authority cited:
Sections 40502 ad 48641 of the Public Resources Code.

Reference:
Section 48651 of the Public Resources Code.

Section 18653.1. Purpose.
~~The Board~~ CalRecycle requires registration of all industrial generators~~,~~ and operators of curbside collection programs~~, and electric utilities~~ to facilitate the payment of recycling incentives.

Note:

Authority cited:
Sections 40502 and 48641 of the Public Resources Code.

Reference:
Section 48651 of the Public Resources Code.

Section 18653.2. ~~As an industrial generator, or operator of curbside collection program, or electric utility, how do I register to receive payment of recycling incentives?~~ Registration of Industrial Generators and Curbside Collection Programs.
(a) To register to receive payment of the recycling incentive, a separate, complete application must be submitted to ~~the Board~~ CalRecycle by each industrial generator~~,~~ or operator of a curbside collection program~~, or electric utility~~.

(b) Applicants may apply for registration in either of the following ways:

(1) Register separately for each location at which used lubricating oil is collected.

(2) Register jointly for multiple used lubricating oil collection locations. If this option is chosen, a primary registrant must provide the information required by Section 18653.3 of this Chapter. The following information must also be provided for each additional location:

DRAFT

(A) Facility name;

(B) Street address;

(C) County;

(D) Phone number;

(E) If applicable, the hazardous waste generator identification number assigned by either the Department of Toxic Substances Control or the U.S. EPA.

(3) Only applicants for registration which are from the same category may apply following the procedures described in section (2) above. For example, an industrial generator and a curbside collection program must submit separate applications for registration.

(c) The filing period for applications is continuous.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48651 of the Public Resources Code.

Go to Top

Section 18653.3. ~~What information am I required to provide in the application for registration~~?
Information Required for a Registration Application.

(a) To be considered complete, applications for registration shall contain the following information:

(1) A request for either initial registration, or for a change in registration.

(A) If the application is for a change in registration, it shall include only that information which has changed since the last application for registration was submitted to ~~the Board~~ CalRecycle.

(2) The type of organization which the generator or program represents.

(A) If the organization is an individual business doing or proposing to do business under a different name, the applicant shall provide a copy of the fictitious business name statement

(B) If the organization is a partnership, the applicant shall provide a copy of the current partnership agreement.

(C) If the organization is a corporation, the applicant shall provide the corporate number as assigned by the Secretary of State.

(D) If the organization is a husband and wife co-ownership, the application shall contain both names.

DRAFT

(E) If the organization is a local government agency, the applicant shall provide a copy of either the authorizing letter or resolution from the governing board.

(F) If the operation is a private, nonprofit program, the applicant shall submit verification of nonprofit status. Any one of the following will constitute verification:

1. A copy of a letter from the Federal Internal Revenue Service confirming tax exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code; and

2. A copy of a letter from the State of California Franchise Tax Board confirming tax exempt status pursuant to Section 23701(d) of the Revenue and Taxation Code; or

3. A corporate number assigned by the Secretary of State.

(3) The federal identification number (employer ID number) of the organization.

(4) If the organization is an industrial generator or an electric utility, a description of the physical location of the facility in relation to the nearest cross street.

(5) If an industrial generator ~~or an electric utility~~, the name, street and mailing address, and phone number of the ~~operation~~ site.

~~(6) If an electric utility, the Public Utilities Commission identification number, if applicable.~~

(~~7~~6) If a curbside collection program, the name, street and mailing address, and phone number of the offices of the program operator.

(7) The name, phone number, and e-mail address (if available) of the operator of the industrial generator or curbside program, and the name, phone number, and e-mail address (if available) of a contact person, if different from the operator.

(8) If the organization is a curbside collection program, the actual days of collection, the jurisdiction or area serviced, and a description of other materials collected.

(9) If applicable, the hazardous waste generator identification number assigned by either the Department of Toxic Substances Control or the U.S. EPA.

(10) If an industrial generator, description of the type of business conducted.

(11) An indication whether the proposed applicant also operates or owns a used oil hauler business, as defined in Public Resources Code Section 48623, or a used oil recycling facility, as defined in Public Resources Code Section 48624.

(12) Identify the company name or individual and address to whom ~~the Board~~ CalRecycle should pay the recycling incentive.

(13) Any other information ~~the Board~~ CalRecycle determines is necessary to aid in a finding that the organization is eligible for payment of recycling incentives pursuant to Public Resources Code Section 48651.

DRAFT

Go to Top

(b) The application shall be signed by the applicant(s) as described below, under penalty of perjury. The signature block shall contain an affidavit stating the following: "I certify, under penalty of perjury, that the information contained in this application is true and correct to the best of my knowledge, and I agree to operate in compliance with the requirements of the California Oil Recycling Enhancement Act, and with all related regulatory provisions."

(1) If the operator is a partnership, the application shall be signed by at least one partner with authority to bind the partnership.

(2) If the operator is a firm, association, corporation, county, city, public agency or other governmental entity, the application shall be signed by the chief executive officer or the individual with authority to legally bind the entity to a contract.

(3) If the operator is a husband and wife co-ownership, the application shall be signed by both the husband and the wife.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48651 of the Public Resources Code.

Section 18653.4. ~~What will the Board do with the application for registration once it is submitted for review?~~ Review of Registration Applications.

(a) ~~The Board~~ CalRecycle will issue an identification number to all industrial generators~~,~~ and operators of curbside collection programs~~, and electric utilities~~ upon receipt of the application for registration.

(b) All applications for registration will be reviewed by ~~the Board~~ CalRecycle for compliance with these regulations and with the Act.

(c) ~~The Board~~ CalRecycle will periodically conduct field investigations to verify the ongoing accuracy of information contained in the registration application.

(d) ~~The Board~~ CalRecycle will notify the applicant in writing within ~~a minimum of six (6), a median of eight (8), and a maximum of~~ ten (10) working days of receipt of the application that it is either:

(1) Complete and correct and accepted for further review; or

(2) Incomplete and rejected and the reasons for rejection.

(e) Upon determining that an application is complete and correct, ~~the Board~~ CalRecycle shall notify the applicant in writing within ~~a minimum of twenty-five (25), a median of thirty-five (35), and a maximum of~~ forty-five (45) calendar days that registration is either:

DRAFT

(1) Granted; or

(2) Denied and the reasons for denial.

(f) Reasons for denial of registration may include, but will not be limited to, any of the following:

(1) Failure to provide information or documentation to complete the application as stipulated in Section 18653.3 of this Chapter;

(2) The industrial generator's~~,~~ or curbside collection program's~~, or electric utilities'~~ registration history demonstrates a pattern of operation in violation of the requirements of the Act, including all relevant regulations adopted herein;

(3) The industrial generator's~~,~~ or curbside collection program's~~, or electric utilities'~~ registration history demonstrates outstanding fines, penalties, or unresolved audit findings.

(4) If CalRecycle denies an application for registration, the applicant may appeal that decision within thirty (30) calendar days after the date of notification of denial. Any appeal received by CalRecycle after thirty (30) calendar days from the date of notification of denial shall be denied without consideration of the appeal.

(1) A written appeal shall include, at minimum, the following information:

(A) The business entity name and facility location;

(B) The type of registration denied;

(C) The identification number as issued by CalRecycle pursuant to Section 18653.4(a) of this Chapter;

(D) The date on the notification from CalRecycle and the stated reasons for denial;

(E) A statement of the basis for objecting to the denial; and

(F) any other relevant documentation in support of the appeal. CalRecycle may consider the reasons for denial and any additional relevant information presented by the applicant or CalRecycle staff.

(5) CalRecycle will notify the appealing party of the determination in writing within twenty (20) calendar days of its receipt of the appeal.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Section 48651 of the Public Resources Code.

DRAFT

Section 18653.5. ~~As an industrial generator, operator of a curbside collection program, or an electric utility, may I withdraw an application for registration?~~ Withdrawal of an Application for Registration.
~~Yes.~~ An applicant may withdraw an application from review by ~~the Board~~ CalRecycle. Such withdrawal shall be requested in writing and submitted to ~~the Board~~ CalRecycle. A withdrawal of application does not prohibit an industrial generator~~,~~ or an operator of a curbside collection program~~, or an electric utility~~ from reapplying at a later date.

Note:

Authority cited:
Sections 40502 and 4864 of the Public Resources Code.

Reference:
Section 48651 of the Public Resources Code.

Section 18653.6. ~~As an industrial generator, or an operator of a curbside collection program, or an electric utility which has already registered, might there ever be an occasion when I will need to submit a new application?~~ New Application Requirements.

(a) ~~Yes. Should there be a~~ An existing industrial generator or curbside program shall submit a new application to CalRecycle if there is a change in any of the information included in the most recent registration application submitted to ~~the Board~~ CalRecycle ~~you are required to submit a new application~~.

(b) A new application shall be submitted at least sixty (60) calendar days prior to implementing the changes in part (a) above to avoid any lapse in incentive payments.

Note:

Authority cited:
Sections 40502 and 48641 of the Public Resources Code.

Reference:
Section 48651 of the Public Resources Code.

Article 7. Recycling Incentive and Rerefining Incentive Payments

Section 18655.1. ~~Who can receive recycling incentive payments?~~ Entities Eligible for Incentive Payments.
Used oil collection centers certified pursuant to Article 6 of this Chapter, and industrial generators~~,~~ and curbside collection programs~~, and electric utilities~~ registered pursuant to Article 6.1 of this Chapter are eligible to receive recycling incentive payments. Used oil rerefining facilities certified pursuant to Article 5 of this Chapter are eligible to receive rerefining incentive payments.

Note:

Authority cited:
Sections 40502 and 48641 of the Public Resources Code.

DRAFT

Reference:

Sections 48651 (a) and (b) of the Public Resources Code.

18655.2. ~~On what used oil can a recycling incentive be paid?~~ Used Oil Eligible for the Recycling Incentive.

(a) For industrial generators, certified used oil collection centers, and curbside collection programs, all lubricating oil sold or transferred in this state or imported into this state after October 1, 1992, for which a ~~$0.04 per quart or $0.16 per gallon~~ fee as described in Section 48650 of the Public Resources Code was paid to the State of California and, after use, was transported after April 1, 1993, by a used oil hauler to a certified used oil recycling facility, or to an out-of-state facility registered with ~~the U.S. EPA~~ CalRecycle and in compliance with the regulations of the state in which the facility is located, is eligible for payment of a recycling incentive.

(b) Certified used oil collection centers may claim the recycling incentive only for used lubricating oil collected from the public and/or generated on-site by the used oil collection center. A certified used oil collection center cannot claim the recycling incentive for used oil generated by an entity other than the center, except used oil delivered by the public in quantities of no more than 20 gallons per person per day.

(c) Industrial generators may only claim the recycling incentive for used lubricating oil generated from vehicles that they own or lease for their own use. Industrial generators may not claim the recycling incentive for used oil generated by an entity other than the industrial generator.

~~(c) For electric utilities, all lubricating oil sold or transferred in this state or imported into this state after October 1, 1992, for which a $0.04 per quart or $0.16 per gallon fee was paid to the State of California and, after use, was used to generate electricity after April 1, 1993, is eligible for payment of a recycling incentive. Electric utilities may only claim recycling incentive payments for lubricating oil used in equipment owned by the electric utility.~~

(d) Curbside collection programs may only claim the recycling incentive for used oil collected from households ~~on a monthly or more regular basis~~.

~~(d)~~(e) If ~~the Board~~ CalRecycle finds that it has paid a recycling incentive for used lubricating oil which was transported to a non-certified used oil recycling facility, or to an out-of-state facility not in compliance with regulations of the state in which the facility is located, the claimant shall be responsible for refunding the amount of the payment to ~~the Board~~ CalRecycle. Any refunds may be deducted from future recycling incentive claims.

~~(e)~~(f) If ~~the Board~~ CalRecycle finds that it has paid the recycling incentive to the operator of a used oil collection center which was not accepting used lubricating oil from the public at no charge and offering the recycling incentive, the claimant shall be responsible for refunding the amount of the payment to ~~the Board~~ CalRecycle. Any refunds may be deducted from future recycling incentive claims.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

DRAFT

Reference:

Sections 48651 (a) and (b) of the Public Resources Code.

Section 18655.3. ~~When can an incentive claim be submitted?~~ When to Submit a Recycling Incentive Claim.

No more than three recycling incentive claims per quarter shall be submitted to ~~the Board~~ CalRecycle. The last claim for a quarter must be postmarked on or before the last day of the month following that quarter. A claim must be submitted by the last day of the month following the quarter in which the used lubricating oil was transported by a used oil hauler to a used oil recycling facility.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Sections 48651 (a) and (b), and 48670 of the Public Resources Code.

Go to Top

~~18655.4. How long after used oil is hauled away, or used to generate electricity by an electric utility must an incentive claim be submitted?~~

~~A claim must be submitted by the last day of the month following the quarter in which the used lubricating oil was transported by a used oil hauler to a used oil recycling facility, or used to generate electricity by an electric utility.~~

~~**Note:**~~

~~***Authority cited:***~~

~~*Sections 40502 and 48641 of the Public Resources Code.*~~

~~***Reference:***~~

~~*Sections 48651 (a) and (b) of the Public Resources Code.*~~

Section 18655.5. ~~How do incentive claims relate to quarterly reports,~~ Recycling Incentive Claims and Quarterly Reports as described in Public Resource Code Section 48670.~~?~~

(a) Recycling ~~I~~incentive claims satisfy the quarterly report requirements. Businesses must provide a quarterly report or submit a recycling incentive claim only if they want payment for used oil hauled during the quarter.

(b) Industrial generators, curbside collection programs~~, electric utilities~~, and certified used oil collection centers must submit a~~n~~ recycling incentive claim/report on or before the last day of the month following each quarter in which used lubricating oil was:

(1) Transported by a used oil hauler to a certified used oil recycling facility;

(2) Transported by a used oil hauler to an out-of-state facility registered with the U.S. EPA and in compliance with the regulations of the state in which the facility is located; or

DRAFT

~~(3) Used by an electric utility to generate electricity.~~

(c) No more than three recycling incentive claims/reports will be accepted for each quarter.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Sections 48651 (a) and (b), and 48670 of the Public Resources Code.

Section 18655.51. ~~If I operate more than one certified used oil collection center, may I submit a single recycling incentive claim?~~ Operation of More Than One Certified Used Oil Collection Center, Industrial Generator, or Curbside Program.

~~(a) Yes, upon written approval by the Board.~~

~~(b) If an operator of more than one certified collection center wishes to submit a single incentive claim for multiple centers, the operator shall make such request for approval in writing. The Board shall notify the operator in writing within forty-five (45) calendar days of receipt of the request that it is either:~~

~~(1) Approved; or~~

~~(2) Denied and the reasons for denial.~~

(a) A person or persons may operate multiple types of collection entities (certified collection center, industrial generator, curbside program) under a single operator ID.

(b) A person or persons operating more than one certified used oil collection center, industrial generator, or curbside program shall receive an operator ID that will be associated with all of their sites, and may submit a single claim for all those sites by using this operator ID.

(~~c~~ b) A single recycling incentive claim for multiple sites ~~centers~~ must include the information required by Sections 18655.6(b), (3), (5), (6), (7), (8), and (9) of this Chapter, for each site ~~certified center~~. The person completing the single recycling incentive claim must provide the information specified in Sections 18655.6(b)(1), and (b)(2) and sign a penalty of perjury statement pursuant to part (b)(4).

(~~d~~c) Manifest or ~~modified~~ manifest receipts and, if applicable, copies of the purchase receipts, invoices, or other documentation showing payment of the ~~$0.04 per quart or $0.16 per gallon~~ lubricating oil recycling fee must include the identification number as issued by ~~the Board~~ CalRecycle pursuant to Section 18650.4(a) or 18653.4(a) of this Chapter.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

DRAFT

Reference:

Sections 48651(a) and (b), 48660, and 48670 of the Public Resources Code.

Go to Top

Section 18655.6. ~~What must be submitted with an incentive claim?~~ Information to be Submitted with a Recycling Incentive Claim.

Incentive claims submitted by industrial generators, curbside collection programs~~,~~ and certified used oil collection centers ~~and electric utilities~~ must:

(a) Be accurate, complete, and typed or legibly handwritten in English; and

(b) Contain all of the following information:

(1) Full name, address, and telephone number of the certified or registered entity preparing the recycling incentive claim/report; and

(2) Full name, ~~and~~ telephone number, and e-mail address (if available) of a contact person for purposes of the report; and

(3) The identification number as issued by ~~the Board~~ CalRecycle pursuant to Section 18650.4(a) or 18653.4(a) of this Chapter.

(4) The signature and title of the representative of the entity authorized to prepare the report. The signature block shall contain an affidavit stating the following: "I certify under penalty of perjury that the information contained in this claim/report including attached copies of invoices, manifests and manifest receipts, is true and correct, and that no other claim has been submitted on this used oil to the best of my knowledge."; and

(5) If applicable, the amount of new lubricating oil purchased from a vendor or an oil manufacturer in the quarter or since the last recycling incentive claim/report was submitted. Specify if no lubricating oil was purchased;

(6) If new lubricating oil was purchased, copies of the purchase receipts, invoices, or other documentation showing payment of the ~~$0.04 per quart or $0.16 per gallon~~ lubricating oil recycling fee to a vendor or the State of California;

(7) The amount of used lubricating oil transported to a certified used oil recycling facility or to an out-of-state facility registered with CalRecycle ~~the U.S. EPA~~ and in compliance with the regulations of the state in which the facility is located for the period since the previous claim;

(8) Copies of completed, typed or legibly handwritten manifests or ~~modified~~ manifest receipts from used oil haulers pursuant to Health & Safety Code Section ~~25250.8~~ 25160 for the amount of used lubricating oil for which a claim is being made;

(9) If a center is receiving used oil from the public and is also generating used oil on-site, it shall include either a log of used oil received from the public or a log of oil generated on-site.

DRAFT

(A) A log of used oil received from the public must include:

(i) The name and address of each individual that the center received used oil from. If used oil is abandoned oil, the center shall record the quantity of used oil received and the date, and may mark the used oil on the log as an "anonymous donation";

(ii) The date that the center received oil from each individual; and

(iii) The quantity of used oil that was received from each individual.

(B) A log of used oil generated on-site must include:

(i) The date that used oil was generated;

(ii) The volume of used oil generated on all dates listed; and

(iii) How the used oil was generated. This may include, but is not limited to, used oil generated from performing oil changes in a service bay and used oil recovered from oil filter crushing.

~~(9) Electric utilities shall include the amount of lubricating oil used to generate electricity pursuant to Public Resources Code Section 48651 (b) for the period since the previous claim; and~~

(10) The total monetary amount being claimed.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Sections 48651 (a) and (b) and 48670 of the Public Resources Code.

Go to Top

Section 18655.7. ~~Where are incentive claims submitted?~~ Where to Submit an Incentive Claim.

Incentive Claims and Quarterly Reports shall be delivered to ~~the Board~~ CalRecycle's main business office, to the attention of the Accounting Section. The outside of the package containing the claims must be clearly marked: "Used Oil Recycling Incentive Claim Enclosed~~.~~" or "Used Oil Rerefining Incentive Claim Enclosed."

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Sections 48651 (a) and (b), and 48670 of the Public Resources Code.

DRAFT

Section 18655.8. ~~What records must I keep to support an incentive claim?~~ Records to be Kept as Support for a Recycling Incentive Claim.

(a) Certified used oil collection centers must:

(1) If applicable, retain copies of purchasing receipts for all lubricating oil purchased that denote a fee as described in Section 48650 of the Public Resources Code ~~of $0.04 per quart or $0.16 per gallon for lubricating oil~~ was paid to the State of California or a vendor; and

(2) Retain copies of manifests or ~~modified~~ manifest receipts from used oil haulers to support an~~d~~ incentive payment claim; ~~and~~

(3) Maintain a log consistent with Section 18651.2 of this Chapter if used industrial oil is accepted in addition to used lubricating oil~~.~~; and

(b) Curbside collection programs must:

(1) Retain copies of manifests or ~~modified~~ manifest receipts from used oil haulers to support an incentive payment claim. For the purpose of recycling incentive claim payments, manifest receipts that do not indicate specific volumes of lubricating oil and industrial oil, per Section 18632(b) of this Chapter, will be assumed to contain only industrial oil and the volumes of oil on those manifest receipts will be ineligible for recycling incentive claim payments.

~~(c) Electric utilities must:~~

~~(1) Retain copies of purchasing receipts for all lubricating oil purchased that denote a fee of $0.04 per quart or $0.16 per gallon was paid to the State of California or to a vendor; and~~

~~(2) Maintain documentation indicating:~~

~~(A) The date that used lubricating oil from utility-owned equipment was used to generate electricity; and~~

~~(B) The amount, in gallons, of used lubricating oil from utility-owned equipment that was used to generate electricity.~~

(~~d~~c) Industrial generators:

(1) Must retain copies of purchasing receipts for any lubricating oil purchased that specify a fee ~~of $0.04 per quart or $0.16 per gallon~~ was paid to the State of California, or to the distributor; and

(2) Must retain copies of manifests or ~~modified~~ manifest receipts from used oil haulers; and

(3) Must retain all vouchers issued by ~~the Board~~ CalRecycle verifying refunds of fees paid by ~~the Board~~ CalRecycle for lubricating oil that was ultimately used for a use exempt from payment pursuant to Section 48650 of the Public Resources Code.

Note:

DRAFT

Authority cited:

Sections 40502 and 48670 of the Public Resources Code.

Reference:

Sections 48651 (a) and (b), and 48670, of the Public Resources Code.

Go to Top

~~Section 18655.9. What happens if my incentive claim is rejected?~~

~~The Board will notify the claimant within thirty (30) calendar days if an incentive claim is rejected and include the reasons for rejection. The claimant may resubmit a revised claim. If the Board CalRecycle denies payment of an incentive claim, the claimant may submit a written request for a Board hearing. Request for a hearing must be submitted within thirty (30) days of notification of rejection.~~

~~**Note:**~~

~~***Authority cited:***~~

~~*Sections 40502 and 48641, of the Public Resources Code.*~~

~~***Reference:***~~

~~*Sections 48660 and 48680, of the Public Resources Code.*~~

Section 18656.0. ~~How long will it take for the Board to process my claim?~~ Recycling Incentive Claim Processing.

(a) ~~You can expect payment for your incentive claim within fifty (50) calendar days of the postmark date of your claim. The Board will process and forward your claim for payment to the State Controllers Office (SCO) within 35 days after the postmark date.~~ CalRecycle will review all recycling incentive claims within thirty-five (35) days of the postmark date of the claim for claims that include less than thirty (30) individual sites. Claims that include thirty (30) or more individual sites will be reviewed within seventy-five (75) calendar days of the postmark date of the claim. If ~~the Board~~ CalRecycle finds cause to investigate any provisions of ~~your~~ a claim this time period will be extended until resolution.

(b) If a claim is approved, CalRecycle will process and forward it for payment to the State Controllers Office (SCO). ~~The SCO will pay the claim within 15 calendar days of receipt of the claim from the Board.~~

(c) CalRecycle may withhold or adjust payments for recycling incentive claims that are improper, illegible, or incomplete or otherwise deficient. If a payment claim is denied, CalRecycle will notify the claimant within forty-five (45) days of the denial and provide the reasons its determination.

(d) A claimant may appeal CalRecycle's determination in writing within thirty (30) calendar days of the date of the denial or written notice of an adjustment. Any appeal received by CalRecycle after 30 calendar days from the date of the denial or adjustment shall be denied without consideration of the appeal.

(1) A written appeal shall include, at minimum, the following information:

(A) The claimant's name and location;

DRAFT

(B) The reporting period for which the claim was submitted;

(C) The claimant's identification number as issued by CalRecycle pursuant to Section 18650.4(a) or 18653.4(a) of this Chapter;

(E) An explanation of why the adjustment or denial was in error; and

(F) Any other relevant documentation in support of the appeal.

(2) CalRecycle may consider the reasons for payment denial or payment adjustment, and any relevant information presented by the applicant or CalRecycle staff. CalRecycle will notify the applicant, in writing, within 20 calendar days of its determination.

Note:

Authority cited:

Sections 40502 and 48641, of the Public Resources Code.

Reference:
Sections 48651 (a) and (b) and 48670 of the Public Resources Code. ~~Section 926.17, of the Government Code. Section 8475, State Administrative Manual.~~

Section 18657.0 Rerefined Oil Incentive.

(a) Used oil rerefining facilities that are certified with CalRecycle per Section 18643.0(c) of this Article may file a claim for the rerefining incentive payment described in Section 48651.5 of Public Resources Code.

(b) No more than two rerefined incentive claims per quarter shall be submitted to CalRecycle. All claims for a quarter must be postmarked on or before the last day of the second month following that quarter.

(c) CalRecycle will pay an incentive for all used lubricating oil, excluding any water content, generated in California that is processed into rerefined oil that meets the specifications as defined in Section 48620.2 of the Public Resources Code.

(d) A rerefined incentive claim for rerefined oil must include the following information:

(1) The full name, address, and telephone number of the certified entity preparing the rerefined incentive claim;

(2) The full name, telephone number, and e-mail address (if available) of a contact person for the purposes of the rerefined incentive claimt;

(3) The rerefining facility certification number as issued by CalRecycle;

(4) The volume of California used lubricating oil received by the facility;

(5) Copies of manifests, manifest receipts, or other documentation that show the oil received is lubricating oil generated and collected in California;

DRAFT

(6) The volume of rerefined base oil produced from California used lubricating oil;

(7) A declaration that the used oil received meets the specifications in Section 48651.5(a)(2) of the Public Resources Code;

(8) The water content of the California generated used lubricating oil that is processed into rerefined oil;

(9) Out-of-state facilities shall include a declaration that they have a current agreement with DTSC per Section 48662(f) of the Public Resources Code;

(10) A declaration that rerefined oil meets the standard defined in Section 48620.2(a) of the Public Resources Code; and

(11) The total monetary amount being claimed

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Sections 48651.5 and 48673 of the Public Resources Code.

Section 18657.1 Processing of Rerefining Incentive Claims.

(a) CalRecycle will review all rerefining incentive claims within forty-five (45) days of the postmark date. If CalRecycle finds cause to investigate any provisions of a claim this time period will be extended until resolution.

(b) If a claim is approved, CalRecycle will process and forward it for payment to the State Controllers Office (SCO). The SCO will pay the claim within 15 calendar days of receipt of the claim from CalRecycle.

(c) CalRecycle may withhold or adjust payments for rerefining incentive claims that are improper, illegible, or incomplete or otherwise deficient. If a payment claim is denied, CalRecycle will notify the claimant within forty-five (45) days of the denial and provide the reasons its determination.

(d) A claimant may appeal CalRecycle's determination in writing within thirty (30) calendar days of the date of the denial or written notice of an adjustment. Any appeal received by CalRecycle after 30 calendar days from the date of the denial or adjustment shall be denied without consideration of the appeal.

(1) A written appeal shall include, at minimum, the following information:

(A) The claimant's name and location;

(B) The reporting period for which the claim was submitted;

(C) The rerefining facility certification number as issued by CalRecycle;

DRAFT

(E) An explanation of why the adjustment or denial was in error; and

(F) Any other relevant documentation in support of the appeal.

(2) CalRecycle may consider the reasons for payment denial or payment adjustment, and any relevant information presented by the applicant or CalRecycle staff. CalRecycle will notify the applicant, in writing, within 20 calendar days of its determination.

Note:

Authority cited:

Sections 40502 and 48641 of the Public Resources Code.

Reference:

Sections 48651.5 and 48673 of the Public Resources Code.

~~Article 8. General Provisions for Used Oil Recycling Grants~~

~~Section 18658.0. Scope and Applicability.~~

~~The regulations contained in this Chapter pertain to grants from the California Used Oil Recycling Fund (Fund) to local agencies for the implementation of used oil collection programs.~~

~~Note:~~

~~Authority cited:~~

~~Section 48641 of the Public Resources Code.~~

~~Reference:~~

~~Sections 48613, 48690 and 48691 of the Public Resources Code.~~

~~Section 18658.1. Programs Eligible for Funding.~~

~~(a) Used oil collection programs eligible for funding from the Fund shall provide for activities relating to the implementation of existing or new used oil collection programs. These programs shall meet either of the criteria listed below or a combination of the two based upon how many residents are served by each:~~

~~(1) Ensure that at least one certified used oil collection center is available for every 100,000 residents not served by curbside used oil collection. For example, one certified used oil collection center must be available for a program with 100,000 residents or less, and three must be available for a program serving 240,000 residents. The center shall accept used oil from the public at no charge. The center shall be open at least four days a week for a total of 20 hours of which three hours each week are outside the weekday hours of 8:00 a.m. through 5:30 p.m.~~

~~(2) Provide curbside collection at least once a month.~~

~~(b) Programs eligible for funding from the Fund shall include a public education program to inform the public of locally available used oil recycling opportunities.~~

DRAFT

~~(c) A local agency may implement its used oil collection program in conjunction with other similar programs in order to improve used oil recycling efficiency.~~

~~(d) A county or local agency whose program has not served a specific city or area within the county is not eligible to obtain the funds the city or area would have been eligible to receive.~~

~~(1) A county may not claim the service area of a city that provided a used oil collection program for the area if the city meets the following criteria:~~

~~(A) Was the sole sponsor of the used oil collection program for its respective jurisdiction or was part of a regional program of which the county was not a participant; and~~

~~(B) Notified the Board and the county in writing by August 31 of the grant year that it met the provisions of this section.~~

~~**Note:**~~

~~***Authority cited:***~~
~~*Section 48641 of the Public Resources Code.*~~

~~***Reference:***~~
~~*Sections 48613 and 48691 of the Public Resources Code.*~~

~~**Section 18658.2. Grant Application Process.**~~
~~(a) To apply for a block grant, an applicant must comply with the following:~~

~~(1) A local agency with an eligible program shall submit the documents specified in Section 18659.1 of this Chapter in order to apply for a grant award.~~

~~(2) An original and three (3) copies of the documents required shall be submitted to the California Integrated Waste Management Board, at its principal place of business in care of the Household Hazardous Waste Section. All materials submitted will become the property of the Board and will be retained for a minimum of three years.~~

~~(3) The required application documents must be received by the Board on or before the close of the application period specified in Section 18658.3 of this Chapter.~~

~~**Note:**~~

~~***Authority cited:***~~
~~*Section 48641 of the Public Resources Code.*~~

~~***Reference:***~~
~~*Sections 48653 and 48657 of the Public Resources Code.*~~

DRAFT

~~Section 18658.3. Grant Application Period.~~

~~Grant applications will be accepted beginning on the first business day of September until the end of the workday on the last business day of October. Applications received after the last business day in October will be returned to the applicants.~~

~~Note:~~

~~Authority cited:~~

~~*Section 48641 of the Public Resources Code.*~~

~~Reference:~~

~~*Sections 48653 and 48691 of the Public Resources Code.*~~

~~§ 18658.3. Grant Application Period.~~

~~Grant applications will be accepted beginning on the first business day of September until the end of the workday on the last business day of October. Applications received after the last business day in October will be returned to the applicants.~~

~~Note: Authority cited: Section 48641, Public Resources Code. Reference: Sections 48653 and 48691, Public Resources Code.~~

~~Article 8.1. Local Government Block Grants~~

~~Section 18659.0. Grant Amount.~~

~~(a) As specified in Section 48653 of the Public Resources Code, grants will be given for the implementation of local used oil collection programs to cities, based on the city's population, and counties, based on the population of the unincorporated area of the county. Grants to regional programs will be based on the combined population of each city or unincorporated area which is a participant in the regional program.~~

~~(b) A local agency shall receive no more than one grant per year from the Fund. Local agencies can pool grant funds to implement regional used oil collection programs.~~

~~(c) All population statistics will be obtained through the most current annually revised Department of Finance Report on Population Estimates for California Cities and Counties, which is hereby incorporated by reference.~~

~~(d) The population of the unincorporated area in each county and population of each city will be used as a base number to determine the awarded grant amount. The Board will calculate the grant amount each applicant will receive.~~

~~(e) To determine the grant amount available to a local agency, the following formula will be used:~~

~~(1) Divide A, the total amount in the block grant account, by B, the population of the state, to calculate C, the fraction or per capita value.~~

$$\cancel{A / B = C}$$

~~(2) Multiply C, the per capita value, by D, the population of the local agency or regional program, to calculate E, the maximum grant amount the local agency is eligible to receive.~~

$$\cancel{C \times D = E}$$

~~Note:~~

Authority cited:

Sections 48641, 48653, and 48690, of the Public Resources Code.

Reference:

Section 48613, of the Public Resources Code.

Section 18659.1. Contents of the Grant Application.

(a) A local agency which is eligible for a grant award, pursuant to Section 18658.1 of this Chapter, shall submit to the Board a grant application. The grant application shall include, but not be limited to all of the following:

(1) An Application Cover Sheet, provided by the Board as form CIWMB 306 "Application Cover Sheet" (9/92), which is incorporated herein by reference.

(2) A Program Report, which shall include:

(A) A description of the used oil collection program and the problem that the program is addressing;

(B) An explanation of the program's goals or objectives;

(C) Identification of the tasks necessary to complete the proposed program and an implementation schedule for the proposed tasks;

(D) If applicable, the geographic area to be serviced by a used oil curbside collection program;

(E) The local agency's population and the population served by the local agency's used oil collection program;

(F) The operation plan which describes how the program will be conducted. This may include, but is not limited to, frequency of pickup for a curbside collection program; days and hours of operation for a used oil collection center(s); type of equipment or facilities used; and method of used oil storage and disposal;

(G) A description of the proposed public education program to inform the public of locally available used oil recycling opportunities;

(H) A description of funding sources other than the grant from the Fund, which will be used for the program;

(I) Description of cooperative efforts between local government agencies and interested citizen associations and groups, if any, regarding implementation of the program; and

(J) If a program includes establishing a new used oil collection center(s) to meet the block grant eligibility requirements as specified in Section 48691 of the Public Resources Code, the report shall include a description of how the local agency will ensure the certification of the collection center at the earliest opportunity.

(3) A Budget Report consisting of the itemized costs of the program. This shall include, but is not limited to, the cost of staffing, used oil contractor fees, the cost of public education, public awareness and/or advertising costs, and any purchases of equipment or materials. The budget report shall also contain the source(s) of

DRAFT

~~funding, fees collected, as well as the total cost of all used oil collection programs for which the request for a grant is being made.~~

~~(4) To apply for a grant as a regional program a signed copy(s) of the written agreement between the governing bodies involved authorizing the grant applicant to act on their behalf shall be included in the grant application.~~

~~(5) An approved resolution from each applicant's governing body authorizing submittal of the application and identifying the individual authorized to execute any agreements and contracts to carry out the program.~~

~~**Note:**~~

~~**Authority cited:**~~
~~*Section 48641 of the Public Resources Code.*~~

~~***Reference:***~~
~~*Sections 48613, 48690 and 48691 of the Public Resources Code.*~~

~~**Section 18659.2. Review of Grant Application.**~~
~~(a) Board staff shall review an application for a grant to verify that it is complete and satisfies the criteria contained within Section 18659.1 of this Chapter.~~

~~(b) Board staff may request additional information related to the grant application required pursuant to Section 18659.1 of this Chapter if the application is incomplete. The applicant will have a minimum of 10 (ten) working days, or an additional time period specified by the Board, to submit the requested information to the Board or will be disqualified from consideration for a grant.~~

~~**Note:**~~

~~***Authority cited:***~~
~~*Section 48641 of the Public Resources Code.*~~

~~***Reference:***~~
~~*Sections 48690 and 48691 of the Public Resources Code.*~~

~~**Section 18659.3. Terms and Conditions of a Grant Agreement.**~~
~~(a) The grant recipient and the Board shall enter into a written grant agreement which contains a description of the program, as approved, and which identifies and ensures compliance with the terms and conditions specified in this Section.~~

~~(b) The grant recipient shall obtain prior written approval from the Board, or its designated representative, for any changes to the grant agreement. All requests shall include a description of the proposed change(s) and the reason(s) for the change(s).~~

~~(c) The grant recipient shall submit an annual report to the Board, for the term of the grant agreement, on or before January 1 following receipt of the grant. The report shall include any amendments to the local used oil~~

DRAFT

~~collection program; a description of the implementation of the program and the extent to which the program was successful in addressing the problem of illegal disposal of used oil; and a description of how the block grant for the previous year was expended if applicable. The report shall also include the following information:~~

~~(1) A description of the used oil collection center program and/or curbside collection program;~~

~~(2) An account of the number of participants in the program;~~

~~(3) The amount of used oil collected as a result of the used oil collection center or curbside collection program(s), whichever is applicable;~~

~~(4) A description of the public education efforts; and~~

~~(5) A description of measures taken by the local agency to continue the program.~~

~~(d) Grant recipients shall comply with all applicable federal, state and local laws, ordinances, regulations and permits. The recipient shall maintain certification of the used oil collection center(s) pursuant to Section 48660 of the Public Resources Code.~~

~~(e) If a program includes establishment of a new used oil collection center(s) or a new curbside collection program(s) to meet the block grant eligibility requirements as specified in Section 48691 of the Public Resources Code, up to fifty percent (50%) of the grant amount available to a local agency may be withheld until the new collection center(s) becomes certified or the new curbside collection program becomes operational.~~

~~(f) If during the term of the grant a collection center(s) used by a local agency to qualify for a block grant:~~

~~(1) Does not have an application(s) for certification on file with the Board; or~~

~~(2) The center's application(s) or reapplication(s) is denied; or~~

~~(3) The center's certification(s) is canceled;~~

~~Then the local agency may be required to return grant funds used for that center(s).~~

~~(g) If during the term of the grant a curbside collection program(s) used by a local agency to qualify for a block grant ceases to operate, the local agency may be required to return grant funds used for that program(s).~~

~~**Note:**~~

~~***Authority cited:***~~

~~*Section 48641 of the Public Resources Code.*~~

~~***Reference:***~~

~~*Section 48690 of the Public Resources Code.*~~

~~**Section 18659.4. Payment of Grant Funds.**~~

~~Block grant recipients will be awarded grant funds during January of each grant year.~~

DRAFT

~~**Note:**~~

~~***Authority cited:***~~

~~*Section 48641 of the Public Resources Code.*~~

~~***Reference:***~~

~~*Section 48690 of the Public Resources Code.*~~

~~**Section 18659.5. Auditing.**~~

~~(a) The Board, the State Controller's Office, and the State Auditor General's Office, or their designated representatives, shall have an absolute right of access to all of the grant recipient's records pertaining to a California Used Oil Recycling Block Grant.~~

~~(b) All local agencies receiving block grants from the Fund shall maintain an accounting system which utilizes generally accepted accounting principles and practices. In addition to accounting records, all source documents associated with the accounting records shall be maintained. Source documents include, but are not limited to, bid summaries, contracts with the grant recipient, change orders showing approval by a city or county engineer, purchase orders, invoices, paid warrants, time sheets, labor distribution reports and payroll registers.~~

~~(c) The accounting records and pertinent documents shall be retained by the grant recipient for at least three (3) years after expiration of the grant agreement, or until the completion of a Board action and/or resolution of issues which may arise as a result of any litigation, claim negotiation or audit.~~

~~(d) If an audit reveals that grant funds have been distributed for a program which has either not met the criteria of Section 18658.1 of this Chapter, and/or has not spent grant funds in accordance with the grant agreement, the grant recipient shall repay the money received, plus interest, at the rate the State would have earned on this money had it remained in the Fund. Such forfeitures shall revert to the Fund.~~

~~(e) The Board may terminate any grant in whole, or in part, at any time before the date of completion, whenever it is determined by the Board that the recipient has failed to comply with the terms or conditions of the grant agreement. The Board shall notify the recipient within five (5) working days, in writing, of the determination, the reasons for termination of the grant, and the effective date of termination.~~

~~**Note:**~~

~~***Authority cited:***~~

~~*Section 48641 of the Public Resources Code:*~~

~~***Reference:***~~

~~*Sections 48613, 48674, 48690 and 48691 of the Public Resources Code.*~~

DRAFT