

# **Attachment B**



May 2022

Department of Resources Recycling and Recovery

# **Used Oil Payment Program Guidelines**

**Cycle 13 (OPP13) Fiscal Year 2022–23**

**Revised 6/7/2022**

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**Submittal of a Used Oil Payment Program (OPP) Application constitutes acceptance of these Guidelines as the controlling requirements for receiving, spending, and accounting for OPP funds and for annual reporting. The application and these Guidelines shall constitute the OPP Agreement.**

## **Overview and Statutory Authority**

The Department of Resources Recycling and Recovery (CalRecycle) offers the Used Oil Payment Program pursuant to Section 48600 of the Public Resources Code.

The California Public Resources Code (PRC) section 48600 et seq. describes the California Oil Recycling Enhancement Act (Act), which, among other things, provides up to \$11 million annually in payments to local governments for implementation of local used oil and filter collection programs. The Department of Resources Recycling and Recovery (CalRecycle) is responsible for administering the OPP. These Guidelines describe the application and administrative processes to implement the OPP Cycle 13. Payment Recipients (recipients) are responsible and accountable for ensuring that expenditures are appropriate, and that proper internal supporting documentation is maintained. To ensure full compliance with OPP's processes and requirements, OPP applicants/recipients must adhere to these Guidelines and the program provisions set out in the Act, notably PRC sections 48674, 48690, and 48691.

**Note:** The anticipated amount for FY 2022–23 is \$6,099,000. The amount available is subject to change, based on the availability of oil funds.

This resource document provides applicants with instructions to access and complete the application online and information about the administration of the Used Oil Payment Program. The web-based application is in CalRecycle's [Local Government Oil Payment Program \(LoGOPP\)](https://secure.calrecycle.ca.gov/LoGOPP/SignIn.aspx) (<https://secure.calrecycle.ca.gov/LoGOPP/SignIn.aspx>). You will need to sign into LoGOPP to complete and submit an application.

**Note:** The following terms used in this document are defined below, unless the context clearly indicates otherwise:

- “Applicant” refers to either the legal name of the entity that is legally responsible for payment program administration and any entity that will receive and control payment program equipment, if awarded, or to a person who is completing an application on behalf of the Applicant (this is usually the primary contact listed on the application, but could also be the secondary contact, signature authority, or consultant).
- “You” refers to a person who is completing the application on behalf of the Applicant.

## **Timeline and Cycle Activity**

### **June 28, 2022: Application Due Date**

- Applicants must submit applications in LoGOPP by 11:59 p.m. on this date.
- Customer service will be available until 4:00 p.m. on this date.

### **July 26, 2022: Secondary Due Date**

- Approved Resolution must be uploaded in LoGOPP by this date if it was not submitted with the application.
- If applicable, Letters of Authorization must be uploaded in LoGOPP by this date.

### **Spring 2023: Payments Awarded**

- Unless an early payment is requested by the applicant and subsequently approved by CalRecycle.

### **July 1, 2022–June 30, 2024: Cycle Term Dates**

### **August 15, 2023 and August 15, 2024: Annual Report Due Dates**

- Due no later than August 15 of each year during performance period. If the due date falls on a Saturday or Sunday, the online report must be submitted by the following Monday.

## **Eligible Applicants**

Applicants are limited to local governments, which are defined in statute as "any chartered or general law city, chartered or general law county, or any city and county." CalRecycle may make a payment to another entity that will implement the program on behalf of a local government (in lieu of making a payment to that local government) with the agreement of that local government.

Applicants that comply with PRC sections 48690 and 48691 are eligible to apply for and, if approved, receive payment through the OPP. Applicants must have a used oil collection program which provides either of the following or a combination of the two:

- Ensures there is at least one certified used oil collection center (CCC) for every 100,000 residents not served by curbside collection.
- Provides used oil curbside collection at least once a month.

In addition to meeting at least one of the requirements above, applicants must have a public education component that informs the public of locally available used oil recycling opportunities.

[California Labor Code section 1782](#) prohibits a charter city from receiving state funding or financial assistance for construction projects if that charter city does not comply with Labor Code sections 1770-1782. If any applicants or participating entities are charter cities or Joint Powers Authorities that include charter cities, the lead participating entity must certify that Labor Code section 1782 does not prohibit any included charter city from receiving state funds for the project described in this application. If it is determined after award that an applicant or a participating entity is a charter city prohibited from

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receiving state funds for their project, the award will be terminated and any disbursed OPP funds shall be returned to CalRecycle.

## **Individual Application**

An individual Application is one in which a single eligible entity will be responsible for the payment program implementation. The applicant in an Individual Application will be responsible for the performance of the payment program and all related documentation. In addition, the applicant will be the only entity receiving any real or personal property that is purchased with these funds.

## **Regional Application**

Local governments may join together in a regional application, in which two or more eligible jurisdictions join together for the purpose of project implementation. A Regional Lead Participant must be designated to act on behalf of all Non-Lead Participants. An entity that is not a local government, such as a district, can be delegated as a Lead but is not eligible to join as a participant. The Lead Participant is the applicant, and if awarded, will be responsible for the performance of the OPP and all required documentation. CalRecycle will direct all official correspondence and payments to the Lead Participant. If a jurisdiction is a Non-Lead Participant in a Regional Application, it may not apply individually.

## **Joint Powers Authority Application Requirements**

Joint Powers Authorities (JPA) may submit an application as an individual applicant. An entity may not submit an individual application if that entity is also a member of an applicant JPA. In addition to the requirements for an Individual Application, a JPA must upload a copy of its JPA Agreement.

The JPA Agreement must:

1. Give authority over used oil management.
2. List all member entities.
3. Contain the signature of all members.

## **Public Records Requests**

CalRecycle's policy is to make records requested by the public promptly available in accordance with the laws governing disclosure of records and information to the public. In general, all records in the possession of a state agency are public records subject to disclosure, unless a law provides that a particular kind of record or information is not a public record or is exempt or prohibited from disclosure.

Upon request, the entire contents of the submitted application are subject to public records requests. This may include contact information, project summary, uploaded documents, and scoring information. Public records may be requested from CalRecycle through the [California Public Records Act Requests web page](https://www2.calrecycle.ca.gov/Forms/ContactUs/PublicRecordsRequest/) (<https://www2.calrecycle.ca.gov/Forms/ContactUs/PublicRecordsRequest/>).

## Confidentiality

The following describes the treatment of certain confidential or proprietary information under the California Public Records Act (Government Code 6250, et seq.) and related regulations. It also describes how questions are resolved on whether information is truly confidential, the legal protections for confidential information, and internal and program procedures to maintain confidentiality.

### Confidential or Proprietary Information

Title 14 of the California Code of Regulations (14 CCR), [sections 17041-17046](https://www.calrecycle.ca.gov/Laws/Regulations/Title14/) (<https://www.calrecycle.ca.gov/Laws/Regulations/Title14/>), states that confidential or proprietary information shall include, but is not limited to:

- Personal or business-related financial data, customer client lists, supplier lists and other information of a proprietary or confidential business nature provided by persons in applications, reports, returns, certifications or other documents submitted to [CalRecycle] which if released would result in harmful effects on the person's competitive position.
- Tax information prohibited from disclosure, pursuant to the Revenue and Taxation Code.

Accordingly, appropriate documents submitted with an application that are clearly marked, on each page, "confidential or proprietary information" will be treated by CalRecycle pursuant to the procedures set forth in 14 CCR sections 17041-17046. However, the law does not treat documents marked as "confidential or proprietary information" (such as sales brochures, promotional literature and other general non-financial documents) as confidential if they do not fall within the categories of protected financial documents listed above.

### What if there is a question about what is confidential?

If CalRecycle receives a request to disclose data claimed by the applicant to be confidential, CalRecycle would notify the applicant of the request and state that the documents were under review to determine whether information was correctly identified as "confidential." If there was any question as to whether specific information was confidential, CalRecycle would contact the person(s) identified in the application to provide a justification and statement why the information is confidential. The process for evaluating confidentiality claims is set forth in section 14 CCR 17046.

### What procedures does CalRecycle have in place to ensure that confidential information is kept confidential?

Confidential or proprietary information will be evaluated and analyzed only by CalRecycle staff, kept confidential, and will be maintained with restricted access. Records no longer needed to provide the services offered under the program are periodically destroyed, when allowed by audit policies and state law.



# Application Instructions

## Application Access

The application is available on CalRecycle's web-based [Local Government Oil Payment Program \(LoGOPP\)](https://secure.calrecycle.ca.gov/LoGOPP/SignIn) (https://secure.calrecycle.ca.gov/LoGOPP/SignIn). Access to LoGOPP is secure; therefore, you must have a CalRecycle WebPass to log into the system. Those who have not previously obtained a CalRecycle WebPass can create an account at the [CalRecycle WebPass Site](https://secure.calrecycle.ca.gov/WebPass/) (https://secure.calrecycle.ca.gov/WebPass/). After activating your account, you can request LoGOPP access by contacting your [Program Advisor](https://www.calrecycle.ca.gov/HomeHazWaste/Grants/Contacts/) (https://www.calrecycle.ca.gov/HomeHazWaste/Grants/Contacts/).

To start an application:

1. Log in to [LoGOPP](https://secure.calrecycle.ca.gov/LoGOPP/SignIn) (https://secure.calrecycle.ca.gov/LoGOPP/SignIn).
2. Select **Applications** on the left.
  - OPP cycles are displayed in a table.
3. Click the **Add Application** button on the top right.
4. The application then opens to the **Program Requirements tab**.

## Application Contents and Instructions

The components of the application are divided into tabs. To fill out an application, click on each tab and complete the sections in each tab as required. General directions are on the top of each tab, and detailed information about the requirements for each tab is listed below.

The applicant is responsible for a complete application. This includes signing documents, uploading required documents, and submitting the application by the due date(s). Failure to do so will result in disqualification from the OPP.

Examples of disqualifications may include:

- Applicant does not meet the eligibility requirements.
- Applicant fails to use required CalRecycle documents or forms.
- Applicant uploads incomplete or blank documents to the Documents tab.
- Signature Authority fails to sign Application Certification or any document that requires a signature.
- The online application is incomplete or missing information.

## Program Requirements Tab

This tab provides a summary of the application, due dates, program requirement questions, payment options, important links, and the submit application button (once minimum requirements are complete). It is the applicant's responsibility to ensure that all required documents, based on the individual application/project, are submitted by the appropriate due date.

## Contacts Tab

CalRecycle requires the application to have only one Primary Contact and at least one Signature Authority. Contacts will automatically populate based on your previous year's application, when applicable. You must verify that the contacts are still the same; otherwise, you can add, edit or delete contacts before you submit your application.

- **Primary Contact.** One person who the Signature Authority or their designee has authorized to manage and oversee the program. This person will be the first contact with whom the Program Advisor will communicate.
- **Signature Authority.** The person(s) authorized to sign CalRecycle documents, such as applications, annual reports, etc., as authorized by a board/council-adopted Resolution or Letter of Designation (if applicable).
- **Secondary Contact.** A person authorized (by the Primary Contact or Signature Authority or their designee) as the alternate person with whom the Program Advisor will communicate. (Not required)
- **Consultant.** A professional who provides advice in an area of expertise. If CalRecycle awards a payment to the applicant, the consultants may manage the program or only conduct specific activities, based on a written agreement between the applicant and the consultant outlining work to be performed. (Not required)

## Addresses Tab

All applicants are required to enter a physical address and a payment address. There is also an option to enter a mailing address. If more than one address is the same, you may select the appropriate address types and enter the address only once.

## Participating Jurisdictions Tab

Only regional applicants or Individual Joint Powers Authorities (JPA) applicants are required to use this tab. Individual applicants that are not JPAs will not use this tab. Only local governments are eligible as participating jurisdictions in a regional application. Select the name of each eligible participating jurisdiction, or each JPA member participating in the application, and move them to the left.

## Documents Tab

When uploading a document, enter a document title, and select the appropriate document type from the drop-down list. Click the "Browse" button to locate the document you wish to upload. Once you have finished, click the "Save" button. See the Authorizing Documents section below.

After all of the required application documents are uploaded, return to the **Program Requirements tab** and print the **Application Certification**. The applicant must obtain a certified e-Signature or wet ink signature from the authorized Signature Authority (identified in your Resolution or Letter of Designation), scan the signed document, upload it to LoGOPP, and retain the original hard copy document for potential CalRecycle audits.

~~An important OPP12 application approval requirement includes the submittal of the following:~~

- ~~1. Submit a completed annual report in LoGOPP (see **Timeline and Cycle Activity** section for due date) for OPP10 and/or OPP11 by August 15, 2021. If the due date falls on a Saturday or Sunday, the online report must be submitted by the following Monday.~~
- ~~2. Have no outstanding debt(s) owed to CalRecycle.~~
- ~~3. Return any unspent funds from the closed Cycle 10 to CalRecycle by August 15, 2021 (see **Unspent Funds** section).~~

An important OPP13 application approval requirement includes the submittal of the following:

1. Submit a completed annual report in LoGOPP (see **Timeline and Cycle Activity** section for due date) for OPP11 and/or OPP12 by August 15, 2022. If the due date falls on a Saturday or Sunday, the online report must be submitted by the following Monday.
2. Have no outstanding debt(s) owed to CalRecycle.
3. Return any unspent funds from the closed Cycle 11 to CalRecycle by August 15, 2022 (see **Unspent Funds** section).

If you have any questions regarding the application contents and instructions, you may call Natalie Gandolfo at (916) 341-6809 or send an e-mail to [grantassistance@calrecycle.ca.gov](mailto:grantassistance@calrecycle.ca.gov). Technical assistance will be provided until 4:00 p.m. on the application due date.

## **Application Submittal and Deadline**

The **Submit Application** button will be enabled after the Application Certification has been uploaded.

Click the **Submit Application** button and the application status will change to **Submitted**. You can only submit the application once; however, you may upload the following documents until the secondary due date, July 26, 2022: Resolution, Letter of Designation, Letter of Authorization, and JPA Agreements.

You must submit your application no later than 11:59 p.m. on June 28, 2022. Customer service will be available until 4:00 p.m. on the application due date either by emailing [grantassistance@calrecycle.ca.gov](mailto:grantassistance@calrecycle.ca.gov) or calling Natalie Gandolfo at (916) 341-6809.

# Application Documents

## Electronic and Original Signatures

CalRecycle now allows for certified e-Signature or original wet signature on documents or forms that certify legally binding information.

**Note:** E-Signatures must include the first and last name of the Signature Authority, be in the Adobe Digital ID format (or in another certified digital signature program), and cannot be completed using the “Fill and Sign” function within Adobe. Any documents using the “Fill and Sign” function are considered incomplete and may be sent back to the applicant.

Once the document(s) have been signed by the Signature Authority, upload the digitally signed document, or scan the wet signature, and save it to LoGOPP. Retain the original document for potential CalRecycle audits (see Audit, Accounting, and Records Retention section for more information).

If you have questions, email [grantassistance@calrecycle.ca.gov](mailto:grantassistance@calrecycle.ca.gov).

## CalRecycle Documents

Altered or reproduced CalRecycle documents or templates may result in automatic disqualification of your application. Unless a document specifies that it may be reproduced as necessary, **do not** alter CalRecycle documents.

Below is a list of CalRecycle documents:

### Application Certification

The Application Certification is a required application document that must be generated from LoGOPP.

After you have completed each tab of the application, generate the Application Certification from the Program Requirements tab. Once the Application Certification is signed, upload it to the Documents tab.

## Applicant's Documents

Below is a list of documents that the applicant is responsible for preparing and uploading to their application. Retain the original hard copy documents for potential CalRecycle audits. See Audit, Accounting, and Records Retention section for more information.

## Applicant's Required Authorization Documents

Below is a list of required authorizing documents by application type that the applicant is responsible for preparing and uploading to their application.

**Note:** For Resolution, Letter of Authorization, and Letter of Designation templates refer to the [Resolution and Letter Examples](https://www.calrecycle.ca.gov/Funding/SampleDocs) (<https://www.calrecycle.ca.gov/Funding/SampleDocs>) web page. CalRecycle staff are

available to answer questions about the Resolution or to review your draft Resolution to ensure it meets the requirements of the program. We strongly encourage applicants to email draft Resolutions for review. If you would like CalRecycle to review your draft Resolution, please email the document in Word format to [grantassistance@calrecycle.ca.gov](mailto:grantassistance@calrecycle.ca.gov), and let us know if your application is a Regional Application or an Individual Application. You may also upload the Resolution to your LoGOPP application as a “Draft Resolution”, but there is no guarantee that CalRecycle will review it prior to the secondary due date when Resolutions are due.

### **Individual Application Authorization Documents:**

If subject to a governing body (excluding Corporations), the applicant must submit a Resolution no later than secondary due date or CalRecycle will deem the application incomplete and disqualify the applicant. The Resolution must:

1. Authorize submittal of an application for one or more specifically named CalRecycle Payment Programs or for all CalRecycle Payment Programs for which the applicant is eligible and currently applying.
2. The Resolution must identify the time period up to and including until rescinded, during which the authorizations are valid.
  - “Until rescinded” Resolutions are encouraged; however, specific periods of time are acceptable.
  - If a Resolution does not specify a time period, CalRecycle will consider the Resolution valid for one year from the date of adoption.
3. Identify the Signature Authority by listing the job title of the person(s) authorized to sign all payment program-related documents necessary to implement and close-out the project(s).
  - (Optional but encouraged) The Resolution should authorize the Signature Authority to delegate their signature authority to another person identified by job title. Applicants can only submit a Letter of Designation if the corresponding Resolution includes designee language.

**Note:** The Signature Authority must sign a Letter of Designation **prior** to the designee’s exercise of their authority.

### **Regional Application Authorization Documents:**

#### **Lead Participant**

Applicant must submit a Resolution no later than secondary due date or CalRecycle will deem the application incomplete and disqualify the applicant.

The Resolution must:

1. Authorize the submittal of a Regional Application on behalf of itself as Lead Participant and all other Non-Lead Participants for a specifically named CalRecycle payment program.
2. The Resolution must identify the time period up to and including until rescinded, during which the authorizations are valid.
  - a. “Until rescinded” Resolutions are encouraged; however, specific periods of time are acceptable.
    - i. A Resolution that is valid for more than 1 year must contain either:

1. a list of all potential jurisdictions that may serve as Non-Lead Participants, or
2. a provision that the Signature Authority may alter the list of Non-Lead Participants for each grant cycle
- b. If a Resolution does not specify a time period, CalRecycle will consider the Resolution valid for one year from the date of adoption.
3. Identify the Signature Authority by listing the job title of the person(s) authorized to sign all payment program-related documents necessary to implement and close-out the project(s).
  - a. (Optional but encouraged) The Resolution should authorize the Signature Authority to delegate their signature authority to another person identified by job title. Applicants can only submit a Letter of Designation if the corresponding Resolution includes designee language.

### **Non-Lead Participant**

The Non-Lead Participant prepares the Letter of Authorization (LOA) and gives the Lead-Participant authorization to apply for and to act on its behalf in the implementation and administration of the payment program.

Applicant must submit a Letter of Authorization no later than the secondary due date or CalRecycle will deem the application incomplete and disqualify the applicant.

The LOA must:

1. Be on the Non-Lead Participant's official letterhead.
2. Specify payment program name.
3. Be valid for as long as the Lead Participant's Resolution, not to exceed five years; otherwise, the participating entity must date the letter within the last 12 months.
4. Authorize the Lead Participant to submit a Regional Application and act as Lead Agency on behalf of the Non-Lead Participant.
5. Authorize the Lead Participant to execute all documents necessary to implement the payment program.
6. Be signed by an individual authorized to contractually bind of the Non-Lead Participant.

### **Joint Powers Authority Agreement**

Joint Powers Authorities (JPA) must upload a copy of their JPA Agreements giving them authority to conduct the project, listing all member entities, and containing the signature of all members. CalRecycle does not require Letters of Authorization for JPA applicants. A JPA applicant must still upload a Resolution as a part of their application and list all JPA members in the Participating Jurisdictions tab of their application.

### **Letter of Designation**

CalRecycle requires a Letter of Designation (LOD) only when the Signature Authority identified in the approved Resolution chooses to delegate their signature authority to another person.

The approved Resolution must indicate the Signature Authority's ability to delegate or designate their authority. The applicant must upload the LOD **prior** to the designee's exercise of their authority. If the designee signs an application document in place of the Signature Authority, the applicant must upload the LOD with their application.

The LOD must:

1. Be on the applicant's letterhead.
2. Include the job title of the designee and the scope of the designee's authority.
3. Include the time period during which the designee may exercise the authority.
4. Be signed by the Signature Authority.

The designee's authority may not extend beyond the effective date of the approved Resolution. For example, if the Resolution is effective until December 31, 2023, then the Letter of Designation may not be effective beyond December 31, 2023. If the letter does not identify a valid time period, the letter will follow the same time frame as the Resolution.

# **Review and Award Process**

## **Application Review Process**

After the close of the application period, CalRecycle staff will review the applications for completeness and eligibility. Only complete applications will be considered for award.

## **Payment Award Process**

For qualifying applications, CalRecycle staff will develop funding recommendations for the consideration and approval of CalRecycle's Director, or their designee; CalRecycle tentatively schedules this for December 2022.

## **Payment Award Conditions**

When awarded, this payment will be subject to these conditions:

1. The recommended payee must pay all outstanding debts due to CalRecycle, or bring current outstanding payments owed to CalRecycle.
2. The recommended payee must have returned any unspent OPP funds from all closed cycles to CalRecycle by August 15, 2022.
3. The recommended payee must have submitted a completed Annual Report in LoGOPP for their OPP Cycles by August 15, 2022. (This does not apply to new program applicants.)

**Failure to comply with any of these requirements will void the award.**

## **Notice of Award**

Upon approval of annual reports and applications, recipients will be notified by email that an OPP award has been awarded and that they are authorized to incur costs and expend funds in furtherance of their programs. Expenditures incurred prior to the award notice, but after the cycle term start date, are subject to the OPP13 Guidelines, and are incurred at the recipient's own risk. A listing of the award amounts for all recipients will be posted on the [Used Oil Payment Program \(OPP\) webpage](https://www.calrecycle.ca.gov/usedoil/lgpayers/) (<https://www.calrecycle.ca.gov/usedoil/lgpayers/>).

## **Application Revisions**

Once approved, the recipient/regional lead is contractually bound to carry out the used oil program in accordance with the OPP Guidelines. The recipient and/or any regional participant that submitted a Letter of Authorization cannot withdraw or amend their application.

## **Disqualification of Application**

CalRecycle will notify an applicant and provide the reasons for disqualification of an application. In such cases, potential applicants are encouraged to contact and work with CalRecycle to ensure that its jurisdiction meets the necessary requirements prior to the next application cycle.



# Term and Payments

The term of the OPP cycle is 24 months (refer to the [Timeline and Cycle Activity](#) section for the cycle term dates) and funds must be expended or returned to CalRecycle as described in the Unspent Funds section.

Payments must be placed into an interest-bearing account. Tracking and reporting of interest earned (if any) on the payment is not required. All interest accrued and received from the OPP funds shall be used only for eligible expenses related to the performance of this Agreement.

As part of the application process, an applicant may request receipt of its annual payment in winter (around January 2023) or in spring 2023 (around April). For CalRecycle to approve the early payment request, all funds from any previous OPP cycles must be spent. Otherwise, the standard spring payment will be issued.

## Eligible Costs

All expenditures must be for the purposes of establishing and maintaining a used oil program as set forth in [PRC sections 48690–48691](#) ([http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PRC&sectionNum=48691](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC&sectionNum=48691)).

Eligible costs must be incurred and accrued (if applicable) during the cycle term.

## Expenditures

Used oil and used oil filter collection and recycling activities, educational activities, and mitigation of used oil in stormwater runoff are statutory components of local used oil collection programs (PRC section 48691). Accordingly, these activities should be the focus of OPP expenditures.

All expenditures are to be reported in LoGOPP for the Annual Report. Eligible expenditures must include invoice details under the Expenditure tab for each cycle. Expenditures must be paid for before submitting the Annual Report. Jurisdictions are not required to upload the invoices or proof of payment, unless requested by the program advisor.

Expenditures included in the Annual Report for an ending cycle may not be cancelled after the Annual Report is submitted. Cancellation of an ending cycle expenditure after submitting the Annual Report may impact the jurisdiction's ability to receive future awards.

The recipient must expend all of the available funds from the oldest OPP cycle prior to spending any funds from the most recent OPP cycle. It is acceptable to split an invoice across two separate OPP cycles in order to “zero out” all funds in the oldest OPP cycle before using funds from a more recent OPP cycle. Expenditures that are split need to

be clearly identified and retained in both cycle files to facilitate review and retention (see the [Audits, Accounting, and Records Retention section](#)).

## **Expenditures Requiring Approval**

Expenditures associated with the tasks or products listed below must be pre-approved by the CalRecycle Program Advisor using the “Expenditure Requests” option in LoGOPP prior to incurring the expense; otherwise, CalRecycle may deny the expense. The review and approval process of an expenditure request is processed through LoGOPP only. The submitted material should be the final version. Allow at least five working days for a review.

Expenditures that require pre-approval include, but are not limited to:

- Functional items that contain any messages.
- Functional items if the total cost exceeds \$25 per person, an individual item that exceeds \$12, or an oil filter that exceeds \$15. All cost values are before sale tax.
- All television, video, radio scripts, social media, and electric/printed material for public display.
- Development, purchase, or distribution of useful educational/promotional materials informing the public about used oil and used oil filter collection and recycling.
  - Examples include, but are not limited to, newspaper advertisements, brochures, flyers, utility inserts, booklet, and promotional stickers/labels.
- School presentations (submit script and presentation purpose to the Program Advisor for review).
- Surveys (excluding simple surveys that are conducted at oil filter exchange events/used oil outreach booths).
- Purchase of equipment over \$500 (excluding sale tax).
- Any construction activity (includes improvements to facility/building(s)/site(s) directly related to used oil).
- Used oil stormwater mitigation activities pursuant to PRC section 48691 (refer to the [Stormwater Mitigation section](#)).
- Any item that is not included on the pre-approved list below.

## **Pre-Approved Expenditures**

The following do not require an Expenditure Request for approval:

- Maintenance of a used oil and filter program.
- Curbside used oil and used filter hauling/disposal costs.
- Booth rentals for used oil events. Anything less than 100 used oil related requires an Expenditure Request.
- Development, purchase and/or distribution of the following used oil program materials that have a functional purpose associated with an environmental benefit: marine absorbent bilge pads, oil funnels, oil drain containers, oil change rags, new oil filters for exchanges, Ziploc-type filter bags, cardboard creepers, filter wrenches/removers, dirty filter recycling containers, maps of collection centers, and tide charts.

- If distributing these items in oil change kits, each kit cannot exceed \$25 (excluding sales tax) and each item, whether it is included in the kit or distributed separately, cannot exceed \$12 (excluding sales tax).  
**Reminder:** Any messages on these functional items require an Expenditure Request.
- Used oil filter exchange activities for a free replacement oil filter of equal value (shelf price).
  - Filters must not exceed \$15 (excluding sales tax) and the limit is two filters per household. Vouchers/coupons may be given out for managing and tracking exchanges but must be redeemed on the same date of the event. The oil filter cost is not counted towards the \$25 maximum allowed for oil change kits.
- Tablet electronic devices (typically seven inches or more measured diagonally) with a maximum price of \$500 (excluding sales tax) and limit of one tablet (exceptions may be approved on a case-by-case basis), used primarily for the purposes of used oil/filter public education or outreach.
  - Additional costs can be spent on accessories for charging, item protection, and security at events.
- Certified Unified Program Agency (CUPA) or other agency inspection fees directly related to establishing and maintaining an effective oil and oil filter collection and recycling program.
- Personal protective equipment (PPE) for used oil/filter collection activities.
  - Refer to the [Occupational Safety and Health Administration](https://www.osha.gov/personal-protective-equipment) (<https://www.osha.gov/personal-protective-equipment>) for the definition of PPE. All lab fees related to testing oil samples for contamination in used oil tanks.
- Test kits and other equipment related to monitoring contaminants in oil tanks.
- Hazardous Waste Operations and Emergency Response (HAZWOPER) 8-hour refresher course approved up to 10 percent of allocation.
  - If the total cost exceeds the 10 percent threshold, the jurisdiction will need to submit an expenditure request.
- Purchase, rental, and installation costs of portable storage containers or sheds solely for protection of oil related equipment, activities, and/or supplies.
- Personnel costs directly related to OPP activities.
  - Personnel time should be calculated based on documented actual time spent on OPP-related activities, should be based on the actual salary or hourly wage paid with benefits, and shall not include vacation or sick leave time. Refer to the Personnel Expenditure Summary, CalRecycle 165 form located on the [CalRecycle Grant Forms webpage](https://calrecycle.ca.gov/Funding/Forms/) (<https://calrecycle.ca.gov/Funding/Forms/>).
- Indirect/overhead costs up to 10 percent of the OPP eligible expenditures.
- Registration and related travel expenses to attend HHW/Used Oil Conferences/Symposiums (for up to two attendees) and Household Hazardous Information Exchange (HHWIE).
  - Staying at a hotel the night before a meeting/event is allowed only if the meeting/event begins at or before 9:00 a.m. the next morning.

- Refer to the [Memorandum](https://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx) (https://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx) for travel policies.
- Reimbursement rates are subject to change at any time by the State without prior notification. **Note:** This limitation applies to recipients and consultants/contractors who administer and/or implement a program.

Any eligible costs not listed above require submission of an “Expenditure Request” in LoGOPP for review and approval before spending funds.

## Stormwater Mitigation

Since the passage of stormwater related legislation in January 2002, some stormwater mitigation expenditures are considered eligible expenses through the OPP. To be considered eligible, each jurisdiction must certify that it has a stormwater mitigation program that was approved by its local Regional Water Quality Control Board.

Stormwater mitigation is defined in PRC section 48618.4 to include “...the prevention of stormwater pollution from used oil and oil byproducts and the reduction or alleviation of the effect of stormwater pollution from used oil and oil byproducts by means of action taken on public property.”

Mitigation includes the installation of devices and implementation of practices that prevent used oil and oil byproducts from causing stormwater pollution. Mitigation does not include the cleanup or restoration of polluted areas.

The following types of storm drain filters (inserts/debris screens) are eligible:

- A catch basin inlet insert that contains oil absorbent media plus a debris screen that covers the opening to the storm drain inlet. (The debris screen prevents debris and sediment from entering the storm drain and obstructing the oil absorbent media.)
- A vertical drop-in parking lot inlet insert that contains oil absorbent media (must be covered by a grate or debris screen).

**Note:** Periodic clean-out of catch basin inlet inserts to replace their oil-absorbent media are eligible for OPP funding. However, street sweeping and clean-out of catch basin inlets without inserts are not eligible for OPP funding.

The Expenditure Request process is required for any used oil stormwater mitigation, including at marinas and agricultural activities.

## Ineligible Costs

Any expenditure that does not directly support used oil or used oil filter collection, recycling or educational activities, or mitigation of used oil in stormwater, or expenses not directly related to the recipient’s (or consultant’s/contractor’s) administration of the OPP are ineligible for funding.

Ineligible costs include, but are not limited to:

- Costs incurred or accrued before July 1, 2022 or after June 30, 2024.

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- Development, purchase, or distribution of strictly promotional give-away items [Stuff We All Get, \(SWAG\)](https://www.calrecycle.ca.gov/Funding/SWAG/) (<https://www.calrecycle.ca.gov/Funding/SWAG/>).
  - Examples include, but are not limited to, key chains, letter openers, squeeze toys, coffee mugs, water bottles, Frisbees, hats, t-shirts, chip clips, pens, pencils, beanie babies, screwdrivers, coloring books, small recycling containers for pencils, magnets, dried sponges, flash drives, reusable bags, etc.
- Development or customization of school curricula.
  - Exceptions may be approved on a case-by-case basis.
- Equipment or services not directly related to used oil activities.
- Costs of non-PPE wears/uniforms, cost of dry cleaning, and the use of PPE is not directly related to the collection of used oil and used oil filters.
- Purchase or lease of land or buildings.
- Costs currently covered by or incurred under any other loan, grant, or contract.
- Remediation activities (any cleanup or restoration of polluted areas).
- Purchase of data plans and/or mobile service plans/hotspots.
- Costs related to applications or software for computers/mobile devices.
- Costs related to website host and web page domain.
- HAZWOPER 40-hour and 24-hour courses.
- Enforcement activities.
- Preparation of Household Hazardous Waste (HHW) elements.
- Construction and development of any HHW facility that does not have a used oil or used oil filter collection component.
- Construction and development of any HHW permanent facility on non-local government-owned property.
- Any costs for construction projects by charter cities prohibited by Labor Code section 1782.
- Transportation and disposal of non-oil HHW from any facility or event.
- Maintenance of equipment, materials, or supplies at HHW facilities or ABOP (antifreeze, battery, oil, and paint) facilities not directly related to the collection of used oil and used oil filters.
- Fines or penalties due to violation of federal, state, or local laws, ordinances, or regulations, including CUPA fines or penalties.
- Personnel costs not directly related to used oil activities.
- Food or beverages (e.g., as part of meetings, workshops, or events).
- Cell phones.
- Out-of-state travel.
- Travel costs exceeding the state-approved rates for mileage, per diem, lodging, etc.
  - Refer to the [Memorandum](https://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx) (<https://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx>) for travel policies.
  - Reimbursement rates are subject to change at any time by the State of California without prior notification.
- Sponsorship or licensing fees for events/programs.
- Audit expenses.

- Re-refined oil expenses.
- Non-CalRecycle Used Oil/HHW sponsored conferences, symposiums, meetings, etc.
- Any costs not consistent with local, state, or federal laws, guidelines, and regulations.
- Costs deemed unreasonable or not related to the project by the Program Advisor.

## **Publicity, Education, and Outreach**

Used oil publicity, education, and outreach material must directly relate to the collection and recycling of used oil and/or used oil filters, proper oil disposal practices, and/or the mitigation of used oil in stormwater activities and must be approved through the Expenditure Request process in LoGOPP. The submitted material should be the final version.

The materials must be functional, as discussed in Eligible Costs, encourage behavioral change, or provide an educational opportunity for the public.

- To be eligible for 100 percent funding, the publicity, education, and outreach materials must be exclusively devoted to used oil or used oil filter collection and recycling, and/or the mitigation of used oil in stormwater activities.
- To be eligible for 75 percent funding, the materials must have at least 75 percent of the text and/or images related to used oil or used oil filter collection and recycling and/or mitigation of used oil in stormwater activities. The balance of materials may be related to other programs or materials.
- To be eligible for 50 percent funding, the materials must have at least 50 percent of the text or images related to used oil or used oil filter collection and recycling and/or mitigation of used oil in stormwater activities. The balance of materials may be related to other programs or materials.
- To be eligible for 25 percent funding, the materials must have at least 25 percent of the text or images related to used oil or used oil filter collection and recycling and/or mitigation of used oil in stormwater activities. The balance of materials may be related to other programs or materials.
- Materials containing less than 25 percent coverage of used oil/used oil filter collection and recycling, and/or mitigation of used oil in stormwater activities will not be eligible for OPP funding.

## **Acknowledgement**

Recipients are required to acknowledge CalRecycle's support when activities or projects funded, in whole or in part, are publicized in any news media, social media, webpages, brochures, articles, seminars, or other type of promotional material. Public education and outreach materials must provide:

- The acknowledgement of CalRecycle's support must incorporate the CalRecycle logo. The text "Funded by" or "Funded in part by" may be used in conjunction with the CalRecycle logo, where appropriate. Initials or abbreviations for CalRecycle shall not be used. Use the color logo on any material produced in four or more colors.



- The “Used Oil Drop” logo with the words “Recycle Used Oil” or “Recycle Used Oil and Used Oil Filters” as appropriate.
  - Use the state colors (blue oil drop on yellow background) for logos on any material produced in four or more colors. (The color designation for professional printing is Yale Blue-Pantone 286C; Golden Yellow-Pantone 123C.)
  - The logo is also available in Spanish and Chinese.
- Information on used oil and used oil filter collection and recycling/disposal.
- A list of used oil collection centers within the targeted community or a local telephone number or website to obtain further information on local collection centers. (Use the 1-800-CLEANUP number or [Earth911](https://earth911.com/) (<https://earth911.com/>) website if your jurisdiction does not maintain its own 24-hour hotline.)

Any use of CalRecycle’s logos should respect the original logo proportions and colors so as not to compromise image quality.

The Program Advisor may approve a deviation from the prescribed language on a case-by-case basis.

## Graphics

Graphics are available on our [Used Oil Graphics webpage](https://www.calrecycle.ca.gov/UsedOil/Graphics/#Bumper) (<https://www.calrecycle.ca.gov/UsedOil/Graphics/#Bumper>) and [Used Oil and Household Hazardous Waste Graphics webpage](https://www.calrecycle.ca.gov/HomeHazWaste/outreach) (<https://www.calrecycle.ca.gov/HomeHazWaste/outreach>).

For large equipment, a [CalRecycle bumper sticker](http://www.calrecycle.ca.gov/UsedOil/Graphics/#Bumper) (<http://www.calrecycle.ca.gov/UsedOil/Graphics/#Bumper>) “Funded by CalRecycle” is available and is required to be affixed to all large pieces of equipment purchased with OPP funds. These can be requested from your [Program Advisor](https://www.calrecycle.ca.gov/HomeHazWaste/Grants/Contacts/) (<https://www.calrecycle.ca.gov/HomeHazWaste/Grants/Contacts/>) when available.

You can also contact your Program Advisor for CalRecycle and oil program related graphics.

## Certified Collection Center (CCC) Site Visit Requirements

For recipients who administer their used oil program in coordination with a CCC, it is a program requirement that a site visit be made annually to a minimum of one CCC site per 100,000 residents being served by the used oil program. When a site visit is conducted, the jurisdiction needs to complete a Certified Center Site Visit Checklist form (CalRecycle 664). This form may be generated on the [Generate Site Visit Checklists webpage](https://www2.calrecycle.ca.gov/UsedOil/Forms/SiteVisit/) (<https://www2.calrecycle.ca.gov/UsedOil/Forms/SiteVisit/>) or found under “Used Oil Recycling” on the [CalRecycle forms webpage](https://www.calrecycle.ca.gov/Funding/Forms) (<https://www.calrecycle.ca.gov/Funding/Forms>). The completed form is to be retained in the cycle file and jurisdictions will report the total number of site visits made by the jurisdiction in the online Annual Report.

## Annual Reporting

Annual reporting is a statutory requirement for ongoing eligibility for all OPP recipients. All reported expenditures and eligible costs must be paid for before the submittal of the Annual Report. Recipients must meet CalRecycle's online reporting requirements. The annual reports for this cycle must be submitted no later than **August 15** of each year during performance period. When a due date falls on a Saturday or Sunday, the online report must be submitted by the following Monday. Failure to meet this reporting due date may result in the denial of future funding. An email will be sent to all recipients when the Annual Report is available for reporting input, completion, and submittal.

Upon completion of the online annual report, the report certification page must be approved and signed by the Signature Authority. The signed annual report certification page is to be uploaded to LoGOPP by the recipient and the original signed hard copy is to be retained in the recipient's cycle file. If the recipient is unable to upload the signed annual report certification page, they should scan and email or fax it to their Program Advisor for uploading before the due date. Program Advisors will review and approve the submitted reports.

## Expenditure Reporting

All eligible expenditures must be reported in the Annual Report through the LoGOPP system. The recipient is required to include information for each invoice under the Expenditures tab for each cycle. If you have multiple expenditures for a vendor with the "same category and type", you may combine the entry totals for the multiple invoices as one expenditure entry.

### Expenditure Reporting Resources

- [OPP Expenditure Category Definitions](https://www2.calrecycle.ca.gov/Docs/Web/117348)  
(<https://www2.calrecycle.ca.gov/Docs/Web/117348>)
- [Bulk Entries Instructions](https://www2.calrecycle.ca.gov/Docs/Web/117351) (<https://www2.calrecycle.ca.gov/Docs/Web/117351>).

These resources may also be found on the [LoGOPP](https://secure.calrecycle.ca.gov/LoGOPP/SignIn.aspx) (<https://secure.calrecycle.ca.gov/LoGOPP/SignIn.aspx>) homepage under the Help Documents section.

## Unspent Funds

Funds that are unspent at the end of the OPP13 term must be returned by check to CalRecycle by **August 15, 2024**. Checks should be made payable to the Department of Resources Recycling and Recovery. Checks must contain the OPP number (i.e., OPP13-20-xxxx), specify "OPP Unspent Funds," and be mailed to:

CalRecycle, Accounting  
OPP Unspent Funds  
PO Box 4025  
Sacramento, CA 95812-4025

Unspent funds due to CalRecycle but left unpaid may result in ineligibility for future OPP funding. If there are questions or other issues related to expenditures, work with your

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Program Advisor to resolve these issues.

## **Audit, Accounting, and Records Retention**

Recipients are responsible and accountable for ensuring that expenditures are appropriate, and that proper internal supporting documentation is maintained to provide clear separate tracking of OPP funds and related transactions for fiscal program management and audit purposes. To ensure full compliance with OPP's processes and requirements, OPP applicants/recipients must adhere to these Guidelines and the program provisions set out in the Act, notably PRC sections 48674, 48690, and 48691.

Recipients must account for all OPP funds in a manner that provides for clear tracking of expenditures in accordance with generally accepted accounting principles. Proper business procedures dictate that OPP supporting documentation (including, but not limited to, the original signed application certification and annual report summary pages, invoices, payroll registers/logs, travel expense claim forms, proof of pre-approval, etc.) be retained in a single file to facilitate review and retention, as well as maintenance of a clear paper/audit trail. Recipients must follow their jurisdiction's purchasing and/or contracting policies/requirements and ensure the proper and exclusive use of items purchased with OPP funds.

OPP funds are subject to audit. CalRecycle, the Department of Finance, the Bureau of State Audits, or their designated representative(s) shall have the right to review and to copy any records and supporting documentation pertaining to the use of OPP funds and shall have the right to interview staff relevant to the audit. Recipient shall include this provision in all contracts and subcontracts funded in whole or in part from OPP funds.

Examples of documentation subject to audit include, but are not limited to, expenditure ledgers, payroll register entries, time sheets, travel logs, paid warrants, contracts and change orders, samples/pictures of items and materials developed with OPP funds, invoices, receipts, proof of pre-approval, and canceled checks. All such records shall be maintained for possible audit for a minimum of three years after the OPP term end date, or until completion of any action and resolution of all issues, which may arise as a result of any litigation, dispute, or audit, whichever is later.

Audit findings against recipients can result in the need for reimbursement of OPP funds, and/or ineligibility for future OPP funds.

## **Real and Personal Property Acquired with OPP Funds**

(a) All real and personal property, including equipment and supplies, acquired with OPP funds shall be used by the recipient only for the purposes for which CalRecycle approved their acquisition for so long as such property is needed for such purposes, regardless of whether the recipient continues to receive OPP funds from CalRecycle for such purposes. In no event shall the length of time during which such property, including equipment and supplies, acquired with OPP funds and used for the purpose for which CalRecycle approved its acquisition, be less than five (5) years after the end

of the performance period, during which time the acquired property, including equipment and supplies, must remain in the State of California.

(b) Subject to the obligations and conditions set forth in this section, title to all real and personal property acquired with OPP funds, including all equipment and supplies, shall vest upon acquisition in the recipient. The recipient may be required to execute all documents required to provide CalRecycle with a security interest in any real or personal property, including equipment and supplies, and it shall be a condition of receiving this payment program that CalRecycle shall be in first priority position with respect to the security interest on any such property acquired with the OPP funds, unless pre-approved in writing by the Program Advisor that CalRecycle will accept a lower priority position with respect to the security interest on the property. Recipient shall inform any lender(s) from whom it is acquiring additional funding to complete the property purchase of this payment program condition.

(c) The recipient may not transfer Title to any real or personal property, including equipment and supplies, acquired with OPP funds to any other entity without the express authorization of CalRecycle.

(d) CalRecycle will not reimburse the recipient for the acquisition of equipment that was previously purchased with CalRecycle OPP funds, unless the acquisition of such equipment with OPP funds is pre-approved in writing by the Program Advisor. In the event of a question concerning the eligibility of equipment for program funding, the burden will be on the recipient to establish the pedigree of the equipment.

## **Discretionary Termination**

The Director of CalRecycle or his/her designee shall have the right to terminate this Agreement at his/her sole discretion at any time upon thirty (30) days written notice to the Recipient. Within forty-five (45) days of receipt of written notice, the recipient is required to:

1. Submit a final written report to the appropriate Program Advisor describing all work performed by the recipient and provide an accounting of all funds expended up to and including the date of termination; and,
2. Reimburse CalRecycle any unspent funds.

## **Termination for Cause**

In the event the recipient fails to comply with the requirements of these Guidelines at the time and in the manner herein provided, CalRecycle may terminate the OPP Agreement.

Recipients are encouraged to discuss any problems they may have in complying with these Guidelines with their Program Advisor to determine if CalRecycle can be of assistance.

## **Indemnity**

Recipient agrees to indemnify, defend, and save harmless the state and CalRecycle, and their officers, agents, and employees from any and all claims and/or losses accruing or resulting from the performance of OPP.

## **Compliance**

Recipient shall comply fully with all applicable federal, state, and local laws, ordinances, regulations, and permits.

