



Revised June 2016
Department of Resources Recycling and Recovery

**USED OIL PAYMENT PROGRAM
Guidelines for Cycle 7 (OPP7)
Fiscal Year 2016–17**



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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 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 7. 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.

OPP applications are submitted online through the [Local Government Oil Payment Program \(LoGOPP\) system](#). A [WebPass](#) is required to obtain access to LoGOPP. If you already have a WebPass from applying for previous CalRecycle grant or payment cycles, use the same WebPass for LoGOPP.

Timeline and Cycle Activity

Dates	Activity
June 30, 2016	Application Due Date <ul style="list-style-type: none"> • Applications must be submitted in LoGOPP by 11:59 p.m. on this date. • Customer service will be available until 4:00 p.m.
July 28, 2016	Documents Due Date <ul style="list-style-type: none"> • Approved Resolution must be uploaded in LoGOPP by this date. • <u>If applicable, Letters of Authorization must be uploaded in LoGOPP by this date.</u>
April 2017	Payments Awarded <ul style="list-style-type: none"> • Unless an October 2016 payment is requested by the applicant and subsequently approved by CalRecycle.
July 1, 2016 – June 30, 2018	Cycle Term Dates
August 15, 2017 and August 15, 2018	Annual Report Due Dates <ul style="list-style-type: none"> • Due no later than August 15th of each year during performance period.

CHARTER CITIES

[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 jurisdictions are charter cities or joint powers authorities that include charter cities, the lead applicant 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 a participating jurisdiction is a charter city prohibited from receiving state funds for their project, the award will be terminated and any disbursed OPP funds shall be returned to CalRecycle.

ELIGIBILITY

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.

Regional Application Requirements

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 (Lead) must be designated to act on behalf of all participating jurisdictions. The Lead is the applicant who will be responsible for the performance of the OPP and all required documentation. CalRecycle will direct all official correspondence and payments to the Lead. If a jurisdiction is a participant in a regional application, it may not apply individually.

APPLICATION PROCESS

The application process requires that applicants must:

1. Submit a completed online application to CalRecycle by the application due date and upload an electronic (scanned) version of the signed application certification page in the online system.
2. Retain in its OPP file the original hard copy of the application certification page signed by applicant's signature authority.
3. Submit the authorizing documents by the documents due date (see the Timeline and Cycle Activity table for due date).

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

1. Submit a completed annual report on LoGOPP (see **Timeline and Cycle Activity** for due date) for all active OPP cycles.
2. Have no outstanding debt(s) owed to CalRecycle.

3. Return any unspent funds to CalRecycle by August 15 (see **Unspent Funds** section).

If you have any questions regarding the application process, please call (916) 324-8867 or send an e-mail to: GrantAssistance@CalRecycle.ca.gov. Technical assistance will be provided until 4:00 p.m. on the application due date.

AUTHORIZING DOCUMENTATION

Below is a list of documents that the applicant is responsible for preparing and uploading to their application. For examples of these documents, please see CalRecycle's [Resolution and Letter Examples](#) web page.

Resolution

Any applicant that is subject to a governing body must upload a Resolution that authorizes payment program-related matters. A copy of the authorizing Resolution is a required document that must be uploaded no later than the document due date. Resolution requirements vary for individual and regional applications.

Resolution for individual applicants:

Use the Payment Program Individual Jurisdiction Resolution template.

- It must authorize the submittal of the payment program application.
- It must identify the job title or his/her designee authorized as Signature Authority to execute all documents necessary to implement and secure payment.
- The Resolution can be effective until rescinded or specify an end date.

Resolution for Regional applicants:

Use the Payment Program Regional Lead Participant Resolution template.

- The Regional Lead Participant (Lead) must submit an approved Resolution that authorizes it to act as a lead for a regional program.
- It must include a list of participants.
- It must identify the job title or his/her designee authorized as Signature Authority to execute all documents necessary to implement and secure payment.
- The Resolution can be effective until rescinded or specify an end date.

Note: Existing approved multi-year OPP Resolutions will still be accepted. However, if a new resolution is required at this time we are encouraging the use of general payment program language, as shown in our [Resolution and Letter Examples](#) web page.

Letter of Authorization

Regional participants must provide a Letter of Authorization (LOA) to the Lead, authorizing the Lead to act on its behalf. LOAs must be on the participant's letterhead and may be valid for as long as the Lead's Resolution, up to and including until rescinded. If no effective dates are identified, the LOA will be accepted for one year from the date on the Letter. LOAs must be uploaded with the application by the Document due date.

Letter of Commitment

Applicants not subject to a governing body must upload a Letter of Commitment that authorizes payment program-related matters.

- It must be prepared on the Applicant's official letterhead.
- It must authorize the submittal of payment program applications

- It must identify the job title or his/her designee authorized as Signature Authority to execute all documents necessary to implement and secure payment.
- It must state that it is effective until rescinded or specify an end date.
- It must be signed by a person with authority to contractually bind the applicant.

Note: The choice of the Signature Authority is very important because the individual who holds the designated job title is responsible for signing all OPP documents for as long as the Resolution is valid

Letter of Designation

When authorized by Resolution or Letter of Commitment, the Signature Authority may designate another person the authority to sign and submit required documents, such as the applications, annual reports, or extension requests. This delegation may be done either at the time of application or later; however, it must be uploaded into the LoGOPP system and accepted by CalRecycle staff prior to the designee's exercise of his/her authority. If applicable to your application, use the Letter of Designation template and include the information below.

- It must be prepared on the applicants official letterhead
- It must identify the job title of the designee and identify the scope of the designee's authority.
- It must contain one of the following (not to exceed the timeframe of the Resolution): a specific end date; valid until rescinded or valid concurrent with the Resolution.
- It must be signed by the Signature Authority.

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 Guidelines of OPP7, and are incurred at the recipient's own risk. A listing of the award amounts for all recipients will be posted on the [OPP web page](#).

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.

DENIAL OF APPLICATION

CalRecycle will notify an applicant and provide the reasons for denial 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 table 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 October. For CalRecycle to approve this request, all funds from any previous OPP cycles must be spent.

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 § 48691). Accordingly, these activities should be the focus of OPP expenditures.

The recipient must expend all of the available funds from the oldest OPP cycle prior to spending any funds from more 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).

ELIGIBLE COSTS

All expenditures must be for the purposes of establishing and maintaining a used oil program as set forth in PRC § 48690 and 48691. Eligible costs must be incurred and/or accrued during the term for which they are reported. Preapprovals are required in writing by a Program Advisor for any expenditures not specified.

Expenditures Requiring Approval

Expenditures associated with the tasks or products listed below must be approved in writing by the Program Advisor prior to purchase or production. Please retain all approvals for audit purposes. Items not pre-approved may not be an eligible expenditure.

Allow at least five working days for approval of the following items:

- Functional items if the cost exceeds \$25 per person.
- All television, video, and radio scripts.
- Developing, purchasing and/or distributing useful educational 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, and utility inserts.
- School presentations (submit script and presentation purpose).
- Purchase of equipment over \$500.
- Construction activities.
- Used oil stormwater mitigation activities pursuant to PRC § 48691 (Refer to Stormwater Mitigation section).

Pre-approved expenditures include, but are not limited to:

- Maintaining a used oil and filter program.
- Developing, purchasing and/or distributing 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, dirty filter recycling containers, maps of collection centers, and tide charts. OPP funding can be for oil change kits, but 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). Program Advisor approval is required for items not on this pre-approved list.

- Tablet electronic devices (typically seven inches or more in diameter measured diagonally) with a maximum price of \$500, used primarily for the purposes of 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.
- All lab fees related to testing oil samples for contamination in used oil tanks.
- Test kits and other equipment related to monitoring the contaminants in oil tanks.
- HAZWOPER 8-hour refresher course.
- Indirect/overhead costs up to 10 percent of the OPP eligible expenditures. (Note: This limitation applies to recipients and consultants/contractors who administer and/or implement a program.)
- Purchase or rental of storage containers or portable sheds dedicated to oil-related activities and supplies.
- Cost of Installation of storage containers or sheds solely for protection of oil related equipment and/or supplies.

INELIGIBLE COSTS

Any expenditure that does not directly support used oil and/or used oil filter collection, recycling and/or educational activities, mitigation of used oil in stormwater, or expenses not directly related to 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 before July 1, 2016 or after June 30, 2018.
- Developing, purchasing, or distributing strictly promotional give-away items. Examples include, but are not limited to; key chains, letter openers, squeegee toys, coffee mugs, water bottles, Frisbees, hats, t-shirts, chip clips, pens, pencils, beanie babies, screwdrivers, coloring books, small recycling containers for pencils, dried sponges, flash drives, and reusable bags.
- 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.
- Costs related to computer applications or software.
- 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.
- Transportation and disposal of non-oil HHW from any facility or event.

- Maintaining 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.
- Employee time off (vacation or sick leave).
- Food or beverages (e.g., as part of meetings, workshops, or events).
- Cell phones.
- Out-of-state travel.
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- Re-refined oil expenses.
- 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. 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 reimbursement 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 50 percent reimbursement the materials must have at least half of the text or images relate to used oil or used oil filter collection and recycling and/or mitigation of used oil in stormwater activities and can have substantial coverage of other programs or subjects.
- To be eligible for 25 percent reimbursement the materials can have less than half of the text or images relate to used oil or used oil filter collection and recycling and/or mitigation of used oil in stormwater activities and can have substantial coverage of coverage of other programs or subjects.
- Materials where used oil and used oil filter collection and recycling is not a primary focus, where used oil and used oil filter collection and recycling is only incidentally mentioned, or that do not meet the other requirements are not eligible for any reimbursement.

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, 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. Initials or abbreviations for CalRecycle shall not be used.
- The "Used Oil Drop" logo with the words "Recycle Used Oil" or "Recycle Used Oil and Used Oil Filters" as appropriate. On any material produced in four or more colors, use the state colors (blue oil drop on yellow background) for this logo.

(The color designation for professional printing is Yale Blue-Pantone 286C; Golden Yellow-Pantone 123C.)

- 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 web site to obtain further information on local collection centers. (Use the 1-800-CLEANUP number or [Earth911](#) website if your jurisdiction does not maintain its own 24-hour hotline.)

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 and Household Hazardous Waste Graphics web page](#). A CalRecycle sticker (bumper sticker size) that displays the statement: "Equipment funded by CalRecycle" is required to be affixed to all large pieces of equipment purchased with OPP funds. 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 found under "Used Oil Recycling" on the [Grant Forms web page](#). 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.

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.

Please contact your Program Advisor for pre-approval of any stormwater mitigation activities.

ANNUAL REPORTING

Annual reporting is a statutory requirement for ongoing eligibility for all OPP. Recipients must meet CalRecycle's online reporting requirements. The annual reports for this cycle must be submitted no later than **August 15th** of each calendar year. 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.

Upon completion of the online annual report (including the expenditures portion of the report), the report certification page is to be printed out and given to the signature authority for approval and signature. The signed annual report certification page is to be uploaded to the online system (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. Program Advisors will review and approve the submitted reports.

EXPENDITURE REPORTING

All expenditures shall be reported through the LoGOPP system. Expenditures must be tracked through the Used Oil Payment Program Expenditure Worksheet form (CalRecycle 732) and uploaded in the documents tab of the annual report. This form may be found under "Used Oil Recycling" on the [Grant Forms web page](#). The original hard copy of CalRecycle 732 is to be retained in the recipient's cycle file. Definitions for the OPP expenditure categories can be found on the [Definitions for the OPP Fiscal Expenditure Categories](#) page.

UNSPENT FUNDS

Funds that are unspent at the end of the OPP term must be reimbursed by check to CalRecycle by **August 15th**. Checks must contain the OPP number (i.e., OPP7-14-xxxx), specify "OPP Unspent Funds," and be mailed to:

CalRecycle, Accounting
OPP Unspent Funds
P.O. Box 4025
Sacramento, CA 95812-4025

Unspent funds due to CalRecycle but left unpaid may result in a recipient not being eligible for future OPP funding. If there are questions or other issues related to expenditures, work with your 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.

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.

DEFINITIONS

For purposes of the OPP, the following definitions apply:

Consultant. A professional who advises on or manages the OPP on behalf of an OPP recipient.

Contractor. An individual, business, or company with which the recipient enters into an agreement to perform program-related services or activities including providing materials or supplies for oil and oil filter collection/recycling projects. (Note: Also refer to the subcontractor definition).

Indirect/Overhead Costs. These costs are expenditures not capable of being assigned or not readily available to a particular project or activity but considered necessary for the operation of the recipient's business and the performance of the OPP. Examples include costs of operating and maintaining facilities, accounting services, and administrative salaries.

Letter of Authorization. A letter submitted by a regional participant to authorize another jurisdiction (regional lead) to apply for and to act on its behalf in the implementation and administration of the OPP.

Letter of Commitment. A letter from an applicant, not subject to a governing body, that authorizes submittal of OPP applications.

Letter of Designation. A letter submitted by an applicant's signature authority that delegates his/her authority to another individual (identified by job title not name) as authorized in the resolution or letter of authorization. The person to whom this authority is delegated is the "authorized designee" **OPP**. The acronym means the Used Oil Payment Program (see Used Oil Payment Program definition below).

Program Advisor. The CalRecycle staff person responsible for monitoring the OPP and related program activities for a particular jurisdiction.

Payment Recipient or Recipient. The recipient of funds pursuant to PRC § 48690 et seq. The recipient may be a local government (which includes any chartered or general law city, chartered or general law county, or any city and county) and/or a public agency/entity or special district that has been given the authorization to act on behalf of a local government.

Signature Authority. The title of the person authorized by an adopted Resolution, letter of commitment, or letter of designation to sign all grant-related documents on behalf of the authorizing entity.

Subcontractor. An individual, business or company with which the recipient's contractor enters into an agreement to perform program-related services or activities, or provide materials or supplies for oil and oil filter recycling/collection-related projects, services or activities.

Used Oil Payment Program (OPP). The used oil program established pursuant to PRC § 48690 et seq., that provides payments/funding to eligible participants for establishing and maintaining an effective local used oil and used oil filter collection/recycling program. Contact your assigned used oil program advisor if you have questions about the application process or other questions during the payment term.