

AMENDED IN ASSEMBLY AUGUST 20, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

AMENDED IN SENATE SEPTEMBER 1, 2009

AMENDED IN SENATE AUGUST 24, 2009

SENATE BILL

No. 579

Introduced by Senator Lowenthal

February 27, 2009

~~An act to amend Section 48632 of the Public Resources Code, relating to oil.~~ *An act to amend Sections 48623, 48624, 48632, 48651, 48651.5, 48652, 48653, 48660.5, 48662, 48670, 48673, 48674, 48676, and 48691 of, to add Section 48610.3 to, and to repeal Section 48654 of, the Public Resources Code, relating to oil, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 579, as amended, Lowenthal. Used oil.

~~The~~

(1) The California Oil Recycling Enhancement Act, administered by the Department of Resources Recycling and Recovery, among other things, authorizes the department to issue grants to, or contract with, local governments, nonprofit entities, and private entities for specified purposes including, among other things, the purpose of protecting advancements and developments in lubricating oil. Existing law establishes the Used Oil Recycling Fund and continuously appropriates money from the fund to the department to provide, among other things, grants and contracts to local governments, nonprofit entities, and private entities.

This bill would instead authorize the department to issue grants to, or contract with, local governments, nonprofit entities, and private

entities for the purpose of product advancements and developments in lubricating oil. By changing the purposes for which money in the fund may be used, the bill would thereby make an appropriation. *This bill would revise the definition of “used oil hauler” and “used oil recycling facility” for purposes of the act and would make conforming changes in the act with regard to the administration of the act by the department.*

(2) The act requires the department to pay a recycling incentive to every industrial generator, curbside collection program, and certified used oil collection center for collected or generated used lubricating oil, including the amount of used oil transported under certain conditions to an out-of-state recycling facility registered with, or certified by, the department and operating in substantial compliance with certain federal regulations. The act also requires the department, on and after January 1, 2013, to pay a rerefining incentive to certain recycling facilities that produce rerefined base lubricants meeting specified requirements and to set the amount, on and after January 1, 2014, at 2 cents per gallon.

This bill would revise the conditions under which the used oil is required to be transferred to a registered or certified out-of-state recycling facility. The bill would change the date to January 1, 2013, when the department is required to set the amount of the rerefining incentive at 2 cents per gallon and would specify that the rerefining incentive is paid to a recycling facility for rerefined oil produced from used oil.

(3) The act requires the department to provide funds from the California Used Oil Recycling Fund to rural counties for local government-sponsored collection efforts for certain costs. The act imposes certain conditions with regard to the payment of the recycling incentive in small rural counties.

This bill would repeal the requirement that provides funds to rural counties and the conditions for payment of the recycling incentive in small rural counties.

(4) The act requires used oil recycling facilities and certain registered or certified out-of-state recycling facilities to submit a report to the department regarding the resultant amount of recycled oil product.

This bill would instead require the report to include the disposition of the used oil, including the volume of any resultant product.

(5) The act requires industrial and lubricating oil sales and recycling to be reported at the end of each 6-month period.

This bill would instead require the department to make this information available as an annual report on its Internet Web site.

The bill would also make various technical and conforming changes to the act.

(6) Since a violation of the requirements imposed by the bill would be a crime, the bill would impose a state-mandated local program.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48610.3 is added to the Public Resources
2 Code, to read:

3 48610.3. "Board" means the Department of Resources
4 Recycling and Recovery.

5 SEC. 2. Section 48623 of the Public Resources Code is
6 amended to read:

7 48623. "Used oil hauler" means a hazardous waste transporter
8 registered pursuant to Chapter 6.5 (commencing with Section
9 25100) of Division 20 of the Health and Safety Code who
10 transports used oil to a used oil recycling facility *that is certified*
11 *or registered with the board* pursuant to ~~Article 7 (commencing~~
12 ~~with Section 48660)~~ Section 48662, to a used oil storage facility,
13 *or to a used oil transfer facility,* ~~or to an out-of-state recycling~~
14 ~~facility registered with the board to be operating in substantial~~
15 ~~compliance with Part 279 (commencing with Section 279.1) of~~
16 ~~Title 40 of the Code of Federal Regulations.~~

17 SEC. 3. Section 48624 of the Public Resources Code is
18 amended to read:

19 48624. "Used oil recycling facility" means a facility ~~which~~
20 *that is issued a hazardous waste facilities permit or grant of interim*
21 *status by the department pursuant to Section 25200 or 25200.5 of*
22 *the Health and Safety Code to convert used oil into recycled oil,*
23 *or an out-of-state facility operating in substantial compliance with*

1 *Part 279 (commencing with Section 279.1) of Title 40 of the Code*
2 *of Federal Regulations for the purpose of recycling used oil.*

3 **SECTION 4.**

4 *SEC. 4.* Section 48632 of the Public Resources Code is
5 amended to read:

6 48632. The Department of Resources Recycling and Recovery
7 may, pursuant to subdivision (b) of Section 48631, issue grants to
8 or contract with local governments, nonprofit entities, and private
9 entities, for any of the following purposes:

10 (a) Providing and maintaining collection and recycling
11 opportunities for used lubricating oil and filters that are in addition
12 to those included in the local used oil collection programs adopted
13 pursuant to Article 10 (commencing with Section 48690).

14 (b) Research, testing, and demonstration projects for in-service
15 uses, collection technologies, and end-of-life used oil management.

16 (c) Developing uses and markets for low environmental impact
17 products resulting from the recycling of used oil, including, but
18 not limited to, promoting the manufacture of rerefined lubricating
19 oil.

20 (d) Product advancements and developments in lubricating oil
21 resulting from, but not limited to, new requirements or technologies
22 in fuel efficiency and performance, synthetic or biobased lubricants,
23 alternative fuels, and methods to extend lubricating oil life.

24 (e) Education and mitigation projects relating to stormwater
25 pollution from used oil and its impacts on receiving waters, soils,
26 and oceans.

27 (f) A local government shall not receive a grant or contract
28 pursuant to this section for any purpose identified in subdivision
29 (e) unless the local government certifies that it has a stormwater
30 management program that is approved by the appropriate California
31 regional water quality control board and that the project approved
32 for funding under subdivision (e) is consistent with that approved
33 stormwater management program.

34 (g) An information and education program pursuant to
35 subdivision (c) of Section 48631.

36 *SEC. 5. Section 48651 of the Public Resources Code is*
37 *amended to read:*

38 48651. ~~(a)~~ The board shall pay a recycling incentive pursuant
39 to subdivision (a) of Section 48652 to every industrial generator,
40 curbside collection program, and certified used oil collection center,

1 for used lubricating oil collected from the public or generated by
2 the certified used oil collection center or the industrial generator,
3 if either of the following conditions apply:

4 (1)

5 (a) The used lubricating oil is transported by a used oil hauler
6 to a used oil storage facility or to a used oil transfer facility *and*
7 *that used oil storage facility or used oil transfer facility causes*
8 *that oil to be transported by a used oil hauler to an in-state used*
9 *oil recycling facility that is certified pursuant to subdivision (a)*
10 *of Section 48662 or to an out-of-state used oil recycling facility*
11 *registered pursuant to subdivision (b) of Section 48662 or certified*
12 *pursuant to paragraph (2) of subdivision (c) of Section 48662 for*
13 *the purpose of producing recycled oil as defined in Section 48620.*

14 (2)

15 (b) The used lubricating oil is transported by a used oil hauler
16 directly to an in-state used oil recycling facility that is certified
17 pursuant to subdivision (a) of Section 48662, or to an out-of-state
18 used oil recycling facility registered pursuant to subdivision (b)
19 of Section 48662 or certified pursuant to subdivision (c) of Section
20 48662, for the purpose of producing recycled oil, as defined in
21 Section 48620.

22 ~~(b) A used oil storage facility or a used oil transfer facility that~~
23 ~~accepts used oil pursuant to paragraph (1) of subdivision (a) shall~~
24 ~~cause that oil to be transported by a used oil hauler to a used oil~~
25 ~~recycling facility certified pursuant to subdivision (a) of Section~~
26 ~~48662 or to an out-of-state used oil recycling facility registered~~
27 ~~pursuant to subdivision (b) of Section 48662 or certified pursuant~~
28 ~~to subdivision (c) of Section 48662 for the purpose of producing~~
29 ~~recycled oil as defined in Section 48620.~~

30 *SEC. 6. Section 48651.5 of the Public Resources Code is*
31 *amended to read:*

32 48651.5. (a) Effective January 1, 2013, the board, with regard
33 to promoting the recycling of used lubricating oil into rerefined
34 oil, shall pay a rerefining incentive pursuant to subdivision (b) of
35 Section 48652 *to a recycling facility for rerefined oil produced*
36 *from used oil* if all of the following conditions are met:

37 (1) The facility is an in-state or out-of-state recycling facility
38 that is certified in accordance with subdivision (c) of Section 48662
39 and produces rerefined base lubricant meeting the specifications
40 of rerefined oil, as defined in Section 48620.2.

1 (2) The used oil was generated and collected within the state
2 and prior to treatment or processing has been tested to meet the
3 definition of used oil, as specified in paragraph (1) of subdivision
4 (a) of Section 25250.1 of the Health and Safety Code.

5 (3) The facility submits to the board a completed used oil
6 rerefining incentive payment claim in the form and manner that
7 the board may prescribe.

8 (b) (1) To further promote the safe management of used oil,
9 and to review the changes in policy and program enacted by the
10 Legislature in ~~Senate Bill No. 546 of the 2009 Regular Session by~~
11 ~~Chapter 353 of the Statutes of 2009~~, without implying that any
12 further changes are necessary and warranted, the board, using
13 existing financial resources, shall do all of the following:

14 (A) Contract with a third-party consultant with recognized
15 expertise in life cycle assessments to coordinate a comprehensive
16 life cycle analysis of the used lubricating and industrial oil
17 management process, from generation through collection,
18 transportation, and reuse alternatives.

19 (B) Solicit input from representatives of all used oil stakeholders
20 in defining the scope and design of the life cycle analysis, in
21 conducting the life cycle analysis, and in issuing a draft report for
22 public review and comment.

23 (C) Evaluate the positive and negative impacts of the testing
24 requirements established in Section 25250.29 of the Health and
25 Safety Code, the tiered fee on lubricating oil established in Section
26 48650, and the tiered incentive payments established in Section
27 48652, on used oil collection rates.

28 (D) On or before January 1, 2014, submit a report to the
29 Legislature, *in compliance with Section 9795 of the Government*
30 *Code*, describing the findings of the life cycle analysis and the
31 evaluation of the used oil management policies on used oil
32 collection rates specified in subparagraph (C) and provide any
33 recommendations for statutory changes that may be necessary to
34 promote increased collection and responsible management of used
35 oil.

36 (2) All costs incurred by the board and its contractors in meeting
37 the requirements of this subdivision shall be covered by the
38 additional one-half-cent (\$0.005) fee established in subdivision
39 (a) of Section 48650, and effective through December 31, 2013,
40 pursuant to subdivision (d) of Section 48650.

1 (c) *The requirement for submitting a report pursuant to*
2 *subparagraph (D) of paragraph (1) of subdivision (b) is inoperative*
3 *on January 1, 2018.*

4 *SEC. 7. Section 48652 of the Public Resources Code is*
5 *amended to read:*

6 48652. (a) Except as provided in subdivision (d), the board
7 shall set the recycling incentive at not less than ten cents (\$0.10)
8 per quart. The board may set the amount at an amount higher than
9 ten cents (\$0.10) if the board determines that a higher amount is
10 necessary to promote the collection and recycling of used
11 lubricating oil and sufficient funds are available in the fund.

12 (b) On and after January 1, ~~2014~~, 2013, the board shall set the
13 rerefining incentive at not less than two cents (\$0.02) per gallon.
14 On and after January 1, 2015, the board may set the rerefining
15 incentive at a higher amount if the board determines that a higher
16 amount is necessary to promote rerefining of used lubricating oil
17 and sufficient funds are available in the fund.

18 (c) The board shall not change the amount of an incentive paid
19 pursuant to this section until at least one year has passed since the
20 amount was last set. The amount of an incentive paid by the board
21 shall remain at the previous amount for one month after setting
22 the incentive at a different amount. The board shall not raise the
23 amount of an incentive paid unless it finds that the raise will not
24 adversely affect funding required pursuant to Sections 48631,
25 48653, and 48660.5.

26 (d) The board shall set the recycling incentive for used oil
27 generated by a certified used oil collection center and an industrial
28 generator at not less than four cents (\$0.04) per quart. The board
29 may set the amount higher than four cents (\$0.04), if the board
30 determines that a higher amount is necessary to promote the
31 collection and recycling of used *lubricating* oil from these
32 generators and sufficient funds are available.

33 *SEC. 8. Section 48653 of the Public Resources Code is*
34 *amended to read:*

35 48653. The board shall deposit all amounts paid pursuant to
36 Section 48650 by manufacturers, civil penalties, and fines paid
37 pursuant to this chapter, and all other revenues received pursuant
38 to this chapter into the California Used Oil Recycling Fund, which
39 is hereby created in the State Treasury. Notwithstanding Section

1 13340 of the Government Code, the money in the fund is to be
2 appropriated solely as follows:

3 (a) Continuously appropriated to the board for expenditure for
4 the following purposes:

5 (1) To pay recycling incentives pursuant to Section 48651.

6 (2) To provide a reserve for contingencies, as may be available
7 after making other payments required by this section, in an amount
8 not to exceed one million dollars (\$1,000,000).

9 (3) (A) To make payments for the implementation of local used
10 oil collection programs adopted pursuant to Article 10
11 (commencing with Section 48690) to cities, based on the city's
12 population, and counties, based on the population of the
13 unincorporated area of the county. Payment shall be determined
14 by multiplying the total annual amount by the fraction equal to the
15 population of cities and counties that are eligible for payments
16 pursuant to Section 48690, divided by the population of the state.
17 The board shall use the latest population estimates of the state
18 generated by the Population Research Unit of the Department of
19 Finance in making the calculations required by this paragraph.
20 Notwithstanding subdivision (b) of Section 48656, the total annual
21 amount shall equal eleven million dollars (\$11,000,000), subject
22 to subparagraph (B).

23 (B) If sufficient funds are not available to initially issue full
24 funding pursuant to subparagraph (A), the board shall provide
25 funding as follows:

26 (i) For the purposes set forth in this paragraph, one-half of the
27 amount that remains in the fund after the expenditures are made
28 pursuant to paragraphs (1) and (2) and subdivision (b). The board
29 may utilize additional amounts from the fund, up to, but not
30 exceeding, eleven million dollars (\$11,000,000).

31 (ii) As the board finds is fiscally appropriate, for the purposes
32 set forth in Section 48656. The board shall give priority to the
33 distribution of funding in clause (i) for the purposes of this
34 paragraph.

35 (C) Pursuant to paragraph (2) of subdivision (d) of Section
36 48691, it is the intent of this paragraph that at least one million
37 dollars (\$1,000,000) be made available specifically for used oil
38 filter collection and recycling programs.

39 (4) To implement Section 48660.5, in an amount not to exceed
40 two hundred thousand dollars (\$200,000) annually.

1 (5) For expenditures pursuant to Section 48656.

2 (b) The money in the fund may be expended by the board for
3 the administration of this chapter and by the department for
4 inspections and reports pursuant to Section 48661, only upon
5 appropriation by the Legislature in the annual Budget Act.

6 (c) (1) Except as provided in paragraph (2), the money in the
7 fund may be transferred to the Farm and Ranch Solid Waste
8 Cleanup and Abatement Account in the General Fund, upon
9 appropriation by the Legislature in the annual Budget Act, to pay
10 the costs associated with implementing and operating the Farm
11 and Ranch Solid Waste Cleanup and Abatement Grant Program
12 established pursuant to Chapter 2.5 (commencing with Section
13 48100).

14 (2) The money in the fund attributable to a charge increase or
15 adjustment made or authorized in an amendment to subdivision
16 (a) of Section 48650 by the act adding this paragraph shall not be
17 transferred to the Farm and Ranch Solid Waste Cleanup and
18 Abatement Account.

19 (d) Appropriations to the board to pay the costs necessary to
20 administer this chapter shall not exceed three million dollars
21 (\$3,000,000) annually.

22 (e) The Legislature hereby finds and declares its intent that three
23 hundred fifty thousand dollars (\$350,000) should be annually
24 appropriated from the California Used Oil Recycling Fund in the
25 annual Budget Act to the board, commencing with fiscal year
26 2010–11, for the purposes of Section 48655 and to conduct those
27 investigations and enforcement actions necessary to ~~implement~~
28 *ensure a used oil storage facility or used oil transfer facility causes*
29 *the used lubricating oil to be transported, as required by*
30 ~~subdivision (b) (a) of Section 48651.~~

31 *SEC. 9. Section 48654 of the Public Resources Code is*
32 *repealed.*

33 ~~48654. (a) It is the intent of the Legislature in enacting this~~
34 ~~chapter that local government sponsored used motor oil collection~~
35 ~~programs in rural counties continue to operate and be funded to~~
36 ~~maintain or expand their existing collection efforts. As such,~~
37 ~~funding should be increased according to increased costs due to~~
38 ~~the imposition of new requirements under this chapter enacted in~~
39 ~~the act that added this section in the 2009-10 Regular Session of~~
40 ~~the Legislature.~~

1 ~~(b) (1) The board shall provide funds from the California Used~~
2 ~~Oil Recycling Fund to rural counties for local government~~
3 ~~sponsored collection efforts to cover additional costs of testing or~~
4 ~~reduced availability of the recycling incentive caused by increased~~
5 ~~regulatory expenses pursuant to the addition of Section 25250.29~~
6 ~~to the Health and Safety Code, and amendments to Sections 48623,~~
7 ~~48631, 48632, 48651, 48662, and 48670, enacted in the act that~~
8 ~~added this section in the 2009-10 Regular Session of the~~
9 ~~Legislature.~~

10 ~~(2) To qualify for such funding, the local government shall~~
11 ~~demonstrate to the board that it has incurred additional costs and~~
12 ~~that these costs could not have been avoided or lessened through~~
13 ~~the use of a commercially viable alternative transporter or recycling~~
14 ~~facilities that are in compliance with this chapter.~~

15 *SEC. 10. Section 48660.5 of the Public Resources Code is*
16 *amended to read:*

17 48660.5. (a) If the board finds that a shipment of used oil from
18 a certified used oil collection center, curbside collection program,
19 or uncertified publicly funded used oil collection center in a small
20 rural county is contaminated by hazardous materials in excess of
21 that which generally occurs in normal use, which renders the used
22 oil infeasible for recycling, and requires that the used oil be
23 destroyed at a substantially higher cost than the cost generally to
24 recycle used oil, the board shall, upon application by the used oil
25 collection center or curbside collection program, reimburse the
26 center or program for the additional disposal cost, subject to the
27 eligibility requirements of subdivision (b), except as provided in
28 subdivision (c).

29 (b) A certified used oil collection center, curbside collection
30 program, or uncertified publicly funded used oil collection center
31 in a small rural county is eligible for reimbursement only if it
32 demonstrates to the satisfaction of the board all of the following,
33 except that paragraph (1) does not apply to *a an uncertified* publicly
34 funded used oil collection center in a small rural county:

35 (1) The center or program has established procedures to ensure
36 that the used oil it generates and accepts from the public will not
37 be mixed with other hazardous wastes, especially
38 halogen-contaminated and polychlorinated biphenyl-contaminated
39 wastes. These procedures shall include, but not be limited to,
40 instructing the public and employees that used oil shall not be

1 mixed with other hazardous waste. The board shall not require a
2 center or program to test used oil received from the public as part
3 of these procedures.

4 (2) The shipment contains not more than five gallons or pounds
5 of contaminants combined, based on the contaminant
6 concentrations and the total volume or weight of the shipment.

7 (c) In a calendar year, a *certified* used oil collection center,
8 curbside collection program, or uncertified publicly funded used
9 oil collection center in a small rural county shall be reimbursed
10 for not more than one shipment and for not more than five thousand
11 dollars (\$5,000) in disposal costs for halogen-contaminated waste
12 or not more than the actual net additional costs of disposing of
13 polychlorinated biphenyl-contaminated wastes, subject to the
14 availability of funds pursuant to ~~Section 48656~~ *paragraph (4) of*
15 *subdivision (a) of Section 48653.*

16 *SEC. 11. Section 48662 of the Public Resources Code is*
17 *amended to read:*

18 48662. (a) The board shall certify or recertify a used oil
19 recycling facility located in this state for which the board has
20 received a report from the department pursuant to Section 48661,
21 unless the board determines that the facility is engaged in a
22 repeating or recurring pattern of noncompliance that poses a
23 significant threat to public health and safety or the environment.

24 (b) The board shall require an out-of-state recycling facility,
25 that receives used oil from a California generator and to which a
26 recycling incentive may be paid, to register with the board
27 declaring under penalty of perjury that the facility is operating in
28 substantial compliance with Part 279 (commencing with Section
29 279.1) of Title 40 of the Code of Federal Regulations. An
30 out-of-state recycling facility registering with the board pursuant
31 to this subdivision shall, upon request, provide the board or the
32 department with a copy of any inspection report issued for the
33 facility by, or any other enforcement related documents available
34 to, the agency responsible for enforcing Part 279 (commencing
35 with Section 279.1) of Title 40 of the Code of Federal Regulations
36 at the facility.

37 (c) The board shall certify or recertify a rerefiner of used oil,
38 *which may be located in this state or be an out-of-state facility,*
39 for which the board has received a report from the department that
40 the facility meets either of the following requirements:

1 (1) ~~The~~ *If the* used oil recycling facility *is* located in this state,
2 *the used oil recycling facility* is certified pursuant to subdivision
3 (a) and produces rerefined base lubricant meeting the specifications
4 in Section 48620.2.

5 (2) ~~The~~ *If the* used oil recycling facility is an out-of-state facility
6 ~~that has demonstrated,~~ *the facility demonstrates* to the satisfaction
7 of the department all of the following:

8 (A) The facility substantially meets the requirements in Part
9 279 (commencing with Section 279.1) of Title 40 of the Code of
10 Federal Regulations.

11 (B) The facility produces rerefined base lubricant meeting the
12 specifications in Section 48620.2. An out-of-state recycling facility
13 ~~registering with the board~~ *certified by the board* pursuant to this
14 subdivision shall, upon request, provide the board or the department
15 with a copy of records demonstrating that the used oil has been
16 recycled to meet the specifications for rerefined oil, as defined in
17 Section 48620.2.

18 (d) An out-of-state facility that seeks certification shall, *pursuant*
19 *to subdivision (c)*, annually certify in writing to the board, under
20 penalty of perjury, that the facility substantially meets the
21 requirements in paragraph (2) of subdivision (c).

22 (e) Paragraph (2) of subdivision (c) does not require the
23 department to inspect or prohibit the department from inspecting
24 an out-of-state facility to determine whether the department is
25 satisfied that the facility substantially meets the requirements for
26 certification.

27 (f) As a condition of demonstrating compliance pursuant to
28 paragraph (2) of subdivision (c), a facility shall enter into an
29 agreement with the department pursuant to Section 25201.9 of the
30 Health and Safety Code to pay the department's full expenses of
31 conducting the review and any inspection costs the department
32 may incur in determining whether the facility meets the
33 requirements for certification.

34 (g) If the board denies certification to a facility subject to
35 subdivision (a) or (c), the board may subsequently certify the
36 facility if it determines that the facility meets the standards for
37 certification.

38 *SEC. 12. Section 48670 of the Public Resources Code is*
39 *amended to read:*

1 48670. (a) To be eligible for payment of a recycling incentive,
2 an industrial generator of used lubricating oil, a used oil collection
3 center, or a curbside collection program shall report to the board,
4 for each quarter, based on the following reporting limitations and
5 requirements:

6 (1) The amount of lubricating oil purchased and the amount of
7 used lubricating oil that is transported to a certified used oil
8 recycling facility, to a used oil storage facility, or to a used oil
9 transfer facility, or that is transported to an out-of-state recycling
10 facility registered ~~with the board to be operating in substantial~~
11 ~~compliance with Part 279 (commencing with Section 279.1) of~~
12 ~~Title 40 of the Code of Federal Regulations pursuant to subdivision~~
13 ~~(b) of Section 48662 or certified pursuant to paragraph (2) of~~
14 ~~subdivision (c) of Section 48662.~~

15 (2) The amount of used lubricating oil collected from the public,
16 for use in determining the recycling incentive payment, that is
17 transported to a certified used oil recycling facility, to a used oil
18 storage facility, or to a used oil transfer facility, or that is
19 transported to an out-of-state recycling facility registered ~~with the~~
20 ~~board to be operating in substantial compliance with Part 279~~
21 ~~(commencing with Section 279.1) of Title 40 of the Code of~~
22 ~~Federal Regulations. However, a certified collection center with~~
23 ~~service bays located in a small rural county shall be eligible for a~~
24 ~~recycling incentive based on 60 percent of the total oil recycled~~
25 ~~by collecting used oil from the public and servicing motor vehicles.~~
26 ~~If the center documents, in the form prescribed by the board, that~~
27 ~~the portion that resulted from public collection exceeds 60 percent~~
28 ~~of the total oil recycled, the center shall be eligible for the incentive~~
29 ~~payment based on the actual amount of used oil accepted from the~~
30 ~~public and recycled pursuant to subdivision (b) of Section 48662~~
31 ~~or certified pursuant to paragraph (2) of subdivision (c) of Section~~
32 ~~48662.~~

33 (b) The reports shall be submitted on or before the 45th day
34 following each quarter, in the form and manner that the board may
35 prescribe, and shall include copies of manifests or modified
36 manifest receipts from used oil haulers.

37 (c) The board may delegate to ~~the~~ *its* executive officer ~~of the~~
38 ~~board~~ the authority to accept reports submitted after the 45th day
39 and to reduce, eliminate, or approve the amount of incentive fee
40 to be paid due to the late submission of the report. The board may

1 provide, by regulation, for a longer reporting period for industrial
2 generators that generate less than 1,000 gallons of used oil
3 annually.

4 *SEC. 13. Section 48673 of the Public Resources Code is*
5 *amended to read:*

6 48673. (a) A used oil recycling facility issued a permit by the
7 department to produce recycled oil, as defined in Section 25250.1
8 of the Health and Safety Code, and an out-of-state recycling facility
9 that is either registered with the board pursuant to subdivision (b)
10 of Section 48662 or certified by the board pursuant to *paragraph*
11 *(2) of subdivision (c) of Section 48662*, shall report to the board
12 for each quarter the amount of California used oil received ~~and~~
13 ~~the resultant amount of recycled oil produced and its disposition,~~
14 *including the volume of any resultant product.*

15 (b) A facility subject to this section shall provide estimates,
16 where feasible, of the amount that is used lubricating oil and the
17 amount that is used industrial oil.

18 (c) The reports required by this section shall be submitted on
19 or before the last day of the month following each quarter, in the
20 form and manner that the board may prescribe.

21 *SEC. 14. Section 48674 of the Public Resources Code is*
22 *amended to read:*

23 48674. After receiving payments pursuant to paragraph (3) of
24 subdivision (a) of Section 48653, each local government shall
25 submit ~~a~~ *an annual* report to the board, in the manner specified by
26 the board, that includes any ~~amendments~~ *revision* to the local used
27 oil collection program adopted pursuant to Section 48690, a
28 description of all measures taken to implement the program, and
29 a description of how payments were expended.

30 *SEC. 15. Section 48676 of the Public Resources Code is*
31 *amended to read:*

32 48676. The board shall ~~establish reporting periods for the~~
33 ~~reporting of~~ *make available on its Internet Web site an annual*
34 *report that includes the accumulated industrial and lubricating oil*
35 *sales and used oil recycling rates, and each reporting period shall*
36 ~~be six months. The board shall issue a report based on the~~
37 ~~information received within 120 days of the end of each reporting~~
38 ~~period.~~

39 *SEC. 16. Section 48691 of the Public Resources Code is*
40 *amended to read:*

1 48691. (a) A local used oil collection program shall provide
2 for used lubricating oil collection by either of the following or a
3 combination of the two:

4 (1) Ensuring that at least one certified used oil collection center
5 is available for every 100,000 residents not served by curbside
6 used oil collection, that accepts oil from the public at no charge,
7 ~~at least 20 hours each week, on four days each week, of which~~
8 ~~three hours each week are outside the weekday hours of 8 a.m.~~
9 ~~through 5:30 p.m. during the hours the center is open for business.~~

10 (2) Providing used oil curbside collection at least once a month.

11 (b) A local used oil collection program shall include a public
12 education program that informs the public of locally available used
13 oil recycling opportunities.

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

17 (d) A local government that has implemented the used oil
18 collection and education elements of subdivisions (a) and (b) may
19 also include, in the local used oil collection program one or both
20 of the following:

21 (1) Provisions for the mitigation and the collection of oil and
22 oil byproducts, including other solid waste that may be mixed with
23 oil or oil byproducts from stormwater runoff, including devices to
24 capture that stormwater runoff, such as the use of storm drain inlet
25 filter devices. A local government shall not receive a payment
26 pursuant to Section 48690 for the purposes identified pursuant to
27 this paragraph unless the local government certifies that it has a
28 stormwater management program that is approved by the
29 appropriate California regional water quality control board and
30 that the provisions in the local used oil collection program approved
31 for funding under this paragraph are consistent with that approved
32 stormwater management program.

33 (2) A used oil filter collection and recycling program.

34 *SEC. 17. No reimbursement is required by this act pursuant*
35 *to Section 6 of Article XIII B of the California Constitution because*
36 *the only costs that may be incurred by a local agency or school*
37 *district will be incurred because this act creates a new crime or*
38 *infraction, eliminates a crime or infraction, or changes the penalty*
39 *for a crime or infraction, within the meaning of Section 17556 of*
40 *the Government Code, or changes the definition of a crime within*

- 1 *the meaning of Section 6 of Article XIII B of the California*
- 2 *Constitution.*

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