

**SUBCHAPTER E : GRANTS PERTAINING TO THE COLLECTION,
REUSE, AND RECYCLING OF USED OIL**
§§328.41 - 328.47
Effective September 5, 1999

§328.41. Purpose and Scope.

This subchapter describes procedures for announcing, awarding, and administering assistance grants relating to and supporting household do-it-yourselfer used oil collection, reuse, and recycling activities in Texas.

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§328.42. Applicability.

The requirements of this subchapter are applicable to the award or distribution, by the commission, of funds for the purpose of responding to and/or complying with those authorizations and requirements set forth in the Health and Safety Code, §371.023, which relate to the awarding of grants for household do-it-yourselfer used oil recycling activities.

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§328.43. Authority.

The agency's authority to conduct and manage the activities described in this subchapter is derived from the Used Oil Collection, Management, and Recycling Act, Health and Safety Code, Chapter 371.

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§328.44. Definitions of Terms and Abbreviations.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **Advisory committee** - A seven member, commission-appointed, committee established in accordance with the Health and Safety Code, §371.023(c), for the purpose of assisting the commission in carrying out an effective used oil recycling grant program. The advisory committee shall:

- (A) recommend criteria for grants;
- (B) establish guidelines for allowable administrative expenses; and
- (C) recommend grant recipients to the commission based on the used oil

collection, reuse and recycling needs of this state.

(2) **Container** - A portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

(3) **DIY** - Do-it-yourselfer.

(4) **Do-it-yourselfer used oil collection center** - A site or facility that accepts or aggregates and stores used oil collected only from household do-it-yourselfers. A registered do-it-yourselfer used oil collection center that is also a used oil generator may commingle household do-it-yourselfer used oil with the used oil it generates.

(5) **Household do-it-yourselfer used oil** - Oil that is derived from a household, including used oil generated by an individual through the maintenance of the individual's personal vehicle or equipment.

(6) **Local government** - A county, incorporated city or town, or any political subdivision of the state which has jurisdiction over two or more counties or parts of two or more counties, and which has been granted the power by the legislature to regulate solid waste handling or disposal practices or activities within its jurisdiction in accordance with the Health and Safety Code, §361.165.

(7) **Private entity** - Any business or private organization, including nonprofit organizations, involved in, or desiring to become involved in for the purpose of supporting, used oil collection, reuse and recycling, as may be further determined or described from time to time by the Advisory Committee and subsequently defined in commission-released RFAs.

(8) **RFA** - Request for Applications.

(9) **Used oil collection center** - A site or facility that is registered by the commission to manage used oil and accepts, aggregates, or stores used oil collected from:

(A) used oil generators regulated under 40 CFR Part 279, Subpart C, who transport used oil to the used oil collection center in shipments of not more than 55 gallons under 40 CFR §279.24; or

(B) household do-it-yourselfers.

§328.45. Eligible Grant-Supported Activities.

(a) Assistance grants awarded under this subchapter shall be for projects that feature or include one or more of the following activities:

(1) curbside pickup of containers of household do-it-yourselfer used oil by a local government or its representative;

(2) retrofitting of municipal solid waste equipment to facilitate curbside pickup of household do-it-yourselfer used oil;

(3) establishment of do-it-yourselfer used oil collection centers and used oil collection centers at locations accessible to the public including landfills, fire stations, retail stores, quick lubrication centers, and automobile repair shops;

(4) provision of containers and other materials and supplies that can be used to store household do-it-yourselfer used oil for pickup or delivery to a do-it-yourselfer used oil collection center in an environmentally sound manner; and

(5) any other do-it-yourselfer related used oil activity determined eligible for receipt of grant funding by the advisory committee appointed by the commission in accordance with the Health and Safety Code, §371.023(c).

(b) Grant funds provided under this subchapter shall not be used to:

(1) acquire land or an interest in land;

(2) construct any waste disposal facility or waste disposal facility improvements (Facilities designed primarily for the collection and temporary storage for recycling of do-it-yourselfer used oil are not considered disposal facilities.);

(3) prepare, or pay others for the preparation of, final designs or working drawings of any waste disposal facility or waste disposal facility improvements;

(4) pay for the disposal of any waste material;

(5) pay for any food, drink, or entertainment, except for necessary meals for the grant recipient's own officials or employees while on official travel status to an event or activity authorized under the grant contract;

(6) pay for lobbying, at any governmental level, either for or against, concerning or related to any proposed legislation or legislative initiative; or

(7) carry out any activity not expressly mentioned in the RFP or RFA.

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§328.46. Eligible Applicants.

(a) Only those local governments and private entities that encourage, and formally commit to utilizing all received grant funds for the collection, reuse and recycling of household do-it-yourselfer used oil shall be eligible to apply for or receive a grant under this subchapter.

(b) Eligible local governments and private entities desiring to receive an assistance grant under this subchapter shall submit, within the time frames announced by the commission pursuant to §328.47 of this title (relating to Grant Announcement and Recipient Selection), formal project applications utilizing the forms and following the instructions and procedures provided by the commission for such purposes.

(c) Recipient selection for any grant or other assistance offered by the commission under this subchapter shall be solely based on the merit of the applications and their compliance with the criteria established by the advisory committee and set forth in the appropriate Request for Applications.

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§328.47. Grant Announcement and Recipient Selection.

(a) The agency shall announce grant funds, select grant recipients, and award assistance grants under this subchapter utilizing a Request for Applications (RFA). Under the RFA process, the agency will:

(1) publish a formal notice in the *Texas Register* advising eligible applicants that the commission is accepting grant applications for household do-it-yourselfer used oil collection, reuse and recycling projects, and that the commission will make grant awards, on a first-come, first-served basis, to those entities whose applications and proposed projects meet certain RFA-specified minimum requirements;

(2) make available, upon request, application forms and instructions, together with the specific RFA document that sets forth the established minimum requirements and criteria for application acceptance and award of the grant;

(3) accept and process applications, on a first-come, first-served basis; and

(4) providing budgeted funds remain available, award grants to those local governments and/or private entities whose applications meet the minimum standards and criteria set forth in the RFA.

(b) All grant applications will be reviewed and processed by the executive director's staff to ensure compliance with the requirements of this subchapter, the appropriate RFA, and applicable requirements of Health and Safety Code, Chapter 371. The applications shall also be reviewed and considered by the advisory committee whose statutory duties include recommending grant recipients to the commission based

on the used oil collection needs of the state and/or by other public agencies or organizations who have specific responsibilities to review, comment on, or coordinate the selection and/or awarding of state grants.

(c) Applicants selected to receive used oil collection, reuse and recycling assistance grants, or other used oil recycling program support under this subchapter, may be required, depending on the specific RFA, to enter into a written contract with the commission as a condition to receiving a grant. The contracts will indicate the amount and type of grant, establish time frames and/or deadlines for completing grant-supported activities and for expending grant-provided funds, describe reporting requirements and payment procedures, and contain standard contract conditions.

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