

AMENDED IN SENATE JUNE 13, 2005

AMENDED IN ASSEMBLY APRIL 21, 2005

AMENDED IN ASSEMBLY APRIL 12, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1065

**Introduced by Assembly Member Matthews
(Principal coauthor: Assembly Member Maze)**

February 22, 2005

An act to ~~add Section 19316.5 to~~ amend Sections 19310, 19310.5, 19310.7, 19311, 19312, 19313.8, 19314, 19315, and 19316 of, and to add Sections 19209.5 and 19316.5 to, the Food and Agricultural Code, relating to kitchen grease.

LEGISLATIVE COUNSEL'S DIGEST

AB 1065, as amended, Matthews. Kitchen grease: transporters.

Existing law requires any person who engages in the transportation of inedible kitchen grease, as defined, to be registered with the Department of Food and Agriculture. *Existing law authorizes registered transporters or licensed renderers to transport inedible kitchen grease, as specified.*

This bill would define "interceptor grease" for purposes of regulation, including setting fees for transporters of interceptor grease. The bill would require licensed renderers to be registered as transporters in order to transport inedible kitchen grease. The bill would require, as a condition of registration as a transporter of inedible kitchen grease, that the applicant demonstrate the ability to respond to specified damages by means of a policy of insurance or surety bond of not less than \$2,000,000, as specified, and subject to

exception. The bill would authorize the department to refuse to register an applicant if certain conditions are found. The bill would authorize the applicant to appeal that denial and would require the department to establish an appeals process for that purpose.

Existing law authorizes the department after a noticed hearing, to suspend or revoke a transporter’s registration if it finds certain acts were committed.

This bill authorize the department to suspend or revoke a transporter’s registration for those findings, and would expand the circumstances requiring suspension or revocation to include violations of specified provisions relating to the transportation of inedible kitchen grease. The bill would authorize an appeal of the suspension or revocation and require the department to establish an appeals process including a noticed hearing.

Existing law provides that it is the purpose of the provisions regulating transporters of inedible kitchen grease to prevent the sale and transfer of illegally obtained inedible kitchen grease.

This bill would expand the purposes of these provisions to include protecting the environment, reducing blockages of public sewer systems, and preventing the improper and illegal transportation and disposal of interceptor grease.

The bill would make other conforming changes.

Existing law requires licensed renderers to record and keep certain records relating to receipt of inedible kitchen grease. Registered transporters and licensed renderers are required to exhibit those records on demand to any peace officer, among others.

This bill would authorize the department to establish a system for documenting and tracking the transportation of inedible kitchen grease in order to ensure the proper disposal or recycling of that material.

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

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

- 1 SECTION 1. Section 19209.5 is added to the Food and
- 2 Agricultural Code, to read:
- 3 19209.5. “Interceptor grease” means inedible kitchen grease
- 4 that is principally derived from food preparation, processing, or
- 5 waste, and that is removed from a grease trap or grease
- 6 interceptor.

1 *SEC. 2. Section 19310 of the Food and Agricultural Code is*
2 *amended to read:*

3 19310. (a) It is unlawful for any person *or entity* to engage in
4 the transportation of inedible kitchen grease without being
5 registered with the department and without being in possession of
6 a valid registration certificate issued by the department.

7 (b) Each registration shall expire on December 31st each year.

8 (c) (1) *The department shall require, as a condition of*
9 *registration, that the applicant demonstrate the ability to respond*
10 *to damages resulting from the operation of an inedible kitchen*
11 *grease transportation business.*

12 (2) *The damages to be covered include public liability, which*
13 *shall include, but not be limited to, liability for personal injury,*
14 *property damage, and environmental restoration.*

15 (3) *The ability to respond to damages shall be demonstrated*
16 *by providing proof of a policy of insurance or surety bond for*
17 *that purpose in an amount not less than two million dollars*
18 *(\$2,000,000), except that the required amount shall be not less*
19 *that one million dollars (\$1,000,000) if the applicant operates*
20 *only one vehicle and the vehicle has a gross vehicle weight rating*
21 *of not more than 10,000 pounds.*

22 *SEC. 3 Section 19310.5 of the Food and Agricultural Code is*
23 *amended to read:*

24 19310.5. It is unlawful for any person who is not a registered
25 transporter ~~or licensed renderer~~ of inedible kitchen grease to
26 transport that product from any place within this state to any
27 place outside the borders of this state.

28 *SEC. 4. Section 19310.7 of the Food and Agricultural Code is*
29 *amended to read:*

30 19310.7. Any person registered as a transporter ~~or licensed as~~
31 ~~a renderer~~ of inedible kitchen grease may deliver any inedible
32 kitchen grease to a licensed renderer or collection center for
33 processing or recycling into usable products. As used in this
34 section, “usable products” includes, but is not limited to,
35 biofuels, lubricants, and animal feed, provided the uses for
36 animal feed are permitted by the rules and regulations adopted by
37 the United States Food and Drug Administration.

38 *SEC. 5. Section 19311 of the Food and Agricultural Code is*
39 *amended to read:*

1 19311. Any renderer who operates vehicles for the purpose of
2 collecting inedible kitchen grease shall *register as a transporter*
3 *of inedible kitchen grease and otherwise* comply with this article.

4 *SEC. 6. Section 19312 of the Food and Agricultural Code is*
5 *amended to read:*

6 19312. (a) Registration shall be made with the department
7 and shall include all of the following:

8 (1) The applicant's name and address.

9 (2) A description of the operations to be performed by the
10 applicant.

11 (3) The vehicles to be used in the transportation.

12 (4) A registration fee of one hundred dollars (\$100).

13 (5) A list of the names of the drivers employed by the
14 transporter who transport inedible kitchen grease subject to this
15 article and their drivers' license numbers.

16 (6) Any other information that may be required by the
17 department.

18 (b) Any renderer who ~~is required to register~~ *registers* pursuant
19 to this article is not required to pay the fee prescribed in this
20 section.

21 (c) *The department may refuse to issue an original or renewal*
22 *registration to any applicant for which the grounds specified in*
23 *subdivisions (a) to (e), inclusive, of Section 19314 exist.*

24 (d) (1) *The applicant may appeal the decision of the*
25 *department to refuse to register the applicant.*

26 (2) *The department shall establish procedures for the appeals*
27 *process, to include a noticed hearing.*

28 (3) *The department may reverse a decision to refuse to*
29 *register the applicant, upon a finding of good cause to do so.*

30 *SEC. 7. Section 19313.8 of the Food and Agricultural Code is*
31 *amended to read:*

32 19313.8. No ~~licensed renderer~~, registered transporter; or any
33 other person shall take possession of inedible kitchen grease from
34 an unregistered transporter or knowingly take possession of
35 stolen inedible kitchen grease.

36 *SEC. 8. Section 19314 of the Food and Agricultural Code is*
37 *amended to read:*

38 19314. The department may, ~~after notice and hearing,~~
39 suspend or revoke a registration certificate ~~or a renderer's license~~
40 ~~if~~, at any time, it finds any of the following has occurred:

1 (a) The registrant ~~or licensee~~ has sold or offered for sale to an
2 unlicensed person, any inedible kitchen grease.

3 (b) The registrant ~~or licensee~~ has stolen, misappropriated,
4 contaminated, or damaged inedible kitchen grease or containers
5 thereof.

6 (c) The registrant ~~or licensee~~ has violated any provision of this
7 article or any regulations adopted to implement this article.

8 (d) The registrant ~~or licensee~~ has taken possession of inedible
9 kitchen grease from an unregistered transporter or has knowingly
10 taken possession of inedible kitchen grease that has been stolen.

11 (e) (1) *The registrant has been found to have engaged in, or*
12 *aided and abetted another person or entity in the commission of,*
13 *any violation of a statute, regulation, or order, relating to the*
14 *transportation or disposal of inedible kitchen grease, including a*
15 *violation of the federal Water Pollution Control Act (33 U.S.C.*
16 *Sec. 1251 et seq.), the Porter-Cologne Water Quality Control Act*
17 *(Chapter 1.5 (commencing with Section 13020) of Division 7 of*
18 *the Water Code), Section 5650 of the Fish and Game Code,*
19 *commercial vehicle weight limits, or commercial vehicle hours of*
20 *service, if the violation pertained to the transportation or*
21 *disposal of inedible kitchen grease, and if the violation shows a*
22 *repetitive or recurring pattern of violations, or may pose a*
23 *significant threat to human health or the environment.*

24 (2) *For purposes of this section, "registrant" includes any*
25 *business entity, trustee, officer, director, partner, person or other*
26 *entity holding more than 5 percent equity, ownership, or debt*
27 *liability in the registered entity engaged in the transportation of*
28 *inedible kitchen grease.*

29 (f) (1) *The registrant may appeal the suspension or revocation*
30 *decision of the department.*

31 (2) *The department shall establish procedures for the appeals*
32 *process, to include a noticed hearing.*

33 (3) *The department may reverse a suspension or revocation*
34 *upon a finding of good cause to do so.*

35 SEC. 9. *Section 19315 of the Food and Agricultural Code is*
36 *amended to read:*

37 19315. (a) In addition to the registration fee required by
38 Section 19312, the department may charge an additional fee
39 necessary to cover the costs of administering this article. Any
40 additional fee charged pursuant to this section shall not exceed

1 three hundred dollars (\$300) per year per vehicle that is operated
2 to transport kitchen grease, and shall not exceed three thousand
3 dollars (\$3,000) per year per registered transporter.

4 (b) The secretary shall fix the annual fee established pursuant
5 to this section and may fix different fees for transporters of
6 inedible kitchen grease and collection centers, *and for*
7 *transporters of interceptor grease and transporters of other*
8 *inedible kitchen grease, provided however, that the fees do not*
9 *exceed the amounts established in subdivision (a).* The secretary
10 shall also fix the date the fee is due and the method of collecting
11 the fee. If an additional fee is imposed on licensed renderers
12 pursuant to subdivision (a) of Section 19227 and an additional
13 fee is imposed on registered transporters pursuant to subdivision
14 (a), only one additional fee may be imposed on a person or firm
15 that is both licensed as a renderer pursuant to Article 6
16 (commencing with Section 19300) and registered as a transporter
17 of inedible kitchen grease pursuant to this article, which fee shall
18 be the higher of the two fees.

19 (c) If the fee established pursuant to this section is not paid
20 within one calendar month of the date it is due, a penalty shall be
21 imposed in the amount of 10 percent per annum on the amount of
22 the unpaid fee.

23 (d) This section shall become inoperative on July 1, 2010, and,
24 as of January 1, 2011, is repealed, unless a later enacted statute,
25 which becomes effective on or before January 1, 2011, deletes or
26 extends the dates on which it becomes inoperative and is
27 repealed.

28 *SEC. 10. Section 19316 of the Food and Agricultural Code is*
29 *amended to read:*

30 19316. It is the purpose of this article to prevent the sale and
31 transfer of illegally obtained inedible kitchen grease, *to protect*
32 *the environment, to reduce blockages of public sewer systems,*
33 *and to prevent the improper and illegal transportation and*
34 *disposal of interceptor grease.*

35 ~~SECTION. 1.—~~

36 *SEC. 11.* Section 19316.5 is added to the Food and
37 Agricultural Code, to read:

38 19316.5. The department is authorized to establish a system
39 for documenting and tracking the transportation of inedible

- 1 kitchen grease in order to ensure the proper disposal or recycling
- 2 of that material.

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