

AMENDED IN SENATE JUNE 30, 2005

AMENDED IN SENATE JUNE 14, 2005

AMENDED IN ASSEMBLY MAY 4, 2005

AMENDED IN ASSEMBLY APRIL 20, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1333

**Introduced by Assembly Member Frommer
(Coauthors: Assembly Members Jerome Horton and Plescia)**

February 22, 2005

An act to add Section 19318 to the Food and Agricultural Code, and to add Section 374.5 to the Penal Code, relating to grease waste haulers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1333, as amended, Frommer. Grease waste haulers.

Existing law generally regulates haulers of grease.

This bill would make it unlawful for any grease waste hauler to remove grease from a grease trap or grease interceptor unless the hauler removes all grease, greasy liquid, water, and solids from the grease trap or grease interceptor each time of removal, as specified. ~~Because a violation of this provision would be a crime, the bill would impose a state-mandated local program.~~ *The bill would provide for civil enforcement against the hauling company for violation of these provisions.*

The bill would ~~also~~ make it an offense for a grease waste hauler to reinsert or otherwise improperly deposit grease materials at any place other than an authorized facility or to transport grease removed from a grease trap or grease interceptor in the same vehicle used for

transporting other waste. The bill would also make it an offense to manage or dispose of grease into a land treatment unit, as defined. The bill would make the offenses punishable by imprisonment in a county jail for not more than 6 months and a fine of \$10,000 for a 1st offense, or one year imprisonment and a fine of \$25,000 for a 2nd or subsequent offense. A court would be authorized to bar the defendant from engaging in grease hauling for up to 5 years, and could order, as a condition of probation, that the defendant remove or pay the cost of removing grease dumped in violation of these provisions, as specified.

By creating new offenses, this bill would impose a state-mandated local program.

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: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 19318 is added to the Food and
 2 Agricultural Code, to read:
 3 19318. (a) ~~Because incomplete removal of grease, solids, and~~
 4 ~~greasy water from a grease interceptor or grease trap can cause~~
 5 ~~greater amounts of grease to flow into sewer systems and~~
 6 ~~contribute to sewage blockages and spills, protection of the~~
 7 ~~public from these problems requires removal of these~~
 8 ~~constituents.~~
 9 (b) It is unlawful for any grease waste hauler to remove grease
 10 from a grease trap or grease interceptor unless the hauler
 11 removes all grease, greasy liquid, water, and solids from the
 12 grease trap or grease interceptor each time of removal. This
 13 provision does not require that a grease interceptor or grease trap
 14 be cleaned of deminimus residue that cannot be removed by
 15 normal procedures such as pumping or other cleaning or residue
 16 resulting from systems that have continuous flow.

1 (b) *A violation of this section may only be enforced by civil,*
2 *not criminal, process, and may only be enforced against the*
3 *hauling company, not the employee of the company.*

4 SEC. 2. Section 374.5 is added to the Penal Code, to read:

5 374.5. (a) It is unlawful for any grease waste hauler to
6 reinsert into a grease trap, grease interceptor, manhole, cleanout,
7 or other sanitary sewer facility or any other place not authorized
8 to receive them, any materials that the hauler has removed from
9 the grease trap or grease interceptor, or to deposit, dump, place,
10 release, those materials, or cause those materials to be discharged
11 or otherwise deposited at any place other than a facility
12 authorized to receive the materials.

13 ~~(b) Because grease waste from interceptors and grease traps is~~
14 ~~recyclable if not mixed with other wastes, and mixture with other~~
15 ~~wastes can pose public health issues if recycled without~~
16 ~~knowledge of other contaminants, it is important for the~~
17 ~~protection of the public that grease from interceptors and grease~~
18 ~~traps not be mixed with other wastes.~~ A grease waste hauler shall
19 not transport grease removed from a grease trap or grease
20 interceptor in the same vehicle used for transporting other waste,
21 including, but not limited to, yellow grease, cooking grease,
22 recyclable cooking oil, septic waste, or fluids collected at car
23 washes.

24 (c) For purposes of this section, a “grease waste hauler” is a
25 transporter of inedible kitchen grease subject to registration
26 requirements pursuant to Section 19310 of the Food and
27 Agricultural Code, who removes grease and accompanying
28 materials from a grease trap or a grease interceptor and transports
29 the materials to another location. For purposes of this section, a
30 “grease waste hauler” does not include a hauler of grease from
31 grease traps serving industrial processes that principally contain
32 petroleum hydrocarbons.

33 (d) (1) It is unlawful for any person to manage or dispose of
34 grease removed from a grease trap or grease interceptor into a
35 land treatment unit.

36 (2) For purposes of this section, “land treatment unit” or “land
37 farm” means a facility or part of a facility at which waste is
38 applied onto or incorporated into the soil surface so that
39 constituents are degraded, transformed, or immobilized with the
40 treatment zone.

1 (e) Any person who violates this section shall be guilty of a
2 misdemeanor punishable by imprisonment in a county jail for not
3 more than six months or a fine of not more than ten thousand
4 dollars (\$10,000), or both a fine and imprisonment.

5 A second and subsequent conviction, shall be punishable by
6 imprisonment in a county jail for not more than one year, or a
7 fine of not more than twenty-five thousand dollars (\$25,000), or
8 both a fine and imprisonment.

9 (f) Notwithstanding Section 1463, the fines paid pursuant to
10 this section shall be apportioned as follows:

11 (1) Fifty percent shall be deposited in the Environmental
12 Enforcement and Training Account established pursuant to
13 Section 14303 of the Penal Code, and used for purposes of Title
14 13 (commencing with Section 14300) of Part 4 of the Penal
15 Code.

16 (2) Twenty-five percent shall be distributed pursuant to
17 Section 1463.001.

18 (3) Twenty-five percent to the local health officer or other
19 local public officer or agency that investigated the matter which
20 lead to bringing the action.

21 (g) If the court finds that the violator has engaged in a practice
22 or pattern of violation, consisting of two or more convictions, the
23 court may bar the violating individual or business from engaging
24 in the business of grease waste hauling for a period not to exceed
25 five years.

26 (h) The court may require, in addition to any fine imposed
27 upon conviction, that as a condition of probation and in addition
28 to any other punishment or condition of probation, that a person
29 convicted under this section remove, or pay the cost of removing,
30 to the extent they are able, any materials which the convicted
31 person dumped or caused to be dumped in violation of this
32 section.

33 SEC. 3. No reimbursement is required by this act pursuant to
34 Section 6 of Article XIII B of the California Constitution because
35 the only costs that may be incurred by a local agency or school
36 district will be incurred because this act creates a new crime or
37 infraction, eliminates a crime or infraction, or changes the
38 penalty for a crime or infraction, within the meaning of Section
39 17556 of the Government Code, or changes the definition of a

1 crime within the meaning of Section 6 of Article XIII B of the
2 California Constitution.

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