

AMENDED IN SENATE AUGUST 31, 2005

AMENDED IN SENATE AUGUST 15, 2005

AMENDED IN SENATE JULY 7, 2005

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)
(Coauthor: Senator Morrow)

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, *and to add Division 12.4 (commencing with Section 16000) to the Public Resources Code*, relating to grease waste haulers.

LEGISLATIVE COUNSEL'S DIGEST

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

Existing

(1) *Existing law generally regulates haulers of grease. Under existing law, the funds in the Environmental Enforcement and Training Account may be expended annually by the California Environmental Protection Agency, upon appropriation by the Legislature, to provide for statewide education and training programs*

in the enforcement of environmental laws and establish enhanced local environmental enforcement efforts.

~~This bill would make it unlawful for any grease waste hauler to remove from removing 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, except as specified. The bill would provide for civil subject a grease waste hauler to a civil penalty for a violation of these provisions and would allow for the enforcement of these provisions only against the grease waste hauling company for violation of these provisions.~~

The bill would require the civil penalties collected to be apportioned in a specified manner, of which 50% would be deposited in the Environmental Enforcement and Training Account and 50% to the local health officer or other local public officer or agency that investigated the matter that lead to bringing the action.

The bill would make it an offense for a grease waste hauler to reinsert or otherwise improperly deposit grease materials into a grease trap, manhole, or sewer appurtenance, discharge it in or on any waters of the state, or to transport grease removed from a grease trap or grease interceptor in the same vehicle used for transporting other waste. 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 first 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~~

(2) 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) It is unlawful for any grease waste hauler to~~
4 ~~remove grease from a grease trap or grease interceptor unless the~~
5 ~~hauler removes all grease, greasy liquid, water, and solids from~~
6 ~~the grease trap or grease interceptor each time of removal. This~~
7 ~~provision does not require that a grease interceptor or grease trap~~
8 ~~be cleaned of de minimus residue that cannot be removed by~~
9 ~~normal procedures such as pumping or other cleaning or residue~~
10 ~~resulting from systems that have continuous flow.~~

11 ~~(b) A violation of this section may only be enforced by civil,~~
12 ~~not criminal, process, and may only be enforced against the~~
13 ~~hauling company, not the employee of the company.~~

14 ~~SEC. 2.~~

15 ~~SECTION 1. Section 374.5 is added to the Penal Code, to~~
16 ~~read:~~

17 ~~374.5. (a) It is unlawful for any grease waste hauler to do~~
18 ~~either of the following:~~

19 ~~(1) Reinsert, deposit, dump, place, release, or discharge into a~~
20 ~~grease trap, grease interceptor, manhole, cleanout, or other~~
21 ~~sanitary sewer appurtenance or~~

22 ~~(2) Cause or permit to be discharged in or on any waters of the~~
23 ~~state, or discharged in or deposited where it is, or probably will~~
24 ~~be, discharged in or on any waters of the state, any materials that~~
25 ~~the hauler has removed from the grease trap or grease interceptor,~~
26 ~~or to cause those materials to be so handled. Nothing in this~~
27 ~~section shall prohibit the direct receipt of trucked grease by a~~
28 ~~publicly owned treatment works.~~

29 ~~(b) A grease waste hauler shall not transport grease removed~~
30 ~~from a grease trap or grease interceptor in the same vehicle used~~
31 ~~for transporting other waste, including, but not limited to, yellow~~
32 ~~grease, cooking grease, recyclable cooking oil, septic waste, or~~
33 ~~fluids collected at car washes.~~

34 ~~(c) For purposes of this section, a “grease waste hauler” is a~~
35 ~~transporter of inedible kitchen grease subject to registration~~
36 ~~requirements pursuant to Section 19310 of the Food and~~
37 ~~Agricultural Code~~

1 (d) 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 (e) 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, and used for purposes of Title 13 (commencing
14 with Section 14300) of Part 4.

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

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

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

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

32 *SEC. 2. Division 12.4 (commencing with Section 16000) is*
33 *added to the Public Resources Code, to read:*

34

35 *DIVISION 12.4. GREASE TRAP AND GREASE*
36 *INTERCEPTOR WASTE*

37

38 *16000. For purposes of this division, "grease waste hauler"*
39 *means a transporter of inedible kitchen grease subject to the*

1 registration requirements in Section 19310 of the Food and
2 Agricultural Code.

3 16001. (a) A grease waste hauler shall not remove grease
4 from a grease trap or grease interceptor unless the hauler
5 removes all grease, greasy liquid, water, and solids from the
6 grease trap or grease interceptor each time of removal.

7 (b) Subdivision (a) does not require a grease interceptor or
8 grease trap to be cleaned of de minimus residue that cannot be
9 removed by normal procedures, including, but not limited to,
10 pumping or other cleaning, or residue resulting from systems
11 that have continuous flow.

12 16002. A violation of this division may only be enforced
13 against a grease waste hauling company and shall not be
14 enforced against an employee of the grease waste hauler.

15 16003. (a) A grease waste hauler who violates this division
16 shall be subject to a civil penalty, for the first violation, in an
17 amount that does not exceed five thousand dollars (\$5,000).

18 (b) A grease waste hauler who violates this division, for a
19 second or subsequent violation, shall be subject to a civil penalty
20 in an amount that does not exceed ten thousand dollars
21 (\$10,000).

22 (c) A grease waste hauler who violates this division may also
23 be subject to any further equitable remedy, as determined by the
24 court.

25 (d) The civil penalties collected pursuant to this division shall
26 be apportioned as follows:

27 (1) Fifty percent shall be deposited in the Environmental
28 Enforcement and Training Account established pursuant to
29 Section 14303 of the Penal Code, and used for purposes of Title
30 13 (commencing with Section 14300) of Part 4 of the Penal
31 Code.

32 (2) Fifty percent to the local health officer or other local
33 public officer or agency that investigated the matter that lead to
34 bringing the action.

35 SEC. 3. Nothing in this act shall prevent punishment instead
36 under any other criminal law. The imposition of a criminal fine,
37 incarceration, or a civil penalty under this act may be in addition
38 to any civil penalty imposed under any other law.

39 SEC. 4. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the
4 penalty for a crime or infraction, within the meaning of Section
5 17556 of the Government Code, or changes the definition of a
6 crime within the meaning of Section 6 of Article XIII B of the
7 California Constitution.

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