

AMENDED IN SENATE MAY 24, 2010  
AMENDED IN SENATE APRIL 26, 2010  
AMENDED IN SENATE APRIL 8, 2010  
AMENDED IN SENATE MARCH 24, 2010

**SENATE BILL**

**No. 1107**

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**Introduced by Senator Kehoe**

February 17, 2010

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An act to amend Sections ~~19216 and 19315~~ 19312 and 19314 of the Food and ~~Agriculture~~ *Agricultural* Code, to amend Section 16050 of the Public Resources Code, and to add Chapter 7.8 (commencing with Section 13590) to Division 7 of the Water Code, relating to grease.

LEGISLATIVE COUNSEL'S DIGEST

SB 1107, as amended, Kehoe. Water quality: interceptor and trap grease.

**Existing**

(1) *Existing* law regulates the transportation of inedible kitchen grease and requires the transporters of inedible kitchen grease to be registered and to pay specified fees. The State Water Resources Control Board is among the principal state agencies with authority relating to water quality.

~~This bill would enact the Interceptor and Trap Grease Transportation Act of 2010. The bill, on and after January 1, 2012, would prohibit any person or entity from engaging in the transportation of interceptor and trap grease, unless that person or entity is registered with, and possesses a valid registration certificate issued by, the state board.~~

*This bill would require the state board, on or before January 1, 2012, to develop, adopt, and implement regulations, that include specified*

requirements, for a manifest system to track the transportation of interceptor and trap grease. The bill would require the state board to impose a registration fee sufficient to cover the costs of implementing the act. The bill would require the state board to deposit all revenues from the registration fee in the Interceptor and Trap Grease *Manifest* Fund, which the bill would establish. The bill would authorize the board to expend moneys in the fund to implement the act, subject to appropriation for that purpose. The bill would define “interceptor and trap grease” to mean grease that is principally derived from food preparation, processing, or waste, and that is removed from a grease trap or grease interceptor.

(2) Existing law authorizes the Department of Food and Agriculture to suspend or revoke a registration certificate to transport inedible kitchen grease in specified circumstances.

This bill would add a registrant’s violation of this act, or any regulations adopted to implement this act, to those specified circumstances and would make a corresponding change.

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 19312 of the Food and Agricultural Code
- 2 is amended to read:
- 3 19312. (a) Registration shall be made with the department and
- 4 shall include all of the following:
- 5 (1) The applicant’s name and address.
- 6 (2) A description of the operations to be performed by the
- 7 applicant.
- 8 (3) The vehicles to be used in the transportation.
- 9 (4) A registration fee of one hundred dollars (\$100).
- 10 (5) A list of the names of the drivers employed by the transporter
- 11 who transport inedible kitchen grease subject to this article and
- 12 their drivers’ license numbers.
- 13 (6) Any other information that may be required by the
- 14 department.
- 15 (b) Any renderer who registers pursuant to this article is not
- 16 required to pay the fee prescribed in this section.
- 17 (c) The department may refuse to issue an original or renewal
- 18 registration certificate to any applicant for which the grounds

1 specified in subdivisions (a) to ~~(e)~~ (f), inclusive, of Section 19314  
2 exist.

3 (d) (1) The applicant may appeal the decision of the department  
4 to refuse to register the applicant.

5 (2) The department shall establish procedures for the appeals  
6 process, to include a noticed hearing.

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

9 *SEC. 2. Section 19314 of the Food and Agricultural Code is*  
10 *amended to read:*

11 19314. The department may suspend or revoke a registration  
12 certificate, at any time, if it finds any of the following has occurred:

13 (a) The registrant has sold or offered for sale to an unlicensed  
14 person, any inedible kitchen grease.

15 (b) The registrant has stolen, misappropriated, contaminated,  
16 or damaged inedible kitchen grease or containers thereof.

17 (c) The registrant has violated this article or any regulations  
18 adopted to implement this article.

19 (d) The registrant has taken possession of inedible kitchen grease  
20 from an unregistered transporter or has knowingly taken possession  
21 of inedible kitchen grease that has been stolen.

22 (e) The registrant has been found to have engaged in, or aided  
23 and abetted another person or entity in the commission of, any  
24 violation of a statute, regulation, or order relating to the  
25 transportation or disposal of inedible kitchen grease, including a  
26 violation of the federal Water Pollution Control Act (33 U.S.C.  
27 Sec. 1251 et seq.), the Porter-Cologne Water Quality Control Act  
28 (Chapter 1.5 (commencing with Section 13020) of Division 7 of  
29 the Water Code), Section 5650 of the Fish and Game Code,  
30 commercial vehicle weight limits, or commercial vehicle hours of  
31 service.

32 (f) *The registrant has violated Chapter 7.8 (commencing with*  
33 *Section 13590) of Division 7 of the Water Code or any regulations*  
34 *adopted to implement that chapter.*

35 ~~(f)~~

36 (g) For purposes of this section, “registrant” includes any  
37 business entity, trustee, officer, director, partner, person, or other  
38 entity holding more than 5 percent equity, ownership, or debt  
39 liability in the registered entity engaged in the transportation of  
40 inedible kitchen grease.

1     ~~(g)~~

2     ~~(h) (1) The registrant may appeal the suspension or revocation~~  
3 ~~decision of the department.~~

4     ~~(2) The department shall establish procedures for the appeals~~  
5 ~~process, to include a noticed hearing.~~

6     ~~(3) The department may reverse a suspension or revocation~~  
7 ~~upon a finding of good cause to do so.~~

8     ~~SECTION 1.—Section 19216 of the Food and Agricultural Code~~  
9 ~~is amended to read:~~

10     ~~19216. “Inedible kitchen grease” means any fat or used cooking~~  
11 ~~greases and oils obtained from any source. “Inedible kitchen~~  
12 ~~grease” does not include interceptor and trap grease as defined in~~  
13 ~~Section 13950.5 of the Water Code.~~

14     ~~SEC. 2.—Section 19315 of the Food and Agricultural Code is~~  
15 ~~amended to read:~~

16     ~~19315. (a) Except as provided in subdivision (b), in addition~~  
17 ~~to the registration fee required by Section 19312, the department~~  
18 ~~may charge a fee necessary to cover the costs of administering this~~  
19 ~~article. Any additional fee charged pursuant to this section shall~~  
20 ~~not exceed three hundred dollars (\$300) per year per vehicle that~~  
21 ~~is operated to transport inedible kitchen grease, and shall not~~  
22 ~~exceed three thousand dollars (\$3,000) per year per registered~~  
23 ~~transporter.~~

24     ~~(b) An individual registered pursuant to this article who~~  
25 ~~transports inedible kitchen grease for his or her own personal,~~  
26 ~~noncommercial use as an alternative fuel is exempt from 75 percent~~  
27 ~~of the fee charged pursuant to subdivision (a), and shall meet all~~  
28 ~~of the following requirements:~~

29     ~~(1) The individual shall meet all other requirements of this~~  
30 ~~article.~~

31     ~~(2) The individual shall not transport more than 55 gallons of~~  
32 ~~inedible kitchen grease per load for that purpose, and shall have~~  
33 ~~no more than 165 gallons of inedible kitchen grease in his or her~~  
34 ~~possession or control at any time.~~

35     ~~(3) The individual shall not take any inedible kitchen grease~~  
36 ~~from a container owned by another registered transporter of~~  
37 ~~inedible kitchen grease or from an inedible kitchen grease provider~~  
38 ~~under contract with a registered transporter of inedible kitchen~~  
39 ~~grease or from a container owned by a renderer or collection center.~~

1 ~~(4) The individual shall have a document in his or her possession~~  
2 ~~while transporting inedible kitchen grease signed by the responsible~~  
3 ~~party providing the inedible kitchen grease to the individual at the~~  
4 ~~source of the inedible kitchen grease that provides permission for~~  
5 ~~the inedible kitchen grease to be removed from that site.~~

6 ~~(5) The individual shall specify where the inedible kitchen~~  
7 ~~grease is stored and processed as an alternative fuel, if that address~~  
8 ~~is different from the address included on the registration form for~~  
9 ~~that individual pursuant to Section 19312.~~

10 ~~(6) The individual shall not sell, barter, or trade any inedible~~  
11 ~~kitchen grease.~~

12 ~~(e) The secretary shall fix the annual fee established pursuant~~  
13 ~~to this section. The secretary shall also fix the date the fee is due~~  
14 ~~and the method of collecting the fee. If an additional fee is imposed~~  
15 ~~on licensed renderers pursuant to subdivision (a) of Section 19227~~  
16 ~~and an additional fee is imposed on registered transporters pursuant~~  
17 ~~to subdivision (a), only one additional fee may be imposed on a~~  
18 ~~person or firm that is both licensed as a renderer pursuant to Article~~  
19 ~~6 (commencing with Section 19300) and registered as a transporter~~  
20 ~~of inedible kitchen grease pursuant to this article, which fee shall~~  
21 ~~be the higher of the two fees.~~

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

26 ~~(e) This section shall become inoperative on July 1, 2015, and,~~  
27 ~~as of January 1, 2016, is repealed, unless a later enacted statute,~~  
28 ~~which becomes effective on or before January 1, 2016, deletes or~~  
29 ~~extends the dates on which it becomes inoperative and is repealed.~~

30 SEC. 3. Section 16050 of the Public Resources Code is  
31 amended to read:

32 16050. For purposes of this division, “grease waste hauler”  
33 means a transporter of inedible kitchen grease subject to the  
34 registration requirements in Section 19310 of the Food and  
35 Agricultural Code or a transporter of interceptor and trap grease  
36 subject to Chapter 7.8 (commencing with Section 13590) of  
37 Division 7 of the Water Code.

38 SEC. 4. Chapter 7.8 (commencing with Section 13590) is added  
39 to Division 7 of the Water Code, to read:

1           CHAPTER 7.8. INTERCEPTOR AND TRAP GREASE  
2                           TRANSPORTATION ACT OF 2010

3  
4     13590. ~~(a) This chapter shall be known, and may be cited, as~~  
5 ~~the Interceptor and Trap Grease Transportation Act of 2010.~~

6     ~~(b)~~

7     13590. This chapter applies only to *a manifest system for*  
8 *interceptor and trap grease.*

9     13590.1. The Legislature finds and declares all of the following:

10    (a) The improper management of grease from interceptors and  
11 traps causes environmental, property, and public health damage.  
12 There is a need to ~~facilitate the development of grease control~~  
13 ~~measures, to develop statewide standards~~ *develop a manifest system*  
14 *for the transportation of interceptor and trap grease, and to integrate*  
15 *this program with existing state and local efforts to keep grease*  
16 *out of sewer systems, storm drains, and waters of the state.*

17    (b) The state board has determined that sanitary sewer overflows  
18 or sewage spills often contain high levels of suspended solids,  
19 pathogenic organisms, toxic pollutants, nutrients, oxygen  
20 demanding organic compounds, oil, grease, food waste, and other  
21 pollutants. Sanitary sewer overflows may cause a nuisance, or  
22 temporarily exceed applicable water quality standards, when the  
23 sewage is discharged to surface waters, including ocean waters of  
24 the state, pose a threat to public health, adversely affect aquatic  
25 life, and impair the public recreational use and aesthetic enjoyment  
26 of surface waters.

27    (c) The state board has adopted waste discharge requirements  
28 for cities in a uniform effort to reduce sanitary sewer overflows.  
29 These requirements mandate that cities adopt a program to reduce  
30 fats, oils, and grease from entering the sewer system.

31    (d) The inappropriate transportation of interceptor and trap  
32 grease has been detrimental to human health and the environment,  
33 including posing a threat to the waters of the state. It is imperative  
34 to ensure that transported interceptor and trap grease be delivered  
35 to an appropriate facility for recycling, treatment, or disposal, in  
36 order to avoid improper disposal to land, surface waters, and  
37 sewers.

38     13590.2. As used in this chapter:

39    (a) “Interceptor and trap grease” means grease that is principally  
40 derived from food preparation, processing, or waste, and that is

1 removed from a grease trap or grease interceptor. Interceptor and  
2 trap grease does not include inedible kitchen grease as defined in  
3 Section 19216 of the Food and Agricultural Code.

4 (b) “Interceptor and trap grease hauler” means a transporter of  
5 interceptor and trap grease subject to this chapter.

6 (c) “*Manifest system*” means a system for documenting and  
7 tracking the transportation of interceptor and trap grease from  
8 the point of pick up to the final destination.

9 ~~13590.3. In carrying out this chapter, the state board may solicit  
10 and use any and all expertise available in other state agencies,  
11 including, but not limited to, the State Board of Equalization, and,  
12 where an existing state agency performs functions of a similar  
13 nature to the state board’s functions, the state board may contract  
14 with, or cooperate with, that agency in carrying out this chapter.  
15 If the state board contracts with the State Board of Equalization  
16 to collect the fee imposed pursuant to Section 13590.5, the State  
17 Board of Equalization may collect that fee pursuant to the Fee  
18 Collection Procedures Law (Part 30 (commencing with Section  
19 55001) of Division 2 of the Revenue and Taxation Code).~~

20 ~~13590.4. (a) On or after January 1, 2012, a person or entity  
21 shall not engage in the transportation of interceptor and trap grease  
22 unless that person or entity is registered with, and possesses a valid  
23 registration certificate issued by, the state board in accordance  
24 with this chapter.~~

25 ~~(b) Each registration shall expire on December 31 of each year.~~

26 ~~(c) (1) The state board shall require, as a condition of  
27 registration, that the applicant demonstrate the ability to respond  
28 to damages resulting from the transportation of interceptor and  
29 trap grease by providing proof of a policy of insurance or surety  
30 bond for that purpose in an amount not less than two million dollars  
31 (\$2,000,000), except that the required amount shall be one million  
32 dollars (\$1,000,000) if the applicant operates only one vehicle and  
33 the vehicle has a gross vehicle weight rating of not more than  
34 10,000 pounds.~~

35 ~~(2) The damages to be covered include public liability, which  
36 shall include, but not be limited to, liability for personal injury and  
37 property damage.~~

38 ~~(3) This subdivision shall not preempt a local ordinance or rule  
39 that is more stringent than this subdivision.~~

- 1     ~~13590.5.—(a) Registration shall be made in a manner prescribed~~  
2 ~~by the state board and shall include all of the following:~~  
3     ~~(1) The applicant's name and address.~~  
4     ~~(2) A description of the operations to be performed by the~~  
5 ~~applicant.~~  
6     ~~(3) The vehicles to be used in the transportation.~~  
7     ~~(4) A list of the names of the drivers employed by the transporter~~  
8 ~~who transport interceptor and trap grease subject to this chapter~~  
9 ~~and their driver's license numbers.~~  
10    ~~(5) Any other information required by the state board.~~  
11    ~~(b) The state board shall impose a registration fee sufficient to~~  
12 ~~cover the costs of implementing and enforcing this chapter.~~  
13    ~~(c) The state board may refuse to issue an original or renewal~~  
14 ~~registration certificate to any applicant if any ground specified in~~  
15 ~~subdivision (a) of Section 13590.8 is applicable.~~  
16    ~~(d) (1) The applicant may appeal the decision of the state board~~  
17 ~~to refuse to register the applicant.~~  
18    ~~(2) The state board shall establish procedures for the appeals~~  
19 ~~process, to include notice and a hearing.~~  
20    ~~(3) The state board may reverse a decision to refuse to register~~  
21 ~~the applicant, upon a finding of good cause.~~  
22    ~~13590.6.— A vehicle used in the transportation of interceptor~~  
23 ~~and trap grease shall conspicuously display the name of the owner~~  
24 ~~of the vehicle in letters not less than two inches high.~~  
25    ~~13590.7.— A registered interceptor and trap grease hauler shall~~  
26 ~~transport interceptor and trap grease only to a facility that is~~  
27 ~~permitted or otherwise authorized, pursuant to statute or regulation,~~  
28 ~~to accept interceptor and trap grease. Facilities authorized to accept~~  
29 ~~interceptor and trap grease shall include publicly owned treatment~~  
30 ~~works.~~  
31    ~~13590.8.— (a) The state board may deny, suspend, or revoke a~~  
32 ~~registration certificate, at any time, on any of the following~~  
33 ~~grounds:~~  
34    ~~(1) The registrant has deposited interceptor and trap grease at~~  
35 ~~a facility or location not approved by the state board.~~  
36    ~~(2) The registrant has reintroduced grease into a sanitary sewer~~  
37 ~~or storm drain without authority from the local control authority.~~  
38    ~~(3) The registrant has been found to have commingled~~  
39 ~~interceptor or trap grease with other forms of liquid waste not~~  
40 ~~approved by this chapter.~~

1 ~~(4) The registrant has failed to adequately maintain and submit~~  
2 ~~tracking reports as required by Section 13590.9.~~

3 ~~(5) The registrant has been found to have failed to fully pump~~  
4 ~~all grease, greasy liquid, water, and solids from the grease trap or~~  
5 ~~grease interceptor.~~

6 ~~(6) The registrant has taken possession of interceptor and trap~~  
7 ~~grease from an unregistered hauler.~~

8 ~~(7) The registrant has violated this chapter or any regulations~~  
9 ~~adopted to implement this chapter.~~

10 ~~(8) The registrant has been found to have engaged in, or aided~~  
11 ~~and abetted another person or entity in the commission of, any~~  
12 ~~violation of a statute, regulation, or order relating to the~~  
13 ~~transportation or disposal of interceptor and trap grease, including~~  
14 ~~a violation of the federal Water Pollution Control Act (33 U.S.C.~~  
15 ~~Sec. 1251 et seq.), Section 5650 of the Fish and Game Code, this~~  
16 ~~division, commercial vehicle weight limits, or commercial vehicle~~  
17 ~~hours of service.~~

18 ~~(b) For purposes of this section, “registrant” includes any~~  
19 ~~business entity, trustee, officer, director, partner, person, or other~~  
20 ~~entity holding more than 5 percent equity, ownership, or debt~~  
21 ~~liability in the registered entity engaged in the transportation of~~  
22 ~~interceptor and trap grease.~~

23 ~~(c) The registrant may appeal the suspension or revocation~~  
24 ~~decision of the state board.~~

25 ~~(d) The state board shall establish procedures for the appeals~~  
26 ~~process to include a noticed hearing.~~

27 ~~(e) The state board may reverse a suspension or revocation upon~~  
28 ~~a finding of good cause to do so.~~

29 *13590.3. (a) On or before January 1, 2012, the state board*  
30 *shall develop, adopt, and implement regulations for a manifest*  
31 *system to track the transportation of interceptor and trap grease.*

32 *(b) The state board shall impose a fee on interceptor and trap*  
33 *grease haulers sufficient to cover the costs of implementing this*  
34 *chapter.*

35 *13590.4. In developing the regulations, pursuant to Section*  
36 *13590.3, the state board shall require, at a minimum, all of the*  
37 *following:*

38 ~~13590.9. (a)~~

39 *(a) Any person transporting interceptor and trap grease shall*  
40 *compile an interceptor and trap grease tracking document, as*

1 prescribed by the state board. The transporter shall submit to the  
2 state board, on a quarterly basis, a legible copy of each tracking  
3 document. The state board shall post the tracking documents on  
4 its Internet Web site for access by the public.

5 (b) The tracking document shall include, at a minimum, all of  
6 the following information:

7 (1) The name and address of each location from which the  
8 transporter obtained the interceptor and trap grease.

9 (2) The quantity of interceptor and trap grease received from  
10 each location.

11 (3) The date on which the interceptor and trap grease was  
12 obtained from each location.

13 (4) The location *and date* of the final disposition of the  
14 interceptor and trap grease.

15 (5) The amount deposited and the end use of the interceptor and  
16 trap grease, if known.

17 (c) An interceptor and trap grease hauler shall have the  
18 interceptor and trap grease tracking document in their possession  
19 while transporting interceptor and trap grease. The tracking  
20 document shall be shown upon demand to any representative of  
21 the state board, any officer of the California Highway Patrol, any  
22 peace officer, as defined in Section 830.1 or 830.2 of the Penal  
23 Code, or any local public officer designated by the state board.

24 (d) *Facilities authorized to accept interceptor and trap grease*  
25 *shall include publicly owned treatment works.*

26 ~~13590.10.~~

27 *13590.5.* Every transporter of interceptor and trap grease shall  
28 record and maintain for three years documentation of compliance  
29 with this chapter.

30 ~~13590.11.~~

31 *13590.6.* A registered transporter of interceptor and trap grease  
32 shall, whenever any contract for the transportation of interceptor  
33 and trap grease under which that transporter provides transportation  
34 services is terminated or expires, notify local officials overseeing  
35 any applicable program for the control of fats, oils, and grease to  
36 prevent, reduce, and mitigate sanitary sewer blockages and  
37 overflows in wastewater collection systems, for the county in which  
38 the interceptor and trap grease was collected, of the termination  
39 or expiration of the contract and that the registered transporter is

1 no longer transporting interceptor and trap grease pursuant to that  
2 contract.

3 *13590.7. On or after January 1, 2012, a person or entity shall*  
4 *not engage in the transportation of interceptor and trap grease*  
5 *unless that person or entity is in compliance with the provisions*  
6 *of this chapter.*

7 *13590.8. This chapter shall not preempt a local ordinance or*  
8 *rule that is more stringent than this chapter.*

9 ~~13590.12.~~

10 *13590.9. The state board shall deposit all revenues from the*  
11 ~~registration fee collected under Section 13590.5 subdivision (b)~~  
12 *of Section 13590.3 in the Interceptor and Trap Grease Manifest*  
13 *Fund, which is hereby established in the State Treasury. The state*  
14 *board may expend funds in the Interceptor and Trap Grease*  
15 *Manifest Fund to implement this chapter, including monitoring,*  
16 ~~education, and enforcement,~~ *upon appropriation by the Legislature*  
17 ~~for those purposes this purpose.~~

18 ~~13590.13. The state board shall prepare, adopt, and implement~~  
19 ~~any regulations it determines to be necessary to implement this~~  
20 ~~program.~~

21 *13590.10. The state board may consult with the Department*  
22 *of Food and Agriculture and any other state agencies, as*  
23 *appropriate, in carrying out the provisions of this chapter.*