

AMENDED IN SENATE MARCH 24, 2010

SENATE BILL

No. 1107

Introduced by Senator Kehoe

February 17, 2010

An act to amend Sections 19216 and 19315 of the Food and Agriculture 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 ~~water quality~~ grease.

LEGISLATIVE COUNSEL'S DIGEST

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

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 ~~require the board, on or before January 1, 2012, to prepare, adopt, and implement regulations to manage the transportation of interceptor and trap grease to appropriate facilities for recycling, treatment, or proper disposal~~ 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. 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 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 removed from a grease interceptor or grease trap principally derived from food preparation, processing, or waste, and that is removed from a grease trap or grease interceptor.

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 19216 of the Food and Agricultural Code
2 is amended to read:

3 19216. “Inedible kitchen grease” means any fat or used cooking
4 greases and oils obtained from any source. “Inedible kitchen
5 grease” does not include interceptor and trap grease as defined
6 in Section 13950.5 of the Water Code.

7 SEC. 2. Section 19315 of the Food and Agricultural Code is
8 amended to read:

9 19315. (a) Except as provided in subdivision (b), in addition
10 to the registration fee required by Section 19312, the department
11 may charge a fee necessary to cover the costs of administering this
12 article. Any additional fee charged pursuant to this section shall
13 not exceed three hundred dollars (\$300) per year per vehicle that
14 is operated to transport *inedible* kitchen grease, and shall not
15 exceed three thousand dollars (\$3,000) per year per registered
16 transporter.

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

22 (1) The individual shall meet all other requirements of this
23 article.

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

28 (3) The individual shall not take any inedible kitchen grease
29 from a container owned by another registered transporter of

inedible kitchen grease or from an inedible kitchen grease provider under contract with a registered transporter of inedible kitchen grease or from a container owned by a renderer or collection center.

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

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

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

(c) The secretary shall fix the annual fee established pursuant to this section ~~and may fix different fees for transporters of inedible kitchen grease and collection centers, and for transporters of interceptor grease.~~ The secretary shall also fix the date the fee is due and the method of collecting the fee. If an additional fee is imposed on licensed renderers pursuant to subdivision (a) of Section 19227 and an additional fee is imposed on registered transporters pursuant to subdivision (a), only one additional fee may be imposed on a person or firm that is both licensed as a renderer pursuant to Article 6 (commencing with Section 19300) and registered as a transporter of inedible kitchen grease pursuant to this article, which fee shall be the higher of the two fees.

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

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

~~(f) For the purposes of this section, "interceptor grease" means inedible kitchen grease that is principally derived from food preparation, processing, or waste, and that is removed from a grease trap or grease interceptor.~~

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

1 16050. For purposes of this division, “grease waste hauler”
2 means a transporter of inedible kitchen grease subject to the
3 registration requirements in Section 19310 of the Food and
4 Agricultural Code *or a transporter of interceptor and trap grease*
5 *subject to Chapter 7.8 (commencing with Section 13590) of*
6 *Division 7 of the Water Code.*

7 **SECTION 1.**

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

10
11 **CHAPTER 7.8. INTERCEPTOR AND TRAP GREASE**
12 **TRANSPORTATION ACT OF 2010**
13

14 13590. (a) This chapter shall be known, and may be cited, as
15 the Interceptor and Trap Grease Transportation Act of 2010.

16 (b) This chapter applies only to interceptor and trap grease.

17 ~~13590.5. “Interceptor and trap grease” means grease that is~~
18 ~~removed from a grease interceptor or grease trap.~~

19 ~~13590.10.~~

20 13590.1. The Legislature finds and declares all of the following:

21 (a) The improper management of grease from interceptors and
22 traps causes environmental, property, and public health damage.
23 There is a need to facilitate the development of grease control
24 measures, to develop statewide standards for the transportation of
25 interceptor and trap grease, and to integrate this program with
26 existing state and local efforts to keep grease out of sewer systems,
27 storm drains, and waters of the state.

28 (b) The state board has determined that sanitary sewer overflows
29 or sewage spills often contain high levels of suspended solids,
30 pathogenic organisms, toxic pollutants, nutrients, oxygen
31 demanding organic compounds, oil, grease, food waste, and other
32 pollutants. Sanitary sewer overflows may cause a nuisance, or
33 temporarily exceed applicable water quality standards, when the
34 sewage is discharged to surface waters, including ocean waters of
35 the state, pose a threat to public health, adversely affect aquatic
36 life, and impair the public recreational use and aesthetic enjoyment
37 of surface waters.

38 (c) The state board has adopted waste discharge requirements
39 for cities in a uniform effort to reduce sanitary sewer overflows.

1 These requirements mandate that cities adopt a program to reduce
2 fats, oils, and grease from entering the sewer system.

3 (d) The inappropriate transportation of interceptor and trap
4 grease has been detrimental to human health and the environment,
5 including posing a threat to the waters of the state. It is imperative
6 to ensure that transported interceptor and trap grease be delivered
7 to an appropriate facility for recycling, treatment, or disposal, in
8 order to avoid improper disposal to land, surface waters, and
9 sewers.

10 ~~13590.15. (a) On or before January 1, 2012, the state board~~
11 ~~shall prepare, adopt, and implement regulations to manage the~~
12 ~~transportation of interceptor and trap grease to appropriate facilities~~
13 ~~for recycling, treatment, or proper disposal.~~

14 ~~(b) The regulations shall include, but not be limited to, the~~
15 ~~following:~~

16 ~~(1) The development and implementation of a transportation,~~
17 ~~registration, and manifest system.~~

18 ~~(2) A requirement that a grease waste hauler transport interceptor~~
19 ~~and trap grease only to a facility authorized to receive that grease.~~

20 13590.2. As used in this chapter:

21 (a) “Interceptor and trap grease” means grease that is
22 principally derived from food preparation, processing, or waste,
23 and that is removed from a grease trap or grease interceptor.
24 Interceptor and trap grease does not include inedible kitchen
25 grease as defined in Section 19216 of the Food and Agricultural
26 Code.

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

29 13590.3. In carrying out this chapter, the state board may
30 solicit and use any and all expertise available in other state
31 agencies, including, but not limited to, the State Board of
32 Equalization, and, where an existing state agency performs
33 functions of a similar nature to the state board’s functions, the
34 state board may contract with, or cooperate with, that agency in
35 carrying out this chapter. If the state board contracts with the
36 State Board of Equalization to collect the fee imposed pursuant
37 to Section 13590.5, the State Board of Equalization may collect
38 that fee pursuant to the Fee Collection Procedures Law (Part 30
39 (commencing with Section 55001) of Division 2 of the Revenue
40 and Taxation Code).

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

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

7 (c) (1) The state board shall require, as a condition of
8 registration, that the applicant demonstrate the ability to respond
9 to damages resulting from the transportation of interceptor and
10 trap grease by providing proof of a policy of insurance or surety
11 bond for that purpose in an amount not less than two million
12 dollars (\$2,000,000), except that the required amount shall be one
13 million dollars (\$1,000,000) if the applicant operates only one
14 vehicle and the vehicle has a gross vehicle weight rating of not
15 more than 10,000 pounds.

16 (2) The damages to be covered include public liability, which
17 shall include, but not be limited to, liability for personal injury
18 and property damage.

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

21 13590.5. (a) Registration shall be made in a manner prescribed
22 by the state board and shall include all of the following:

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

24 (2) A description of the operations to be performed by the
25 applicant.

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

27 (4) A list of the names of the drivers employed by the transporter
28 who transport interceptor and trap grease subject to this chapter
29 and their driver's license numbers.

30 (5) Any other information required by the state board.

31 (b) The state board shall impose a registration fee sufficient to
32 cover the costs of implementing and enforcing this chapter.

33 (c) The state board may refuse to issue an original or renewal
34 registration certificate to any applicant if any ground specified in
35 subdivision (a) of Section 13590.8 is applicable.

36 (d) (1) The applicant may appeal the decision of the state board
37 to refuse to register the applicant.

38 (2) The state board shall establish procedures for the appeals
39 process, to include notice and a hearing.

1 (3) *The state board may reverse a decision to refuse to register*
2 *the applicant, upon a finding of good cause.*

3 13590.6. *A vehicle used in the transportation of interceptor*
4 *and trap grease shall conspicuously display the name of the owner*
5 *of the vehicle in letters not less than two inches high.*

6 13590.7. *A registered interceptor and trap grease hauler shall*
7 *transport interceptor and trap grease only to a facility that is*
8 *permitted or otherwise authorized, pursuant to statute or*
9 *regulation, to accept interceptor and trap grease.*

10 13590.8. (a) *The state board may deny, suspend, or revoke a*
11 *registration certificate, at any time, on any of the following*
12 *grounds:*

13 (1) *The registrant has deposited interceptor and trap grease at*
14 *a facility or location not approved by the state board.*

15 (2) *The registrant has reintroduced grease into a sanitary sewer*
16 *or storm drain without authority from the local control authority.*

17 (3) *The registrant has been found to have commingled*
18 *interceptor or trap grease with other forms of liquid waste not*
19 *approved by this chapter.*

20 (4) *The registrant has failed to adequately maintain and submit*
21 *tracking reports as required by Section 13590.9.*

22 (5) *The registrant has been found to have failed to fully pump*
23 *all grease, greasy liquid, water, and solids from the grease trap*
24 *or grease interceptor.*

25 (6) *The registrant has taken possession of interceptor and trap*
26 *grease from an unregistered hauler.*

27 (7) *The registrant has violated this chapter or any regulations*
28 *adopted to implement this chapter.*

29 (8) *The registrant has been found to have engaged in, or aided*
30 *and abetted another person or entity in the commission of, any*
31 *violation of a statute, regulation, or order relating to the*
32 *transportation or disposal of interceptor and trap grease, including*
33 *a violation of the federal Water Pollution Control Act (33 U.S.C.*
34 *Sec. 1251 et seq.), Section 5650 of the Fish and Game Code, this*
35 *division, commercial vehicle weight limits, or commercial vehicle*
36 *hours of service.*

37 (b) *For purposes of this section, “registrant” includes any*
38 *business entity, trustee, officer, director, partner, person, or other*
39 *entity holding more than 5 percent equity, ownership, or debt*

1 liability in the registered entity engaged in the transportation of
2 interceptor and trap grease.

3 (c) The registrant may appeal the suspension or revocation
4 decision of the state board.

5 (d) The state board shall establish procedures for the appeals
6 process to include a noticed hearing.

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

9 13590.9. (a) Any person transporting interceptor and trap
10 grease shall compile an interceptor and trap grease tracking
11 document, as prescribed by the state board. The transporter shall
12 submit to the state board, on a quarterly basis, a legible copy of
13 each tracking document. The state board shall post the tracking
14 documents on its Internet Web site for access by the public.

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

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

19 (2) The quantity of interceptor and trap grease received from
20 each location.

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

23 (4) The location of the final disposition of the interceptor and
24 trap grease.

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

27 (b) An interceptor and trap grease hauler shall have the
28 interceptor and trap grease tracking document in their possession
29 while transporting interceptor and trap grease. The tracking
30 document shall be shown upon demand to any representative of
31 the state board, any officer of the California Highway Patrol, any
32 peace officer, as defined in Section 830.1 or 830.2 of the Penal
33 Code, or any local public officer designated by the state board.

34 13590.10. Every transporter of interceptor and trap grease
35 shall record and maintain for three years documentation of
36 compliance with this chapter.

37 13590.11. A registered transporter of interceptor and trap
38 grease shall, whenever any contract for the transportation of
39 interceptor and trap grease under which that transporter provides
40 transportation services is terminated or expires, notify local

1 officials overseeing any applicable program for the control of fats,
2 oils, and grease to prevent, reduce, and mitigate sanitary sewer
3 blockages and overflows in wastewater collection systems, for the
4 county in which the interceptor and trap grease was collected, of
5 the termination or expiration of the contract and that the registered
6 transporter is no longer transporting interceptor and trap grease
7 pursuant to that contract.

8 13590.12. The state board shall deposit all revenues from the
9 registration fee collected under Section 13590.5 in the Interceptor
10 and Trap Grease Penalty Fund, which is hereby established in the
11 State Treasury. The state board may expend funds in the
12 Interceptor and Trap Grease Fund to implement this chapter,
13 including monitoring, education, and enforcement, upon
14 appropriation by the Legislature for those purposes.

15 13590.13. The state board shall prepare, adopt, and implement
16 any regulations it determines to be necessary to implement this
17 program.

18 13590.14. The state board shall have the authority to contract
19 out portions of this program to ____.