

AMENDED IN SENATE APRIL 8, 2010

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 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 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 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 in
6 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
30 inedible kitchen grease or from an inedible kitchen grease provider
31 under contract with a registered transporter of inedible kitchen
32 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 (c) 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:

CHAPTER 7.8. INTERCEPTOR AND TRAP GREASE
TRANSPORTATION ACT OF 2010

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

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

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

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

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

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

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

13590.2. As used in this chapter:

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

1 trap grease does not include inedible kitchen grease as defined in
2 Section 19216 of the Food and Agricultural Code.

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

5 13590.3. In carrying out this chapter, the state board may solicit
6 and use any and all expertise available in other state agencies,
7 including, but not limited to, the State Board of Equalization, and,
8 where an existing state agency performs functions of a similar
9 nature to the state board’s functions, the state board may contract
10 with, or cooperate with, that agency in carrying out this chapter.
11 If the state board contracts with the State Board of Equalization
12 to collect the fee imposed pursuant to Section 13590.5, the State
13 Board of Equalization may collect that fee pursuant to the Fee
14 Collection Procedures Law (Part 30 (commencing with Section
15 55001) of Division 2 of the Revenue and Taxation Code).

16 13590.4. (a) On or after January 1, 2012, a person or entity
17 shall not engage in the transportation of interceptor and trap grease
18 unless that person or entity is registered with, and possesses a valid
19 registration certificate issued by, the state board in accordance
20 with this chapter.

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

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

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

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

36 13590.5. (a) Registration shall be made in a manner prescribed
37 by the state board and shall include all of the following:

38 (1) The applicant’s name and address.

39 (2) A description of the operations to be performed by the
40 applicant.

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

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

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

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

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

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

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

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

17 13590.6. A vehicle used in the transportation of interceptor
18 and trap grease shall conspicuously display the name of the owner
19 of the vehicle in letters not less than two inches high.

20 13590.7. A registered interceptor and trap grease hauler shall
21 transport interceptor and trap grease only to a facility that is
22 permitted or otherwise authorized, pursuant to statute or regulation,
23 to accept interceptor and trap grease.

24 13590.8. (a) The state board may deny, suspend, or revoke a
25 registration certificate, at any time, on any of the following
26 grounds:

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

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

31 (3) The registrant has been found to have commingled
32 interceptor or trap grease with other forms of liquid waste not
33 approved by this chapter.

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

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

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

1 (7) The registrant has violated this chapter or any regulations
2 adopted to implement this chapter.

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

11 (b) For purposes of this section, “registrant” includes any
12 business entity, trustee, officer, director, partner, person, or other
13 entity holding more than 5 percent equity, ownership, or debt
14 liability in the registered entity engaged in the transportation of
15 interceptor and trap grease.

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

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

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

22 13590.9. (a) Any person transporting interceptor and trap
23 grease shall compile an interceptor and trap grease tracking
24 document, as prescribed by the state board. The transporter shall
25 submit to the state board, on a quarterly basis, a legible copy of
26 each tracking document. The state board shall post the tracking
27 documents on its Internet Web site for access by the public.

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

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

32 (2) The quantity of interceptor and trap grease received from
33 each location.

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

36 (4) The location of the final disposition of the interceptor and
37 trap grease.

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

40 (b)

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

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

13590.11. A registered transporter of interceptor and trap grease shall, whenever any contract for the transportation of interceptor and trap grease under which that transporter provides transportation services is terminated or expires, notify local officials overseeing any applicable program for the control of fats, oils, and grease to prevent, reduce, and mitigate sanitary sewer blockages and overflows in wastewater collection systems, for the county in which the interceptor and trap grease was collected, of the termination or expiration of the contract and that the registered transporter is no longer transporting interceptor and trap grease pursuant to that contract.

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

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

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