

The Department of Food and Agriculture, Meat, Poultry and Egg Safety Branch, hereby amends section 1180.1 of Article 37, amends section 1180.3.2 of Article 37.1, amends section 1180.20, and repeals and adopts section 1180.24 of Article 42, Subchapter 2, Chapter 4, Division 2, of Title 3 of the California Code of Regulations.

1) Amend section 1180.1 of Article 37, Subchapter 2, Chapter 4, Division 2, Title 3 of the California Code of Regulations, to read as follows:

Section 1180.1. Licensing and Registration Requirements.

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(d) The following application forms shall be provided by the Department for use by applicants, and are incorporated by reference in this subchapter:

- (1) MPES Form 79-005A (Rev. 08/11), Dead Animal Hauler License Application
- (2) MPES Form 79-006A (Rev. 08/11), Collection Center License Application
- (3) MPES Form 79-007A (Rev. 08/11), Renderer License Application
- (4) MPES Form 79-012A(1) (Rev. 08/11) Personal Use Inedible Kitchen Grease (Used Cooking Oil) Transporter Registration Application
- (5) MPES Form 79-012A(2) (Rev. 08/11) Commercial Use Inedible Kitchen Grease Transporter Registration Application
- (6) MPES Form 79-015 (Rev. 08/11), Driver/Vehicle Information for Renderers
- (7) MPES Form 79-015A (Rev. 08/11), Registration Of Transporters Of Inedible Materials
- (8) MPES Form 79-018 (Rev. 08/11) Application For Permit To Remove Inedible Material From A Rendering Plant
- (9) MPES Form 79-019A (Rev. 08/11) Inedible Kitchen Grease Renderer Application
- (10) MPES Form 79-020 (Rev. 08/11), Driver/Vehicle Identification for Collection Centers
- (11) MPES Form 79-121 (Rev. 08/11) Permit Request To Dispose Of Carcasses At A Landfill
- (12) MPES Form 79-122 (Rev. 08/11) Permit To Transport Carcass(es) To A Landfill
- (13) MPES Form 79-124 (Est. 11/12) Manifest – Inedible Kitchen Grease Transport Instructions and Receiving Facility Information.
- (14) MPES Form 79-125 (Est. 11/12) Manifest – Inedible Kitchen Grease Transport Generator Information.
- ~~(13)~~ (15) ACORD Form 25 Certificate of Liability Insurance (2001/08)

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(m) A facility or operation authorized to receive and process inedible kitchen grease pursuant to the Integrated Waste Management Act (Public Resources Code 40000 et seq.) or a wastewater treatment plant, as defined in section 13625 of the Water Code, that accepts inedible kitchen grease removed from grease traps and grease interceptors is not considered to

be “engaged in the business of rendering” for the purpose of Food and Agricultural Code section 19300 if it meets the following conditions:

(1) It does not produce commercial feed as defined by Food and Agricultural Code section 14925.

(2) It does not produce liquid fuel or a constituent of liquid fuel, except when it produces a gaseous fuel that it subsequently liquefies, and

(3) It does not accept animal carcasses, parts of animals, packinghouse waste, or inedible kitchen grease derived from sources other than grease traps and grease interceptors.

NOTE: Authority cited: Sections 407, 19380, 19381, 19382, 19383, 19384 and 19385, Food and Agricultural Code. Reference: Sections 19227, 19240, 19260, 19280, 19300, 19300.5, 19310, 19310.5, 19312, 19315, 19320, 19321 and 19360, Food and Agricultural Code.

2) Amend section 1180.3.2 of Article 37.1, Subchapter 2, Chapter 4, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 1180.3.2. Method for Collection.

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(c) All enforcement fees must be submitted to the Department along with the following information:

(1) Name, address, and license number of the rendering plant;

(2) Name, address, and license number of the collection center;

(3) Name, and address, ~~and registration number~~ of the transporter of inedible kitchen grease;

(4) Fee amount paid.

NOTE: Authority cited: Sections 407, 19227 and 19315, Food and Agricultural Code. Reference: Sections 19227, 19228, 19315 and 19320, Food and Agricultural Code.

3) Amend section 1180.20 of Article 42, Subchapter 2, Chapter 4, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 1180.20. Transporters of Inedible Kitchen Grease.

Transporters of inedible kitchen grease shall comply with the following requirements:

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(b) Each vehicle used to transport inedible kitchen grease shall have signs conspicuously displayed on the outside of both front doors. The signs shall contain the following information in lettering that is at least two (2) inches high.

(1) Name of business or person registered with the Department as shown on the submitted MPES Form 79-012A(1) (Rev. 08/11) Personal Use Inedible Kitchen Grease (Used

Cooking Oil) Transporter Registration Application or MPES Form 79-012A(2) (Rev. 08/11)
Commercial Use Inedible Kitchen Grease Transporter Registration Application.

(2) Address of company or owner, or Carrier Identification Number issued by the California Highway Patrol.

(3) Removable signs shall also prominently display the vehicle license number.

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NOTE: Authority cited: Sections 407 and 19380, Food and Agricultural Code. Reference Sections 19310, 19315 and 19316.5, Food and Agricultural Code.

4) Repeal section 1180.24 from Article 42, Subchapter 2, Chapter 4, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

~~Section 1180.24. Records: Transporters of Inedible Kitchen Grease.~~

~~Transporters of inedible kitchen grease shall keep and maintain a record, in writing, for not less than two (2) years for each pick-up of inedible kitchen grease. The record shall provide the following information:~~

- ~~(a) Date and time of receipt of inedible kitchen grease~~
- ~~(b) Name and address where the inedible kitchen grease was obtained~~
- ~~(c) Amount (lbs.) of inedible kitchen grease picked up~~
- ~~(d) Name of driver transporting the inedible kitchen grease~~
- ~~(e) Name and address where the inedible kitchen grease is delivered~~

~~NOTE: Authority cited: Sections 407 and 19380, Food and Agricultural Code. Reference: Section 19313.1, Food and Agricultural Code.~~

5) Adopt section 1180.24 of Article 42, Subchapter 2, Chapter 4, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 1180.24. Requirements to document and track the collection, transport, and receipt of inedible kitchen grease.

(a) Pursuant to section 19316.5 of the Food and Agricultural Code, the Department is establishing a system for documenting and tracking the transportation of inedible kitchen grease in order to ensure the proper disposal or recycling of that material.

(b) Definitions:

(1) "Authorized receiving facility" or "receiving facility" means a licensed renderer, a licensed collection center, a facility or operation authorized to receive and process inedible kitchen grease pursuant to the Integrated Waste Management Act (Public Resources Code 40000 et seq.), or a permitted wastewater treatment facility, such as a publicly owned treatment

works, that accepts the direct receipt of transported inedible kitchen grease, or other facility approved by the Department to receive inedible kitchen grease.

(2) "Generator" means any location where inedible kitchen grease is collected from a grease container, grease interceptor, or grease trap, including, but not limited to, a collection center or any food preparation, processing, or handling establishment or facility.

(3) "Inedible kitchen grease" means any fat or used cooking greases and oils obtained from any source pursuant to Food and Agricultural Code section 19216. For purposes of this section, inedible kitchen grease collected from grease traps and grease interceptors, or "interceptor/trap grease", includes all fat, used cooking greases and oils, and all greasy liquid, water and solids contained in a grease trap or grease interceptor.

(4) "Manifest" means a record, in writing, on a fill-in-the-blanks printed or electronic form that is legible and easy to read.

(5) "Weighmaster" means a person holding licensure and is certified with the Department's Division of Measurement Standards in accordance with sections 12700-12736 of the Business and Professions Code.

(6) "Weighmaster certificate" means an official document issued by a weighmaster that verifies the net weight of a load of inedible kitchen grease.

(7) "Working capacity" means the total volume of all grease, greasy liquid, water and solids contained in the grease trap or grease interceptor when it is in a static state (i.e., with no material flowing in or out of it).

(c) Personal noncommercial transporters of inedible kitchen grease shall keep and maintain a record, in writing, for not less than two years for each collection of inedible kitchen grease. The record shall provide the following information:

(1) Date and time of collection of inedible kitchen grease.

(2) Name and address where the inedible kitchen grease was collected.

(3) Amount (lbs. or gallons) of inedible kitchen grease collected.

(4) Name of driver who transported the inedible kitchen grease.

(5) Name and address where the inedible kitchen grease was delivered.

(d) Commercial transporters of inedible kitchen grease shall keep and maintain a manifest for each collection and delivery of inedible kitchen grease. The manifest shall include the following:

(1) The name of the transporter.

(2) The name and address of the generator.

(3) The date and time the inedible kitchen grease was collected.

(4) The type of inedible kitchen grease collected at each generator, transported, and delivered to the receiving facility. Types of inedible kitchen grease are:

(A) Used cooking oil.

(B) Interceptor/trap grease.

(5) The amount, in pounds or gallons, of inedible kitchen grease collected at each generator. The amount of inedible kitchen grease shall be determined by use of a meter, a scale, container calibrations, other accurate measuring device that is approved by the Department, or mathematical calculation using the total empty capacity of the container or containers and the proportion of the container or containers filled with inedible kitchen grease.

(A) If the mathematical calculation method is used, the total empty capacity of the container or containers that is used in the calculation shall be entered on the manifest. For grease traps and grease interceptors, this is the working capacity of the grease trap or grease interceptor.

(B) If the mathematical calculation method is used, the observed proportion of fill of the container or containers that is used in the calculation shall be entered on the manifest.

(C) For grease traps and grease interceptors, the amount of inedible kitchen grease collected must equal the working capacity of the grease trap or grease interceptor pursuant to Penal Code section 374.5 and Public Resources Code section 16051, unless the transporter meets all conditions for reinsertion of material removed from a grease trap or grease interceptor required by Penal Code subsection 374.5(b).

(6) The printed name and signature of an on-site representative of the generator.

(A) By signing the manifest, the representative of the generator verifies that the information contained in subsections (d)(1), (2), (3), (4), and (5) above is true and correct.

(B) The generator and the transporter of inedible kitchen grease may enter into an agreement, prepared in advance, in writing, and signed and dated by both parties, whereby the generator authorizes the transporter to sign the generator's part of the manifest on its behalf.

(C) Copies of the agreement described in subsection (d)(6)(B) above shall be maintained by the generator and the transporter as long as the agreement is in effect and shall be made available, upon demand, to representatives of the Department and law enforcement agencies.

(D) If a written agreement, as described in subsection (d)(6)(B) above, is not in place and a transporter is unable to obtain the signature of an on-site representative of the generator, the transporter shall attach a statement, explaining why he was unable to obtain a signature, to the generator part of the manifest. A copy of this statement shall be provided to the generator along with the copy of the generator part of the manifest and a copy shall be attached to the generator part of the manifest maintained by the transporter.

(7) The printed name of the driver collecting, transporting, and delivering the inedible kitchen grease and the driver's signature attesting to the accuracy of all information entered on the manifest.

(8) The number on the Department issued decal affixed to the vehicle transporting the inedible kitchen grease.

(9) The name of the authorized receiving facility where the inedible kitchen grease is received.

(10) The address of the authorized receiving facility where the inedible kitchen grease is received

(11) The date and time the inedible kitchen grease is received by the receiving facility.

(12) The amount, in pounds or gallons, of inedible kitchen grease received by the receiving facility.

(A) For interceptor/trap grease, the amount of inedible kitchen grease received shall be determined by use of a meter, a scale, a weighmaster certificate, container calibrations, other accurate measuring device that is approved by the Department, or mathematical calculation using the total empty capacity of the container or containers and the proportion of the container or containers filled with inedible kitchen grease.

(i) If the mathematical calculation method is used, the total empty volume of the container or containers that is used in the calculation shall be entered on the manifest.

(ii) If the mathematical calculation method is used, the observed proportion of fill of the container or containers that is used in the calculation shall be entered on the manifest.

(B) For used cooking oil, the amount of inedible kitchen grease received shall be determined by use of a meter, a scale, a weighmaster certificate for the load of inedible kitchen grease issued by a Department-licensed weighmaster, container calibrations, or other accurate measuring device that is approved by the Department.

(13) The printed name and signature of a responsible individual at the receiving facility.

(A) By signing the manifest, the representative of the receiving facility verifies that the information contained in subsections (d)(1), (4), (8), (9), (10), (11) and (12) above is true and correct.

(B) For receipt of interceptor/trap grease, the receiving facility and the transporter of inedible kitchen grease may enter into an agreement, prepared in advance, in writing, and signed and dated by both parties, whereby the receiving facility authorizes the transporter to sign the receiving facility's part of the manifest on its behalf.

(C) Copies of the agreement described in subsections (d)(13)(B) above shall be maintained by the receiving facility and the transporter as long as the agreement is in effect and shall be made available, upon demand, to representatives of the Department and law enforcement agencies.

(14) A consecutive numerical manifest number to assist transporters, inedible kitchen grease generators, and regulating authorities in tracking the volume of grease transported.

(e) Transporters of inedible kitchen grease shall use a written manifest form of their own creation or they may use the MPES Form 79-124 (Est. 11/12) Manifest – Inedible Kitchen Grease Transport Instructions and Receiving Facility Information, and MPES Form 79-125 (Est. 11/12) Manifest – Inedible Kitchen Grease Transport Generator Information, that the Department shall provide upon request for the cost of production, handling, and postage.

(f) If the manifest is completed and maintained in an electronic format, the manifest and required signatures shall conform to standards established by the California Uniform Electronic

Transactions Act, California Civil Code, Title 2.5, Part 2, Division 3 (commencing with section 1633.1).

(g) Manifests shall be divided into three parts and records shall be maintained as follows:

(1) One part of the manifest shall contain all information required in subsections (d)(1), (2), (3), (4), (5), (6), (7), (9) and (14) above.

(A) This part of the manifest shall be kept on the transporting vehicle from the time of inedible kitchen grease collection until receipt of the inedible kitchen grease at a receiving facility and shall be made available, upon demand, to representatives of the Department and law enforcement agencies.

(B) A copy of this part of the manifest shall be given to the generator at the time of inedible kitchen grease collection or it shall be mailed or delivered to the generator no later than 45 calendar days after collection of the inedible kitchen grease.

(2) One part of the manifest shall contain all information required in subsections (d)(1), (4), (7), (8), (9), (10), (11), (12), (13) and (14) above.

(A) A copy of this part of the manifest shall be given to the authorized receiving facility at the time of inedible kitchen grease receipt or it shall be mailed or delivered to the authorized receiving facility no later than 15 business days after receipt of the inedible kitchen grease.

(B) The receiving facility shall keep and maintain this part of all manifests for two years and shall make such copies available, upon demand, to representatives of the Department and law enforcement agencies.

(3) The third part of the manifest shall have all the information required in subsections (d) above and the transporter shall keep and maintain this part of all manifests for two years and shall make such copies available, upon demand, to representatives of the Department and law enforcement agencies.

NOTE: Authority cited: Sections 407 and 19380, Food and Agricultural Code. Reference: Sections 19303, 19313.1, and 19316.5, Food and Agricultural Code.