

**DEPARTMENT OF FOOD AND AGRICULTURE
MEAT, POULTRY AND EGG SAFETY BRANCH
PROPOSED REGULATIONS
TRANSPORTERS OF INEDIBLE KITCHEN GREASE**

The Department of Food and Agriculture, Meat, Poultry and Egg Safety Branch, proposes to amend section 1180.1 of Article 37, amend section 1180.3.2 of Article 37.1, amend section 1180.20, and repeal and adopt 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 79-120 (Est. 03/12) Manifest – Inedible Kitchen Grease Transport
- ~~(14)~~ (12) MPES Form 79-121 (Rev. 08/11) Permit Request To Dispose Of Carcasses At A Landfill
- ~~(12)~~ (13) MPES Form 79-122 (Rev. 08/11) Permit To Transport Carcass(es) To A Landfill
- ~~(13)~~ (14) 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, 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.

* * *

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

(4) "Weighmaster" or "weighmaster certificate" 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.

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

(1) Date and time of receipt of inedible kitchen grease

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

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

(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 pick-up 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 and the printed name and signature of an on-site representative of the generator.

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

(B) Copies of the agreement in described in subsection (d)(2)(A) shall be maintained by the generator and the transporter as long as the agreement is in effect and shall be made available to the Department upon demand.

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

(4) The type and amount, in gallons or pounds, 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 printed name of the driver collecting, transporting, and delivering the inedible kitchen grease and the driver's signature attesting to the accuracy of the information on the manifest.

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

(7) The name and address of the authorized receiving facility where the inedible kitchen grease was delivered.

(8) The date and time the inedible kitchen grease was delivered.

(9) The printed name and signature of a responsible individual at the receiving facility acknowledging receipt of the inedible kitchen grease and verifying the amount, in gallons or pounds, of inedible kitchen grease received.

(A) A weighmaster certificate for the load of inedible kitchen grease, issued by a Department licensed weighmaster, may be used by the receiving facility to determine the amount of inedible kitchen grease delivered.

(B) The receiving facility and the transporter of inedible kitchen grease may enter into an agreement, prepared in advance, in writing, and signed 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 in described in subsection (d)(9)(B) shall be maintained by the receiving facility and the transporter as long as the agreement is in effect and shall be made available to the Department upon demand.

(D) When an agreement such as described in subsection (d)(9)(B) above exists and the transporter signs on behalf of the receiving facility, the transporter shall have verifiable proof of the amount, in gallons or pounds, of inedible kitchen grease delivered to the receiving facility. This proof shall be in the form of a time-dated printout from a scale or volume meter at the receiving facility or a weighmaster certificate for the load of inedible kitchen grease issued by a Department licensed weighmaster.

(10) A consecutive numerical tracking 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 79-120 (Est. 03/12) Manifest – Inedible Kitchen Grease Transport 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 with 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 have the generator's name and address; the registered transporter's name; the driver's signature; the printed name and signature of a representative of the generator, as indicated in subsection (d)(2) above; the amount of inedible kitchen grease removed by the transporter; the type of inedible kitchen grease picked up; and the date and time of inedible kitchen grease removal. A copy of this part of the manifest shall be given to the generator at the time of inedible kitchen grease removal or it shall be mailed or delivered to the generator no later than 45 calendar days after removal of the inedible kitchen grease.

(2) The remaining two parts of the manifest shall contain all information and signatures as required in subsection (d) and shall be distributed as follows:

(A) One part of the manifest shall go to the receiving facility.

(B) One part shall be retained by the transporter.

(h) The transporter and the receiving facility shall keep and maintain copies 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.