

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0605.02 Kate Meyer

HOUSE BILL 10-1125

HOUSE SPONSORSHIP

Hullinghorst,

SENATE SPONSORSHIP

Schwartz,

House Committees

Transportation & Energy
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF THE DEPARTMENT OF PUBLIC**
102 **HEALTH AND ENVIRONMENT TO REGULATE CERTAIN ACTIVITIES**
103 **WITH RESPECT TO WASTE GREASE DERIVED FROM FOOD**
104 **PREPARATION, AND MAKING AN APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill empowers the Colorado department of public health and environment (department) to regulate the collection, transportation, and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

disposal of trap grease and yellow grease (jointly referred to as "grease"). Specifically, the bill requires persons, facilities, and vehicles engaged in the collection, transportation, storage, processing, or disposal of grease to register annually with the department, which registration shall include completing an application, paying a fee, and posting a surety bond or other debt instrument or method of financial assurance. Individuals employed or engaged by other persons to collect, transport, store, process, or dispose of grease are not required to separately register. Registered facilities and vehicles must display department-issued decals. In addition, registrants will be required to complete manifests containing certain information related to grease collection, transportation, and disposal, maintain certain records for a period of 2 years and furnish the records to the department upon request, and submit timely annual reports to the department.

In order to administer the laws related to grease regulation, the bill requires the solid and hazardous waste commission (commission) in the department to promulgate rules by December 31, 2011, and periodically thereafter.

Personal use of grease requires separate registration under the bill. "Personal use" is triggered when:

- ! A person intends to use the grease the person is transporting or possessing;
- ! The person is transporting or possessing a minimum quantity of grease, as determined by the commission by rule; and
- ! The person is transporting no more than 55 gallons at one time or possessing no more than 165 gallons of grease at one time.

Persons registering as personal users are prohibited from bartering, trading, or selling their grease. A personal user is prohibited from taking grease from a registrant unless the registrant gives the personal user written permission to do so.

The bill applies to the existing provisions regarding solid waste-related inspection, enforcement, nuisance actions, violations, and civil and criminal penalties with respect to laws regulating grease.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 30-20-113 (1), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **30-20-113. Inspection - enforcement - nuisances - violations -**
5 **civil penalty.** (1) No person shall:

1 (d) COLLECT, TRANSPORT, STORE, PROCESS, OR DISPOSE OF TRAP
2 GREASE OR YELLOW GREASE IN ANY MANNER THAT VIOLATES SECTION
3 30-20-123 OR ANY RULE PROMULGATED PURSUANT THERETO.

4 **SECTION 2.** 30-20-118 (1), Colorado Revised Statutes, is
5 amended to read:

6 **30-20-118. Solid waste management fund - created.** (1) There
7 is hereby created in the state treasury a fund to be known as the solid
8 waste management fund, which shall consist of moneys collected
9 pursuant to sections 30-20-103.7, and 30-20-109, AND 30-20-123, as well
10 as that portion of the fee designated for solid waste management under
11 section 25-16-104.5 (2), C.R.S. Such moneys shall be appropriated
12 annually to the department by the general assembly. Except as provided
13 in section 25-15-314, C.R.S., the moneys in the solid waste management
14 fund shall not be credited or transferred to the general fund or any other
15 fund of the state.

16 **SECTION 3.** Part 1 of article 20 of title 30, Colorado Revised
17 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
18 read:

19 **30-20-123. Trap grease and yellow grease - registration - fees**
20 **- record-keeping - violations - rules - definitions - legislative**
21 **declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES,
22 AND DECLARES THAT THE SAFE AND PROPER COLLECTION,
23 TRANSPORTATION, AND DISPOSAL OF YELLOW GREASE AND TRAP GREASE
24 IS A MATTER OF STATEWIDE CONCERN AND THAT STATE OVERSIGHT OF
25 PERSONS AND VEHICLES ENGAGED IN SUCH ACTIONS IS NECESSARY TO
26 PROTECT THE PUBLIC HEALTH AND ENVIRONMENT.

27 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

1 REQUIRES:

2 (a) "COLLECT" MEANS TO GATHER; EXCEPT THAT "COLLECT" DOES
3 NOT INCLUDE MOVING GREASE FROM ONE AREA OR CONTAINER TO
4 ANOTHER AREA OR CONTAINER ON THE SAME PREMISES.

5 (b) "COMMISSION" MEANS THE SOLID AND HAZARDOUS WASTE
6 COMMISSION CREATED IN SECTION 25-15-302, C.R.S.

7 (c) "FACILITY" MEANS ANY REAL PROPERTY LOCATION USED FOR
8 THE COLLECTION, TRANSPORTATION, STORAGE, PROCESSING, OR DISPOSAL
9 OF GREASE, INCLUDING, WITHOUT LIMITATION, A PROCESSING PLANT,
10 TRANSFER STATION, OR TRANS-SHIPMENT LOCATION. "FACILITY" DOES
11 NOT INCLUDE DOMESTIC WASTEWATER TREATMENT WORKS AS DEFINED IN
12 SECTION 25-8-103, C.R.S., THAT PROCESSES WASTE GREASE AS PART OF
13 ITS OPERATIONS THAT ARE REGULATED BY THE DEPARTMENT PURSUANT
14 TO ARTICLE 8 OF TITLE 25, C.R.S.

15 (d) "GREASE" MEANS TRAP GREASE OR YELLOW GREASE IN A
16 QUANTITY IN EXCESS OF AN AMOUNT DETERMINED BY THE COMMISSION BY
17 RULE.

18 (e) "MANIFEST" MEANS THE DOCUMENT USED FOR IDENTIFYING
19 THE QUANTITY, COMPOSITION, ORIGIN, ROUTING, AND DESTINATION OF
20 GREASE DURING ITS TRANSPORTATION FROM THE POINT OF GENERATION TO
21 THE POINT OF STORAGE, TREATMENT, OR DISPOSAL.

22 (f) "REGISTRANT" MEANS A PERSON REGISTERED UNDER
23 SUBSECTION (3) OF THIS SECTION.

24 (g) "STORE" MEANS TO POSSESS, IMPOUND, CONTAIN, OR CONTROL
25 GREASE; EXCEPT THAT "STORE" DOES NOT APPLY TO THE TEMPORARY
26 RETENTION OF GREASE ON THE PREMISES WHERE THE GREASE WAS
27 INITIALLY GENERATED.

1 (h) "TRANSPORT" MEANS TO USE A VEHICLE TO HAUL, SHIP, CARRY,
2 CONVEY, OR TRANSFER GREASE FROM ONE PLACE TO ANOTHER.

3 "TRANSPORT" DOES NOT INCLUDE MOVING GREASE GENERATED ON SITE
4 INTO ANOTHER ON-SITE CONTAINER, WHETHER INDOORS OR OUTDOORS.

5 (i) "TRAP GREASE" MEANS THE RESIDUAL YELLOW GREASE, WASTE
6 WATER, AND DEBRIS PRINCIPALLY DERIVED FROM FOOD PREPARATION OR
7 PROCESSING, OR WASTE THAT IS INTERCEPTED BY AND CONTAINED IN
8 GREASE TRAPS OR GREASE INTERCEPTORS.

9 (j) "YELLOW GREASE" MEANS USED COOKING OIL, SPENT
10 SHORTENINGS, OR ANY OTHER INEDIBLE KITCHEN GREASE OR WASTE
11 VEGETABLE OIL PRODUCED BY RESTAURANT AND FOOD FACILITIES.

12 (3) (a) **Registration.** (I) ON AND AFTER THE DATE SPECIFIED BY
13 RULE OF THE COMMISSION PURSUANT TO SUBPARAGRAPH (III) OF
14 PARAGRAPH (a) OF SUBSECTION (9) OF THIS SECTION:

15 (A) NO PERSON SHALL COLLECT, TRANSPORT, STORE, PROCESS, OR
16 DISPOSE OF GREASE UNLESS THE PERSON IS VALIDLY REGISTERED WITH THE
17 DEPARTMENT IN ACCORDANCE WITH THIS SECTION AND RULES ADOPTED
18 BY THE COMMISSION UNDER THIS SECTION;

19 (B) NO FACILITY, INCLUDING A TRANSFER STATION, SHALL ACCEPT
20 GREASE FOR PROCESSING, HANDLING, OR STORAGE UNLESS THE FACILITY
21 IS VALIDLY REGISTERED WITH THE DEPARTMENT IN ACCORDANCE WITH
22 THIS SECTION AND RULES ADOPTED BY THE COMMISSION UNDER THIS
23 SECTION AND PROMINENTLY DISPLAYS A DECAL ISSUED PURSUANT TO
24 PARAGRAPH (b) OF THIS SUBSECTION (3); AND

25 (C) NO VEHICLE SHALL BE USED TO TRANSPORT GREASE UNLESS
26 THE VEHICLE IS VALIDLY REGISTERED WITH THE DEPARTMENT IN
27 ACCORDANCE WITH THIS SECTION AND RULES ADOPTED BY THE

1 COMMISSION UNDER THIS SECTION AND DISPLAYS A DECAL ISSUED UNDER
2 PARAGRAPH (b) OF THIS SUBSECTION (3).

3 (II) A PERSON REGISTERING A PERSON, VEHICLE, OR FACILITY
4 UNDER THIS SUBSECTION (3) SHALL:

5 (A) SUBMIT TO THE DEPARTMENT A REGISTRATION APPLICATION
6 CONTAINING ALL THE INFORMATION REQUIRED BY THE COMMISSION, IN
7 THE FORM AND MANNER SPECIFIED BY THE COMMISSION;

8 (B) PAY AN ANNUAL REGISTRATION FEE, IN A REASONABLE
9 AMOUNT TO COVER THE DIRECT AND INDIRECT COSTS INCURRED BY THE
10 DEPARTMENT IN ADMINISTERING THIS SECTION, AS DETERMINED BY RULE
11 OF THE COMMISSION IN ACCORDANCE WITH PARAGRAPH (a.5) OF
12 SUBSECTION (9) OF THIS SECTION; AND

13 (C) POST, AT THE TIME OF REGISTRATION, A SURETY BOND OR
14 OTHER DEBT INSTRUMENT OR METHOD OF FINANCIAL ASSURANCE, AS
15 DETERMINED BY RULE OF THE COMMISSION, WITH THE DEPARTMENT IN AN
16 AMOUNT DETERMINED BY THE DEPARTMENT TO BE REASONABLY
17 SUFFICIENT TO REMEDIATE ANY ENVIRONMENTAL OR HEALTH HARM
18 CAUSED BY NONCOMPLIANT DISPOSAL, DUMPING, OR OTHER RELEASE OF
19 GREASE.

20 (III) EACH PERSON, FACILITY, AND VEHICLE ENGAGED IN THE
21 COLLECTION, TRANSPORTATION, PROCESSING, STORAGE, OR DISPOSAL OF
22 GREASE SHALL BE SEPARATELY REGISTERED; EXCEPT THAT, IF A PERSON
23 SO ENGAGED EMPLOYS ANOTHER PERSON TO COLLECT, TRANSPORT,
24 PROCESS, STORE, OR DISPOSE OF GREASE, THE INDIVIDUAL SO EMPLOYED
25 IS NOT REQUIRED TO BE SEPARATELY REGISTERED.

26 (IV) UPON RECEIVING THE APPLICATION, FEE, AND BOND OR OTHER
27 INSTRUMENT OF FINANCIAL ASSURANCE REQUIRED UNDER SUBPARAGRAPH

1 (II) OF THIS PARAGRAPH (a), THE DEPARTMENT SHALL REGISTER THE
2 PERSON, FACILITY, OR VEHICLE. AT THAT TIME, THE DEPARTMENT SHALL
3 PROVIDE TO THE REGISTRANT ANY NECESSARY DECALS AS DESCRIBED
4 UNDER PARAGRAPH (b) OF THIS SUBSECTION (3).

5 (b) **Decals.** (I) UPON REGISTRATION OF A FACILITY OR VEHICLE
6 UNDER PARAGRAPH (a) OF THIS SUBSECTION (3), THE DEPARTMENT SHALL
7 ISSUE TO THE REGISTRANT DECALS NECESSARY TO COMPLY WITH THIS
8 SUBSECTION (3), WHICH THE REGISTRANT SHALL PROMPTLY AFFIX TO THE
9 REGISTERED FACILITY OR VEHICLE.

10 (II) DECALS SHALL BE VALID FOR A PERIOD DETERMINED BY THE
11 COMMISSION BY RULE, NOT TO EXCEED FIVE YEARS. A DECAL ISSUED
12 PURSUANT TO THIS SECTION SHALL CONTAIN THE INFORMATION REQUIRED
13 BY RULE PROMULGATED BY THE COMMISSION, INCLUDING AT LEAST AN
14 EXPIRATION DATE AND THE DECAL NUMBER.

15 (c) **Uniform manifests.** (I) NO REGISTRANT SHALL ACCEPT
16 GREASE FOR TRANSPORTATION UNLESS THE REGISTRANT HAS COMPLETELY
17 FILLED OUT, IN TRIPPLICATE, A UNIFORM MANIFEST, AVAILABLE FROM THE
18 DEPARTMENT'S WEB SITE, ON A FORM ESTABLISHED OR APPROVED BY THE
19 DEPARTMENT AND CONTAINING THE INFORMATION SPECIFIED BY RULE
20 PROMULGATED BY THE COMMISSION, INCLUDING AT LEAST THE
21 FOLLOWING:

22 (A) THE MANIFEST NUMBER;

23 (B) THE DECAL NUMBER OF THE REGISTERED VEHICLE USED TO
24 TRANSPORT THE GREASE;

25 (C) THE REGISTRANT'S SIGNATURE UNDER PENALTY OF PERJURY,
26 NAME, ADDRESS, TELEPHONE NUMBER, AND REGISTRATION NUMBER;

27 (D) THE CURRENT DATE; THE FACILITY REGISTRATION NUMBER,

1 NAME, ADDRESS, AND TELEPHONE NUMBER OF THE SOURCE OF THE
2 GREASE; AND THE FACILITY REGISTRATION NUMBER, NAME, ADDRESS, AND
3 TELEPHONE NUMBER OF THE FACILITY TO WHICH THE GREASE WILL BE
4 TRANSPORTED; AND

5 (E) THE AMOUNT OF GREASE IN THE LOAD.

6 (II) THE REGISTRANT TRANSPORTING THE GREASE SHALL RETAIN
7 ONE COPY OF THE MANIFEST AND SHALL PROVIDE ONE COPY OF THE
8 MANIFEST TO THE SOURCE OF THE GREASE AND THE REGISTERED FACILITY
9 TO WHICH THE GREASE IS TRANSPORTED.

10 (III) THE REGISTRANT TRANSPORTING THE GREASE AND THE
11 REGISTERED FACILITY TO WHICH THE GREASE IS TRANSPORTED SHALL
12 EACH KEEP A COPY OF THE MANIFEST FOR AT LEAST THREE YEARS AFTER
13 THE DATE STATED ON THE MANIFEST.

14 (4) A REGISTRANT SHALL KEEP AND MAINTAIN, FOR AT LEAST TWO
15 CALENDAR YEARS, CERTAIN RECORDS AS PRESCRIBED BY THE COMMISSION,
16 INCLUDING MANIFESTS PURSUANT TO PARAGRAPH (c) OF SUBSECTION (3)
17 OF THIS SECTION. THE RECORDS SHALL BE MADE AVAILABLE TO THE
18 DEPARTMENT FOR INSPECTION UPON REQUEST.

19 (5) A REGISTRANT SHALL SUBMIT, ON OR BEFORE A DATE SPECIFIED
20 BY RULE OF THE COMMISSION, AN ANNUAL REPORT TO THE DEPARTMENT
21 REGARDING THE REGISTRANT'S COLLECTION, TRANSPORTATION, STORAGE,
22 PROCESSING, OR DISPOSAL OF GREASE. THE INFORMATION REQUIRED IN
23 THE REPORT SHALL BE SPECIFIED BY RULE OF THE COMMISSION. THE
24 DEPARTMENT SHALL KEEP CONFIDENTIAL VOLUMETRIC AND PROPRIETARY
25 INFORMATION CONTAINED IN THE REPORT.

26 (6) A PERSON ARRANGING FOR THE TRANSPORTATION OR DISPOSAL
27 OF GREASE SHALL NOT CONTRACT WITH, ENGAGE, EMPLOY, OR OTHERWISE

1 USE A PERSON OTHER THAN A REGISTRANT FOR SUCH PURPOSES.

2 (7) (a) A PERSON COLLECTING OR TRANSPORTING GREASE FOR
3 PERSONAL USE SHALL COMPLY WITH THIS SUBSECTION (7).

4 (b) AS USED IN THIS SUBSECTION (7), "PERSONAL USE" MEANS
5 THAT THE PERSON COLLECTING OR TRANSPORTING THE GREASE INTENDS
6 TO USE THE GREASE, AND THAT SUCH GREASE IS LIMITED TO:

7 (I) THE TRANSPORTATION OF AT LEAST A MINIMUM QUANTITY OF
8 GREASE, AS DETERMINED BY RULE OF THE COMMISSION, AND NO MORE
9 THAN FIFTY-FIVE GALLONS OF GREASE AT A TIME; AND

10 (II) THE POSSESSION OF AT LEAST A MINIMUM QUANTITY OF
11 GREASE, AS DETERMINED BY RULE OF THE COMMISSION, AND NO MORE
12 THAN ONE HUNDRED SIXTY-FIVE GALLONS OF GREASE AT A TIME, WHICH
13 AMOUNT INCLUDES THE QUANTITY OF GREASE BEING TRANSPORTED UNDER
14 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

15 (c) ON AND AFTER THE DATE SPECIFIED IN SUBPARAGRAPH (III) OF
16 PARAGRAPH (a) OF SUBSECTION (9) OF THIS SECTION, A PERSON
17 COLLECTING OR TRANSPORTING GREASE FOR PERSONAL USE SHALL
18 REGISTER ANNUALLY WITH THE DEPARTMENT AS A PERSONAL USER. THE
19 REGISTRATION SHALL INCLUDE IDENTIFICATION OF ANY VEHICLES OR
20 PHYSICAL LOCATIONS INVOLVED IN THE PERSONAL USE. A PERSON
21 REGISTERING UNDER THIS SECTION SHALL PAY A FEE, IN AN AMOUNT
22 SUFFICIENT TO RECOVER THE DIRECT AND INDIRECT COSTS OF
23 ADMINISTERING THIS SECTION AS DETERMINED BY THE COMMISSION IN
24 ACCORDANCE WITH PARAGRAPH (a.5) OF SUBSECTION (9) OF THIS SECTION,
25 AT THE TIME OF REGISTRATION.

26 (d) A PERSON COLLECTING OR TRANSPORTING GREASE UNDER THIS
27 SUBSECTION (7) SHALL NOT:

1 (I) BARTER, TRADE, OR SELL ANY PORTION OF THE GREASE TO ANY
2 PERSON; OR

3 (II) TAKE ANY GREASE FROM ANY CONTAINER OWNED BY A
4 REGISTRANT WITHOUT THE REGISTRANT'S WRITTEN PERMISSION.

5 (8) ALL FEES COLLECTED PURSUANT TO THIS SECTION SHALL BE
6 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
7 TO THE SOLID WASTE MANAGEMENT FUND CREATED IN SECTION 30-20-118.

8 (9) (a) BY DECEMBER 31, 2011, THE COMMISSION SHALL
9 PROMULGATE REASONABLE RULES TO IMPLEMENT AND ADMINISTER THIS
10 SECTION, INCLUDING RULES SPECIFYING:

11 (I) APPROPRIATE METHODS TO COLLECT, TRANSPORT, STORE,
12 PROCESS, AND DISPOSE OF GREASE;

13 (II) THE MINIMUM AMOUNT OF GREASE, THE COLLECTION OR
14 TRANSPORTATION OF WHICH REQUIRES A PERSON TO REGISTER AS A
15 PERSONAL USER UNDER SUBSECTION (7) OF THIS SECTION; AND

16 (III) THE DATE BY WHICH PERSONS ENGAGED IN COLLECTING,
17 TRANSPORTING, OR DISPOSING OF GREASE MUST BE REGISTERED UNDER
18 SUBSECTION (3) OR (7) OF THIS SECTION, WHICH DATE SHALL BE NINETY
19 DAYS AFTER THE DATE THAT THE RULES ARE ADOPTED.

20 (a.5) THE FEE AMOUNTS ESTABLISHED BY THE COMMISSION UNDER
21 THIS SECTION SHALL NOT EXCEED:

22 (I) ONE THOUSAND ONE HUNDRED FORTY DOLLARS PER
23 NONVEHICLE REGISTRANT;

24 (II) FIVE HUNDRED SEVENTY DOLLARS PER VEHICLE; AND

25 (III) NINETY-SIX DOLLARS PER PERSON REGISTERING AS A
26 PERSONAL USER UNDER SUBSECTION (7) OF THIS SECTION.

27 (b) THE COMMISSION MAY PROMULGATE RULES PERIODICALLY AS

1 IT DEEMS NECESSARY OR CONVENIENT FOR THE ADMINISTRATION OF THIS
2 SECTION.

3 (10) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE
4 REGISTRATION BY ANY PERSON WHO IS NEITHER ENGAGED IN THE BUSINESS
5 OF, NOR OTHERWISE KNOWINGLY, COLLECTING, TRANSPORTING, OR
6 DISPOSING OF GREASE. HOWEVER, IF A SOLID WASTE HAULER DISCOVERS
7 GREASE THAT THE HAULER REASONABLY BELIEVES IS IN A QUANTITY
8 REGULATED BY THE DEPARTMENT, THE HAULER SHALL IMMEDIATELY
9 NOTIFY THE DEPARTMENT. THE DEPARTMENT SHALL THEN DETERMINE
10 WHETHER THE HAULER IS REQUIRED TO REGISTER UNDER THIS SECTION IN
11 ORDER TO COLLECT, TRANSPORT, OR DISPOSE OF THE GREASE.

12 **SECTION 4. Appropriation.** In addition to any other
13 appropriation, there is hereby appropriated, out of any moneys in the solid
14 waste management cash fund created in section 30-20-118, Colorado
15 Revised Statutes, not otherwise appropriated, to the department of public
16 health and environment, for allocation to the hazardous materials and
17 waste management division, for the fiscal year beginning July 1, 2010, the
18 sum of sixty thousand six hundred fifty-nine dollars (\$60,659) and 0.7
19 FTE, or so much thereof as may be necessary, for the implementation of
20 this act.

21 **SECTION 5. Act subject to petition - effective date -**
22 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
23 following the expiration of the ninety-day period after final adjournment
24 of the general assembly (August 11, 2010, if adjournment sine die is on
25 May 12, 2010); except that, if a referendum petition is filed pursuant to
26 section 1 (3) of article V of the state constitution against this act or an
27 item, section, or part of this act within such period, then the act, item,

1 section, or part shall not take effect unless approved by the people at the
2 general election to be held in November 2010 and shall take effect on the
3 date of the official declaration of the vote thereon by the governor.

4 (2) The provisions of this act shall apply to conduct occurring on
5 or after the applicable effective date of this act.