

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-1119.01 Thomas Morris x4218

HOUSE BILL 20-1374

HOUSE SPONSORSHIP

Esgar and Ransom, McCluskie

SENATE SPONSORSHIP

Zenzinger and Rankin, Moreno

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REPEAL OF THE WASTE GREASE PROGRAM, AND, IN
102 CONNECTION THEREWITH, REDUCING AN APPROPRIATION.

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://leg.colorado.gov/>.)

Joint Budget Committee. The bill:

- ! Repeals the state regulatory program concerning the registration, fees, record keeping, violations, and rules regarding waste grease (trap grease); and
- ! Reduces the cash funds appropriation from the solid waste management fund made in the 2020-21 long bill by

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

\$100,890 and reduces the related FTE by 0.7 FTE.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** 30-20-123 as
3 follows:

4 **30-20-123. Trap grease - registration - fees - record keeping -**
5 **violations - rules - definitions - legislative declaration.** ~~(1) The general~~
6 ~~assembly hereby finds, determines, and declares that the safe and proper~~
7 ~~collection, transportation, and disposal of trap grease is a matter of~~
8 ~~statewide concern and that state oversight of persons and vehicles~~
9 ~~engaged in such actions is necessary to protect the public health and~~
10 ~~environment. The general assembly further declares that the state's~~
11 ~~sharing of data generated under this section with local entities that~~
12 ~~regulate waste disposal will enhance protection of the public health and~~
13 ~~environment, and, to that end, the department is encouraged to share such~~
14 ~~information with such other regulating entities.~~

15 ~~(2) As used in this section, unless the context otherwise requires:~~

16 ~~(a) "Collect" means to gather; except that "collect" does not~~
17 ~~include moving grease from one area or container to another area or~~
18 ~~container on the same premises.~~

19 ~~(b) "Commission" means the solid and hazardous waste~~
20 ~~commission created in section 25-15-302, C.R.S.~~

21 ~~(c) "Facility" means any real property location used for the~~
22 ~~collection, transportation, storage, processing, or disposal of grease,~~
23 ~~including, without limitation, a processing plant, transfer station, or~~
24 ~~trans-shipment location. "Facility" does not include a domestic~~
25 ~~wastewater treatment works as defined in section 25-8-103, C.R.S., that~~

1 processes waste grease as part of its operations that are regulated by the
2 department pursuant to article 8 of title 25, C.R.S.

3 (d) ~~"Grease" means trap grease in a quantity in excess of an~~
4 ~~amount determined by the commission by rule.~~

5 (e) ~~"Manifest" means the document used for identifying the~~
6 ~~quantity, composition, origin, routing, and destination of grease during its~~
7 ~~transportation from the point of generation to the point of storage,~~
8 ~~treatment, or disposal.~~

9 (f) ~~"Registrant" means a person registered under subsection (3) of~~
10 ~~this section.~~

11 (g) ~~"Store" means to possess, impound, contain, or control grease;~~
12 ~~except that "store" does not apply to the temporary retention of grease on~~
13 ~~the premises where the grease was initially generated.~~

14 (h) ~~"Transport" means to use a vehicle to haul, ship, carry, convey,~~
15 ~~or transfer grease from one place to another. "Transport" does not include~~
16 ~~moving grease generated on site into another on-site container, whether~~
17 ~~indoors or outdoors.~~

18 (i) ~~"Trap grease" means the residual yellow grease, waste water,~~
19 ~~debris principally derived from food preparation or processing, or other~~
20 ~~waste, that is intercepted by and contained in grease traps or grease~~
21 ~~interceptors.~~

22 (j) ~~"Yellow grease" means used cooking oil, spent shortenings, or~~
23 ~~any other inedible kitchen grease or waste vegetable oil produced by~~
24 ~~restaurant and food facilities.~~

25 (3) (a) **Registration.** (1) ~~Except as otherwise provided in this~~
26 ~~section, on and after the date specified by rule of the commission~~
27 ~~pursuant to subparagraph (III) of paragraph (a) of subsection (9) of this~~

1 section:

2 ~~(A) No person shall collect, transport, store, process, or dispose~~
3 ~~of grease unless the person is validly registered with the department in~~
4 ~~accordance with this section and rules adopted by the commission under~~
5 ~~this section;~~

6 ~~(B) No facility, including a transfer station, shall accept grease for~~
7 ~~processing, handling, or storage unless the facility is validly registered~~
8 ~~with the department in accordance with this section and rules adopted by~~
9 ~~the commission under this section and prominently displays a decal issued~~
10 ~~pursuant to paragraph (b) of this subsection (3); and~~

11 ~~(C) No vehicle shall be used to transport grease unless the vehicle~~
12 ~~is validly registered with the department in accordance with this section~~
13 ~~and rules adopted by the commission under this section and displays a~~
14 ~~decal issued under paragraph (b) of this subsection (3).~~

15 ~~(H) A person registering a person, vehicle, or facility under this~~
16 ~~subsection (3) shall:~~

17 ~~(A) Submit to the department a registration application containing~~
18 ~~all the information required by the commission, in the form and manner~~
19 ~~specified by the commission;~~

20 ~~(B) Pay an annual registration fee, in a reasonable amount to cover~~
21 ~~the direct and indirect costs incurred by the department in administering~~
22 ~~this section, as determined by rule of the commission in accordance with~~
23 ~~paragraph (a.5) of subsection (9) of this section; and~~

24 ~~(C) Post, at the time of registration, a surety bond or other debt~~
25 ~~instrument or method of financial assurance, as determined by rule of the~~
26 ~~commission, with the department in an amount determined by the~~
27 ~~department to be reasonably sufficient to remediate any environmental or~~

1 health harm caused by noncompliant disposal, dumping, or other release
2 of grease:

3 (III) ~~Each person, facility, and vehicle engaged in the collection,~~
4 ~~transportation, processing, storage, or disposal of grease shall be~~
5 ~~separately registered; except that, if a person so engaged employs another~~
6 ~~person to collect, transport, process, store, or dispose of grease, the~~
7 ~~individual so employed is not required to be separately registered.~~

8 (IV) ~~Upon receiving the application, fee, and bond or other~~
9 ~~instrument of financial assurance required under subparagraph (II) of this~~
10 ~~paragraph (a), the department shall register the person, facility, or vehicle.~~
11 ~~At that time, the department shall provide to the registrant any necessary~~
12 ~~decals as described under paragraph (b) of this subsection (3).~~

13 (b) ~~**Decals.** (I) Upon registration of a facility or vehicle under~~
14 ~~paragraph (a) of this subsection (3), the department shall issue to the~~
15 ~~registrant decals necessary to comply with this subsection (3), which the~~
16 ~~registrant shall promptly affix to the registered facility or vehicle.~~

17 (II) ~~Decals shall be valid for a period determined by the~~
18 ~~commission by rule, not to exceed five years. A decal issued pursuant to~~
19 ~~this section shall contain the information required by rule promulgated by~~
20 ~~the commission, including at least an expiration date and the decal~~
21 ~~number.~~

22 (c) ~~**Uniform manifests.** (I) No registrant shall accept grease for~~
23 ~~transportation unless the registrant has completely filled out a uniform~~
24 ~~manifest on a form established or approved by the department and~~
25 ~~containing the information specified by rule promulgated by the~~
26 ~~commission, including at least the following:~~

27 (A) ~~The manifest number;~~

1 ~~(B) The decal number of the registered vehicle used to transport~~
2 ~~the grease;~~

3 ~~(C) The registrant's signature under penalty of perjury, name,~~
4 ~~address, telephone number, and registration number;~~

5 ~~(D) The current date; the facility registration number, name,~~
6 ~~address, and telephone number of the source of the grease; and the facility~~
7 ~~registration number, name, address, and telephone number of the facility~~
8 ~~to which the grease will be transported; and~~

9 ~~(E) The amount of grease in the load.~~

10 ~~(H) The registrant transporting the grease shall retain one copy of~~
11 ~~the manifest and shall provide one copy of the manifest to the source of~~
12 ~~the grease and the registered facility to which the grease is transported.~~

13 ~~(HH) The registrant transporting the grease and the registered~~
14 ~~facility to which the grease is transported shall each keep a copy of the~~
15 ~~manifest for at least three years after the date stated on the manifest.~~

16 ~~(IV) The uniform manifest required under this section shall be~~
17 ~~available from the department's website in such a manner that enables a~~
18 ~~person to either print a hard copy of the manifest or complete, store, and~~
19 ~~submit the manifest electronically. A uniform manifest shall be~~
20 ~~maintained using the same medium in which it was filled out and in~~
21 ~~accordance with this section and rules promulgated by the commission.~~

22 ~~(4) A registrant shall keep and maintain, for at least two calendar~~
23 ~~years, certain records as prescribed by the commission, including~~
24 ~~manifests pursuant to paragraph (c) of subsection (3) of this section. The~~
25 ~~records shall be made available to the department for inspection upon~~
26 ~~request.~~

27 ~~(5) A registrant shall submit, on or before a date specified by rule~~

1 of the commission, an annual report to the department regarding the
2 registrant's collection, transportation, storage, processing, or disposal of
3 grease. The information required in the report shall be specified by rule
4 of the commission. The department shall keep confidential volumetric
5 and proprietary information contained in the report.

6 (6) A person arranging for the transportation or disposal of grease
7 shall not contract with, engage, employ, or otherwise use a person other
8 than a registrant for such purposes.

9 (7) (a) (I) Except as provided in subparagraph (H) of this
10 paragraph (a), a person collecting or transporting grease for personal use
11 shall comply with this subsection (7):

12 (H) A person collecting, transporting, using, or storing grease for
13 conversion to, and use by the person as, biofuel is exempt from
14 paragraphs (b) and (c) of this subsection (7):

15 (b) As used in this subsection (7), "personal use" means that the
16 person collecting or transporting the grease intends to use the grease, and
17 that such grease is limited to:

18 (I) The transportation of at least a minimum quantity of grease, as
19 determined by rule of the commission, and no more than fifty-five gallons
20 of grease at a time; and

21 (H) The possession of at least a minimum quantity of grease, as
22 determined by rule of the commission, and no more than one hundred
23 sixty-five gallons of grease at a time, which amount includes the quantity
24 of grease being transported under subparagraph (I) of this paragraph (b):

25 (c) On and after the date specified in subparagraph (H) of
26 paragraph (a) of subsection (9) of this section, a person collecting or
27 transporting grease for personal use shall register annually with the

1 department as a personal user. The registration shall include identification
2 of any vehicles or physical locations involved in the personal use. A
3 person registering under this section shall pay a fee, in an amount
4 sufficient to recover the direct and indirect costs of administering this
5 section as determined by the commission in accordance with paragraph
6 (a.5) of subsection (9) of this section, at the time of registration.

7 (d) ~~A person collecting or transporting grease under this~~
8 ~~subsection (7) shall not:~~

9 (I) ~~Barter, trade, or sell any portion of the grease to any person; or~~

10 (II) ~~Take any grease from any container owned by a registrant~~
11 ~~without the registrant's written permission.~~

12 (8) ~~All fees collected pursuant to this section shall be transmitted~~
13 ~~to the state treasurer, who shall credit the same to the solid waste~~
14 ~~management fund created in section 30-20-118.~~

15 (9) (a) ~~By December 31, 2011, the commission shall promulgate~~
16 ~~reasonable rules to implement and administer this section, including rules~~
17 ~~specifying:~~

18 (I) ~~Appropriate methods to collect, transport, store, process, and~~
19 ~~dispose of grease;~~

20 (II) ~~The minimum amount of grease, the collection or~~
21 ~~transportation of which requires a person to register as a personal user~~
22 ~~under subsection (7) of this section; and~~

23 (III) ~~The date by which persons engaged in collecting,~~
24 ~~transporting, or disposing of grease must be registered under subsection~~
25 ~~(3) or (7) of this section, which date shall be ninety days after the date~~
26 ~~that the rules are adopted.~~

27 (a.5) ~~The fee amounts established by the commission under this~~

1 ~~section shall not exceed:~~

2 ~~(I) One thousand one hundred forty dollars per nonvehicle~~
3 ~~registrant;~~

4 ~~(II) Five hundred seventy dollars per vehicle; and~~

5 ~~(III) Ninety-six dollars per person registering as a personal user~~
6 ~~under subsection (7) of this section.~~

7 ~~(b) The commission may promulgate rules periodically as it deems~~
8 ~~necessary or convenient for the administration of this section.~~

9 ~~(10) Nothing in this section shall be construed to require~~
10 ~~registration by any person who is neither engaged in the business of, nor~~
11 ~~otherwise knowingly, collecting, transporting, or disposing of grease.~~
12 ~~However, if a solid waste hauler discovers grease that the hauler~~
13 ~~reasonably believes is in a quantity regulated by the department, the~~
14 ~~hauler shall immediately notify the department. The department shall then~~
15 ~~determine whether the hauler is required to register under this section in~~
16 ~~order to collect, transport, or dispose of the grease.~~

17 ~~(11) The department may make the data it collects under this~~
18 ~~section available to regulating entities.~~

19 ~~(12) (a) A person may store on the person's property grease that~~
20 ~~the person intends to use.~~

21 ~~(b) Notwithstanding any provision of law to the contrary, the~~
22 ~~department has exclusive authority to regulate the storage of grease.~~

23 ~~(13) The department is not authorized to regulate any yellow~~
24 ~~grease that is not intercepted by and contained in grease traps or grease~~
25 ~~interceptors.~~

26 **SECTION 2.** In Colorado Revised Statutes, 30-20-113, **repeal**
27 **(1)(d)** as follows:

1 **30-20-113. Inspection - enforcement - nuisances - violations -**
2 **civil penalty.** (1) A person shall not:

3 (d) ~~Collect, transport, store, process, or dispose of trap grease in~~
4 ~~any manner that violates section 30-20-123 or any rule promulgated~~
5 ~~pursuant thereto;~~

6 **SECTION 3.** In Colorado Revised Statutes, 30-20-118, **amend**
7 (1) as follows:

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

18 **SECTION 4. Appropriation - adjustments to 2020 long bill.** To
19 implement this act, the cash funds appropriation from the solid waste
20 management fund created in section 30-20-118 (1), C.R.S., made in the
21 annual general appropriation act for the 2020-21 state fiscal year to the
22 department of public health and environment for use by the solid waste
23 control program is decreased by \$100,890, and the related FTE is
24 decreased by 0.7 FTE.

25 **SECTION 5. Effective date.** This act takes effect July 1, 2020.

26 **SECTION 6. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.