

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 20-1119.01 Thomas Morris x4218

HOUSE BILL 20-1374

HOUSE SPONSORSHIP

Esgar and Ransom, McCluskie, Bockenfeld

SENATE SPONSORSHIP

Zenzinger and Rankin, Moreno

House Committees
Appropriations

Senate Committees
Appropriations

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.

SENATE
2nd Reading Unamended
June 4, 2020

HOUSE
3rd Reading Unamended
June 3, 2020

HOUSE
2nd Reading Unamended
June 1, 2020

\$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 (II) of this
10 paragraph (a), a person collecting or transporting grease for personal use
11 shall comply with this subsection (7):

12 (II) 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 (II) 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 (III) 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.