

SENATE BILL 607

M4

11r1456
CF HB 881

By: **Senator Conway**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 24, 2011

CHAPTER _____

1 AN ACT concerning

2 **Agriculture – Waste Kitchen Grease**

3 FOR the purpose of requiring, with certain exceptions, a person to register annually
4 with the Department of Agriculture before transporting waste kitchen grease;
5 requiring a certain person to submit a certain application to the Department in
6 a form required by the Department; requiring the application to include certain
7 information and fees; requiring the Department to register certain applicants
8 and issue each registrant certain items; requiring ~~the Department to require~~
9 each registrant to carry a certain certificate when transporting waste kitchen
10 grease and display certain information in a certain manner on certain vehicles;
11 establishing certain record-keeping requirements; ~~authorizing the Department~~
12 ~~to suspend or revoke a person's registration if the person has taken certain~~
13 ~~actions; prohibiting a person from knowingly taking certain actions relating to~~
14 waste kitchen grease; establishing a Waste Kitchen Grease Fund; requiring the
15 Department to administer the Fund; providing that the Fund is a special,
16 nonlapsing fund; requiring the Treasurer to hold the Fund and the Comptroller
17 to account for the Fund; providing for the sources of funding for the Fund;
18 providing for the use of the Fund; requiring the Treasurer to invest and reinvest
19 the money of the Fund in a certain manner; requiring that any investment
20 earnings of the Fund be paid into the Fund; ~~prohibiting a person from accepting~~
21 ~~waste kitchen grease from certain unregistered transporters unless the person~~
22 ~~keeps certain records and makes the records available to the Department on~~
23 ~~request; establishing certain restrictions on the taking or carrying away of~~
24 ~~waste kitchen grease in a container with a certain label and on labeling~~
25 ~~containers of waste kitchen grease for a certain purpose~~; providing for certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 criminal ~~and civil~~ penalties; ~~providing for certain appeals~~; providing for ~~delayed~~
 2 enforcement of this Act ~~against a certain person under a certain circumstance~~,
 3 expressing the intent of the General Assembly that the Department of
 4 Agriculture has no enforcement authority under certain provisions; defining
 5 certain terms; and generally relating to the regulation of waste kitchen grease.

6 BY adding to

7 Article – Agriculture

8 Section 10–1801 through ~~10–1810~~ 10–1809 to be under the new subtitle

9 “Subtitle 18. Waste Kitchen Grease”

10 Annotated Code of Maryland

11 (2007 Replacement Volume and 2010 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Agriculture**

15 **SUBTITLE 18. WASTE KITCHEN GREASE.**

16 **10–1801.**

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 18 INDICATED.

19 (B) “FOOD ESTABLISHMENT” MEANS:

20 (1) A FOOD SERVICE FACILITY; OR

21 (2) A FOOD PROCESSING PLANT.

22 (C) (1) “REGISTRANT” MEANS A PERSON WHO HAS REGISTERED WITH
 23 THE DEPARTMENT AS A TRANSPORTER OF WASTE KITCHEN GREASE UNDER
 24 THIS SUBTITLE.

25 (2) “REGISTRANT” INCLUDES A PERSON WHO HOLDS AN EQUITY,
 26 OWNERSHIP, OR DEBT LIABILITY INTEREST EXCEEDING 5% IN:

27 (I) A VEHICLE USED BY A REGISTRANT TO TRANSPORT
 28 WASTE KITCHEN GREASE; OR

29 (II) A REGISTRANT THAT IS A BUSINESS OR CORPORATION.

1 (D) “RENDERER” MEANS A PERSON THAT COOKS ANIMAL CARCASSES,
2 OR PARTS OR PRODUCTS OF CARCASSES, WASTE ANIMAL BY-PRODUCTS, AND
3 WASTE KITCHEN GREASE INTO USABLE END PRODUCTS.

4 (E) (1) “WASTE KITCHEN GREASE” MEANS ANIMAL FATS OR
5 VEGETABLE OILS USED IN COOKING OR GENERATED BY A FOOD
6 ESTABLISHMENT THAT WILL NOT BE CONSUMED OR REUSED AS FOOD.

7 (2) “WASTE KITCHEN GREASE” INCLUDES ANIMAL FATS OR
8 VEGETABLE OILS ~~REMOVED FROM A GREASE TRAP~~ THAT ARE PRINCIPALLY
9 DERIVED FROM FOOD PREPARATION AND PROCESSING AND HAVE NOT BEEN
10 PROCESSED BY A RENDERER.

11 10-1802.

12 (A) (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A
13 PERSON SHALL REGISTER ANNUALLY WITH THE DEPARTMENT BEFORE
14 TRANSPORTING WASTE KITCHEN GREASE.

15 (B) (1) A PERSON MAY TRANSPORT WASTE KITCHEN GREASE TO
16 PROPERTY OWNED BY THE PERSON TO CONVERT THE WASTE KITCHEN GREASE
17 TO BIOFUEL FOR THE PERSON’S OWN USE PROVIDED THAT THE PERSON:

18 (I) TRANSPORTS ONLY 275 GALLONS OF WASTE KITCHEN
19 GREASE IN A SINGLE VEHICLE;

20 (II) POSSESSES OR CONTROLS NO MORE THAN A TOTAL OF
21 1,320 GALLONS OF WASTE KITCHEN GREASE, BIOFUEL FEEDSTOCK DERIVED
22 FROM WASTE KITCHEN GREASE, OR BIOFUEL STOCK; AND

23 (III) HAS NOT OBTAINED ANY OF THE WASTE KITCHEN
24 GREASE THAT WILL BE TRANSPORTED FROM :

25 1. A CONTAINER OWNED BY A REGISTRANT OR A
26 COMMERCIAL RENDERER; OR

27 2. A FOOD ESTABLISHMENT UNDER CONTRACT WITH
28 A REGISTRANT.

29 (2) A PERSON MAY TRANSPORT WASTE KITCHEN GREASE TO A
30 FACILITY TO CONVERT THE WASTE KITCHEN GREASE TO BIOFUEL PROVIDED
31 THAT:

32 (I) THE PERSON:

1 1. MEETS ALL OF THE REQUIREMENTS OF
2 PARAGRAPH (1) OF THIS SUBSECTION; AND

3 2. OTHER THAN TO A PROPERTY OWNED BY THE
4 PERSON, WILL TRANSPORT THE WASTE KITCHEN GREASE TO ONLY ONE
5 FACILITY DURING A SINGLE 24-HOUR PERIOD; AND

6 (ii) THE RECEIVING FACILITY:

7 1. HAS A PRODUCTION CAPACITY NOT EXCEEDING
8 500 GALLONS OF BIOFUEL A DAY; AND

9 2. POSSESSES OR CONTROLS NO MORE THAN A
10 TOTAL OF 1,320 GALLONS OF WASTE KITCHEN GREASE, BIOFUEL FEEDSTOCK
11 DERIVED FROM WASTE KITCHEN GREASE, OR BIOFUEL.

12 (3) BIOFUEL USED TO POWER THE VEHICLE TRANSPORTING THE
13 WASTE KITCHEN GREASE IS EXCLUDED FOR THE PURPOSES OF PARAGRAPHS (1)
14 AND (2) OF THIS SUBSECTION.

15 10-1803.

16 (A) A PERSON REQUIRED TO REGISTER ANNUALLY WITH THE
17 DEPARTMENT UNDER THIS SUBTITLE AS A TRANSPORTER OF WASTE KITCHEN
18 GREASE SHALL SUBMIT AN APPLICATION FOR REGISTRATION IN THE FORM
19 REQUIRED BY THE DEPARTMENT.

20 (B) AN APPLICATION TO REGISTER UNDER SUBSECTION (A) OF THIS
21 SECTION SHALL INCLUDE:

22 (1) THE APPLICANT'S NAME AND ADDRESS;

23 (2) THE MAKE, MODEL, LICENSE NUMBER, AND VEHICLE
24 IDENTIFICATION NUMBER OF ANY VEHICLE THAT THE APPLICANT WILL USE TO
25 TRANSPORT WASTE KITCHEN GREASE;

26 (3) A DESCRIPTION OF THE OPERATIONS TO BE PERFORMED BY
27 THE APPLICANT; AND

28 (4) PROOF OF VEHICLE INSURANCE WITH PERSONAL INJURY AND
29 PROPERTY DAMAGE COMBINED SINGLE LIMIT LIABILITY LIMITS OF AT LEAST
30 \$1,000,000.

1 (C) EACH APPLICATION UNDER THIS SECTION SHALL BE ACCOMPANIED
2 BY:

3 (1) A \$100 APPLICATION FEE; AND

4 (2) A VEHICLE REGISTRATION FEE OF \$100 FOR EACH VEHICLE
5 THAT THE APPLICANT WILL USE TO TRANSPORT WASTE KITCHEN GREASE.

6 (D) THE REGISTRATION REQUIRED UNDER THIS SECTION SHALL BE
7 RENEWED ANNUALLY ON THE PAYMENT OF THE FEES REQUIRED UNDER
8 SUBSECTION (C) OF THIS SECTION.

9 10-1804.

10 (A) THE DEPARTMENT SHALL REGISTER EACH APPLICANT WHO
11 SUBMITS AN APPLICATION IN ACCORDANCE WITH § 10-1803 OF THIS SUBTITLE
12 AND ISSUE EACH REGISTRANT A UNIQUE REGISTRATION NUMBER AND A
13 CERTIFICATE CONFIRMING REGISTRATION.

14 (B) THE DEPARTMENT SHALL REQUIRE EACH REGISTRANT TO:

15 (1) CARRY THE REGISTRATION CERTIFICATE CONTAINING THE
16 UNIQUE REGISTRATION NUMBER WHEN TRANSPORTING WASTE KITCHEN
17 GREASE; AND

18 (2) CONSPICUOUSLY DISPLAY THE REGISTRANT'S NAME ~~AND~~
19 ~~REGISTRATION NUMBER IN A FONT THAT IS AT LEAST 3 INCHES HIGH~~ ON ANY
20 VEHICLE USED TO TRANSPORT WASTE KITCHEN GREASE.

21 10-1805.

22 (A) ~~THE DEPARTMENT SHALL REQUIRE EACH~~ EACH REGISTRANT ~~TO~~
23 SHALL KEEP A RECORD OF THE SOURCE, DESTINATION, DATE, AND VOLUME OF
24 WASTE KITCHEN GREASE HAULED.

25 (B) THE REGISTRANT SHALL KEEP THE RECORDS MAINTAINED UNDER
26 SUBSECTION (A) OF THIS SECTION FOR 2 YEARS AND MAKE THE RECORDS
27 AVAILABLE FOR INSPECTION BY THE ~~DEPARTMENT~~ STATE'S ATTORNEY ON
28 REQUEST.

29 10-1806.

~~THE DEPARTMENT MAY SUSPEND OR REVOKE A PERSON'S REGISTRATION ISSUED UNDER § 10-1804 OF THIS SUBTITLE, IF THE PERSON HAS~~ IT SHALL BE A VIOLATION OF THIS SUBTITLE FOR ANY PERSON TO KNOWINGLY:

(1) ~~KNOWINGLY SOLD OR OFFERED~~ SELL OR OFFER FOR SALE WASTE KITCHEN GREASE TO AN UNREGISTERED PERSON FOR TRANSPORT IN VIOLATION OF THIS SUBTITLE;

(2) REMOVE WASTE KITCHEN GREASE FROM A CONTAINER OWNED BY ANOTHER PERSON;

~~(2) STOLEN, CONTAMINATED, OR KNOWINGLY DAMAGED CONTAINERS OF OR FOR WASTE KITCHEN GREASE; OR~~

(3) STEAL OR DAMAGE A WASTE KITCHEN GREASE CONTAINER OWNED BY ANOTHER PERSON, OR PLACE A LABEL ON A CONTAINER OWNED BY ANOTHER PERSON TO ASSERT OWNERSHIP OVER THE CONTAINER; OR

~~(3)~~ (4) ~~TAKEN~~ TAKE POSSESSION OF WASTE KITCHEN GREASE THAT WAS STOLEN OR TRANSPORTED IN VIOLATION OF THIS SUBTITLE.

10-1807.

(A) THERE IS A WASTE KITCHEN GREASE FUND.

(B) THE DEPARTMENT SHALL ADMINISTER THE FUND.

(C) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(D) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(2) MONEY RECEIVED FROM ANY PUBLIC OR PRIVATE SOURCE;

(3) INTEREST AND INVESTMENT EARNINGS ON THE FUND; AND

(4) FEES AND PENALTIES COLLECTED UNDER THIS SUBTITLE.

(E) THE FUND MAY BE USED ONLY TO IMPLEMENT THIS SUBTITLE.

1 (F) (1) THE STATE TREASURER SHALL INVEST AND REINVEST THE
2 MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE
3 INVESTED.

4 (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID
5 INTO THE FUND.

6 ~~10-1808.~~

7 ~~A PERSON MAY NOT ACCEPT DELIVERY OR POSSESS MORE THAN 55~~
8 ~~GALLONS OF WASTE KITCHEN GREASE FROM AN UNREGISTERED TRANSPORTER~~
9 ~~REQUIRED TO BE REGISTERED UNDER § 10-1802 OF THIS SUBTITLE UNLESS~~
10 ~~THE PERSON:~~

11 (1) ~~MAINTAINS A RECORD FOR 2 YEARS OF:~~

12 (i) ~~THE NAME AND ADDRESS OF THE UNREGISTERED~~
13 ~~TRANSPORTER;~~

14 (ii) ~~THE DATE THAT THE PERSON RECEIVED THE WASTE~~
15 ~~KITCHEN GREASE;~~

16 (iii) ~~THE QUANTITY OF WASTE KITCHEN GREASE THAT WAS~~
17 ~~DELIVERED; AND~~

18 (iv) ~~THE LICENSE NUMBER AND ISSUING STATE ON THE~~
19 ~~LICENSE PLATE OF THE VEHICLE USED BY THE UNREGISTERED TRANSPORTER~~
20 ~~TO DELIVER THE WASTE KITCHEN GREASE; AND~~

21 (2) ~~MAKES THE RECORD REQUIRED UNDER PARAGRAPH (1) OF~~
22 ~~THIS SECTION AVAILABLE TO THE DEPARTMENT FOR INSPECTION ON REQUEST.~~

23 ~~10-1809.~~

24 (A) (1) ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~
25 ~~SUBSECTION, A PERSON OTHER THAN THE CONTAINER OWNER, OR THE~~
26 ~~CONTAINER OWNER'S AUTHORIZED AGENT, MAY NOT TAKE AND CARRY AWAY OR~~
27 ~~AID IN THE TAKING OR CARRYING AWAY OF WASTE KITCHEN GREASE THAT IS IN~~
28 ~~A CONTAINER THAT BEARS A NOTICE THAT UNAUTHORIZED REMOVAL IS~~
29 ~~PROHIBITED WITHOUT WRITTEN CONSENT FROM THE CONTAINER OWNER.~~

30 (2) ~~THE OWNER OR LESSEE OF A PROPERTY WHERE A CONTAINER~~
31 ~~OF WASTE KITCHEN GREASE HAS BEEN LAWFULLY PLACED MAY REMOVE THE~~
32 ~~CONTAINER IF:~~

~~(I) THE OWNER OR LESSEE OF THE PROPERTY NOTIFIES THE CONTAINER OWNER BY CERTIFIED MAIL THAT THE OWNER OR LESSEE OF THE PROPERTY WOULD LIKE THE CONTAINER TO BE REMOVED; AND~~

~~(II) 30 DAYS AFTER THE DATE THAT THE NOTICE UNDER ITEM (I) OF THIS PARAGRAPH WAS SENT, THE CONTAINER OWNER HAS NOT REMOVED THE CONTAINER.~~

~~(B) A PERSON MAY NOT PLACE A LABEL ON A CONTAINER OF KITCHEN WASTE GREASE OWNED BY ANOTHER PERSON IN ORDER TO ASSERT OWNERSHIP OVER THE CONTAINER.~~

~~10 10-1810, 10-1808.~~

~~(A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO:~~

~~(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000 FOR EACH VIOLATION AND COURT COSTS; AND~~

~~(2) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$10,000, IMPRISONMENT NOT EXCEEDING 1 YEAR, OR BOTH.~~

~~(B) IN ADDITION TO THE PENALTIES UNDER SUBSECTION (A) OF THIS SECTION, THE SECRETARY MAY ASSESS A CIVIL PENALTY NOT EXCEEDING \$5,000 FOR ANY VIOLATION OF THIS SUBTITLE.~~

~~(C) A PERSON MAY APPEAL THE SUSPENSION OR REVOCATION OF REGISTRATION, OR THE IMPOSITION OF A CIVIL PENALTY, IN ACCORDANCE WITH THE CONTESTED CASE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT.~~

~~24 10-1809.~~

~~25 THE STATE'S ATTORNEY OF A COUNTY SHALL ENFORCE THE PROVISIONS~~
~~26 OF THIS SUBTITLE.~~

~~27 SECTION 2. AND BE IT FURTHER ENACTED, That before October 31, 2011,~~
~~28 the Department of Agriculture may not take enforcement action under Title 10,~~
~~29 Subtitle 18 of the Agricultural Article, as enacted by Section 1 of this Act, against a~~
~~30 person who, on or before October 1, 2011, has submitted an application for registration~~
~~31 in accordance with Section 10-803 of the Agriculture Article, as enacted by Section 1~~
~~32 of this Act it is the intent of the General Assembly that the Department of Agriculture~~
~~33 has no enforcement responsibilities under the provisions of this Act.~~

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.