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ENVIRONMENTAL HEALTH DIVISION

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"ONE VOICE"



CLAUDIA JONAH, MD
PUBLIC HEALTH OFFICER

March 13, 2012

MICHAEL THOMAS
THOMAS REFUSE SERVICE INC
PO BOX 3027
LAKE ISABELLA, CA 93240

Subject: Full Local Implementation of AB 1333

Dear Sewage/Grease Pumping Business:

Assembly Bill 1333, approved in August 2006, prohibits a grease waste hauler from removing grease from a grease trap or grease interceptor unless the hauler removes all grease, greasy liquid, water, and solids from the grease trap or grease interceptor each time of removal, except as specified. The bill also made it an offense to transport grease removed from a grease trap or grease interceptor in the *same* vehicle used for transporting other waste, such as septage from on-site systems or portable toilets.

Since 2007, the City of Bakersfield Wastewater Division has held workshops related to AB 1333 which introduced the contents of the legislation to you. It was the position of the Kern County Environmental Health Division (KCEHD) to allow full implementation AB 1333 to be coincident with the final upgrades and improvements to the City's two wastewater treatment plants. This would allow time for your business to determine whether to add a vehicle specifically for grease pumping only, or to eliminate grease interceptor servicing from your business altogether. The upgrades to both plants should be completed by this July 2012.

Kern County Environmental Health Division, acting as agent of the Public Health Officer, is responsible for enforcing statutes applicable to sewage pumping and grease pumping vehicles in Kern County. Be advised, KCEHD is preparing for implementation of Assembly Bill 1333 in Kern County by informing you that *any vehicle previously used for both sewage **and** grease will henceforth be prohibited from registering to do both.*


Commencing July 1, 2012 of Fiscal Year 2012-2013, the Kern County Environmental Health Permit Registration shall either be as a *sewage pumping vehicle* **or** as a *grease waste pumping vehicle*. Sewage pumpers will no longer be allowed to co-mingle both sewage *and* grease in the same tank. Sewage pumpers will no longer be allowed to pump sewage from one location and then move on to a food facility and pump grease using that same vehicle. Grease pumpers will no longer be able to pump grease interceptors one day and then pump a septic tank using the *same* vehicle the following day.



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The civil penalties associated with failing to comply with AB 1333 are such that this office requests your full cooperation. A copy of the legislation is enclosed for your records. If you have any questions you may direct your calls to Karen Sanford at (661) 862-8703, or by e-mail at karens@co.kern.ca.us.

Sincerely,


William O'Rullian, REHS
Supervisor, Solid Waste Program

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Enclosures

cc: Louis Sun, City of Bakersfield Wastewater Division

Assembly Bill No. 1333

CHAPTER 186

An act to add Section 374.5 to the Penal Code, and to add Division 12.4 (commencing with Section 16050) to the Public Resources Code, relating to grease waste haulers.

[Approved by Governor August 28, 2006. Filed with Secretary of State August 28, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1333, Frommer. Grease waste haulers.

(1) Existing law generally regulates haulers of grease. Under existing law, the funds in the Environmental Enforcement and Training Account may be expended annually by the California Environmental Protection Agency, upon appropriation by the Legislature, to provide for statewide education and training programs in the enforcement of environmental laws and establish enhanced local environmental enforcement efforts.

This bill would prohibit a grease waste hauler from removing grease from a grease trap or grease interceptor unless the hauler removes all grease, greasy liquid, water, and solids from the grease trap or grease interceptor each time of removal, except as specified. The bill would subject a grease waste hauler to a civil penalty for a violation of these provisions and would allow for the enforcement of these provisions only against the grease waste hauling company.

The bill would require the civil penalties collected to be apportioned in a specified manner, of which 50% would be deposited in the Environmental Enforcement and Training Account and 50% to the local health officer or other local public officer or agency that investigated the matter that lead to bringing the action.

The bill would make it an offense for a grease waste hauler to reinsert, except as specified, or otherwise improperly deposit grease materials into a grease trap, manhole, or sewer appurtenance, discharge it in or on any waters of the state, or to transport grease removed from a grease trap or grease interceptor in the same vehicle used for transporting other waste. The bill would make the offenses punishable by imprisonment in a county jail for not more than 6 months, and a fine of \$10,000 for a first offense, or one year imprisonment and a fine of \$25,000 for a 2nd or subsequent offense. A court would be authorized to bar the defendant from engaging in grease hauling for up to 5 years, and could order, as a condition of probation, that the defendant remove or pay the cost of removing grease dumped in violation of these provisions, as specified.

By creating new offenses, this bill would impose a state-mandated local program.

interceptor objects to the reinsertion, no decanted material may be inserted in that grease trap or interceptor.

(c) A grease waste hauler shall not transport grease removed from a grease trap or grease interceptor in the same vehicle used for transporting other waste, including, but not limited to, yellow grease, cooking grease, recyclable cooking oil, septic waste, or fluids collected at car washes.

(d) For purposes of this section, a “grease waste hauler” is a transporter of inedible kitchen grease subject to registration requirements pursuant to Section 19310 of the Food and Agricultural Code.

(e) Any person who violates this section shall be guilty of a misdemeanor punishable by imprisonment in a county jail for not more than six months or a fine of not more than ten thousand dollars (\$10,000), or both a fine and imprisonment.

A second and subsequent conviction, shall be punishable by imprisonment in a county jail for not more than one year, or a fine of not more than twenty-five thousand dollars (\$25,000), or both a fine and imprisonment.

(f) Notwithstanding Section 1463, the fines paid pursuant to this section shall be apportioned as follows:

(1) Fifty percent shall be deposited in the Environmental Enforcement and Training Account established pursuant to Section 14303, and used for purposes of Title 13 (commencing with Section 14300) of Part 4.

(2) Twenty-five percent shall be distributed pursuant to Section 1463.001.

(3) Twenty-five percent to the local health officer or other local public officer or agency that investigated the matter which lead to bringing the action.

(g) If the court finds that the violator has engaged in a practice or pattern of violation, consisting of two or more convictions, the court may bar the violating individual or business from engaging in the business of grease waste hauling for a period not to exceed five years.

(h) The court may require, in addition to any fine imposed upon conviction, that as a condition of probation and in addition to any other punishment or condition of probation, that a person convicted under this section remove, or pay the cost of removing, to the extent they are able, any materials which the convicted person dumped or caused to be dumped in violation of this section.

(i) This section does not prohibit the direct receipt of trucked grease by a publicly owned treatment works.

SEC. 2. Division 12.4 (commencing with Section 16050) is added to the Public Resources Code, to read:

definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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