



Sharon Green  
*Tri-TAC Chair*  
Sanitation Districts of Los Angeles County  
P.O. Box 4998  
Whittier, CA 90607  
(562) 699-7411, ext. 2503  
[sgreen@lacsdsd.org](mailto:sgreen@lacsdsd.org)

August 9, 2005

Nancy Grillo  
Associate Analyst  
California Department of Food and Agriculture  
1220 N Street, Room A-116  
Sacramento, CA 95814

Dear Ms. Grillo:

The California Fats, Oils and Grease (Cal FOG) work group is pleased to provide comments on the California Department of Food and Agriculture's (CDFA) modified, draft regulations addressing Transporters of Inedible Kitchen Grease.

The Cal FOG work group is formed within Tri-TAC, a technical advisory committee representing municipal wastewater agencies throughout the state of California. Tri-TAC is jointly sponsored by the California Association of Sanitation Agencies (CASA), the League of California Cities and the California Water Environment Association (CWEA). The constituency base for Tri-TAC collects, treats and reclaims more than two billion gallons of wastewater each day and serves most of the sewered population of California. The Cal FOG work group consists of representatives of wastewater agencies, regulators, consulting firms, and restaurant and related industries.

Cal FOG submitted comments on the previous draft regulations on June 6, 2005. Although we are encouraged that CDFA incorporated some of our comments, we still have significant concerns with some aspects of the modified text that was recently released for public comment. Our key issues related to the proposed regulations include:

A technical advisory committee on POTW regulatory and policy issues

*Vice Chair*  
**Chuck Weir**  
East Bay Dischargers  
Authority  
2651 Grant Avenue  
San Lorenzo, CA 94580  
[cweir@ebda.org](mailto:cweir@ebda.org)

*Water Committee  
Co-Chairs*  
**Ben Horenstein**  
East Bay Municipal  
Utility District  
375 11th St. MS702  
Oakland, CA 94623  
(510) 287-1846  
[bhorenst@ebmud.com](mailto:bhorenst@ebmud.com)

**Terrie Mitchell**  
Sacramento Regional  
County Sanitation District  
10545 Armstrong Ave.,  
Suite #101  
Mather, CA 95655  
(916) 876-6092  
[mitchell@saccounty.net](mailto:mitchell@saccounty.net)

*Air Committee Chair*  
**Jackie Kepke**  
CH2M Hill  
155 Grand Ave., Suite 1000  
Oakland, CA 94612  
(510) 251-2426  
[jkepke@ch2m.com](mailto:jkepke@ch2m.com)

*Land Committee  
Co-Chairs*  
**Layne Baroldi**  
Orange County  
Sanitation District  
P.O. Box 9127  
Fountain Valley, CA 92728  
(714) 593-7456  
[lbaroldi@ocsd.com](mailto:lbaroldi@ocsd.com)

**Maura Bonnarens**  
East Bay Municipal  
Utility District  
375 11<sup>th</sup> St., MS702  
Oakland, CA 94623  
(510) 287-1141  
[mbonnare@ebmud.com](mailto:mbonnare@ebmud.com)

*Cal FOG Work Group  
Chair:*  
**Trish Maguire**  
East Bay Municipal  
Utility District  
375 11<sup>th</sup> St., MS702  
Oakland, CA 94623  
(510) 287-1727  
[pmaquire@ebmud.com](mailto:pmaquire@ebmud.com)

- **The revised definition of “authorized facility”** – Although CDFA included wastewater treatment facility in the revised definition, the modified proposed language is very problematic and will severely limit disposal options available for grease waste.
- **Revise the definition of “gray water”** – The current definition of gray water is confusing because gray water is commonly defined as domestic wastewater composed of wash water from kitchen, bathroom, and laundry sinks, tubs, and washers. Cal FOG recommends that “gray water” be redefined as “decant liquid.”
- **The completion of the manifest by the receiving facility** – Although CDFA provided some administrative relief on completing manifests for “automated” receiving facilities; Cal FOG believes all receiving facilities should have limited responsibility and liability with respect to completing the manifest, regardless of whether they have an automated system.
- **The accessibility of manifests by local sewer agencies** - It should be clarified that Publicly Owned Treatment Works (POTWs) and sewer collection agencies have the authority to demand transporters immediately make available any of their manifests for review. Cal FOG considers this authority necessary to help ensure illicit discharges are not occurring to the sewer system.
- **The practice of “decanting” and who may authorize this practice** – Although CDFA provided a caveat that the practice of “decanting” must be approved by the “local authority”, this term is not defined and may lead to more confusion. Cal FOG believes that approval should only reside with the local wastewater agency.

Based on these concerns, we offer the following specific comments and recommendations on the proposed regulations.

### **Section 1190.1(d) – Definitions**

As stated in our June 6, 2005 comments, many POTWs currently accept grease interceptor waste at their facilities (e.g. at their headworks or septage dumping stations). Although CDFA modified the definition of “authorized facility” to include landfills or wastewater treatment facilities, the revised text is very problematic, in that it requires the facility’s waste discharge requirements (WDR) to expressly allow for the treatment or disposal of grease. A facility’s WDR is the facility’s permit that is issued by the Regional Water Quality Control Board. These permits are only issued every five years and take a tremendous amount of time to prepare, negotiate and issue. Furthermore, these permits do not stipulate what types of waste or materials a POTW can receive, but rather it stipulates effluent limits that the POTW must meet prior to discharging their treated wastewater. It is up to the POTW to design a system to meet the effluent limits specified. Therefore, it is inappropriate to have the WDR specify whether the POTW can accept grease.

Unfortunately, the current proposed definition might actually create more illicit grease dumping since many POTWs will no longer be able to accept grease because it is not expressly stipulated in their WDR. Therefore, Cal FOG recommends that the following definition be included in the regulations:

**“Authorized receiving facility” or “receiving facility” means a licensed renderer or collection center, a landfill or wastewater treatment facility that has waste discharge requirements that expressly allow treatment or disposal of grease a POTW with an NPDES permit or waste discharge requirement that accepts the direct receipt of trucked interceptor waste, or other facility authorized to receive grease, as approved by the Department.**

In addition, the definition of gray water in the regulation is confusing. Gray water is commonly defined as a domestic wastewater. Cal FOG recommends that the definition be revised to define “gray water” as “decant liquid” and include the following definition in the regulations:

**“Gray water” “Decant Liquid” means the water liquid portion of interceptor waste after the separation process.**

### **Section 1190.2 Interceptor Waste Removal Manifest**

#### **Section 1190.2 (a) (3)**

This section requires the “authorized facility” receiving the interceptor waste to complete a portion of the manifest and sign it, unless the receiving facility uses an automated system. Cal FOG recommends that the transporter complete this documentation regardless of whether the receiving facility has an automated system. Transporters should have this responsibility to complete this portion of the manifest and should document receiving facility name, load volume, disposal date and time, and serial number of the transporting vehicle. The transporter’s signature on the manifest then makes them liable for the information provided. Requiring the receiving facility to complete this portion of the manifest could have significant staffing and cost impacts to receiving facilities. Facilities would need to hire and train, at a minimum, an additional staff person to oversee this activity, resulting in cost impacts of over \$100,000 per year per receiving facility. We suggest the following changes that were previously provided to CDFA be included in the regulations that would still provide documentation illustrating the proof of delivery of interceptor waste, but with less cost impacts and burden to the receiving facility (see underline & strikeout below).

**Section 1190.2 (a) (3) Upon delivery of interceptor waste to an authorized receiving facility, ~~the transporter must sign and date the manifest under penalty of perjury. The authorized receiving~~**

facility **the transporter** shall complete the **delivery portion** of the receiving facility portion of the manifest, which shall include:

- (A) The name and address of the receiving facility,
- (B) The ~~estimated volume or quantity of interceptor waste~~ **delivered** received,
- (C) The date and time the load was **delivered**, and
- (D) The current inedible kitchen grease serial number of the transporting vehicle, ~~and~~

~~(E) The signature of a representative of the receiving facility.~~

**Upon delivery of interceptor waste to an authorized receiving facility, the transporter must sign the completed manifest under penalty of perjury.**

**The receiving facility must then provide the transporter with proof of delivery, either by signing the manifest acknowledging receipt of the interceptor waste or by providing some other proof of delivery, such as an authorized facility generated receipt including, facility name, date, and time received. The transporter shall then attach the receipt to the manifest.**

~~(F) If the receiving facility uses an automated system for receiving interceptor waste, the transporter shall complete the receiving facility portion of the manifest, except for the signature block which may remain blank, and shall attach to the manifest a copy of a receipt provided by the receiving facility at the time of delivery that contains the information required in (A), (B), (C), and (D) of this subsection.~~

#### Section 1190.2 (a) (5)

Cal FOG recommends that this section be clarified to ensure that local sewer collection systems and wastewater agencies (including POTWs) have the authority to demand transporters immediately make available any of their manifests for review. This authority is clearly necessary to prevent illicit dumping of grease into the sewer system, which could result in a sanitary sewer overflow (SSO). Local sewer authorities currently have purview over any discharges to their system and expressly prohibit any discharges that could harm the sewer system or result in a blockage that could cause a SSO. In addition, many wastewater agencies throughout the state have developed FOG control programs, which require tracking interceptor waste disposal from generator to disposal site. Accordingly, having accessibility to transporters manifests will help ensure grease waste is being properly disposed of and that transporters are not engaging in the practice of illicit dumping. (See underline & strikethrough below).

Section 1190.2 (a) (5) Upon demand by any Department employee, any officer of the California Highway Patrol, and peace officer as defined in section 830.1 or 830.2 of the California Penal Code, any county or city environmental health officer, any district attorney, **any local sewer authority (e.g., POTW, local sewer collection system, or a city, county or utility district that has jurisdiction over the sewer conveyance or treatment system)** or any local public officer designated by the Department, the transporter shall immediately make available any manifest, or a copy of such manifest, and copies of all receipts attached to the manifest, completed within the past five days.....

### **Section 1190.3 Interceptor Waste Removal Receipts and Associated Manifest Form 79-120**

#### **Section 1190.3 (a)**

This section has been modified to authorize “gray water” to be re-inserted into a grease interceptor or grease trap, if permitted by a local authority. As stated in our previously submitted comments, the process of “decanting” is of concern to many POTWs and sewer collection agencies because each transporter’s ability to decant properly varies widely, which may lead to the reinsertion of grease and solids back into an interceptor in addition to the decant liquid. The term “local authority” is too vague and may lead to confusion to grease transporters. Only the local sewer authority should authorize this decanting activity. Therefore, Cal FOG recommends this section be modified as indicated below with the new proposed language underlined.

Sections 1190.3 (a) **Transporters shall, to the extent feasible, completely remove all grease, greasy liquid, solids and matter from the grease interceptor or grease trap each time of removal. No materials, including decant liquid, may be reinserted into the grease interceptor or grease trap, unless specifically allowed by the local sewer authority (e.g. wastewater treatment plant, or a city, county or utility district that has jurisdiction over the sewer conveyance or treatment system).** Transporters shall document the total quantity of interceptor waste removed from any grease interceptor or grease trap, and, ~~if permitted under local authority,~~ the total quantity of **decant liquid** reinserted into a grease interceptor or grease trap, if any, through receipts. Transporters shall use the receipts to determine the total ~~estimated~~ volume of interceptor waste in the vehicle as required by Section 1190.2(a)(2).

Manifest Form 79-120

Cal FOG recommends that the manifest form be modified. Specifically, the section that requires the transporter to document the volume of decant liquid returned to the interceptor should have a statement that includes the caveat "*if allowed by the local sewer authority*". This is consistent with our comments stated above to minimize any confusion or ambiguity for transporters. In addition, a transporter signature line should be added which correlates to Cal FOG recommendations on Section 1190.2 (a) (3). An edited version of the manifest is attached for your review.

Cal FOG appreciates the opportunity to work with CDFA on these new regulations and hope you find our comments helpful. If you have any questions regarding our comments, please feel free to contact Trish Maguire, Cal FOG Work Group Chair at (510) 287-1727.

Sincerely;



Sharon Green  
Chair, Tri-TAC

Attachment

cc: Douglas Hepper, DVM (CDFA)  
Trish Maguire, Cal FOG Work Group Chair  
Mike Dillon, CASA

TLM/TM

**DEPARTMENT OF FOOD AND AGRICULTURE**

Meat and Poultry Inspection Branch  
 0 N Street  
 Sacramento, CA 95814  
 (916) 634-0504  
 79-120 (Est. 03/05)

**INTERCEPTOR WASTE TRANSPORTER  
 MANIFEST AND RECEIPT**

Preprinted Manifest Number

Transporter Serial Number	
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Receiving Facility		<i>Add Transporter's signature at time of delivery</i> <hr/> Signature - Receiving Facility	
Address			
<i>Date</i>		<i>Time</i>	<i>Total Waste Received (Gallons)</i>

Generator Name		Generator Signature	
Generator Address		<i>Total Working Capacity of Interceptor</i>	
Transporter Name		Volume Pumped (Gallons)	-
Transporter Signature		* Volume <del>Gray Water</del> <i>Decant Liquid</i> Returned (Gallons)	
Transporter Serial Number	<i>Date</i>	<i>Time</i>	Total Waste Removed (Gallons)
Destination of Interceptor Waste		<i>Unique Sequence Number</i>	

Generator Name		Generator Signature	
Generator Address		<i>Total Working Capacity of Interceptor</i>	
Transporter Name		Volume Pumped (Gallons)	
Transporter Signature		* Volume <del>Gray Water</del> <i>Decant Liquid</i> Returned (Gallons)	
Transporter Serial Number	<i>Date</i>	<i>Time</i>	Total Waste Removed (Gallons)
Destination of Interceptor Waste		<i>Unique Sequence Number</i>	

Generator Name		Generator Signature	
Generator Address		<i>Total Working Capacity of Interceptor</i>	
Transporter Name		Volume Pumped (Gallons)	
Transporter Signature		* Volume <del>Gray Water</del> <i>Decant Liquid</i> Returned (Gallons)	
Transporter Serial Number	<i>Date</i>	<i>Time</i>	Total Waste Removed (Gallons)
Destination of Interceptor Waste		<i>Unique Sequence Number</i>	

\* If allowed by the local sewer authority (e.g. wastewater treatment plant or agency that has jurisdiction over the sewer conveyance or treatment system.