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## HOUSE BILL NO. 1322

Offered January 22, 2010

A BILL to amend the Code of Virginia by adding in Title 3.2 a chapter numbered 55.1, consisting of sections numbered 3.2-5508 through 3.2-5514, relating to waste kitchen grease; transportation; fees; penalty.

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Patron—Sherwood

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Referred to Committee on Agriculture, Chesapeake and Natural Resources

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 3.2 a chapter numbered 55.1, consisting of sections numbered 3.2-5508 through 3.2-5514, as follows:**

**CHAPTER 55.1.****WASTE KITCHEN GREASE.****§ 3.2-5508. Definitions.**

As used in this chapter unless the context requires a different meaning:

"Food establishment" means those operations subject to regulation by the Virginia Department of Health as food establishments under the authority granted by § 35.1-14.

"Registrant" means any person who has registered with the Department as a transporter of waste kitchen grease and includes any person who holds more than five percent equity, ownership, or debt liability in the person registered to engage in the transportation of waste kitchen grease.

"Renderer" means any person who commercially cooks carcasses, or parts or products of carcasses, of cattle, swine, poultry, and other animals and other waste animal by-products and waste kitchen grease into usable products.

"Transport" or "transportation" means the movement of waste kitchen grease in a motor vehicle on public roads.

"Trap grease" means waste kitchen grease that is removed from a grease trap and is principally derived from food preparation and processing.

"Usable products" means a product resulting from the processing of waste kitchen grease and shall include biofuels, lubricants, and animal feed, provided that such animal feed uses are allowed by the U.S. Food and Drug Administration.

"Waste kitchen grease" means animal fats or vegetable oils that have been used, and will not be reused, for cooking in a food establishment, including trap grease.

**§ 3.2-5509. Application; registration term; fees.**

A. Any person who transports waste kitchen grease shall submit an application for registration to the Department not less than 30 days before such transportation. Registration shall be for a term no longer than one year. The application shall include:

1. The applicant's name and address;
2. A description of the operations to be performed by the applicant;
3. The make, model, license number, and vehicle identification number of any vehicle to be used for the transportation of waste kitchen grease;
4. A nonrefundable application fee of \$100;
5. A fee of \$300 per vehicle used to transport waste kitchen grease for the first 10 vehicles used for such purpose; and

6. Proof of personal injury and property damage liability insurance in an amount not less than \$2 million, unless such applicant complies with the requirements of § 3.2-5510.

B. The Department shall issue each registrant a unique registration number and a registration certificate.

**§ 3.2-5510. Individual use; limitations and additional requirements.**

An individual who transports waste kitchen grease for his own personal and noncommercial use also shall:

1. Not transport more than 55 gallons of waste kitchen grease at any time;
2. Not possess or control more than 165 gallons of waste kitchen grease at any time;
3. Not obtain waste kitchen grease from (i) a container owned by another registered transporter of waste kitchen grease, (ii) a food establishment under contract with a registered transporter of waste kitchen grease, or (iii) a container owned by a renderer or collection center;
4. Have a document in his possession while transporting waste kitchen grease with the signature of the responsible party who provided the waste kitchen grease then in transport evidencing that person's

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HB1322

59 permission for removal of the waste kitchen grease;

60 5. Specify the name and address of the location where the waste kitchen grease is stored and  
61 processed into a usable product, if that address is different from the address included on the  
62 registration form for that individual;

63 6. Notify the local fire department of the name and address of the location where the waste kitchen  
64 grease is processed into usable products; and

65 7. Not sell, barter, or trade any waste kitchen grease or any usable product derived from such waste  
66 kitchen grease.

67 § 3.2-5511. Recordkeeping.

68 Every registrant shall record, maintain for two years, and make available for inspection by the  
69 Department the following information:

70 1. The name and address of each location from which the registrant obtained the waste kitchen  
71 grease for transportation;

72 2. The quantity of material received from each location;

73 3. The date on which the waste kitchen grease was obtained from each location; and

74 4. The renderer or other processor to which the waste kitchen grease was delivered.

75 § 3.2-5512. Possession of certificate; display of registration information on motor vehicle.

76 No person shall transport waste kitchen grease without (i) having in his possession a registration  
77 certificate and (ii) conspicuously displaying the registrant and the registration number in letters not less  
78 than three inches high on any vehicle used for the transportation of waste kitchen grease.

79 § 3.2-5513. Suspension or revocation.

80 The Department may suspend or revoke a registration at any time if, in its discretion, the registrant  
81 has:

82 1. Sold or offered for sale to an unregistered person any waste kitchen grease knowing such  
83 unregistered person would transport such waste kitchen grease;

84 2. Stolen, misappropriated, contaminated, or damaged any waste kitchen grease container or grease  
85 therein; or

86 3. Taken possession of waste kitchen grease from an unregistered transporter or has knowingly taken  
87 possession of waste kitchen grease that has been stolen.

88 § 3.2-5514. Unlawful acts; penalty.

89 A. It shall be unlawful for any person:

90 1. To steal, misappropriate, or contaminate waste kitchen grease;

91 2. Intentionally damage containers used to collect or transport waste kitchen grease;

92 3. Take possession of waste kitchen grease from an unregistered transporter; or

93 4. Knowingly take possession of stolen waste kitchen grease.

94 B. Any person who violates any provision of this chapter shall be guilty of a Class 1 misdemeanor.

95 The Department may assess a civil penalty of not more than \$5,000 for any violation of this chapter.

96 2. That the provisions of this act shall become effective on October 30, 2010. However, the  
97 Virginia Department of Agriculture and Consumer Services shall develop the form of application,  
98 and begin the acceptance of such applications, beginning July 1, 2010.