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

Dear Ms. Grillo:

Tri-TAC is pleased to provide comments on the California Department of Food and Agriculture's (CDFA) modified draft regulations addressing Transporters of Inedible Kitchen Grease.

Tri-TAC is a technical advisory committee representing municipal wastewater agencies throughout the state of California. Tri-TAC members include 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. These regulations are of particular importance to Tri-TAC agencies that are tasked with reducing grease-related sanitary sewer overflows and blockages through the control of grease discharge to the sanitary sewer. In addition, many Publicly Owned Treatment Works (POTWs) are able to accept inedible kitchen grease at their treatment plant and effectively use it to generate methane, a clean source of energy. These POTWs require a manifest system that will ensure proper tracking of the materials they receive.

Tri-TAC (through Cal FOG) submitted comments on the previous CDFA draft regulations on June 6, 2005, and August 9, 2005. CDFA has addressed some of the comments submitted by Tri-TAC; however, we have significant concerns with three remaining aspects of the modified text. If these concerns are not addressed, these regulations will not meet the intended purpose of AB 1065, which is to protect the environment, to reduce sanitary sewer blockages, and to prevent the improper and illegal transportation and disposal of inedible kitchen grease.

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Our key issues related to the proposed regulations include:

- **The completion of the manifest by the receiving facility** – Receiving facilities should have limited responsibility and liability with respect to completing the manifest. The transporters should complete all portions of the manifest under penalty of perjury except the receiving facility signature. Receiving facility personnel's signature on the manifest should represent confirmation that a hauler delivered a load detailed in the corresponding manifest, not the content or the volume of the load.
- **A complete pump out of grease interceptors** – Transporters must perform a complete pump out of a grease interceptor to remove all grease, greasy liquids, and solids from the grease interceptor or grease trap each time an interceptor is pumped. This is essential to ensure the integrity of a system that will properly track the disposal of grease interceptor waste.
- **The practice of decanting** – CDFA requires that the local authority must approve the practice of decanting. The practice of decanting should not be permitted at any time because decanting will negate the entire proposed manifesting system.

Based on these concerns, Tri-TAC offers the following comments and recommendations on the proposed regulations.

1. SECTION 1190.2 INTERCEPTOR WASTE REMOVAL MANIFEST

Section 1190.2 (a) (2)

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. The transporter should complete this documentation regardless of whether or not the receiving facility has an automated system. Transporters are responsible for the contents of their truck and should be responsible for documenting the disposal location information with the exception of the receiving facility signature. A transporter's signature on the manifest should signify that the information provided is true and accurate and that the transporter is liable for the information provided. The signature of a receiving facility should signify only that a load was received by the authorized receiving facility, but does not confirm the contents or volume of most trucks. POTWs (and other receiving facilities) simply do not have the means to verify the volume of waste grease received that a transporter records on the manifest. Trucks are not designed with a sight glass that allows receiving facility staff to confirm the volume contained in a truck. We suggest the following changes for inclusion in the regulations that require the receiving facility to document proof of receipt of interceptor waste via a signature on the

manifest, but place the burden of proof of delivery upon the transporter (see underline & strikeout below).

Section 1190.2 (a) (2) 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 then 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, the information required in (A), (B), (C), and (D) of this subsection. The transporter shall 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.~~

2. SECTION 1190.3 INTERCEPTOR WASTE REMOVAL RECEIPTS

Section 1190.3 (a)

This section has been modified to authorize the water portion of interceptor or trap waste to be reinserted into a grease interceptor or grease trap, if permitted by a local authority. Decanting cannot be permitted because it allows for the breakdown of the grease disposal manifest/tracking system. A complete grease interceptor pump out with no decanting assures a meaningful mechanism to track the volume of grease removed from an interceptor and brought to an authorized disposal location. A complete pump out is the only accurate way to reconcile grease interceptor volumes removed and volumes delivered for disposal from each grease interceptor. Therefore, Tri-TAC requests 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, and solids 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.** Transporters shall document the total quantity of interceptor waste removed from any grease interceptor or grease trap, ~~and, the total quantity of the water portion of such interceptor waste 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).

Tri-TAC 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;



Chuck Weir
Chair, Tri-TAC

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

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