

*Subtitle 18. Waste Kitchen Grease.***§10–1801. Definitions.**

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Food establishment” means:
  - (1) A food service facility; or
  - (2) A food processing plant.
- (c) (1) “Registrant” means a person who has registered with the Department as a transporter of waste kitchen grease under this subtitle.
  - (2) “Registrant” includes a person who holds an equity, ownership, or debt liability interest exceeding 5% in:
    - (i) A vehicle used by a registrant to transport waste kitchen grease; or
    - (ii) A registrant that is a business or corporation.
- (d) “Renderer” means a person that cooks animal carcasses, or parts or products of carcasses, waste animal by-products, and waste kitchen grease into usable end products.
- (e) (1) “Waste kitchen grease” means animal fats or vegetable oils used in cooking or generated by a food establishment that will not be consumed or reused as food.
  - (2) “Waste kitchen grease” includes animal fats or vegetable oils that are principally derived from food preparation and processing and have not been processed by a renderer.

**§10–1802. Transportation of waste kitchen grease.**

- (a) Except as provided in subsection (b) of this section, a person shall register annually with the Department before transporting waste kitchen grease.
- (b) (1) A person may transport waste kitchen grease to property owned by the person to convert the waste kitchen grease to biofuel for the person’s own use provided that the person:
  - (i) Transports only 275 gallons of waste kitchen grease in a single vehicle;
  - (ii) Possesses or controls no more than a total of 1,320 gallons of waste kitchen grease, biofuel feedstock derived from waste kitchen grease, or biofuel stock; and
  - (iii) Has not obtained any of the waste kitchen grease that will be transported from:
    - 1. A container owned by a registrant or a commercial renderer;
- or
- 2. A food establishment under contract with a registrant.
- (2) A person may transport waste kitchen grease to a facility to convert the waste kitchen grease to biofuel provided that:
  - (i) The person:
    - 1. Meets all of the requirements of paragraph (1) of this subsection; and

2. Other than to a property owned by the person, will transport the waste kitchen grease to only one facility during a single 24-hour period; and

(ii) The receiving facility:

1. Has a production capacity not exceeding 500 gallons of biofuel a day; and

2. Possesses or controls no more than a total of 1,320 gallons of waste kitchen grease, biofuel feedstock derived from waste kitchen grease, or biofuel.

(3) Biofuel used to power the vehicle transporting the waste kitchen grease is excluded for the purposes of paragraphs (1) and (2) of this subsection.

### **§10–1803. Annual registration for transportation.**

(a) A person required to register annually with the Department under this subtitle as a transporter of waste kitchen grease shall submit an application for registration in the form required by the Department.

(b) An application to register under subsection (a) of this section shall include:

(1) The applicant's name and address;

(2) The make, model, license number, and vehicle identification number of any vehicle that the applicant will use to transport waste kitchen grease;

(3) A description of the operations to be performed by the applicant; and

(4) Proof of vehicle insurance with personal injury and property damage combined single limit liability limits of at least \$1,000,000.

(c) Each application under this section shall be accompanied by:

(1) A \$100 application fee; and

(2) A vehicle registration fee of \$100 for each vehicle that the applicant will use to transport waste kitchen grease.

(d) The registration required under this section shall be renewed annually on the payment of the fees required under subsection (c) of this section.

### **§10–1804. Registration certificate.**

(a) The Department shall register each applicant who submits an application in accordance with § 10–1803 of this subtitle and issue each registrant a unique registration number and a certificate confirming registration.

(b) The Department shall require each registrant to:

(1) Carry the registration certificate containing the unique registration number when transporting waste kitchen grease; and

(2) Conspicuously display the registrant's name on any vehicle used to transport waste kitchen grease.

### **§10–1805. Records of waste kitchen grease.**

(a) Each registrant shall keep a record of the source, destination, date, and volume of waste kitchen grease hauled.

(b) The registrant shall keep the records maintained under subsection (a) of this section for 2 years and make the records available for inspection by the State's Attorney on request.

**§10–1806. Suspension or revocation of registration.**

It shall be a violation of this subtitle for any person to knowingly:

- (1) 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;
- (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
- (4) Take possession of waste kitchen grease that was stolen or transported in violation of this subtitle.

**§10–1807. Waste Kitchen Grease Fund.**

- (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 collected under this subtitle.
- (e) The Fund may be used only to implement this subtitle.
- (f) (1) The State Treasurer shall invest and reinvest the money of the Fund in the same manner as other State money may be invested.  
(2) Any investment earnings of the Fund shall be paid into the Fund.

**§10–1808. Penalties.**

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.

**§10–1809. Enforcement of provisions.**

The State's Attorney of a county shall enforce the provisions of this subtitle.