

1  
2 **ORDINANCE NO. 830**  
3 **AN ORDINANCE OF THE COUNTY OF RIVERSIDE REGULATING THE**  
4 **LAND APPLICATION OF CLASS A SEWAGE SLUDGE FOR**  
5 **AGRICULTURAL ACTIVITIES**

6 The Board of Supervisors of the County of Riverside Ordains as follows:

7 **Section 1. Authority.**

8 This chapter is adopted pursuant to the police power granted to Riverside County by  
9 Article XI, Section 7 of the California Constitution. In addition, 40 CFR 503.5, 33  
10 USCA 1345(e) and California Water Code Section 13274(i) grant authority to local  
11 government to impose more stringent requirements on the use, disposal and land  
12 application of sewage sludge in order to protect public health and the environment  
13 from the adverse effect of such sludge.

14 **Section 2. Purpose and Intent.**

15 **A)** It is the purpose and intent of this Chapter to regulate the land application of bulk  
16 Class A Sewage Sludge in a manner that is consistent with agronomic rates and  
17 protects public health, ground and surface water, soils, and agricultural markets.

18 **B)** This Chapter shall not regulate the distribution of Class A EQ products for uses such  
19 as horticultural, industrial, commercial or residential property development or golf  
20 courses. This Ordinance is only intended to apply to commercial farming  
21 applications.

22 **Section 3. Definitions.**

23 Whenever in this Chapter the following terms are used, they shall have the meanings  
24 respectively ascribed to them in this Section.

25 **A) "Agronomic Rate"** shall mean Class A Biosolids applications that, in conjunction  
26 with existing plant available nitrogen (PAN) levels, will not exceed nitrogen fertilizer  
27 rates for the crop to be grown as determined by the Riverside County Agricultural  
28 Commissioner and will not result in phytotoxicity (accumulation of heavy metals  
29 and/or nutrients adverse to normal vegetative growth).

30 **B) "Bulk Biosolids"** shall mean Class A Biosolids that are not sold or given away in a  
31 bag for application to commercial farmland.

32 **C) "Class A Sewage Sludge" or "Biosolids"** shall mean the accumulated matter  
33 produced in the treatment of wastewater that has been processed for pathogen  
34 reduction in accordance with Federal 40 CFR Part 503, Section 503.32 (a), one of the  
35 vector attraction reduction standards set forth in 40 CFR Section 503.33, and meets  
36 the ceiling concentration limits in 40 CFR Section 503.13 Table 1. Class A Biosolids  
37 from each generator, or process and location if multiple processes or locations are

1 used, shall be placed in a tier level based on its nuisance value as determined by a  
2 Product Review Panel established by the Health Officer for Riverside County.

3 1. **“Tier 1”** shall mean any Bulk Class A EQ Biosolids for which the generator  
4 has demonstrated minimal nuisance (fly attraction and odor) generating  
5 characteristics as determined by the Product Review Panel.

6 2. **“Tier 2”** shall mean any Bulk Class A EQ Biosolids for which the nuisance  
7 (fly attraction and odor) generating characteristics of the Biosolids, as  
8 determined by the Product Review Panel, warrant minimal buffer zones.

9 3. **“Tier 3”** shall mean any Bulk Class A EQ Biosolids for which the nuisance  
10 (fly attraction and odor) generating characteristics of the Biosolids, as  
11 determined by the Product Review Panel, warrant moderate buffer zones.

12 4. **“Tier 4”** shall mean any Bulk Class A Biosolids for which the nuisance (fly  
13 attraction and odor) generating characteristics of the Biosolids, as determined by  
14 the Product Review Panel, warrant maximal buffer zones. All Class A Biosolids  
15 shall be considered to be Tier 4 Biosolids until such time as the Product Review  
16 Panel may evaluate and slot such Biosolids into another tier.

17 **D) “Class A EQ ”** shall mean Class A Biosolids meeting the ceiling concentrations set  
18 forth in 40 CFR Section 503.13(b)(1), the pollutant concentration standards set forth  
19 in 40 CFR Section 503.13(b)(3), and one of vector attraction reduction options set  
20 forth in 40 CFR Section 503.33(b)(1)-(8).

21 **E) “Commissioner”** shall mean the Agricultural Commissioner for the County of  
22 Riverside and his or her designee.

23 **F) “County”** shall mean the County of Riverside, State of California.

24 **G) “Department”** shall mean the Department of Environmental Health for the County of  
25 Riverside.

26 **H) “Director”** shall mean the Director of Environmental Health for the County of  
27 Riverside and his or her designee.

28 **I) “Generator”** shall mean Municipal Wastewater Treatment Facility or Sewage  
29 Sludge Treatment Facility.

30 **J) “Grower”** shall mean the person or entity primarily responsible for planting,  
31 maintaining, and harvesting or allowing the use of crops and/or rangeland for  
32 domestic animal or human use.

33 **K) “Independent Hearing Panel”** shall mean the panel established pursuant to  
34 California Public Resources Code Section 44308 for solid waste facility issues and  
35 consisting of a minimum of three persons.

- 1 L) **"Land Application"** shall mean the placement of Class A Biosolids within the first  
2 three (3) feet of the surface of agricultural land to facilitate the growth of crops.
- 3 M) **"Land Owner"** shall mean any person, firm, business, city, county, district, special  
4 district including a water district, sole proprietorship, partnership, joint venture, trust,  
5 association or corporation whether for profit or non profit that owns real property  
6 within the unincorporated areas of Riverside County.
- 7 N) **"Site"** shall mean a discrete parcel of land, greater than 2 acres, upon which Class A  
8 Biosolids is to be applied for the purpose of growing crops.
- 9 O) **"Product Review Panel"** shall mean a panel appointed or reappointed by the  
10 County Health Officer on or before February 1 of each calendar year, composed of  
11 six individuals representing the following groups: 1) Citizen; 2) County Staff; 3)  
12 Product Generator; 4) Transporter or Farmer; 5) Academic, County Extension or  
13 Agricultural Commissioner representative, 6) Processor.
- 14 P) **"Processor"** shall mean any person, firm or business responsible for transforming  
15 biosolids received from a Generator into Class A Biosolids.
- 16 Q) **"Transporter"** shall mean any person, company, organization, or other legal entity  
17 engaged, or about to become engaged with the transportation of Class A Biosolids  
18 received from a Generator or Processor for the purpose of land application.

19 **Section 4. Prohibitions.**

- 20 A) No Generator, Processor, Transporter, Grower or Landowner shall engage in any land  
21 application activities that are: inconsistent with the standards of this Ordinance,  
22 exceed agronomic rates, or are otherwise prohibited by or in violation of any other  
23 Federal, State or Local standard.
- 24 B) No Generator, Processor, Transporter, Grower or Landowner shall engage in any land  
25 application activities without the prior, unexpired and unrevoked registration with the  
26 Department.
- 27 C) No person shall deliver bulk Class A Biosolids to any site for the purposes of land  
28 application unless that site is in compliance with all notifications and has a current  
29 and unrevoked registration with the Department as required by this Ordinance.

30 **Section 5. Exemptions.**

31 The following sites shall be exempted from the prohibitions:

- 32 A) Agricultural sites operated in conjunction with a public school with a recognized  
33 agricultural training program or curriculum.
- 34 B) A tree or vine farming operation considered active by the Commissioner.

1 **Section 6. Generators, Processors and Transporters.**

2 **A) Registration:** Each Generator, Processor and Transporter shall be registered with the  
3 Department prior to conducting activities regulated under this Ordinance, with said  
4 registration valid for up to 5 years, with payment of annual registration fees, using  
5 forms provided by the Department to include:

- 6 1. Name and address of the Generator, Processor or Transporter.
- 7 2. Type of organization such as sole proprietorship, partnership, agency,  
8 municipality, special district, joint venture, lease, corporation, business trust of  
9 company including names and home addresses.
- 10 3. Name of person submitting application, and relationship to generator,  
11 processor or transporter.
- 12 4. Identification (name and phone number of the local contact person).
- 13 5. Additional application requirements for Generators and Processors:
  - 14 a) List of Facilities from which Class A Biosolids is generated.
  - 15 b) Method or methods used to achieve Class A level.
  - 16 c) Any and all documents related to the identification of incomplete or  
17 inadequate processes to achieve a Class A Biosolids designation..
  - 18 d) Remediation protocols to be used in the event that Biosolids not meeting  
19 Class A standards are delivered to a site.
  - 20 e) Additional application requirements for Transporter:
  - 21 f) A written spill prevention and response program.

22 **B) Tier Placement.** Class A Biosolids from each Generator and Processors, or process  
23 and location if multiple processes or locations are used, shall be placed in a tier level  
24 based on their nuisance value as determined by a Product Review Panel using  
25 protocols established by the Health Officer for Riverside County.

26 **C) Standards of Operation**

- 27 1. A Generator and/or Processor:
  - 28 a) Shall advise the Department within 1 business day of any event that may  
29 impact the quality of the Class A Biosolids being provided for land  
30 application.
  - 31 b) Shall advise the Department within 1 business day of any notice from the  
32 governing regional water quality control board or USEPA of any  
33 violation that may impact the quality of the Class A Biosolids being  
34 provided for land application.

- 1 c) Shall individually certify each load as meeting the Class A standards.
- 2 d) Shall implement the above identified remediation protocol upon  
3 determination or notification that Biosolids not meeting Class A  
4 Biosolids standards are delivered to a site.
- 5 e) Shall, at a minimum, perform monthly site visits and audit the land  
6 application practices in use for their Tier 2, 3 and 4 Class A Biosolids.  
7 The results of the above audit shall be reported to the Department  
8 biannually using forms provided by the Department and shall include  
9 any actions taken by the Generator.
- 10 f) Shall demonstrate pathogen destruction through process controls  
11 including but not limited to alarming, shutdown procedures or testing to  
12 preclude land application of substandard Biosolids. Records  
13 demonstrating compliance shall be maintained for a period of one year  
14 from the time of application.
- 15 g) Shall maintain processes to meet Class A Standards. Failure to do so  
16 shall result in the denial or rescission of the registration.
- 17
- 18 2. A Transporter:
- 19 a) Shall mark- each vehicle with the identity and telephone number of the  
20 Transporter, subcontractor or other responsible operator clearly visible,  
21 on the rear and on each side, with letters of not less than three (3) inches  
22 in height.
- 23 b) Shall design and maintain Vehicles in such a manner as to prevent  
24 leakage of liquids or spilling, blowing or loss of Biosolids during  
25 transportation.
- 26 c) Shall provide a shovel, broom, fire extinguisher, and first aid kit to be  
27 maintained on vehicles at all times.
- 28 d) Shall ensure that the Class A Biosolids quality certification is available  
29 for review on the vehicle, and copies from each load are retained on site  
30 until all deliveries are complete.
- 31 e) Shall create and maintain an accurate record for each load of Class A  
32 Biosolids delivered and applied in Riverside County including, but not  
33 limited to, the information listed below:
- 34 (i) Generator (by specific facility),
- 35 (ii) Date and time picked up,
- 36 (iii) Date and time delivered to site.
- 37 (iv) Site identification:

- 1 (v) Load size; and,
- 2 (vi) Vehicle(s) and driver(s).

3 Such records shall be submitted to the Department within fifteen (15)  
4 days from the end of any reporting month in which activity occurs, and  
5 an annual report within 30 days of the end of the calendar year.

- 6 f) Shall maintain vehicle exteriors to be free of sludge before entering  
7 public roads and in sound mechanical condition. All loads shall be fully  
8 and securely covered. Transporter shall immediately and completely  
9 clean any and all spillage.

10 **Section 7. Tier 1 Standards.**

11 **A) Site Notification**

12 1. The Transporter and Grower shall be jointly responsible for notification of  
13 the Department for Sites receiving Tier 1 Biosolids. Such notification shall be  
14 made no later than the last business day prior to delivery of the Biosolids, using  
15 forms provided by the Department to include:

- 16 a) Name, address and phone number of the grower or land owner with  
17 evidence of grower or land owner agreeing to the application of Class A  
18 Tier 1 Biosolids use, right of entry and any other conditions.
- 19 b) Riverside County Assessors Parcel Number (APN).
- 20 c) A map of the application site.
- 21 d) The Generator(s) or Processor(s) from which the Transporter receives  
22 the Biosolids.
- 23 e) The amount of Tier 1 Biosolids to be applied, including an analysis of  
24 agronomic rate to include the accounting of existing soil nitrogen levels  
25 using the concentration of soil nitrate (in ppm) to a depth of 1 foot.
- 26 f) Fees per Section 13 below.

27 **B) Standards of Operation:** Grower and Transporter shall be jointly responsible for  
28 ensuring conformity to the following site conditions:

29 1. Delivery to land application sites adjacent to residential developments shall  
30 be limited to the hours between 6:00 AM and 8:00 PM unless the staging area is  
31 greater than 500 ft from the nearest dwelling.

32 2. Biosolids not meeting Class A Tier 1 Standards shall not be delivered to the  
33 site. The Generator or Processor shall implement the above identified  
34 remediation protocol upon notification or receipt of information that Biosolids  
35 delivered to the site do not meet all standards as identified herein.

- 1           3. The transporter shall ensure that the Class A Biosolids quality certification  
2 is available for review on the vehicle.
- 3           4. No application of Tier 1 Biosolids shall exceed the agronomic rate for the  
4 crop as determined by the Commissioner.
- 5           5. Tier 1 Biosolids shall not be applied within 100 feet of a potable water well.
- 6           6. No Tier 1 Biosolids shall be delivered to a site when climatic conditions  
7 such as wind greater than 25 mph, or rain that will preclude the incorporation  
8 identified above.
- 9           7. Both the Grower and the Transporter shall maintain an accurate record for  
10 each load of Tier 1 Biosolids delivered and applied to each site under their  
11 control including, but not limited to, the information listed below:
- 12           a)     Data for determination of agronomic rate,  
13           b)     Generator(s) or Processor(s),  
14           c)     Dates and amount delivered to site,  
15           d)     Crops planted and yield.
- 16           8. Upon application, Tier 1 Biosolids shall be promptly incorporated into the  
17 soil by discing or other suitable tillage within the timelines set out below.  
18 Incorporation shall be continuous until completed. Incorporation shall be  
19 thorough to a depth of no less than 6 inches unless otherwise approved by the  
20 Department, including residues in staging areas. Tier 1 Biosolids shall be  
21 incorporated when applied:
- 22           a)     Within 1/4 mile of school: before school is back in session.  
23           b)     At all other sites of less than 20 acres: within 48 hours of delivery.  
24           c)     For sites of 20 acres or more, incorporation shall commence no more  
25 than seven (7) days after the first delivery and shall be completed within  
26 seven (7) days of the final delivery unless otherwise authorized by the  
27 Department.
- 28           d)     Other reasonable incorporation time frames may be approved by the  
29 Director for remote locations upon request.

30 **Section 8. Tier 2 Standards.**

- 31 **A) Site Registration:** The Landowner, Grower and Transporter shall be jointly  
32 responsible for registration of Sites receiving Tier 2 Biosolids. Sites shall be  
33 registered with the Department prior to conducting activities regulated under this  
34 Ordinance, with said registration renewed on an annual basis, using forms provided  
35 by the Department to include:

- 1 1. Name, address and phone number of both the grower and land owner with  
2 evidence of both grower and land owner agreeing to the application of the Class  
3 A Tier 2 Biosolids, right of entry and any other conditions.
- 4 2. Site identification to include Riverside County Assessors Parcel Number  
5 (APN).
- 6 3. A map of the application site.
- 7 4. A tabulation of site information to include:
  - 8 a) Net acreage (to nearest 0.1 acre),
  - 9 b) Annual application rate for the planned crop.
  - 10 c) Proximity to occupied dwellings, property lines, roads and wells.
  - 11 d) Analysis of agronomic rate to include the accounting of existing soil  
12 nitrogen levels using the concentration of soil nitrate (in ppm) to a depth  
13 of 1 foot.
  - 14 e) The Generator(s) or Processor(s) from which the Transporter receives  
15 the Biosolids.
- 16 5. Fees Per Section 13 below.

17 **B) Standards of Operation: Transporter and Grower shall be jointly responsible for**  
18 **ensuring conformity to the following site conditions:**

- 19 1. Delivery to land application sites shall be limited to the hours between 6:00  
20 AM and 8:00 PM.
- 21 2. Biosolids not meeting Class A Tier 2 Standards shall not be delivered to the  
22 site. The Generator or Processor shall implement the above identified  
23 remediation protocol upon notification or receipt of information that Biosolids  
24 delivered to the site do not meet all standards as identified herein.
- 25 3. The Transporter shall ensure that the Class A Biosolids quality certification  
26 is available for review on the vehicle, and copies from each load are retained on  
27 site until all applications are complete.
- 28 4. No application of Tier 2 Biosolids shall exceed the agronomic rate for the  
29 crop as determined by the Commissioner.
- 30 5. Tier 2 Biosolids shall not be applied within 100 feet of a well.
- 31 6. Tier 2 Biosolids shall not be applied within:
  - 32 a) 500 feet from any residence, school, business, place of worship,  
33 entertainment area,

- 1           b)     50 feet from public roads,
- 2           c)     50 feet from property lines unless written permission is obtained from
- 3                     the adjacent landowner.

4           7. Upon application, Tier 2 Biosolids shall be promptly incorporated into the  
5           soil by discing or other suitable tillage within the timelines set out below.  
6           Incorporation shall be continuous until completed. Incorporation shall be  
7           thorough to a depth of no less than 6 inches unless otherwise approved by the  
8           Department, including residues in staging areas. Tier 2 Biosolids shall be  
9           incorporated when applied:

- 10          a)     Within 1/4 mile of school: before school is back in session.
- 11          b)     At all other sites within: 24 hours of delivery.
- 12          c)     Other reasonable incorporation time frames may be approved by the
- 13                     Director for remote locations upon request

14          8. No Class A Tier 2 Biosolids shall be delivered to a site when climatic  
15          conditions such as wind greater than 25 mph, or rain that will preclude the  
16          incorporation identified above.

17          9. Both the Grower and the Transporter shall maintain an accurate record for  
18          each load of Tier 2 Biosolids delivered and applied to each site under their  
19          control including, but not limited to, the information listed below.

- 20          a)     Data for determination of agronomic rate,
- 21          b)     Generator(s) or Processor(s),
- 22          c)     Dates and amount delivered to use site,
- 23          d)     Crops planted and yield.

24   **Section 9. Tier 3 Standards.**

25   **A) Site Registration:** The Transporter and Grower shall be jointly responsible for  
26    registration of sites receiving Tier 3 Biosolids. Sites shall be registered with the  
27    Department prior to conducting activities regulated under this Ordinance, with said  
28    registration renewed every five years with an annual permit fee, using forms provided  
29    by the Department to include:

- 30           1. Name, address and phone number of both the grower and land owner with  
31           evidence of both grower and land owner agreeing to the application of the Class  
32           A Tier 3 Biosolids, right of entry and any other conditions,
- 33           2. Site identification to include Riverside County Assessors Parcel Number  
34           (APN),
- 35           3. A map of the application site,

- 1 4. A tabulation of site information to include:
- 2 a) Net acreage (to nearest 0.1 acre),
- 3 b) Annual application rate for the planned crop.
- 4 c) Proximity to occupied dwellings, property lines, roads and wells.
- 5 5. Analysis of agronomic rate to including the accounting of existing soil
- 6 nitrogen levels using the concentration of soil nitrate (in ppm) to a depth of 1
- 7 foot,
- 8 6. The generator(s) or processor(s) from which the transporter receives the
- 9 Biosolids.
- 10 7. Fees per section 13 below.
- 11 **B) Standards of Operation: Transporter and Grower shall be jointly responsible for**
- 12 **ensuring conformity to the following site conditions:**
- 13 1. Delivery to land application sites shall be limited to the hours between 6:00
- 14 AM and 8:00 PM.
- 15 2. Biosolids not meeting Class A Tier 3 Standards shall not be delivered to the
- 16 site. The Generator or Processor shall implement the above identified
- 17 remediation protocol upon notification or receipt of information that Biosolids
- 18 delivered to the site do not meet all standards as identified herein.
- 19 3. The Transporter shall ensure that the Class A Biosolids quality certification
- 20 is available for review on the vehicle, and copies from each load are retained on
- 21 site until all applications are complete.
- 22 4. No application of Class A Tier 3 Biosolids shall exceed the agronomic rate
- 23 for the crop as determined by the Commissioner.
- 24 5. Tier 3 Biosolids shall not be applied within 100 feet of a well.
- 25 6. Tier 3 Biosolids shall not be applied within:
- 26 a) 1000 feet from any residence, school, business, place of worship,
- 27 entertainment area,
- 28 b) 50 feet from public roads,
- 29 c) 50 feet from property lines unless written permission is obtained from
- 30 the adjacent landowner.
- 31 7. Upon application, Tier 3 Biosolids shall be promptly incorporated into the
- 32 soil by discing or other suitable tillage within the timelines set out below.
- 33 Incorporation shall be continuous until completed. Incorporation shall be

1 thorough to a depth of no less than 6 inches unless otherwise approved by the  
2 Department, including residues in staging areas. Tier 3 Biosolids shall be  
3 incorporated when applied:

- 4 a) Within 1/4 mile of school: before school is back in session,
- 5 b) At all other sites within: 24 hours of delivery.
- 6 c) Other reasonable incorporation time frames may be approved by the  
7 Director for remote locations upon request

8 8. No Tier 3 Biosolids shall be delivered to a site when climatic conditions  
9 such as wind greater than 25 mph, or rain that will preclude the incorporation  
10 identified above.

11 9. Both the Transporter and the Grower shall maintain an accurate record for  
12 each load of Tier 3 Biosolids delivered and applied to each site under their  
13 control including, but not limited to, the information listed below.

- 14 a) Data for determination of agronomic rate,
- 15 b) Generator(s) or Processors,
- 16 c) Dates and amount delivered to use site,
- 17 d) Crops planted and yield.

18 **Section 10. Tier 4 Standards.**

19 **A) Site Registration:** The Transporter and Grower shall be jointly responsible for  
20 registration of sites receiving Tier 4 Biosolids. Sites shall be registered with the  
21 Department prior to conducting activities regulated under this Ordinance, with said  
22 registration renewed on an annual basis, using forms provided by the Department to  
23 include:

24 1. Name, address and phone number of both the grower and land owner with  
25 evidence of grower and land owner agreeing to the application of the Class A  
26 Tier 4 Biosolids, right of entry and any other conditions.

27 2. Site identification to include Riverside County Assessors Parcel Number  
28 (APN),

29 3. A map of the application site,

30 4. A tabulation of site information to include:

- 31 a) Net acreage (to nearest 0.1 acre),
- 32 b) Annual application rate for the planned crop,
- 33 c) Proximity to occupied dwellings, property lines, roads and wells.

- 1           5. Analysis of agronomic rate to including the accounting of existing soil  
2 nitrogen levels using the concentration of soil nitrate (in ppm) to a depth of 1  
3 foot.
- 4           6. The generator(s) or processor(s) from which the transporter receives the  
5 Biosolids.
- 6           7. Fees per section 13 below.
- 7   **B) Standards of Operation: Transporter and Grower shall be jointly responsible for**  
8   **ensuring conformity to the following site conditions.**
- 9           1. Delivery to land application sites shall be limited to the hours between 6:00  
10 AM and 8:00 PM.
- 11          2. Biosolids not meeting Class A Tier 4 Biosolids Standards shall not be  
12 delivered to the site. The Generator or Processor shall implement the above  
13 identified remediation protocol upon notification or receipt of information that  
14 Biosolids delivered to the site do not meet all standards as identified herein.
- 15          3. The transporter shall ensure that the Class A Biosolids quality certification  
16 is available for review on the vehicle, and copies from each load are retained on  
17 site until all applications are complete.
- 18          4. No application of Tier 4 Biosolids shall exceed the agronomic rate for the  
19 crop as determined by the Commissioner.
- 20          5. Tier 4 Biosolids shall not be applied within 100 feet of a well.
- 21          6. Tier 4 Biosolids shall not be applied within:
- 22           a)     ½ mile from any residence, school, business, place of worship,  
23                 entertainment area,
- 24           b)     50 feet from public roads,
- 25           c)     50 feet from property lines unless written permission is obtained from  
26                 the adjacent landowner.
- 27          7. Upon application, Tier 4 Biosolids shall be incorporated into the soil by  
28 discing or other suitable tillage within 24 hours of delivery. Incorporation shall  
29 be continuous until completed. Incorporation shall be thorough to a depth of no  
30 less than 6 inches unless otherwise approved by the Department, including  
31 residues in staging areas. Other reasonable incorporation time frames may be  
32 approved by the Director for remote locations upon request.
- 33          8. No Tier 4 Biosolids shall be delivered to a site when climatic conditions  
34 such as wind greater than 25 mph, or rain that will preclude the incorporation  
35 identified above.

1 9. Both the Grower and the Landowner shall maintain an accurate record for  
2 each load of Tier 4 Biosolids delivered and applied to each site under their  
3 control including, but not limited to, the information listed below:

- 4 a) Data for determination of agronomic rate,
- 5 b) Generator(s) or Processors,
- 6 c) Dates and amount delivered to use site,
- 7 d) Crops planted and yield.

8 **Section 11.** Action on Registrations of Generators, Processors, Transporters and Sites  
9 receiving Tiers 2, 3 or 4 Biosolids.

10 **A)** Applicants shall be notified of incomplete or inaccurate registrations within ten (10)  
11 business days after the date of the filing of the Registration. The applicant may make  
12 the proper corrections and resubmit the corrected Registration. The applicant may  
13 make the necessary corrections and/or additions and resubmit the Registration within  
14 30 days of notification.

15 **B)** All complete and accurate Registrations shall be approved or denied, in whole or in  
16 part, within fifteen (15) business days after the date of filing or shall be deemed  
17 approved. If a Registration is denied, in whole or in part, the applicant may amend  
18 the Registration and resubmit the amended Registration or the Registration will be  
19 considered invalid.

20 **C)** Approved Registrations shall be valid for a period of 5 years, subject to payment of  
21 annual inspection and sampling fees.

22 **D)** Denial of Registration may be for one or more of the following causes, or for other  
23 reasons as specified by the Director:

- 24 1. Lack of responsibility as shown by past work.
- 25 2. Submission of inadequate, incomplete, or inaccurate Registration  
26 information.
- 27 3. The plan proposes an application that is not environmentally sound.

28 **E)** Written notice of the denial of a Registration shall be given by personal delivery or by  
29 mailing by certified mail to the applicant at the address on file with the Department.

30 **F)** The Director may rescind a Registration whenever the registered individual has  
31 violated a provision of this Ordinance or State rules or regulations, discharge order of  
32 the Water Quality Control Board, or is in noncompliance with a resolution of the  
33 Board of Supervisors. In such instance, a written notice to this effect shall first be  
34 delivered in person or by certified mail to the business address of the person

1 appearing on the Registration. The written notice shall state the grounds for the  
2 proposed rescission.

3 **G)** The Generator, Processor, Transporter, Grower or Landowner may appeal such  
4 proposed denial or rescission by the Director by filing a written request for a hearing  
5 before the Independent Hearing Panel not more than fifteen (15) calendar days after  
6 notice of the proposed denial or rescission has been mailed. Upon receipt of a written  
7 request for a hearing, the Panel shall set the matter for public hearing on a date not  
8 more than sixty (60) calendar days following receipt of such written request, and shall  
9 give the appellant and the Panel at least thirty (30) calendar days written notice of the  
10 time, date, and place of the hearing. The hearing panel shall issue its written decision  
11 and findings on the appeal within thirty (30) calendar days after the close of the  
12 hearing. Such decision will be final. Where the approval is rescinded, the Generator,  
13 Processor, Transporter, Grower or landowner shall terminate operations forthwith as  
14 determined by the Panel.

15 **Section 12.** Department Monitoring Plan

16 **A)** The Department shall implement a monitoring program to ensure conformance with  
17 the conditions and restrictions established by this Ordinance.

18 1. Inspections will be conducted to

- 19 a. Verify physical conditions of sites as described in site notifications and  
20 registrations,
- 21 b. Verify conformance with standards of operation, buffers and clearances  
22 established for the Tier of Biosolids being applied,
- 23 c. Verify that the material delivered is consistent with material reviewed by  
24 the Product Review Panel in placing it in its respective Tier,
- 25 d. Provide feedback to the Department and the Product Review Panel on the  
26 effectiveness of the buffers and clearances established for the respective  
27 Tiers,
- 28 e. Conduct sampling activities.

29 2. Sampling will be conducted to provide independent confirmation for the various  
30 analysis required by the generator of the Biosolids to be applied, to include:

- 31 a. Pathogen analysis,
- 32 b. Contaminants, including heavy metals, for both Biosolids and soil.
- 33 c. Nitrogen, to validate analysis provided for Agronomic Rates.

34 **B)** Inspections and sampling frequencies, material to be sampled for, sampling standards  
35 and other details shall be established through a monitoring plan approved by the  
36 Health Officer.

37 **Section 13.** Fees.

38 **A)** A deposit in the amount listed below shall be made to the Department for the review  
39 of each Registration of a Generator, Processor, Transporter, or Site. Fees collected in  
40 excess of the actual cost of providing the review shall be refunded. Registrations

1 whose review requires a cost to the Department beyond the initial deposit shall  
2 require an additional deposit.

- 3 1. Generator or Processor: \$ 500.00
- 4 2. Transporter: \$ 250.00
- 5 3. Tier 2, 3 or 4 Site: \$ 200.00

6  
7 **B) Annual inspection and sampling fees**

- 8 1. For Generator or Processor: \$ 403.00
- 9 2. For Transporter: \$ 100.00
- 10 3. For each Tier 1 application site: \$ 339.00
- 11 4. For each Tier 2, Tier 3 or Tier 4 application site: \$ 509.00

12 **C) These fees shall be incorporated into Riverside County Ordinance No. 640.**

13 **D) A fee pursuant to Board Resolution 2003-191 as amended, revised or superceded**  
14 **shall be paid to the Commissioner for the review and evaluation of the agronomic rate**  
15 **for each registration at each Tier 1, Tier 2, Tier 3 or Tier 4 site.**

16 **Section 14. Right of Entry.**

17 **A) The Grower or Land Owner shall agree, as a requirement of the approval, to authorize**  
18 **the Director at reasonable times and upon presentation of credentials to:**

- 19 1. Have access to and copy any records required to be kept under the terms and  
20 conditions of this approval,
- 21 2. Inspect any monitoring equipment or observe any monitoring method  
22 required in the approval,
- 23 3. Inspect any collection, transport vehicles, treatment, pollution management,  
24 or control facilities required under the approval,
- 25 4. Enter any site where Class A Biosolids are proposed to be used or have been  
26 used or stored and sample any ground waters, surface waters, soils, vegetation,  
27 Class A Biosolids or other Biosolids on the site; and,
- 28 5. Obtain any photographic documentation or evidence.

29 **Section 15. Enforcement.**

30

1 It shall be the duty of the Director to enforce the provisions of this Ordinance.

2

3 **Section 16.** Responsibility.

4 The Generator, Processor, Transporter, Grower, Land Owner and any person or persons  
5 leasing the site shall be jointly and severally responsible for compliance with this  
6 Ordinance.

7 **Section 17.** Violations – Penalties.

8 Violations by any person, firm, partnership, association, agency, municipality, special  
9 district or corporation, whether having obtained approval or not, of any of the provisions  
10 of this ordinance, constitute an infraction or misdemeanor as hereinafter specified. Upon  
11 conviction thereof, the person or entity shall be subject to a fine of \$100.00 for the first  
12 offense; \$200.00 for the second violation within a one (1) year period; and \$300.00 for  
13 each additional violation within the same one (1) year period. Fourth and additional  
14 violations within a one-year period shall each constitute a misdemeanor and shall be  
15 punishable by a fine not to exceed one thousand dollars (\$1,000.00), or six (6) months in  
16 jail, or both. Notwithstanding the above, a first or subsequent offense may be charged and  
17 prosecuted as a misdemeanor. Payment of any penalty provided herein shall not relieve a  
18 person, as defined, of the responsibility of correcting the conditions considered as a  
19 separate and distinctive offense.

20 **Section 18.** Violations – Public Nuisance.

21 In addition, any violation of this Ordinance is hereby deemed to be a public nuisance, and  
22 may be abated, and/or enjoined by the Director, irrespective of any other remedy  
23 hereinabove provided.

24 **Section 19.** Severability.

25 If any clause, provision, sentence, or paragraph of this Ordinance, or the application  
26 thereof, is deemed to be invalid as to any person, entity, establishment, or circumstance,  
27 such invalidity shall not effect the other provisions of this Ordinance that shall still  
28 remain in effect, and to this end, it is hereby declared that the provisions of this  
29 Ordinance are severable.

30 **Section 20.** Effective Date.

31 This Ordinance shall take effect sixty (60) days after the date of adoption.

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