

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

408



FROM: Community Health Agency/Environmental Health

SUBMITTAL DATE:

SUBJECT: Amending Ordinance No. 812, "Prohibiting the Land Application of Class B Sewage Sludge".

RECOMMENDED MOTION:

1. That the Board introduce and set for Public Hearing the adoption of Ordinance No. 812.1 amending Ordinance No. 812 which regulates the prohibition of land application of class B sewage sludge;
2. That the Board authorize the Clerk to place an advertisement for the Public Hearing in the appropriate local publications;
3. That, upon the close of the Public Hearing, the Board adopts Ordinance 812.1.

BACKGROUND: This amendment to Ordinance No. 812 will add language referencing Riverside County Ordinance No. 725, which establishes procedures and penalties for violations of Riverside County Ordinances and provides for recovery of costs reasonably related to enforcement. Specifically, the changes to this ordinance can be found in Section 5, second paragraph – concerning penalties for violations, related to the Administrative citation process outlined in Ordinance No. 725.

Department of Concurrence

FORM APPROVED
COUNTY COUNSEL

APR 16 2007
BY *[Signature]*

GR:SVS:gf

[Signature: Gary Root]

Gary Root
Director, Department of Environmental Health

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:
	Annual Net County Cost:	\$ 0	For Fiscal Year:

SOURCE OF FUNDS:	No Funding Necessary	Positions To Be Deleted Per A-30	<input type="checkbox"/>
		Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature *[Signature: Debra Courcyer]*

Consent
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1 a. Dr. Rosemarie Russo, Director of the Ecosystems Research Division of EPA's
2 National Exposure Research Laboratory, testified that the EPA failed to conduct
3 research in six areas, including pathogens, i.e. areas that were vitally important to
4 determining the public health risk associated with land application of sludge. She
5 stated that, due to this failure, the sludge rules in 40 CFR 503.1 et seq. were not
6 "scientifically defensible."
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9
10 b. Dr. James Smith, a Senior Environmental Engineer for the EPA and a pathogen
11 expert, conceded in his deposition testimony that the 503 sludge rules were never
12 subjected to a vigorous risk assessment based on the harmful health effects which
13 may arise from bacteria in the sludge. He also admitted that Dr. Lewis' concern
14 about "undetected pathogens hiding in sludge" raised a "significant issue."
15

16
17 3. The EPA has now requested a review of risk assessment of land application of Biosolids
18 to the National Research Council of the National Academy of Science and Engineering.
19 The National Academy has been tasked by Congress to advise on scientific matters of
20 national scope.
21

22
23 4. Currently, there are unanswered questions about the safety, environmental effects, and
24 propriety of land application of sewage sludge, even when the sludge is applied in
25 accordance with federal, state and local regulations. Sludge contains heavy metals,
26 pathogenic organisms, chemical pollutants, and synthetic organic compounds, which
27 may pose an unknown degree of risk to public health and the environment. There
28

1 currently is a lack of adequate scientific understanding concerning the risk that land
2 application of sludge may pose to soils, air, water and to human and plant and animal
3 health. In addition, such application may cause loss of confidence in agricultural
4 products from Riverside County as well as the potential loss of use of productive
5 agricultural lands. Therefore, with the degree of uncertainty that exists in terms of risk,
6 the continuation of the practice of the land application of sewage sludge may
7 unnecessarily jeopardize the public and the environment. In order to adequately protect
8 the public health and the safety and welfare of Riverside County and its residents, it is
9 the intent of this chapter that the land application of sewage sludge shall be prohibited
10 in the unincorporated area of Riverside County.
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13 **Section 2: AUTHORITY**

14
15 This chapter is adopted pursuant to the police power granted to Riverside County by
16 Article XI, Section 7 of the California Constitution. In addition, 40 CFR 503.5, 33 USCA
17 1345(e) and California Water Code Section 13274(i) grant authority to local government to
18 impose more stringent requirements on the use, disposal and land application of sewage sludge
19 in order to protect public health and the environment from the adverse effect of such sludge.
20
21

22 **Section 3: DEFINITIONS**

23
24 **A. Department** means an authorized representative of the Health Department of the
25 County of Riverside.

26
27 **B. Applier** is any person engaged in the Land Application of Sludge.
28

1 **C. Class B Sewage Sludge** is treated solid, semi-solid or liquid residues generated during
2 the treatment of sewage in a wastewater treatment works that meet 40 CFR Part 503
3 requirements specified in 503.32(b) for pathogen reduction, 503.33 for vector attraction
4 reduction, and 503.13, Table 1 for pollutant concentrations. These residues include, but
5 are not limited to, scum or solids removed in primary, secondary or advanced
6 wastewater treatment processes and material derived from sewage sludge. Sludge does
7 not include ash generated during the firing of sewage sludge in a sewage incinerator or
8 grit and screenings generated during preliminary treatment of sewage. Sludge, as used
9 in this chapter, excludes biosolid products that are in a bag or container packaged for
10 routine retail sales through regular retail outlets which are primarily used for residential
11 landscaping.

14 **D. County** means the County of Riverside, State of California.

16 **E. Land apply** means the spraying or spreading of sludge onto the land surface, the
17 injection of sludge below the surface, or the incorporation of sludge into the soil so that
18 it can either condition the soil or fertilize crops or vegetation grown in the soil.

19 **F. Person** means any individual, firm, partnership, joint venture, association, corporation,
20 company, limited liability company, estate, trust, receiver, syndicate, city, county,
21 district, special district, waste water treatment facility, political subdivision, or any
22 other group or combination acting as a unit.

25 **Section 4: LAND APPLICATION OF CLASS B SEWAGE SLUDGE IS PROHIBITED**

26 Effective November 25, 2001 it shall be unlawful for any person to land apply Class B
27 sewage sludge to any land within the unincorporated areas of Riverside County.
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2 **Section 5: PENALTY FOR VIOLATION**

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4 Any person violating any provision of this chapter is guilty of a misdemeanor and upon
5 conviction thereof is punishable by a fine of not more than \$1000 or by confinement in the
6 County jail for up to six months or both. Every violation of this chapter shall be construed as a
7 separate offense for each day during which such violation continues and shall be punishable as
8 provided in this section. The court or the County may require the violator to clean up at the
9 violator's expense any illegally applied or deposited sludge material and dispose of all such
10 materials in an approved, environmentally safe and clean manner.
11

12 The additional remedies, penalties, and procedures for violations of this ordinance and
13 for recovery of costs related to enforcement provided for in Ordinance No. 725 are
14 incorporated into this section by this reference.
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17 **Section 6 : VIOLATON CONSTITUTES A PUBLIC NUISANCE**

18 In addition, any violation of this chapter is deemed to be a public nuisance and may be
19 abated or enjoined by the Health Officer or his or her designee irrespective of any other remedy
20 hereinabove provided.
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23 **Section 7: EFFECTIVE DATE**

24 This ordinance shall be effective 30 days after its adoption.
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28 Adopted: 812 7/10/01 (#3.15b) (Eff.: 8/9/01)

1 **a.** Dr. Rosemarie Russo, Director of the Ecosystems Research Division of EPA's
2 National Exposure Research Laboratory, testified that the EPA failed to conduct
3 research in six areas, including pathogens, i.e. areas that were vitally important to
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