

409

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



FROM: Community Health Agency/Environmental Health

SUBMITTAL DATE:

SUBJECT: Amending Ordinance No. 830, "Regulating the Land Application of Class A Sewage Sludge for Agricultural Activities"

RECOMMENDED MOTION:

1. That the Board introduce and set for Public Hearing the adoption of Ordinance No. 830.1 amending Ordinance No. 830 which regulates the land application of class A sewage sludge for agricultural activities.
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 830.1.

BACKGROUND: This amendment to Ordinance No. 830 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 17, second paragraph-concerning penalties for violations, related to the Administrative Citation process outlined in Ordinance No. 725.

GR:SVS:gf

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

FORM APPROVED
COUNTY COUNSEL

APR 16 2007

Departmental Concurrence

Dept't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.:

District:

Agenda Number:

3.17

1 A. **"Agronomic Rate"** shall mean Class A Biosolids applications that, in conjunction with
2 existing plant available nitrogen (PAN) levels, will not exceed nitrogen fertilizer rates
3 for the crop to be grown as determined by the Riverside County Agricultural
4 Commissioner and will not result in phytotoxicity (accumulation of heavy metals and/or
5 nutrients adverse to normal vegetative growth).
6

7 B. **"Bulk Biosolids"** shall mean Class A Biosolids that are not sold or given away in a bag
8 for application to commercial farmland.
9

10 C. **"Class A Sewage Sludge"** or **"Biosolids"** shall mean the accumulated matter produced
11 in the treatment of wastewater that has been processed for pathogen reduction in
12 accordance with Federal 40 CFR Part 503, Section 503.32 (a), one of the vector
13 attraction reduction standards set forth in 40 CFR Section 503.33, and meets the ceiling
14 concentration limits in 40 CFR Section 503.13 Table 1. Class A Biosolids from each
15 generator, or process and location if multiple processes or locations are used, shall be
16 placed in a tier level based on its nuisance value as determined by a Product Review
17 Panel established by the Health Officer for Riverside County.
18
19

20 A. **"Tier 1"** shall mean any Bulk Class A EQ Biosolids for which the generator has
21 demonstrated minimal nuisance (fly attraction and odor) generating
22 characteristics as determined by the Product Review Panel.
23

24 B. **"Tier 2"** shall mean any Bulk Class A EQ Biosolids for which the nuisance (fly
25 attraction and odor) generating characteristics of the Biosolids, as determined by
26 the Product Review Panel, warrant minimal buffer zones.
27
28

1 C. **“Tier 3”** shall mean any Bulk Class A EQ Biosolids for which the nuisance (fly
2 attraction and odor) generating characteristics of the Biosolids, as determined by
3 the Product Review Panel, warrant moderate buffer zones.
4

5 D. **“Tier 4”** shall mean any Bulk Class A Biosolids for which the nuisance (fly
6 attraction and odor) generating characteristics of the Biosolids, as determined by
7 the Product Review Panel, warrant maximal buffer zones. All Class A Biosolids
8 shall be considered to be Tier 4 Biosolids until such time as the Product Review
9 Panel may evaluate and slot such Biosolids into another tier.
10

11 D. **“Class A EQ ”** shall mean Class A Biosolids meeting the ceiling concentrations set
12 forth in 40 CFR Section 503.13(b)(1), the pollutant concentration standards set forth in
13 40 CFR Section 503.13(b)(3), and one of vector attraction reduction options set forth in
14 40 CFR Section 503.33(b)(1)-(8).
15

16 E. **“Commissioner”** shall mean the Agricultural Commissioner for the County of
17 Riverside and his or her designee.
18

19 F. **“County”** shall mean the County of Riverside, State of California.
20

21 G. **“Department”** shall mean the Department of Environmental Health for the County of
22 Riverside.
23

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

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

- 1 J. **"Grower"** shall mean the person or entity primarily responsible for planting,
2 maintaining, and harvesting or allowing the use of crops and/or rangeland for domestic
3 animal or human use.
4
- 5 K. **"Independent Hearing Panel"** shall mean the panel established pursuant to California
6 Public Resources Code Section 44308 for solid waste facility issues and consisting of a
7 minimum of three persons.
8
- 9 L. **"Land Application"** shall mean the placement of Class A Biosolids within the first
10 three (3) feet of the surface of agricultural land to facilitate the growth of crops.
11
- 12 M. **"Land Owner"** shall mean any person, firm, business, city, county, district, special
13 district including a water district, sole proprietorship, partnership, joint venture, trust,
14 association or corporation whether for profit or non profit that owns real property within
15 the unincorporated areas of Riverside County.
16
- 17 N. **"Site"** shall mean a discrete parcel of land, greater than 2 acres, upon which Class A
18 Biosolids is to be applied for the purpose of growing crops.
19
- 20 O. **"Product Review Panel"** shall mean a panel appointed or reappointed by the County
21 Health Officer on or before February 1 of each calendar year, composed of six
22 individuals representing the following groups: 1) Citizen; 2) County Staff; 3) Product
23 Generator; 4) Transporter or Farmer; 5) Academic, County Extension or Agricultural
24 Commissioner representative, 6) Processor.
25
- 26 P. **"Processor"** shall mean any person, firm or business responsible for transforming
27 biosolids received from a Generator into Class A Biosolids.
28

1 Q. "Transporter" shall mean any person, company, organization, or other legal entity
2 engaged, or about to become engaged with the transportation of Class A Biosolids
3 received from a Generator or Processor for the purpose of land application.
4

5 **Section 4. Prohibitions.**
6

7 A. No Generator, Processor, Transporter, Grower or Landowner shall engage in
8 any land application activities that are: inconsistent with the standards of this
9 Ordinance, exceed agronomic rates, or are otherwise prohibited by or in
10 violation of any other Federal, State or Local standard.
11

12 B. No Generator, Processor, Transporter, Grower or Landowner shall engage in
13 any land application activities without the prior, unexpired and unrevoked
14 registration with the Department.
15

16 C. No person shall deliver bulk Class A Biosolids to any site for the purposes of
17 land application unless that site is in compliance with all notifications and has a
18 current and unrevoked registration with the Department as required by this
19 Ordinance.
20

21 **Section 5. Exemptions.**
22

23 The following sites shall be exempted from the prohibitions:
24

25 A. Agricultural sites operated in conjunction with a public school with a recognized
26 agricultural training program or curriculum.
27

28 B. A tree or vine farming operation considered active by the Commissioner.

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

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

- 7
- 8 1. Name and address of the Generator, Processor or Transporter.
 - 9 2. Type of organization such as sole proprietorship, partnership, agency,
10 municipality, special district, joint venture, lease, corporation, business trust of
11 company including names and home addresses.
 - 12 3. Name of person submitting application, and relationship to generator, processor
13 or transporter.
 - 14 4. Identification (name and phone number of the local contact person).
 - 15 5. Additional application requirements for Generators and Processors.
 - 16 a. List of Facilities from which Class A Biosolids is generated.
 - 17 b. Method or methods used to achieve Class A level.
 - 18 c. Any and all documents related to the identification of incomplete or
19 inadequate processes to achieve a Class A Biosolids designation.
 - 20 d. Remediation protocols to be used in the event that Biosolids not
21 meeting Class A standards are delivered to a site.
 - 22 e. Additional application requirements for Transporter.
 - 23 f. A written spill prevention and response program.
- 24
25
26
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1 Tier Placement. Class A Biosolids from each Generator and Processors, or process
2 and location if multiple processes or locations are used, shall be placed in a tier level
3 based on their nuisance value as determined by a Product Review Panel using
4 protocols established by the Health Officer for Riverside County.
5

6 **Standards of Operation**

7
8 6. A Generator and/or Processor:

- 9 a. Shall advise the Department within 1 business day of any event that may
10 impact the quality of the Class A Biosolids being provided for land
11 application.
12
- 13 b. Shall advise the Department within 1 business day of any notice from the
14 governing regional water quality control board or USEPA of any
15 violation that may impact the quality of the Class A Biosolids being
16 provided for land application.
17
- 18 c. Shall individually certify each load as meeting the Class A standards.
19
- 20 d. Shall implement the above identified remediation protocol upon
21 determination or notification that Biosolids not meeting Class A
22 Biosolids standards are delivered to a site.
23
- 24 e. Shall, at a minimum, perform monthly site visits and audit the land
25 application practices in use for their Tier 2, 3 and 4 Class A Biosolids.
26 The results of the above audit shall be reported to the Department
27 biannually using forms provided by the Department and shall include any
28 actions taken by the Generator.

1 f. Shall demonstrate pathogen destruction through process controls
2 including but not limited to alarming, shutdown procedures or testing to
3 preclude land application of substandard Biosolids. Records
4 demonstrating compliance shall be maintained for a period of one year
5 from the time of application.
6

7 g. Shall maintain processes to meet Class A Standards. Failure to do so
8 shall result in the denial or rescission of the registration.
9

10 7. A Transporter:

11 a. Shall mark - each vehicle with the identity and telephone number of the
12 Transporter, subcontractor or other responsible operator clearly visible,
13 on the rear and on each side, with letters of not less than three (3) inches
14 in height.
15

16 b. Shall design and maintain Vehicles in such a manner as to prevent
17 leakage of liquids or spilling, blowing or loss of Biosolids during
18 transportation.
19

20 c. Shall provide a shovel, broom, fire extinguisher, and first aid kit to be
21 maintained on vehicles at all times.
22

23 d. Shall ensure that the Class A Biosolids quality certification is available
24 for review on the vehicle, and copies from each load are retained on site
25 until all deliveries are complete.
26
27
28

1 e. Shall create and maintain an accurate record for each load of Class A
2 Biosolids delivered and applied in Riverside County including, but not
3 limited to, the information listed below:
4

5 i. Generator (by specific facility),

6 ii. Date and time picked up,

7 iii. Date and time delivered to site.

8 iv. Site identification:

9 v. Load size; and,

10 vi. Vehicle(s) and driver(s).

11
12 Such records shall be submitted to the Department within fifteen (15) days from the
13 end of any reporting month in which activity occurs, and an annual report within 30
14 days of the end of the calendar year.
15
16

17 f. Shall maintain vehicle exteriors to be free of sludge before entering
18 public roads and in sound mechanical condition. All loads shall be fully
19 and securely covered. Transporter shall immediately and completely
20 clean any and all spillage.
21
22

23 **Section 7. Tier 1 Standards.**

24 **Site Notification**

25
26 1. The Transporter and Grower shall be jointly responsible for notification of the
27 Department for Sites receiving Tier 1 Biosolids. Such notification shall be made no
28

1 later than the last business day prior to delivery of the Biosolids, using forms
2 provided by the Department to include:

- 3
- 4 a. Name, address and phone number of the grower or land owner with
5 evidence of grower or land owner agreeing to the application of Class A
6 Tier 1 Biosolids use, right of entry and any other conditions.
- 7
- 8 b. Riverside County Assessors Parcel Number (APN).
- 9
- 10 c. A map of the application site.
- 11
- 12 d. The Generator(s) or Processor(s) from which the Transporter receives the
13 Biosolids.
- 14
- 15 e. The amount of Tier 1 Biosolids to be applied, including an analysis of
16 agronomic rate to include the accounting of existing soil nitrogen levels
17 using the concentration of soil nitrate (in ppm) to a depth of 1 foot.
- 18
- 19 f. Fees per Section 13 below.

20 Standards of Operation: Grower and Transporter shall be jointly responsible for ensuring
21 conformity to the following site conditions:

- 22
- 23 2. Delivery to land application sites adjacent to residential developments shall be
24 limited to the hours between 6:00 AM and 8:00 PM unless the staging area is
25 greater than 500 ft from the nearest dwelling.
- 26
- 27 3. Biosolids not meeting Class A Tier 1 Standards shall not be delivered to the site.
28 The Generator or Processor shall implement the above identified remediation
protocol upon notification or receipt of information that Biosolids delivered to the
site do not meet all standards as identified herein.

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

- b. At all other sites of less than 20 acres: within 48 hours of delivery.
- c. For sites of 20 acres or more, incorporation shall commence no more than seven (7) days after the first delivery and shall be completed within seven (7) days of the final delivery unless otherwise authorized by the Department.
- d. Other reasonable incorporation time frames may be approved by the Director for remote locations upon request.

Section 8. Tier 2 Standards.

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

- 1. Name, address and phone number of both the grower and land owner with evidence of both grower and land owner agreeing to the application of the Class A Tier 2 Biosolids, right of entry and any other conditions.
- 2. Site identification to include Riverside County Assessors Parcel Number (APN).
- 3. A map of the application site.
- 4. A tabulation of site information to include:
 - a. Net acreage (to nearest 0.1 acre).
 - b. Annual application rate for the planned crop.
 - c. Proximity to occupied dwellings, property lines, roads and wells.

1 d. Analysis of agronomic rate to include the accounting of existing soil nitrogen
2 levels using the concentration of soil nitrate (in ppm) to a depth of 1 foot.

3
4 e. The Generator(s) or Processor(s) from which the Transporter receives the
5 Biosolids.

6
7 5. Fees Per Section 13 below.

8 Standards of Operation: Transporter and Grower shall be jointly responsible for
9 ensuring conformity to the following site conditions:

10
11 6. Delivery to land application sites shall be limited to the hours between 6:00 AM
12 and 8:00 PM.

13
14 7. Biosolids not meeting Class A Tier 2 Standards shall not be delivered to the site.
15 The Generator or Processor shall implement the above identified remediation
16 protocol upon notification or receipt of information that Biosolids delivered to the
17 site do not meet all standards as identified herein.

18
19 8. The Transporter shall ensure that the Class A Biosolids quality certification is
20 available for review on the vehicle, and copies from each load are retained on site
21 until all applications are complete.

22
23 9. No application of Tier 2 Biosolids shall exceed the agronomic rate for the crop as
24 determined by the Commissioner.

25
26 10. Tier 2 Biosolids shall not be applied within 100 feet of a well.

27
28 11. Tier 2 Biosolids shall not be applied within:

- 1 a. 500 feet from any residence, school, business, place of worship,
2 entertainment area,
3
4 b. 50 feet from public roads,
5
6 c. 50 feet from property lines unless written permission is obtained from the
7 adjacent landowner.

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

- 13
14 a. Within 1/4 mile of school: before school is back in session.
15
16 b. At all other sites within: 24 hours of delivery.
17
18 c. Other reasonable incorporation time frames may be approved by the Director
19 for remote locations upon request

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

23
24 14. Both the Grower and the Transporter shall maintain an accurate record for each
25 load of Tier 2 Biosolids delivered and applied to each site under their control
26 including, but not limited to, the information listed below.

- 27
28 a. Data for determination of agronomic rate,

- b. Generator(s) or Processor(s),
- c. Dates and amount delivered to use site,
- d. Crops planted and yield.

Section 9. Tier 3 Standards.

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

1. Name, address and phone number of both the grower and land owner with evidence of both grower and land owner agreeing to the application of the Class A Tier 3 Biosolids, right of entry and any other conditions,
2. Site identification to include Riverside County Assessors Parcel Number (APN),
3. A map of the application site,
4. A tabulation of site information to include:
 - a. Net acreage (to nearest 0.1 acre),
 - b. Annual application rate for the planned crop.
 - c. Proximity to occupied dwellings, property lines, roads and wells.
5. Analysis of agronomic rate to including the accounting of existing soil nitrogen levels using the concentration of soil nitrate (in ppm) to a depth of 1 foot,

1 6. The generator(s) or processor(s) from which the transporter receives the
2 Biosolids.

3
4 7. Fees per section 13 below.

5 Standards of Operation: Transporter and Grower shall be jointly responsible for
6 ensuring conformity to the following site conditions:
7

8 8. Delivery to land application sites shall be limited to the hours between 6:00 AM
9 and 8:00 PM.

10
11 9. Biosolids not meeting Class A Tier 3 Standards shall not be delivered to the site.

12 The Generator or Processor shall implement the above identified remediation
13 protocol upon notification or receipt of information that Biosolids delivered to
14 the site do not meet all standards as identified herein.

15
16 10. The Transporter shall ensure that the Class A Biosolids quality certification is
17 available for review on the vehicle, and copies from each load are retained on
18 site until all applications are complete.

19
20 11. No application of Class A Tier 3 Biosolids shall exceed the agronomic rate for
21 the crop as determined by the Commissioner.

22 12. Tier 3 Biosolids shall not be applied within 100 feet of a well.

23
24 13. Tier 3 Biosolids shall not be applied within:

25 a. 1000 feet from any residence, school, business, place of worship,
26 entertainment area,

27
28 b. 50 feet from public roads,

1 c. 50 feet from property lines unless written permission is obtained from
2 the adjacent landowner.
3

4 14. Upon application, Tier 3 Biosolids shall be promptly incorporated into the soil by
5 discing or other suitable tillage within the timelines set out below. Incorporation
6 shall be continuous until completed. Incorporation shall be thorough to a depth of
7 no less than 6 inches unless otherwise approved by the Department, including
8 residues in staging areas. Tier 3 Biosolids shall be incorporated when applied:
9

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

16 15. No Tier 3 Biosolids shall be delivered to a site when climatic conditions such as
17 wind greater than 25 mph, or rain that will preclude the incorporation identified
18 above.
19

20 16. Both the Transporter and the Grower shall maintain an accurate record for each
21 load of Tier 3 Biosolids delivered and applied to each site under their control
22 including, but not limited to, the information listed below.
23

- 24 a. Data for determination of agronomic rate,
25
26 b. Generator(s) or Processors,
27
28 c. Dates and amount delivered to use site,
d. Crops planted and yield.

1 **Section 10. Tier 4 Standards.**

2
3 Site Registration: The Transporter and Grower shall be jointly responsible for registration of
4 sites receiving Tier 4 Biosolids. Sites shall be registered with the Department prior to
5 conducting activities regulated under this Ordinance, with said registration renewed on an
6 annual basis, using forms provided by the Department to include:

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

21
22
23
24
25
26 Standards of Operation: Transporter and Grower shall be jointly responsible for
27 ensuring conformity to the following site conditions.
28

- 1 8. Delivery to land application sites shall be limited to the hours between 6:00 AM
2 and 8:00 PM.
- 3
- 4 9. Biosolids not meeting Class A Tier 4 Biosolids Standards shall not be delivered to
5 the site. The Generator or Processor shall implement the above identified
6 remediation protocol upon notification or receipt of information that Biosolids
7 delivered to the site do not meet all standards as identified herein.
- 8
- 9 10. The transporter shall ensure that the Class A Biosolids quality certification is
10 available for review on the vehicle, and copies from each load are retained on site
11 until all applications are complete.
- 12
- 13 11. No application of Tier 4 Biosolids shall exceed the agronomic rate for the crop as
14 determined by the Commissioner.
- 15
- 16 12. Tier 4 Biosolids shall not be applied within 100 feet of a well.
- 17
- 18 13. Tier 4 Biosolids shall not be applied within:
- 19 a. ½ mile from any residence, school, business, place of worship,
20 entertainment area,
- 21 b. 50 feet from public roads,
- 22
- 23 c. 50 feet from property lines unless written permission is obtained from
24 the adjacent landowner.
- 25
- 26 14. Upon application, Tier 4 Biosolids shall be incorporated into the soil by
27 discing or other suitable tillage within 24 hours of delivery. Incorporation shall
28 be continuous until completed. Incorporation shall be thorough to a depth of
no less than 6 inches unless otherwise approved by the Department, including

1 residues in staging areas. Other reasonable incorporation time frames may be
2 approved by the Director for remote locations upon request.
3

4 15. No Tier 4 Biosolids shall be delivered to a site when climatic conditions such
5 as wind greater than 25 mph, or rain that will preclude the incorporation
6 identified above.
7

8 16. Both the Grower and the Landowner shall maintain an accurate record for each
9 load of Tier 4 Biosolids delivered and applied to each site under their control
10 including, but not limited to, the information listed below:
11

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

18 **Section 11.** Action on Registrations of Generators, Processors, Transporters and Sites
19 receiving Tiers 2, 3 or 4 Biosolids.
20

21 Applicants shall be notified of incomplete or inaccurate registrations within ten (10) business
22 days after the date of the filing of the Registration. The applicant may make the proper
23 corrections and resubmit the corrected Registration. The applicant may make the necessary
24 corrections and/or additions and resubmit the Registration within 30 days of notification.
25

26 All complete and accurate Registrations shall be approved or denied, in whole or in part, within
27 fifteen (15) business days after the date of filing or shall be deemed approved. If a Registration
28

1 is denied, in whole or in part, the applicant may amend the Registration and resubmit the
2 amended Registration or the Registration will be considered invalid.
3

4 Approved Registrations shall be valid for a period of 5 years, subject to payment of annual
5 inspection and sampling fees.
6

7 Denial of Registration may be for one or more of the following causes, or for other reasons as
8 specified by the Director:

- 9 1. Lack of responsibility as shown by past work.
- 10 2. Submission of inadequate, incomplete, or inaccurate Registration information.
- 11 3. The plan proposes an application that is not environmentally sound.
12

13
14 Written notice of the denial of a Registration shall be given by personal delivery or by mailing
15 by certified mail to the applicant at the address on file with the Department.

16
17 The Director may rescind a Registration whenever the registered individual has violated a
18 provision of this Ordinance or State rules or regulations, discharge order of the Water Quality
19 Control Board, or is in noncompliance with a resolution of the Board of Supervisors. In such
20 instance, a written notice to this effect shall first be delivered in person or by certified mail to
21 the business address of the person appearing on the Registration. The written notice shall state
22 the grounds for the proposed rescission.
23

24 The Generator, Processor, Transporter, Grower or Landowner may appeal such proposed denial
25 or rescission by the Director by filing a written request for a hearing before the Independent
26 Hearing Panel not more than fifteen (15) calendar days after notice of the proposed denial or
27 rescission has been mailed. Upon receipt of a written request for a hearing, the Panel shall set
28 the matter for public hearing on a date not more than sixty (60) calendar days following receipt

1 of such written request, and shall give the appellant and the Panel at least thirty (30) calendar
2 days written notice of the time, date, and place of the hearing. The hearing panel shall issue its
3 written decision and findings on the appeal within thirty (30) calendar days after the close of
4 the hearing. Such decision will be final. Where the approval is rescinded, the Generator,
5 Processor, Transporter, Grower or landowner shall terminate operations forthwith as
6 determined by the Panel.
7

8
9 **Section 12. Department Monitoring Plan**

10 The Department shall implement a monitoring program to ensure conformance with the
11 conditions and restrictions established by this Ordinance.
12

13 1. Inspections will be conducted to

- 14 a. Verify physical conditions of sites as described in site notifications and
15 registrations,
16
17 b. Verify conformance with standards of operation, buffers and clearances
18 established for the Tier of Biosolids being applied,
19
20 c. Verify that the material delivered is consistent with material reviewed by the
21 Product Review Panel in placing it in its respective Tier,
22
23 d. Provide feedback to the Department and the Product Review Panel on the
24 effectiveness of the buffers and clearances established for the respective Tiers,
25
26 e. Conduct sampling activities.

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

- a. Pathogen analysis,
b. Contaminants, including heavy metals, for both Biosolids and soil.

1 c. Nitrogen, to validate analysis provided for Agronomic Rates.

2
3 Inspections and sampling frequencies, material to be sampled for, sampling standards
4 and other details shall be established through a monitoring plan approved by the Health
5 Officer.

6
7 **Section 13. Fees.**

8 A. A deposit in the amount listed below shall be made to the Department for the review
9 of each Registration of a Generator, Processor, Transporter, or Site. Fees collected
10 in excess of the actual cost of providing the review shall be refunded. Registrations
11 whose review requires a cost to the Department beyond the initial deposit shall
12 require an additional deposit.

- 13
14
- | | |
|-------------------------------|----------|
| 15 1. Generator or Processor: | \$500.00 |
| 16 2. Transporter: | \$250.00 |
| 17 3. Tier 2, 3 or 4 Site: | \$200.00 |
- 18

19 B. Annual inspection and sampling fees

- 20 For Generator or Processor: \$403.00
- 21 For Transporter: \$100.00
- 22 For each Tier 1 application site: \$339.00
- 23
- 24 For each Tier 2, Tier 3 or Tier 4 application site: \$509.00
- 25

26
27
28 C. These fees shall be incorporated into Riverside County Ordinance No. 640.

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

5 **Section 14. Right of Entry.**
6

7 A. The Grower or Land Owner shall agree, as a requirement of the approval, to
8 authorize the Director at reasonable times and upon presentation of credentials to:

- 9
- 10 1. Have access to and copy any records required to be kept under the terms and
11 conditions of this approval,
 - 12 2. Inspect any monitoring equipment or observe any monitoring method required
13 in the approval,
 - 14 3. Inspect any collection, transport vehicles, treatment, pollution management, or
15 control facilities required under the approval,
 - 16 4. Enter any site where Class A Biosolids are proposed to be used or have been
17 used or stored and sample any ground waters, surface waters, soils, vegetation,
18 Class A Biosolids or other Biosolids on the site; and,
19
 - 20 5. Obtain any photographic documentation or evidence.
21
22

23 **Section 15. Enforcement.**

24 It shall be the duty of the Director to enforce the provisions of this Ordinance.
25

26 **Section 16. Responsibility.**
27
28

1 The Generator, Processor, Transporter, Grower, Land Owner and any person or persons leasing
2 the site shall be jointly and severally responsible for compliance with this Ordinance.
3

4 **Section 17. Violations – Penalties.**

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

20 The additional remedies, penalties, and procedures for violation of this ordinance and for
21 recovery of costs related to enforcement provided for in Ordinance No. 725 are incorporated
22 into this section by this reference.
23

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

25 In addition, any violation of this Ordinance is hereby deemed to be a public nuisance, and may
26 be abated, and/or enjoined by the Director, irrespective of any other remedy hereinabove
27 provided.
28

1 **Section 19. Severability.**

2 If any clause, provision, sentence, or paragraph of this Ordinance, or the application thereof, is
3 deemed to be invalid as to any person, entity, establishment, or circumstance, such invalidity
4 shall not effect the other provisions of this Ordinance that shall still remain in effect, and to this
5 end, it is hereby declared that the provisions of this Ordinance are severable.
6

7
8 **Section 20. Effective Date.**

9 This Ordinance shall take effect sixty (60) days after the date of adoption.
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19 **ADOPTED: Item 3.7 9/28/04 (Eff: 11/26/04)**
20
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28

1 A. **"Agronomic Rate"** shall mean Class A Biosolids applications that, in conjunction with
2 existing plant available nitrogen (PAN) levels, will not exceed nitrogen fertilizer rates
3 for the crop to be grown as determined by the Riverside County Agricultural
4 Commissioner and will not result in phytotoxicity (accumulation of heavy metals and/or
5 nutrients adverse to normal vegetative growth).
6

7 B. **"Bulk Biosolids"** shall mean Class A Biosolids that are not sold or given away in a bag
8 for application to commercial farmland.
9

10 C. **"Class A Sewage Sludge"** or **"Biosolids"** shall mean the accumulated matter produced
11 in the treatment of wastewater that has been processed for pathogen reduction in
12 accordance with Federal 40 CFR Part 503, Section 503.32 (a), one of the vector
13 attraction reduction standards set forth in 40 CFR Section 503.33, and meets the ceiling
14 concentration limits in 40 CFR Section 503.13 Table 1. Class A Biosolids from each
15 generator, or process and location if multiple processes or locations are used, shall be
16 placed in a tier level based on its nuisance value as determined by a Product Review
17 Panel established by the Health Officer for Riverside County.
18
19

20 A. **"Tier 1"** shall mean any Bulk Class A EQ Biosolids for which the generator has
21 demonstrated minimal nuisance (fly attraction and odor) generating
22 characteristics as determined by the Product Review Panel.
23

24 B. **"Tier 2"** shall mean any Bulk Class A EQ Biosolids for which the nuisance (fly
25 attraction and odor) generating characteristics of the Biosolids, as determined by
26 the Product Review Panel, warrant minimal buffer zones.
27
28

1 C. **“Tier 3”** shall mean any Bulk Class A EQ Biosolids for which the nuisance (fly
2 attraction and odor) generating characteristics of the Biosolids, as determined by
3 the Product Review Panel, warrant moderate buffer zones.
4

5 D. **“Tier 4”** shall mean any Bulk Class A Biosolids for which the nuisance (fly
6 attraction and odor) generating characteristics of the Biosolids, as determined by
7 the Product Review Panel, warrant maximal buffer zones. All Class A Biosolids
8 shall be considered to be Tier 4 Biosolids until such time as the Product Review
9 Panel may evaluate and slot such Biosolids into another tier.
10

11 D. **“Class A EQ ”** shall mean Class A Biosolids meeting the ceiling concentrations set
12 forth in 40 CFR Section 503.13(b)(1), the pollutant concentration standards set forth in
13 40 CFR Section 503.13(b)(3), and one of vector attraction reduction options set forth in
14 40 CFR Section 503.33(b)(1)-(8).
15

16 E. **“Commissioner”** shall mean the Agricultural Commissioner for the County of
17 Riverside and his or her designee.
18

19 F. **“County”** shall mean the County of Riverside, State of California.
20

21 G. **“Department”** shall mean the Department of Environmental Health for the County of
22 Riverside.
23

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

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

1 J. **"Grower"** shall mean the person or entity primarily responsible for planting,
2 maintaining, and harvesting or allowing the use of crops and/or rangeland for domestic
3 animal or human use.
4

5 K. **"Independent Hearing Panel"** shall mean the panel established pursuant to California
6 Public Resources Code Section 44308 for solid waste facility issues and consisting of a
7 minimum of three persons.
8

9 L. **"Land Application"** shall mean the placement of Class A Biosolids within the first
10 three (3) feet of the surface of agricultural land to facilitate the growth of crops.
11

12 M. **"Land Owner"** shall mean any person, firm, business, city, county, district, special
13 district including a water district, sole proprietorship, partnership, joint venture, trust,
14 association or corporation whether for profit or non profit that owns real property within
15 the unincorporated areas of Riverside County.
16

17 N. **"Site"** shall mean a discrete parcel of land, greater than 2 acres, upon which Class A
18 Biosolids is to be applied for the purpose of growing crops.
19

20 O. **"Product Review Panel"** shall mean a panel appointed or reappointed by the County
21 Health Officer on or before February 1 of each calendar year, composed of six
22 individuals representing the following groups: 1) Citizen; 2) County Staff; 3) Product
23 Generator; 4) Transporter or Farmer; 5) Academic, County Extension or Agricultural
24 Commissioner representative, 6) Processor.
25

26 P. **"Processor"** shall mean any person, firm or business responsible for transforming
27 biosolids received from a Generator into Class A Biosolids.
28

1 Q. "Transporter" shall mean any person, company, organization, or other legal entity
2 engaged, or about to become engaged with the transportation of Class A Biosolids
3 received from a Generator or Processor for the purpose of land application.
4

5 **Section 4. Prohibitions.**
6

7 A. No Generator, Processor, Transporter, Grower or Landowner shall engage in
8 any land application activities that are: inconsistent with the standards of this
9 Ordinance, exceed agronomic rates, or are otherwise prohibited by or in
10 violation of any other Federal, State or Local standard.
11

12 B. No Generator, Processor, Transporter, Grower or Landowner shall engage in
13 any land application activities without the prior, unexpired and unrevoked
14 registration with the Department.
15

16 C. No person shall deliver bulk Class A Biosolids to any site for the purposes of
17 land application unless that site is in compliance with all notifications and has a
18 current and unrevoked registration with the Department as required by this
19 Ordinance.
20

21 **Section 5. Exemptions.**
22

23 The following sites shall be exempted from the prohibitions:
24

25 A. Agricultural sites operated in conjunction with a public school with a recognized
26 agricultural training program or curriculum.
27

28 B. A tree or vine farming operation considered active by the Commissioner.

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

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

- 7
- 8 1. Name and address of the Generator, Processor or Transporter.
 - 9 2. Type of organization such as sole proprietorship, partnership, agency,
10 municipality, special district, joint venture, lease, corporation, business trust of
11 company including names and home addresses.
 - 12 3. Name of person submitting application, and relationship to generator, processor
13 or transporter.
 - 14 4. Identification (name and phone number of the local contact person).
 - 15 5. Additional application requirements for Generators and Processors.
 - 16 a. List of Facilities from which Class A Biosolids is generated.
 - 17 b. Method or methods used to achieve Class A level.
 - 18 c. Any and all documents related to the identification of incomplete or
19 inadequate processes to achieve a Class A Biosolids designation.
 - 20 d. Remediation protocols to be used in the event that Biosolids not
21 meeting Class A standards are delivered to a site.
 - 22 e. Additional application requirements for Transporter.
 - 23 f. A written spill prevention and response program.
- 24
25
26
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28

1 Tier Placement. Class A Biosolids from each Generator and Processors, or process
2 and location if multiple processes or locations are used, shall be placed in a tier level
3 based on their nuisance value as determined by a Product Review Panel using
4 protocols established by the Health Officer for Riverside County.
5

6 **Standards of Operation**
7

8 6. A Generator and/or Processor:

- 9 a. Shall advise the Department within 1 business day of any event that may
10 impact the quality of the Class A Biosolids being provided for land
11 application.
12
- 13 b. Shall advise the Department within 1 business day of any notice from the
14 governing regional water quality control board or USEPA of any
15 violation that may impact the quality of the Class A Biosolids being
16 provided for land application.
17
- 18 c. Shall individually certify each load as meeting the Class A standards.
19
- 20 d. Shall implement the above identified remediation protocol upon
21 determination or notification that Biosolids not meeting Class A
22 Biosolids standards are delivered to a site.
23
- 24 e. Shall, at a minimum, perform monthly site visits and audit the land
25 application practices in use for their Tier 2, 3 and 4 Class A Biosolids.
26 The results of the above audit shall be reported to the Department
27 biannually using forms provided by the Department and shall include any
28 actions taken by the Generator.

1 f. Shall demonstrate pathogen destruction through process controls
2 including but not limited to alarming, shutdown procedures or testing to
3 preclude land application of substandard Biosolids. Records
4 demonstrating compliance shall be maintained for a period of one year
5 from the time of application.
6

7 g. Shall maintain processes to meet Class A Standards. Failure to do so
8 shall result in the denial or rescission of the registration.
9

10 7. A Transporter:

11 a. Shall mark - each vehicle with the identity and telephone number of the
12 Transporter, subcontractor or other responsible operator clearly visible,
13 on the rear and on each side, with letters of not less than three (3) inches
14 in height.
15

16 b. Shall design and maintain Vehicles in such a manner as to prevent
17 leakage of liquids or spilling, blowing or loss of Biosolids during
18 transportation.
19

20 c. Shall provide a shovel, broom, fire extinguisher, and first aid kit to be
21 maintained on vehicles at all times.
22

23 d. Shall ensure that the Class A Biosolids quality certification is available
24 for review on the vehicle, and copies from each load are retained on site
25 until all deliveries are complete.
26
27
28

1 e. Shall create and maintain an accurate record for each load of Class A
2 Biosolids delivered and applied in Riverside County including, but not
3 limited to, the information listed below:
4

5 i. Generator (by specific facility),

6 ii. Date and time picked up,
7

8 iii. Date and time delivered to site.

9 iv. Site identification:
10

11 v. Load size; and,
12

13 vi. Vehicle(s) and driver(s).

14 Such records shall be submitted to the Department within fifteen (15) days from the
15 end of any reporting month in which activity occurs, and an annual report within 30
16 days of the end of the calendar year.
17

18 f. Shall maintain vehicle exteriors to be free of sludge before entering
19 public roads and in sound mechanical condition. All loads shall be fully
20 and securely covered. Transporter shall immediately and completely
21 clean any and all spillage.
22

23 **Section 7. Tier 1 Standards.**

24 **Site Notification**

25
26 1. The Transporter and Grower shall be jointly responsible for notification of the
27 Department for Sites receiving Tier 1 Biosolids. Such notification shall be made no
28

1 later than the last business day prior to delivery of the Biosolids, using forms
2 provided by the Department to include:

- 3
- 4 a. Name, address and phone number of the grower or land owner with
5 evidence of grower or land owner agreeing to the application of Class A
6 Tier 1 Biosolids use, right of entry and any other conditions.
- 7
- 8 b. Riverside County Assessors Parcel Number (APN).
- 9
- 10 c. A map of the application site.
- 11
- 12 d. The Generator(s) or Processor(s) from which the Transporter receives the
13 Biosolids.
- 14
- 15 e. The amount of Tier 1 Biosolids to be applied, including an analysis of
16 agronomic rate to include the accounting of existing soil nitrogen levels
17 using the concentration of soil nitrate (in ppm) to a depth of 1 foot.
- 18
- 19 f. Fees per Section 13 below.

20 Standards of Operation: Grower and Transporter shall be jointly responsible for ensuring
21 conformity to the following site conditions:

- 22
- 23 2. Delivery to land application sites adjacent to residential developments shall be
24 limited to the hours between 6:00 AM and 8:00 PM unless the staging area is
25 greater than 500 ft from the nearest dwelling.
- 26
- 27 3. Biosolids not meeting Class A Tier 1 Standards shall not be delivered to the site.
28 The Generator or Processor shall implement the above identified remediation
protocol upon notification or receipt of information that Biosolids delivered to the
site do not meet all standards as identified herein.

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

- 1 b. At all other sites of less than 20 acres: within 48 hours of delivery.
- 2
- 3 c. For sites of 20 acres or more, incorporation shall commence no more than
- 4 seven (7) days after the first delivery and shall be completed within seven
- 5 (7) days of the final delivery unless otherwise authorized by the
- 6 Department.
- 7
- 8 d. Other reasonable incorporation time frames may be approved by the
- 9 Director for remote locations upon request.

10 **Section 8. Tier 2 Standards.**

11 **Site Registration:** The Landowner, Grower and Transporter shall be jointly responsible for

12 registration of Sites receiving Tier 2 Biosolids. Sites shall be registered with the Department

13 prior to conducting activities regulated under this Ordinance, with said registration renewed on

14 an annual basis, using forms provided by the Department to include:

15

16

- 17 1. Name, address and phone number of both the grower and land owner with
- 18 evidence of both grower and land owner agreeing to the application of the Class A
- 19 Tier 2 Biosolids, right of entry and any other conditions.
- 20
- 21 2. Site identification to include Riverside County Assessors Parcel Number (APN).
- 22
- 23 3. A map of the application site.
- 24
- 25 4. A tabulation of site information to include:
- 26 a. Net acreage (to nearest 0.1 acre).
- 27 b. Annual application rate for the planned crop.
- 28 c. Proximity to occupied dwellings, property lines, roads and wells.

1 d. Analysis of agronomic rate to include the accounting of existing soil nitrogen
2 levels using the concentration of soil nitrate (in ppm) to a depth of 1 foot.
3

4 e. The Generator(s) or Processor(s) from which the Transporter receives the
5 Biosolids.
6

7 5. Fees Per Section 13 below.
8

Standards of Operation: Transporter and Grower shall be jointly responsible for
9 ensuring conformity to the following site conditions:
10

11 6. Delivery to land application sites shall be limited to the hours between 6:00 AM
12 and 8:00 PM.
13

14 7. Biosolids not meeting Class A Tier 2 Standards shall not be delivered to the site.
15 The Generator or Processor shall implement the above identified remediation
16 protocol upon notification or receipt of information that Biosolids delivered to the
17 site do not meet all standards as identified herein.
18

19 8. The Transporter shall ensure that the Class A Biosolids quality certification is
20 available for review on the vehicle, and copies from each load are retained on site
21 until all applications are complete.
22

23 9. No application of Tier 2 Biosolids shall exceed the agronomic rate for the crop as
24 determined by the Commissioner.
25

26 10. Tier 2 Biosolids shall not be applied within 100 feet of a well.
27

28 11. Tier 2 Biosolids shall not be applied within:

- a. 500 feet from any residence, school, business, place of worship, entertainment area,
- b. 50 feet from public roads,
- c. 50 feet from property lines unless written permission is obtained from the adjacent landowner.

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

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

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

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

- a. Data for determination of agronomic rate,

- b. Generator(s) or Processor(s),
- c. Dates and amount delivered to use site,
- d. Crops planted and yield.

Section 9. Tier 3 Standards.

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

- 1. Name, address and phone number of both the grower and land owner with evidence of both grower and land owner agreeing to the application of the Class A Tier 3 Biosolids, right of entry and any other conditions,
- 2. Site identification to include Riverside County Assessors Parcel Number (APN),
- 3. A map of the application site,
- 4. A tabulation of site information to include:
 - a. Net acreage (to nearest 0.1 acre),
 - b. Annual application rate for the planned crop.
 - c. Proximity to occupied dwellings, property lines, roads and wells.
- 5. Analysis of agronomic rate to including the accounting of existing soil nitrogen levels using the concentration of soil nitrate (in ppm) to a depth of 1 foot,

1 6. The generator(s) or processor(s) from which the transporter receives the
2 Biosolids.

3
4 7. Fees per section 13 below.

5 Standards of Operation: Transporter and Grower shall be jointly responsible for
6 ensuring conformity to the following site conditions:

7
8 8. Delivery to land application sites shall be limited to the hours between 6:00 AM
9 and 8:00 PM.

10
11 9. Biosolids not meeting Class A Tier 3 Standards shall not be delivered to the site.
12 The Generator or Processor shall implement the above identified remediation
13 protocol upon notification or receipt of information that Biosolids delivered to
14 the site do not meet all standards as identified herein.

15
16 10. The Transporter shall ensure that the Class A Biosolids quality certification is
17 available for review on the vehicle, and copies from each load are retained on
18 site until all applications are complete.

19
20 11. No application of Class A Tier 3 Biosolids shall exceed the agronomic rate for
21 the crop as determined by the Commissioner.

22 12. Tier 3 Biosolids shall not be applied within 100 feet of a well.

23 13. Tier 3 Biosolids shall not be applied within:

24 a. 1000 feet from any residence, school, business, place of worship,
25 entertainment area,

26 b. 50 feet from public roads,
27
28

1 c. 50 feet from property lines unless written permission is obtained from
2 the adjacent landowner.
3

4 14. Upon application, Tier 3 Biosolids shall be promptly incorporated into the soil by
5 discing or other suitable tillage within the timelines set out below. Incorporation
6 shall be continuous until completed. Incorporation shall be thorough to a depth of
7 no less than 6 inches unless otherwise approved by the Department, including
8 residues in staging areas. Tier 3 Biosolids shall be incorporated when applied:
9

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

16 15. No Tier 3 Biosolids shall be delivered to a site when climatic conditions such as
17 wind greater than 25 mph, or rain that will preclude the incorporation identified
18 above.
19

20 16. Both the Transporter and the Grower shall maintain an accurate record for each
21 load of Tier 3 Biosolids delivered and applied to each site under their control
22 including, but not limited to, the information listed below.
23

- 24 a. Data for determination of agronomic rate,
25
26 b. Generator(s) or Processors,
27
28 c. Dates and amount delivered to use site,
d. Crops planted and yield.

1 **Section 10. Tier 4 Standards.**

2
3 Site Registration: The Transporter and Grower shall be jointly responsible for registration of
4 sites receiving Tier 4 Biosolids. Sites shall be registered with the Department prior to
5 conducting activities regulated under this Ordinance, with said registration renewed on an
6 annual basis, using forms provided by the Department to include:

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

21
22
23
24
25
26 Standards of Operation: Transporter and Grower shall be jointly responsible for
27 ensuring conformity to the following site conditions.
28

- 1 8. Delivery to land application sites shall be limited to the hours between 6:00 AM
2 and 8:00 PM.
- 3
- 4 9. Biosolids not meeting Class A Tier 4 Biosolids Standards shall not be delivered to
5 the site. The Generator or Processor shall implement the above identified
6 remediation protocol upon notification or receipt of information that Biosolids
7 delivered to the site do not meet all standards as identified herein.
- 8
- 9 10. The transporter shall ensure that the Class A Biosolids quality certification is
10 available for review on the vehicle, and copies from each load are retained on site
11 until all applications are complete.
- 12
- 13 11. No application of Tier 4 Biosolids shall exceed the agronomic rate for the crop as
14 determined by the Commissioner.
- 15
- 16 12. Tier 4 Biosolids shall not be applied within 100 feet of a well.
- 17
- 18 13. Tier 4 Biosolids shall not be applied within:
- 19 a. ½ mile from any residence, school, business, place of worship,
20 entertainment area,
- 21 b. 50 feet from public roads,
- 22 c. 50 feet from property lines unless written permission is obtained from
23 the adjacent landowner.
- 24
- 25 14. Upon application, Tier 4 Biosolids shall be incorporated into the soil by
26 discing or other suitable tillage within 24 hours of delivery. Incorporation shall
27 be continuous until completed. Incorporation shall be thorough to a depth of
28 no less than 6 inches unless otherwise approved by the Department, including

1 residues in staging areas. Other reasonable incorporation time frames may be
2 approved by the Director for remote locations upon request.
3

4 15. No Tier 4 Biosolids shall be delivered to a site when climatic conditions such
5 as wind greater than 25 mph, or rain that will preclude the incorporation
6 identified above.
7

8 16. Both the Grower and the Landowner shall maintain an accurate record for each
9 load of Tier 4 Biosolids delivered and applied to each site under their control
10 including, but not limited to, the information listed below:
11

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

18 **Section 11.** Action on Registrations of Generators, Processors, Transporters and Sites
19 receiving Tiers 2, 3 or 4 Biosolids.
20

21 Applicants shall be notified of incomplete or inaccurate registrations within ten (10) business
22 days after the date of the filing of the Registration. The applicant may make the proper
23 corrections and resubmit the corrected Registration. The applicant may make the necessary
24 corrections and/or additions and resubmit the Registration within 30 days of notification.
25

26 All complete and accurate Registrations shall be approved or denied, in whole or in part, within
27 fifteen (15) business days after the date of filing or shall be deemed approved. If a Registration
28

1 is denied, in whole or in part, the applicant may amend the Registration and resubmit the
2 amended Registration or the Registration will be considered invalid.

3
4 Approved Registrations shall be valid for a period of 5 years, subject to payment of annual
5 inspection and sampling fees.

6
7 Denial of Registration may be for one or more of the following causes, or for other reasons as
8 specified by the Director:

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

12
13
14 Written notice of the denial of a Registration shall be given by personal delivery or by mailing
15 by certified mail to the applicant at the address on file with the Department.

16
17 The Director may rescind a Registration whenever the registered individual has violated a
18 provision of this Ordinance or State rules or regulations, discharge order of the Water Quality
19 Control Board, or is in noncompliance with a resolution of the Board of Supervisors. In such
20 instance, a written notice to this effect shall first be delivered in person or by certified mail to
21 the business address of the person appearing on the Registration. The written notice shall state
22 the grounds for the proposed rescission.

23
24 The Generator, Processor, Transporter, Grower or Landowner may appeal such proposed denial
25 or rescission by the Director by filing a written request for a hearing before the Independent
26 Hearing Panel not more than fifteen (15) calendar days after notice of the proposed denial or
27 rescission has been mailed. Upon receipt of a written request for a hearing, the Panel shall set
28 the matter for public hearing on a date not more than sixty (60) calendar days following receipt

1 of such written request, and shall give the appellant and the Panel at least thirty (30) calendar
2 days written notice of the time, date, and place of the hearing. The hearing panel shall issue its
3 written decision and findings on the appeal within thirty (30) calendar days after the close of
4 the hearing. Such decision will be final. Where the approval is rescinded, the Generator,
5 Processor, Transporter, Grower or landowner shall terminate operations forthwith as
6 determined by the Panel.
7

8
9 **Section 12. Department Monitoring Plan**

10
11 The Department shall implement a monitoring program to ensure conformance with the
12 conditions and restrictions established by this Ordinance.

13 1. Inspections will be conducted to

- 14 a. Verify physical conditions of sites as described in site notifications and
15 registrations,
16
17 b. Verify conformance with standards of operation, buffers and clearances
18 established for the Tier of Biosolids being applied,
19
20 c. Verify that the material delivered is consistent with material reviewed by the
21 Product Review Panel in placing it in its respective Tier,
22
23 d. Provide feedback to the Department and the Product Review Panel on the
24 effectiveness of the buffers and clearances established for the respective Tiers,
25
26 e. Conduct sampling activities.

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

- a. Pathogen analysis,
b. Contaminants, including heavy metals, for both Biosolids and soil.

1 c. Nitrogen, to validate analysis provided for Agronomic Rates.

2
3 Inspections and sampling frequencies, material to be sampled for, sampling standards
4 and other details shall be established through a monitoring plan approved by the Health
5 Officer.

6
7 **Section 13. Fees.**

8 A. A deposit in the amount listed below shall be made to the Department for the review
9 of each Registration of a Generator, Processor, Transporter, or Site. Fees collected
10 in excess of the actual cost of providing the review shall be refunded. Registrations
11 whose review requires a cost to the Department beyond the initial deposit shall
12 require an additional deposit.

- 13
14
- | | |
|----------------------------|----------|
| 1. Generator or Processor: | \$500.00 |
| 16 2. Transporter: | \$250.00 |
| 17 3. Tier 2, 3 or 4 Site: | \$200.00 |
- 18

19 B. Annual inspection and sampling fees

- 20 For Generator or Processor: \$403.00
- 21 For Transporter: \$100.00
- 22 For each Tier 1 application site: \$339.00
- 23 For each Tier 2, Tier 3 or Tier 4 application site: \$509.00
- 24
25
26
27

28 C. These fees shall be incorporated into Riverside County Ordinance No. 640.

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

5 **Section 14. Right of Entry.**
6

7 A. The Grower or Land Owner shall agree, as a requirement of the approval, to
8 authorize the Director at reasonable times and upon presentation of credentials to:

- 9
- 10 1. Have access to and copy any records required to be kept under the terms and
11 conditions of this approval,
 - 12 2. Inspect any monitoring equipment or observe any monitoring method required
13 in the approval,
 - 14 3. Inspect any collection, transport vehicles, treatment, pollution management, or
15 control facilities required under the approval,
 - 16 4. Enter any site where Class A Biosolids are proposed to be used or have been
17 used or stored and sample any ground waters, surface waters, soils, vegetation,
18 Class A Biosolids or other Biosolids on the site; and,
19
 - 20 5. Obtain any photographic documentation or evidence.
21
22

23 **Section 15. Enforcement.**

24 It shall be the duty of the Director to enforce the provisions of this Ordinance.
25

26 **Section 16. Responsibility.**
27
28

1 The Generator, Processor, Transporter, Grower, Land Owner and any person or persons leasing
2 the site shall be jointly and severally responsible for compliance with this Ordinance.
3

4 **Section 17. Violations – Penalties.**

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

18 The additional remedies, penalties, and procedures for violation of this ordinance and for
19 recovery of costs related to enforcement provided for in Ordinance No. 725 are incorporated
20 into this section by this reference.
21

22
23 **Section 18. Violations – Public Nuisance.**

24 In addition, any violation of this Ordinance is hereby deemed to be a public nuisance, and may
25 be abated, and/or enjoined by the Director, irrespective of any other remedy hereinabove
26 provided.
27
28

1 **Section 19. Severability.**

2 If any clause, provision, sentence, or paragraph of this Ordinance, or the application thereof, is
3 deemed to be invalid as to any person, entity, establishment, or circumstance, such invalidity
4 shall not effect the other provisions of this Ordinance that shall still remain in effect, and to this
5 end, it is hereby declared that the provisions of this Ordinance are severable.
6

7
8 **Section 20. Effective Date.**

9 This Ordinance shall take effect sixty (60) days after the date of adoption.
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19 **ADOPTED: Item 3.7 9/28/04 (Eff: 11/26/04)**
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