

**David Broadwater**

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**From:** "David Broadwater" <csi@thegrid.net>  
**Sent:** Thursday, August 14, 2008 11:17 AM  
**Attach:** EHD-SLOCo PermOrd Draft 7-25-08.doc  
**Subject:** Sewage Sludge Land App - SLO Co. Draft Ord comments

Citizens interested in Sewage Sludge Land Application,  
re: SLO Co. Draft Ordinance available for comment

As a citizen working with others to influence SLO County public policy regarding sewage sludge land application since 1998, I'd like to share my initial impressions of the first draft permanent ordinance released for public comment on 7-25-08 by the Environmental Health Division of the SLO Co. Health Department. This comment period closes 12-1-08, after which a second draft will be circulated, according to the EHD.

I will submit more a comprehensive and detailed response prior to the close of this comment period, but some significant elements of the proposed ordinance stand out as worthy of special attention. While I've detected some deficiencies in the draft, regarding, e.g., the paucity of regulated contaminants, the use of excessive contaminant concentration limits and the lack of numerical limits to soil contamination, I've also found some commendable sections of this ordinance worthy of support.

The draft ordinance:

- Regulates bulk land application of sewage sludge and compost containing it.
- Requires site-specific analysis of pre-application soil contaminant concentrations.
- Requires a permit for land application of five or more cubic yards of sewage sludge.
- Limits first-year land application to 1,608 cubic yards.
- Limits yearly increments in cubic yards land applied by SLO County population.
- Prohibits more than five land applications on any parcel.

Containment of long-term and cumulative soil, water, food and air quality degradation appears to be an objective of this draft ordinance. As the primary impact of sewage sludge land application, this is a worthwhile goal.

The county-wide annual limits will allow flexibility in the disposal of locally-generated sewage sludge, and prevent the irreversible consequences of an unmitigated escalation in land application.

Conservative and scientific permitting parameters enable greater capability to monitor land application projects, enforce the law, and provide the public with relevant information with which to protect themselves.

Despite its deficiencies, this draft ordinance contains some valuable components.

I'm interested in others' impressions, thoughts and perspectives.

Please converse.

I've attached a formatted version of the draft (reducing it to two pages with smaller borders and less spaces between sections) to this email for your use. My yellow highlighting can be removed by selecting all text, highlighting and repeating that process.

David Broadwater

Center for Sludge Information



ORDINANCE NO. \_\_\_\_\_  
AN ORDINANCE TO ESTABLISH REGULATIONS FOR THE LAND APPLICATION  
OF BIOSOLIDS/TREATED SEWAGE SLUDGE

The Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION I: That Chapter 8.13 of the County Code be amended as follows:

**8.13.010 Purpose.**

The Board of Supervisors does hereby find, determine and declare the unregulated application of biosolids as defined in this chapter, also referred to as treated sewage sludge, may pose a risk to the health, safety and welfare of the citizens of San Luis Obispo County. Biosolids contain heavy metals, pathogenic organisms, chemical pollutants, and synthetic organic compounds, which may pose a risk to the public health and the environment if improperly handled.

The purpose of this chapter is to replace the Interim Moratorium on the Land Application of Treated Sewage Sludge/Biosolids Ordinance with a permanent ordinance addressing the land application of biosolids.

**8.13.020 Definitions.**

The following words and phrases shall be interpreted as follows:

- (1) "Biosolids", as used in this ordinance, is the word used to represent treated sewage sludge. Specifically, biosolids means treated solid, semi-solid or liquid residues generated during the treatment of sewage in a wastewater treatment facility meeting 40 CFR Part 503 requirements specified in Section 503.32 for pathogen reduction, Section 503.33 for vector attraction reduction, and Section 503.13, Tables 1 and 3 for pollutant concentrations. These residues include, but are not limited to scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Biosolids" as used in this chapter excludes composted biosolids products packaged in a bag or container for routine retail sales through regular retail outlets primarily used for small scale landscaping, and excludes those biosolids otherwise disposed of at a regulated landfill.
- (2) "Composted biosolids" means compost material that has been mixed only with exceptional quality biosolids
- (3) "County" means the County of San Luis Obispo.
- (4) "Exceptional Quality Biosolids" means Class A biosolids meeting the pollutant concentrations in 40 CFR 503.13 Table 3 and have achieved a level of vector attraction reduction required by 40 CFR 503.33. Additionally, Class A biosolids must meet either fecal coliform or Salmonella sp. bacterial limits contained in Alternatives 1 through 6 of 40 CFR 503.32(a) to be exceptional quality. For the purposes of this chapter, exceptional quality biosolids are in bulk form and shall not include compost meeting or exceeding exceptional quality criteria.
- (5) "Nutrient Management Plan" means a written report detailing the management strategy for nitrogen, phosphorous, potassium, and heavy metals developed for a specific site based on the nutrient and metal concentrations in the biosolids material to be applied, the background levels of the soil, nutrient requirements of the crop or pasture, and any additional amendments or fertilizers. The purpose of the plan is to ensure that land application of biosolids or bulk form composted biosolids on a specific site will not exceed applicable local, state or federal regulations.
- (6) "Person" means any individual, firm, association, partnership, political subdivision, government agency, municipality, public or private corporation or any other entity whatsoever.

**Section 8.13.030. Permanent Ordinance.**

The ordinance shall apply to any person applying or distributing biosolids, or composted biosolids sold in bulk form in the county, subject to the following requirements:

- (1) Only exceptional quality biosolids may be land applied in the unincorporated areas of San Luis Obispo County.
- (2) Composted biosolids may be land applied in the unincorporated areas of the county. Only exceptional quality biosolids may be used in composted biosolids that will be land applied

in the unincorporated areas of the county.

- (3) Sites proposed for the land application of biosolids or bulk form composted biosolids shall be zoned for agricultural use as determined by the County Planning Department and shall be part of an active farming or ranching operation, intended for production of a crop or grazing of livestock. Biosolids or bulk form composted biosolids must be applied at the appropriate agronomic rate for the intended use and shall meet the requirements of the Nutrient Management Plan.
- (4) Biosolids or composted biosolids cannot be applied to crops intended for human consumption where the edible portions of the plant are, or may be, in direct contact with biosolids or composted biosolids.
- (5) Any person who desires to distribute or apply biosolids or composted biosolids in a quantity equaling or exceeding 5.0 cubic yards shall notify in writing the San Luis Obispo County Public Health Department, Environmental Health Services Division thirty (30) days prior to application or distribution.
- (6) With the adoption of this ordinance, the cumulative amount of biosolids that will be allowed to be land applied in the county shall be limited to 1608 cubic yards in the first year. The limit for each subsequent year will be based on the percent increase (or decrease) in the total population of the county from the previous year (e.g., a 1% increase in the previous year's population would mean a 1% increase in the cumulative amount of biosolids that could be land applied the following year). However, if the cumulative total of exceptional quality biosolids land applied or distributed in a calendar year is less than the total limit allowed for that year, the remainder shall be carried over to the subsequent calendar year and added to the current calendar year's total amount that could be land applied.
- (7) The Environmental Health Services Division shall be empowered to prohibit any application of biosolids or composted biosolids under the following conditions:
  - a. Biosolids failing to meet exceptional quality (EQ) standards as described in 40 CFR 503.13 Table 3 and have achieved a level of vector attraction reduction required by 40 CFR 503.33. Additionally, biosolids failing to meet either fecal coliform or Salmonella sp. bacterial limits contained in Alternatives 1 through 6 of 40 CFR 503.32(a).
  - b. The application of biosolids is in excess of the cumulative total limitation set forth above in paragraph six.
  - c. The applicant cannot provide documentation of biosolids meeting EQ standards.
  - d. On a specific area of land on a specific parcel exceeding a total of five land applications of biosolids or composted biosolids.
- (8) The Environmental Health Services Division shall develop policies and procedures to implement the requirements of this ordinance.

#### Section 8.13.040. Penalties.

Any person who violates any provisions of this chapter shall be guilty of a misdemeanor pursuant to chapter 1.04.010.

**SECTION II:** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or the constitutionality of the remaining portions of this ordinance. The Board of Supervisors hereby declares it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

**SECTION III:** Before the passage of 15 days after adoption of this ordinance, it shall be published with the names of the Board of Supervisors members voting for and against same, once in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

Introduced at a regular meeting of the Board of Supervisors held on the \_\_\_\_ day of \_\_\_\_\_, 2010, and passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_ day of \_\_\_\_\_, 2010, by the following roll call vote, to-wit:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Chairman of the Board of Supervisors of the County of San Luis Obispo, State of California  
ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk of the Board of Supervisors, County of San Luis Obispo, State of California

BY: \_\_\_\_\_  
(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:  
JAMES B. LINDHOLM, JR.  
County Counsel

By: \_\_\_\_\_  
Kathleen Bouchard  
Deputy County Counsel

Dated: \_\_\_\_\_, 2010.

