



Re: SLO Co. Sewage Sludge Ordinance - Wrong / Cease EIR Process

David Broadwater to: jcaruso

11/20/2015 10:41 PM

Cc: elcarroll, Joy Fitzhugh, jp.wolff, jwhite, mbandov, mlea, rlichten

From: David Broadwater <csi@thegrid.net>

To: jcaruso@co.slo.ca.us,

Cc: elcarroll@co.slo.ca.us, Joy Fitzhugh <joy@slofarmbureau.org>, jp.wolff@wolffvineyards.com, jwhite@co.slo.ca.us, mbandov@co.slo.ca.us, mlea@co.slo.ca.us, rlichten@co.slo.ca.us

1 attachment



BofS-SSLATF Directs-Recs Ords 3-12-02-10-26-01.pdf

Mr. Caruso;

cc: Recipients of Mr. Caruso's 11-20-15 email "Re: SLO Co. Sewage Sludge Ordinance - Wrong / Cease EIR Process"

Unfortunately, I must write to clarify the fact that the email I sent to you on 11-19-15, "SLO Co. Sewage Sludge Ordinance - Wrong / Cease EIR Process", and the attached letter of the same date were not submitted as Scoping Period comments on the issues which should be analyzed in an EIR on the draft ordinance circulated with the Notice of Preparation issued on 11-2-15. CSI will be submitting scoping comments regarding that EIR before 12-18-15, the deadline set for doing so.

That 11-19-15 email/letter is about a cessation of the CEQA/EIR process due to the facts that it is premature and that the draft ordinance fails to comply with Board of Supervisors directions to Staff regarding how an ordinance permissive of sewage sludge land application should be drafted, based on the recommendations of the SLO County Sewage Sludge Land Application Task Force. It identifies eight specific areas in which the proposed draft ordinance is non-compliant with those directions. It is premature and non-compliant due to the fact that the County has not conducted any analysis of any methods of sewage sludge disposal/use other than land application prior to selecting land application as the preferred method.

The eight areas of non-compliance are listed on the first page of CSI's 11-19-15 letter, including the failure to conduct an alternatives analysis before selecting any means of sewage sludge management. A more detailed exposition of the eight areas of deficiency begins on page 3 of the remaining 19 pages.

CSI's recommendations for rectifying this situation are on page 2:

1. Cease the CEQA/EIR processing of this draft ordinance,
2. Draft an ordinance compliant with BofS directions, and
3. Initiate the CEQA/EIR process when such an ordinance is formulated.

It is obvious, however, that an alternatives analysis should be conducted prior to initiating recommendations #2 & #3, per BofS direction.

Please provide a response to the subject matter of that letter and recommendations. Simply considering them as Scoping Period comments to be addressed in the DEIR and for inclusion in an appendix would be erroneous.

For quick reference, I'm attaching to this email a 1-page summary of the BofS directions. The whole Task Force Report is available on request.

David Broadwater
Center for Sludge Information

From: jcaruso@co.slo.ca.us
Date: November 20, 2015 4:02:07 PM PST
To: David Broadwater <csi@thegrid.net>
Cc: elcarroll@co.slo.ca.us, Joy Fitzhugh <joy@slofarmbureau.org>, jp.wolff@wolffvineyards.com, jwhite@co.slo.ca.us, mbandov@co.slo.ca.us, mlea@co.slo.ca.us, rlichten@co.slo.ca.us
Subject: Re: SLO Co. Sewage Sludge Ordinance - Wrong / Cease EIR Process

Mr Broadwater:

Thank you for your comments on this Notice of Preparation. Your comments will be considered during the preparation of the Draft EIR and will be included in an appendix.

James Caruso
San Luis Obispo County
Department of Planning and Building
Senior Planner
(805) 781-5702
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SLO Co. BofS Directions & SSLATF Recommendations List *

Primary Recommendation = #s 1 – 6.

1. Identify Option No. 2 as the primary recommendation of the Task Force. [Create a local ordinance establishing more stringent requirements for quality of acceptable biosolids material, as well as local control and oversight of how, when and where biosolids may be applied. A public education campaign as described [above] would be implemented concurrently.]
2. Local standards for sewage sludge quality shall be derived from but not limited to state and federal regulations.
3. San Luis Obispo County should adopt a sewage sludge land application ordinance using pollution accumulation limits, considering local soil pollutant levels.
4. San Luis Obispo County should incorporate into an ordinance a comprehensive set of constituents including heavy metals, synthetic chemicals, pathogens and other pollutants not limited to those in current state and federal standards, for setting sewage sludge quality and land accumulation limits.
5. The County should establish a limitation on accepting or processing new land application projects for treated sludge beyond historical amounts of EQ treated sewage sludge until completion of the local ordinance to control and regulate land application of treated sludge. (EQ is "exceptional quality" material, as defined in the federal regulations 40 CFR 503.)
6. In developing an ordinance San Luis Obispo County should consider all feasible methods of treated sewage sludge/biosolids management and their relative impacts.

Notification and Public Information - San Luis Obispo County should incorporate into an ordinance:

7. specific procedures to ensure adequate public & community notification of project proposals, including opportunities to comment regarding them.
8. specific testing, written notification & reporting procedures to ensure consumers receive comprehensive information about treated sewage sludge/biosolids content, source, and usage guidelines.
9. specific procedures for delivering a notification to recipient landowners and users as to the potential problems and benefits associated with the use &/or misuse of treated sewage sludge/biosolids, and for obtaining formal & prior informed consent.
10. specific procedures to ensure property records document any land application activity and the availability of information regarding that activity, so prospective land purchasers and appraisers may be fully informed.

Fees and Financial Considerations - San Luis Obispo County should incorporate into an ordinance:

11. specific procedures to ensure that the fees imposed upon each project are sufficient to fund required assessment, monitoring & oversight activities.
12. provisions for the assessment of fines and/or penalties in case of violations to effectively and rapidly enforce its regulations.
13. requirements for project proponents to post performance bonds & obtain insurance coverage, including pollution liability, to recompense parties potentially impacted by related remediation and/or litigation.
14. General Use and Site Prohibitions - In preparing its ordinance, San Luis Obispo County should consider how, when, where, and whether treated sewage sludge/biosolids should be applied to:
 - a. Human Food-Chain Crops
 - b. Animal Feed Crops
 - c. Grazing, Pasture Land
 - d. Agricultural Soil Classifications
 - e. Home Gardens
 - f. Home Lawns
 - g. Public Parks
 - h. School Playgrounds
 - i. Sports Fields
 - j. Forests
 - k. Sensitive Ecological Areas & Species
15. Program and Project Requirements - In preparing its ordinance, San Luis Obispo County should consider provisions related but not limited to:
 - a. Transportation requirements
 - b. Buffer Zones / Set Back Distances
 - c. Water Supply Protection
 - d. Wind Speed Limits
 - e. Monitoring of heavy metals, pathogens, and other constituents.
 - f. Weather / Season
 - g. Incorporation into Soil
 - h. Runoff Protection
 - i. Erosion Control
 - j. Agronomic Rates
 - k. Crop Limitations
 - l. Type and frequency of application.

* On 3-12-02 the SLO Co. BofS directed drafting of an ordinance based on San Luis Obispo County Treated Sewage Sludge / Biosolids Land Application Task Force Report & Recommendations to SLO Co. Board of Supervisors, 10-26-01.