

**ORDINANCE NO. 812
(AS AMENDED THROUGH 812.1)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO.
812 PROHIBITING THE LAND APPLICATION OF CLASS B SEWAGE SLUDGE AND
INCORPORATING BY REFERENCE ORDINANCE NO. 725**

Section 1: FINDINGS

The Board of Supervisors hereby makes the following findings of fact:

1. On March 20, 2000, the Office of the U.S. Inspector General prepared an Audit Report entitled WATER, Biosolids Management and Enforcement. The Objectives of the Report "were to determine whether (1) EPA oversight of biosolids land application can be made more effective, and whether (2) the Government Performance and Results Act goal for biosolids is appropriate and readily reportable. The report concluded that at the present time the EPA cannot assure the public that current land application practices established in regulations issued by the EPA appearing in 40 CFR 503.1 et seq. are protective of human health and the environment.
2. One of the senior scientists in the EPA was Dr. David Lewis. Dr. Lewis publicly questioned the EPA's commitment to "good science", after the EPA formulated its regulations in 40 CFR 503.1 et seq. governing the land application of sewage sludge. Dr. Lewis' criticisms of the Department led to disciplinary actions which, when challenged under whistleblower protection laws, resulted in the following testimony.
 - a. Dr. Rosemarie Russo, Director of the Ecosystems Research Division of EPA's National Exposure Research Laboratory, testified that the EPA failed to conduct research in six areas, including pathogens, i.e. areas that were vitally important to determining the public health risk associated with land application of sludge. She stated that, due to this failure, the sludge rules in 40 CFR 503.1 et seq. were not "scientifically defensible."
 - b. Dr. James Smith, a Senior Environmental Engineer for the EPA and a pathogen expert, conceded in his deposition testimony that the 503 sludge rules were never subjected to a vigorous risk assessment based on the harmful health effects which may arise from bacteria in the sludge. He also admitted that Dr. Lewis' concern about "undetected pathogens hiding in sludge" raised a "significant issue."
3. The EPA has now requested a review of risk assessment of land application of Biosolids to the National Research Council of the National Academy of Science and Engineering. The National Academy has been tasked by Congress to advise on scientific matters of national scope.
4. Currently, there are unanswered questions about the safety, environmental effects, and propriety of land application of sewage sludge, even when the sludge is applied in accordance with federal, state and local regulations. Sludge contains heavy metals, pathogenic organisms, chemical pollutants, and synthetic organic compounds, which may pose an unknown degree of risk to public health

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

Section 2: AUTHORITY

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

Section 3: DEFINITIONS

- A. Department** means an authorized representative of the Health Department of the County of Riverside.
- B. Applier** is any person engaged in the Land Application of Sludge.
- C. Class B Sewage Sludge** is treated solid, semi-solid or liquid residues generated during the treatment of sewage in a wastewater treatment works that meet 40 CFR Part 503 requirements specified in 503.32(b) for pathogen reduction, 503.33 for vector attraction reduction, and 503.13, Table 1 for pollutant concentrations. These residues include, but are not limited to, scum or solids removed in primary, secondary or advanced wastewater treatment processes and material derived from sewage sludge. Sludge does not include ash generated during the firing of sewage sludge in a sewage incinerator or grit and screenings generated during preliminary treatment of sewage. Sludge, as used in this chapter, excludes biosolid products that are in a bag or container packaged for routine retail sales through regular retail outlets which are primarily used for residential landscaping.
- D. County** means the County of Riverside, State of California.
- E. Land apply** means the spraying or spreading of sludge onto the land surface, the injection of sludge below the surface, or the incorporation of sludge into the soil so that it can either condition the soil or fertilize crops or vegetation grown in the soil.
- F. Person** means any individual, firm, partnership, joint venture, association, corporation, company, limited liability company, estate, trust, receiver, syndicate, city, county, district, special district, waste water treatment facility, political subdivision, or any other group or combination acting as a unit.

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

Effective November 25, 2001 it shall be unlawful for any person to land apply Class B sewage sludge to any land within the unincorporated areas of Riverside County.

Section 5: PENALTY FOR VIOLATION

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

The procedures, remedies and penalties for violation of this ordinance and for recovery of costs related to enforcement are provided for in Ordinance No. 725, which is incorporated herein by this reference.

Section 6 : VIOLATION CONSTITUTES A PUBLIC NUISANCE

In addition, any violation of this chapter is deemed to be a public nuisance and may be abated or enjoined by the Health Officer or his or her designee irrespective of any other remedy hereinabove provided.

Section 7: EFFECTIVE DATE

This ordinance shall be effective 30 days after its adoption.

Adopted: 812 Item 3.15b of 07/10/2001 (Eff: 08/09/2001)

Amended: 812.1 Item 15.14 of 05/22/2007 (Eff: 06/21/2007)