

AMENDED IN SENATE APRIL 4, 2005

SENATE BILL

No. 926

Introduced by Senator Florez

February 22, 2005

An act to add Section 40065 to the Public Resources Code, ~~and to add Section 13228.17 to the Water Code~~, relating to sewage sludge.

LEGISLATIVE COUNSEL'S DIGEST

SB 926, as amended, Florez. Sewage sludge management.

Existing law, the California Integrated Waste Management Act of 1989, imposes requirements with respect to solid waste management and solid waste disposal facilities. That act defines solid waste to include dewatered, treated, and chemically fixed sewage sludge that is not a hazardous waste. Existing law, the Porter-Cologne Water Quality Control Act, requires the State Water Resources Control Board or the California regional water quality control boards to prescribe general waste discharge requirements for agronomic applications of that sludge and the use of that sludge as a soil amendment or fertilizer.

~~This bill, on or before January 1, 2010, would require each local public agency to apply at least 75% of all sewage sludge generated by that local public agency to beneficial use, including electricity generation, composting, or other land applications. The bill would prohibit a local public agency from exporting sewage sludge that is generated by that a local public agency to any other county, but would authorize the appropriate regional board to grant an exception to that prohibition if certain requirements are met in another county of the state.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 40065 is added to the Public Resources~~
2 ~~Code, to read:~~

3 ~~SECTION 1. The Legislature hereby finds and declares all of~~
4 ~~the following:~~

5 ~~(a) All sewage treatment produces biosolids, which are also~~
6 ~~known as treated sewage sludge. Many municipalities desire to~~
7 ~~reuse the biosolids despite the fact that biosolids can also~~
8 ~~contain heavy metals, pathogens, synthetic organic compounds,~~
9 ~~and other pollutants.~~

10 ~~(b) Not only have there been no safety standards established~~
11 ~~for the vast majority of pollutants found in biosolids, but federal~~
12 ~~and state regulations also do not require biosolids to even be~~
13 ~~tested for the presence of these pollutants. As a result, there is~~
14 ~~incredible uncertainty that public health is being protected. In~~
15 ~~fact, various cases of sickness from burning eyes and lungs to~~
16 ~~gastrointestinal, skin, and respiratory infections have been~~
17 ~~reported in people who have had recent exposure to biosolids.~~

18 ~~(c) The United States Environmental Protection Agency and a~~
19 ~~federal court of appeals have acknowledged that there is no~~
20 ~~scientific consensus on the safety of land applied sewage sludge.~~

21 ~~(d) Groundwater supplies are an invaluable resource for~~
22 ~~urban, rural, and agricultural uses throughout the state. The~~
23 ~~land application of biosolids has the potential to contaminate~~
24 ~~irreplaceable groundwater supplies.~~

25 ~~(e) Finding a reuse for sewage sludge should not produce~~
26 ~~more pollution and health risks than disposal, especially if these~~
27 ~~impacts are imposed upon a community outside of the county in~~
28 ~~which the sludge was produced~~

29 ~~(f) Because of the health and environmental risks, the potential~~
30 ~~for water pollution, and the many unknowns about the content of~~
31 ~~biosolids, counties should bear the responsibility of managing~~
32 ~~the biosolids that they generate within their own jurisdictional~~
33 ~~boundaries so that no county is unfairly burdened with another~~
34 ~~county's sewage waste.~~

35 ~~SEC. 2. Section 40065 is added to the Public Resources~~
36 ~~Code, to read:~~

37 ~~40065. Notwithstanding any other provision of law, on and~~
38 ~~after January 1, 2006, no local public agency may import sewage~~

1 *sludge that is generated by a local public agency in another*
2 *county of the state.*

3 ~~SEC. 2. Section 13228.17 is added to the Water Code, to~~
4 ~~read:~~

5 ~~13228.17. (a) Notwithstanding any other provision of law,~~
6 ~~but subject to subdivision (b), on and after January 1, 2006, no~~
7 ~~local public agency may export sewage sludge generated by that~~
8 ~~local public agency to any other county.~~

9 ~~(b) The appropriate regional board may grant an exception to~~
10 ~~the prohibition set forth in subdivision (a) only if the regional~~
11 ~~board determines both of the following apply:~~

12 ~~(1) There is no feasible option for disposal or reuse in the~~
13 ~~county of origin.~~

14 ~~(2) The local public agency seeking to export the sewage~~
15 ~~sludge, and the county to which the sewage sludge is proposed to~~
16 ~~be sent, agree with the regional board's decision to permit the~~
17 ~~exportation.~~