

AMENDED IN SENATE APRIL 21, 2005

AMENDED IN SENATE APRIL 18, 2005

AMENDED IN SENATE APRIL 4, 2005

**SENATE BILL**

**No. 926**

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**Introduced by ~~Senator Florez~~ *Senators Florez and Perata*  
(*Principal coauthors: Senators Escutia and Migden*)  
(*Principal coauthor: Assembly Member McCarthy*)**

February 22, 2005

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An act to add Section 40065 to the Public Resources 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. Existing law also regulates agricultural products derived from municipal sewage sludge as a fertilizer.

This bill would ~~prohibit a local public agency from importing sewage sludge that is generated by a local public agency in another county of the state. The bill would also prohibit a person from importing sewage sludge into Kern County. The bill would make legislative findings and declarations regarding the inapplicability of a~~

*general statute within the meaning of Section 16 of Article IV of the California Constitution.*

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

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

1 SECTION 1. The Legislature hereby finds and declares all of  
2 the following:

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

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

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

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

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

27 (f) *Congress, through the Clean Water Act, provides for local*  
28 *control over the use and disposal of sewage sludge as long as*  
29 *federal standards are met. And, according to a state appellate*  
30 *court case, where state or local governmental action is*  
31 *authorized by Congress, that state or local governmental action*  
32 *is not subject to the constraints of the “dormant” Commerce*  
33 *Clause of the United States Constitution.*

1 (g) Because of the health and environmental risks, the  
2 potential for water pollution, and the many unknowns about the  
3 content of biosolids, counties should bear the responsibility of  
4 managing the biosolids that they generate within their own  
5 jurisdictional boundaries so that no county is unfairly burdened  
6 with another county's sewage waste.

7 SEC. 2. Section 40065 is added to the Public Resources  
8 Code, to read:

9 ~~40065. (a) Notwithstanding any other provision of law, on  
10 and after January 1, 2006, no local public agency may import  
11 sewage sludge that is generated by a local public agency in  
12 another county of the state.~~

13 ~~(b) 40065.~~ Notwithstanding any other provision of law, on  
14 and after January 1, 2006, no person shall import sewage sludge  
15 into Kern County.

16 *SEC. 3. The Legislature finds and declares that this act,  
17 which is applicable only to Kern County, is necessary because of  
18 the unique and special problems associated with the importation  
19 of sewage sludge into that county. It is, therefore, hereby  
20 declared that a general law within the meaning of Section 16 of  
21 Article IV of the California Constitution cannot be made  
22 applicable to that county and the enactment of this special law is  
23 necessary for the control of sewage sludge for the public good.*