

AMENDED IN ASSEMBLY JANUARY 27, 2014

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 371

Introduced by Assembly Member Salas

February 14, 2013

An act to amend Section 13274 of the Water Code, relating to sewage sludge.

LEGISLATIVE COUNSEL'S DIGEST

AB 371, as amended, Salas. Sewage sludge: Kern County.

Existing law requires the State Water Resources Control Board or a California regional water quality control board, upon receipt of an application for waste discharge requirements for discharge of dewatered, treated, or chemically fixed sewage or other biological solids, to prescribe general waste discharge requirements for that sludge or those other solids. The California Integrated Waste Management Act of 1989, establishes an integrated waste management program that includes the regulation of solid waste disposal and solid waste facilities, and defines solid waste to include dewatered, treated, and chemically fixed sewage sludge that is not a hazardous waste.

~~This bill would authorize the Kern County Board of Supervisors, upon a majority vote, to regulate or prohibit by ordinance, in a manner more stringent than state or federal law and in a nondiscriminatory manner, the land application of sewage sludge in unincorporated areas in the jurisdiction of the county, as prescribed~~ *require the state board from January 1, 2015, to January 1, 2017, inclusive, to provide for additional testing on the effects of sewage sludge or other biological*

solids to occur on properties in unincorporated areas of Kern County where sewage sludge or other biological solids are imported from another California county, as prescribed. The bill would require the testing to occur after each application of sewage sludge or other biological solids, but not fewer than 2 times per year, and would require the state board to submit a report after each test containing the results of the test to a prescribed committee of the Legislature and the Kern County Board of Supervisors.

This bill would make legislative findings and declarations as to the necessity of a special statute for Kern County.

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

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

1 SECTION 1. Section 13274 of the Water Code is amended to
 2 read:
 3 13274. (a) (1) The state board or a regional board, upon receipt
 4 of applications for waste discharge requirements for discharges of
 5 dewatered, treated, or chemically fixed sewage sludge and other
 6 biological solids, shall prescribe general waste discharge
 7 requirements for that sludge and those other solids. General waste
 8 discharge requirements shall replace individual waste discharge
 9 requirements for sewage sludge and other biological solids, and
 10 their prescription shall be considered to be a ministerial action.
 11 (2) The general waste discharge requirements shall set minimum
 12 standards for agronomic applications of sewage sludge and other
 13 biological solids and the use of that sludge and those other solids
 14 as a soil amendment or fertilizer in agriculture, forestry, and surface
 15 mining reclamation, and may permit the transportation of that
 16 sludge and those other solids and the use of that sludge and those
 17 other solids at more than one site. The requirements shall include
 18 provisions to mitigate significant environmental impacts, potential
 19 soil erosion, odors, the degradation of surface water quality or fish
 20 or wildlife habitat, the accidental release of hazardous substances,
 21 and any potential hazard to the public health or safety.
 22 (b) The state board or a regional board, in prescribing general
 23 waste discharge requirements pursuant to this section, shall comply
 24 with Division 13 (commencing with Section 21000) of the Public
 25 Resources Code and guidelines adopted pursuant to that division,

1 and shall consult with the State Air Resources Board, the
2 Department of Food and Agriculture, and the Department of
3 Resources Recycling and Recovery.

4 (c) The state board or a regional board may charge a reasonable
5 fee to cover the costs incurred by the board in the administration
6 of the application process relating to the general waste discharge
7 requirements prescribed pursuant to this section.

8 (d) Notwithstanding any other law, except as specified in
9 subdivisions (f) to (j), inclusive, general waste discharge
10 requirements prescribed by a regional board pursuant to this section
11 supersede regulations adopted by any other state agency to regulate
12 sewage sludge and other biological solids applied directly to
13 agricultural lands at agronomic rates.

14 (e) The state board or a regional board shall review general
15 waste discharge requirements for possible amendment upon the
16 request of any state agency, including, but not limited to, the
17 Department of Food and Agriculture and the State Department of
18 Public Health, if the board determines that the request is based on
19 new information.

20 (f) This section is not intended to affect the jurisdiction of the
21 Department of Resources Recycling and Recovery to regulate the
22 handling of sewage sludge or other biological solids for
23 composting, deposit in a landfill, or other use.

24 (g) This section is not intended to affect the jurisdiction of the
25 State Air Resources Board or an air pollution control district or
26 air quality management district to regulate the handling of sewage
27 sludge or other biological solids for incineration.

28 (h) This section is not intended to affect the jurisdiction of the
29 Department of Food and Agriculture in enforcing Sections 14591
30 and 14631 of the Food and Agricultural Code and any regulations
31 adopted pursuant to those sections, regarding the handling of
32 sewage sludge and other biological solids sold or used as fertilizer
33 or as a soil amendment.

34 (i) This section does not restrict the authority of a local
35 government agency to regulate the application of sewage sludge
36 and other biological solids to land within the jurisdiction of that
37 agency, including, but not limited to, the planning authority of the
38 Delta Protection Commission, the resource management plan of
39 which is required to be implemented by local government general
40 plans.

1 ~~(j) The Kern County Board of Supervisors, upon a majority~~
2 ~~vote, may regulate or prohibit by ordinance, in a manner more~~
3 ~~stringent than state or federal law and in a nondiscriminatory~~
4 ~~manner, the land application of sewage sludge, including sewage~~
5 ~~sludge imported from another California county, in unincorporated~~
6 ~~areas in the jurisdiction of the county.~~

7 *(j) From January 1, 2015, to January 1, 2017, inclusive, the*
8 *state board shall provide for additional testing on the effects of*
9 *sewage sludge or other biological solids to occur on properties*
10 *in unincorporated areas of Kern County where sewage sludge or*
11 *other biological solids are imported from another California*
12 *county. The testing shall include, but not be limited to, the potential*
13 *for groundwater contamination, pathogens, endotoxins, and other*
14 *hazards that may adversely affect human health originating in*
15 *sewage sludge or other biological solids. The state board shall*
16 *perform or additionally review the testing conducted pursuant to*
17 *this subdivision. The testing shall occur after each application of*
18 *sewage sludge or other biological solids on a property, but no*
19 *fewer than two times per year. The state board shall submit a*
20 *report after each test conducted pursuant to this section containing*
21 *the results of the test to the Assembly Committee on Environmental*
22 *Safety and Toxic Materials and the Kern County Board of*
23 *Supervisors.*

24 SEC. 2. The Legislature finds and declares that a special law
25 is necessary and that a general law cannot be made applicable
26 within the meaning of Section 16 of Article IV of the California
27 Constitution due to the unique and special problems associated
28 with the land application of sewage sludge in Kern County
29 requiring the control of sewage sludge for the public good.

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