

AMENDED IN SENATE JUNE 4, 2014  
AMENDED IN ASSEMBLY JANUARY 30, 2014  
AMENDED IN ASSEMBLY JANUARY 27, 2014  
AMENDED IN ASSEMBLY MARCH 19, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 371**

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**Introduced by Assembly Member Salas**

February 14, 2013

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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~~, *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 require the state board from January 1, 2015, to December 31, 2016, inclusive, to require, *for specified pathogens and endotoxins*, additional testing 2 times per year 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:~~ county. The bill would ~~require~~ authorize the state board to identify additional pathogens, endotoxins, and other hazards for testing based on the potential for groundwater contamination and potential to adversely affect human health originating in sewage sludge or other biological solids, and would require the state board to submit a report after each test containing the results of the test to prescribed committees 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: 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

1 Resources Code and guidelines adopted pursuant to that division,  
2 and shall consult with the State Air Resources Board, the  
3 Department of Food and Agriculture, and the Department of  
4 Resources Recycling and Recovery.

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

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

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

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

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

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

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

1 of that is required to be implemented by local government general  
2 plans.

3 (j) (1) From January 1, 2015, to December 31, 2016, inclusive,  
4 the state board shall require, *for the pathogens and endotoxins*  
5 *described in paragraph (2)*, additional testing two times per year  
6 on the effects of sewage sludge or other biological solids to occur  
7 on properties in unincorporated areas of Kern County where sewage  
8 sludge or other biological solids are imported from another  
9 California county. The state board ~~shall~~ *may* identify *additional*  
10 pathogens, endotoxins, and other hazards for testing pursuant to  
11 this subdivision based on the potential for groundwater  
12 contamination and potential to adversely affect human health  
13 originating in sewage sludge or other biological solids. The state  
14 board shall review the testing conducted pursuant to this  
15 subdivision. The state board shall submit a report after each test  
16 conducted pursuant to this section containing the results of the test  
17 to the Assembly Committee on Environmental Safety and Toxic  
18 Materials, the Senate Committee on Environmental Quality, and  
19 the Kern County Board of Supervisors.

20 (2) *The following pathogens and endotoxins shall be tested for*  
21 *pursuant to paragraph (1):*

- 22 (A) *Chlorphyrifos.*
- 23 (B) *Clostridium perfringens (C. perfringens).*
- 24 (C) *Dichlorodiphenyldichloroethylene (DDE).*
- 25 (D) *Dichlorodiphenyltrichloroethane (DDT).*
- 26 (E) *Escherichia coli (E. coli).*
- 27 (F) *Estrogen.*
- 28 (G) *Ethanol.*
- 29 (H) *Fluoride.*
- 30 (I) *Iron.*
- 31 (J) *Manganese.*
- 32 (K) *Polybrominated Diphenyl Ethers (PBDEs).*
- 33 (L) *Polychlorinated Biphenyls (PCBs).*
- 34 (M) *Salmonella.*
- 35 (N) *Silver.*
- 36 (O) *Tetrachloroethylene (PERC).*
- 37 (P) *Thallium.*
- 38 (Q) *Tin.*
- 39 (R) *Toluene.*
- 40 (Z)

1 (3) This subdivision does not limit the authority of the state  
2 board or a regional board to test and regulate discharge  
3 requirements of dewatered, treated, or chemically-fixed sewage  
4 sludge and other biological solids pursuant to existing law.

5 SEC. 2. The Legislature finds and declares that a special law  
6 is necessary and that a general law cannot be made applicable  
7 within the meaning of Section 16 of Article IV of the California  
8 Constitution due to the unique and special problems associated  
9 with the land application of sewage sludge in Kern County  
10 requiring the control of sewage sludge for the public good.

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