

AMENDED IN SENATE AUGUST 19, 2014

AMENDED IN SENATE JUNE 23, 2014

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

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 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 Kern County *where sewage sludge or other biological solids are applied*. The bill would 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. The bill would require the state board from January 1, 2015, to December 31, 2016, inclusive, to require, on property located in Kern County *where sewage sludge or other biological solids are applied*, monitoring of shallow groundwater beneath or downgradient, or both, of a biological solids application site for the specified pathogens and endotoxins, at least once in the spring and once in the fall.

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

1 sludge and those other solids and the use of that sludge and those
2 other solids at more than one site. The requirements shall include
3 provisions to mitigate significant environmental impacts, potential
4 soil erosion, odors, the degradation of surface water quality or fish
5 or wildlife habitat, the accidental release of hazardous substances,
6 and any potential hazard to the public health or safety.

7 (b) The state board or a regional board, in prescribing general
8 waste discharge requirements pursuant to this section, shall comply
9 with Division 13 (commencing with Section 21000) of the Public
10 Resources Code and guidelines adopted pursuant to that division,
11 and shall consult with the State Air Resources Board, the
12 Department of Food and Agriculture, and the Department of
13 Resources Recycling and Recovery.

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

18 (d) Notwithstanding any other law, except as specified in
19 subdivisions (f) to (i), inclusive, general waste discharge
20 requirements prescribed by a regional board pursuant to this section
21 supersede regulations adopted by any other state agency to regulate
22 sewage sludge and other biological solids applied directly to
23 agricultural lands at agronomic rates.

24 (e) The state board or a regional board shall review general
25 waste discharge requirements for possible amendment upon the
26 request of any state agency, including, but not limited to, the
27 Department of Food and Agriculture and the State Department of
28 Public Health, if the board determines that the request is based on
29 new information.

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

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

38 (h) This section is not intended to affect the jurisdiction of the
39 Department of Food and Agriculture in enforcing Sections 14591
40 and 14631 of the Food and Agricultural Code and any regulations

1 adopted pursuant to those sections, regarding the handling of
2 sewage sludge and other biological solids sold or used as fertilizer
3 or as a soil amendment.

4 (i) This section does not restrict the authority of a local
5 government agency to regulate the application of sewage sludge
6 and other biological solids to land within the jurisdiction of that
7 agency, including, but not limited to, the planning authority of the
8 Delta Protection Commission and the resource management plan
9 of that is required to be implemented by local government general
10 plans.

11 (j) (1) From January 1, 2015, to December 31, 2016, inclusive,
12 the state board shall require, for the pathogens and endotoxins
13 described in paragraph (2), additional testing two times per year
14 ~~on the effects of sewage sludge or other biological solids to occur~~
15 ~~on properties in Kern County where sewage sludge or other~~
16 ~~biological solids are applied.~~ The state board may identify
17 additional pathogens, endotoxins, and other hazards for testing
18 pursuant to this subdivision based on the potential for groundwater
19 contamination and potential to adversely affect human health
20 originating in sewage sludge or other biological solids. The state
21 board shall review the testing conducted pursuant to this
22 subdivision. The state board shall submit a report after each test
23 conducted pursuant to this section containing the results of the test
24 to the Assembly Committee on Environmental Safety and Toxic
25 Materials, the Senate Committee on Environmental Quality, and
26 the Kern County Board of Supervisors.

27 (2) The following pathogens and endotoxins shall be tested for
28 pursuant to paragraph (1):

29 (A) Chlorophyrios.

30 ~~(B) Clostridium perfringens (C. perfringens).~~

31 ~~(C)~~

32 (B) Dichlorodiphenyldichloroethylene (DDE).

33 ~~(D)~~

34 (C) Dichlorodiphenyltrichloroethane (DDT).

35 ~~(E)~~

36 (D) Escherichia coli (E. coli).

37 ~~(F) Estrogen.~~

38 ~~(G) Ethanol.~~

39 ~~(H)~~

40 (E) Fluoride.

- 1 ~~(I)~~
- 2 ~~(F)~~ Iron.
- 3 ~~(J)~~
- 4 ~~(G)~~ Manganese.
- 5 ~~(K)~~
- 6 ~~(H)~~ Polybrominated Diphenyl Ethers (PBDEs).
- 7 ~~(L)~~
- 8 ~~(I)~~ Polychlorinated Biphenyls (PCBs).
- 9 ~~(M)~~
- 10 ~~(J)~~ Salmonella.
- 11 ~~(N)~~
- 12 ~~(K)~~ Silver.
- 13 ~~(O)~~
- 14 ~~(L)~~ Tetrachloroethylene (PERC).
- 15 ~~(P)~~
- 16 ~~(M)~~ Thallium.
- 17 ~~(Q)~~
- 18 ~~(N)~~ Tin.
- 19 ~~(R)~~
- 20 ~~(O)~~ Toluene.

21 (3) From January 1, 2015, to December 31, 2016, inclusive, the
22 state board shall require, on property located in Kern County *where*
23 *sewage sludge or other biological solids are applied*, monitoring
24 of shallow groundwater beneath or downgradient, or both, of a
25 biological solids application site for the pathogens and endotoxins
26 identified in paragraph (2), as well as those pathogens and
27 endotoxins whose monitoring is required by applicable waste
28 discharge requirements. At a minimum, monitoring shall occur at
29 least once in the spring and once in the fall.

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

34 SEC. 2. The Legislature finds and declares that a special law
35 is necessary and that a general law cannot be made applicable
36 within the meaning of Section 16 of Article IV of the California
37 Constitution due to the unique and special problems associated

- 1 with the land application of sewage sludge in Kern County
- 2 requiring the control of sewage sludge for the public good.

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