ORDINANCE NO. 1628

AN ORDINANCE AMENDING SECTIONS 25-101, 400, 402, 600 OF CHAPTER 25 TO THE SOLANO COUNTY CODE, RELATING TO LAND APPLICATION OF BIOSOLIDS

The Board of Supervisors of the County of Solano ordains as follows:

Section 1: Section 25-101 of Chapter 25 is amended to read:

This chapter shall apply to all unincorporated territory within the county. The requirements and restrictions of this chapter that apply to the application of biosolids onto land shall no longer be in effect after October 15, 2007.

Section 2. Section 25-400 K of Chapter 25 is amended to read:

(k) The on-site storage of biosolids for a period greater than 7 consecutive days prior to application, stored at one location for more than 7 days in a 60 day period and/or stored in a quantity in excess of the amount which is intended to be landspread at the registered site is prohibited unless a separate permit has been issued by the Department of Environmental Management allowing for the storage of the material. Placement of biosolids in staging and storage areas:

(1) Biosolids shall not be placed in a staging area more than 6 hours prior to application.

(2) All biosolids placed in a staging area must be land applied before the end of land spreading on the day of placement, unless otherwise prevented by the requirements of this Chapter or as ordered by the Administrative Authority. If the Administrative Authority orders the biosolids not to be land spread or if inclement weather or high winds prevents landspreading of the biosolids in a staging area, then the applicator shall provide a protective barrier and secure the biosolids as approved by the Administrative Authority.

(3) Biosolids stored in a staging area due to inclement weather or high winds shall be removed from the site, or if conditions allow, be land applied within 48 hours of storage.

Section 3. Section 25-400 L 2 of Chapter 25 is amended to read:

(2) (A) Adding biosolids to a staging or seven-day storage area during periods of rainfall is prohibited.

(B) Staging or seven-day storage areas shall be maintained and operated to prevent the generation of leachate.
Section 4. Section 25-400 M of Chapter 25 is amended to read:

(m) (1) Trucks or other vehicles used to transport or apply biosolids to the field shall not track mud or debris onto a County or State roadway, as determined by the Solano County Transportation Department. The applicant shall make every effort to coordinate deliveries of biosolids so that delivery trucks are not on Highway 12 or 113 during peak commute hours.
(2) County roadways used to access the fields shall not be used when the road subgrade is “wet” as determined by the Solano County Transportation Department.
(3) The applicator shall be responsible to repair road damage caused by the hauling of biosolids, to the satisfaction of the Solano County Transportation Department. Such damage does not include normal wear and maintenance of the road. Prior to submission of the Landspreading Notification Report to the Administrative Authority, the applicator shall submit information on the estimated number and weight of trucks, and truck routes to the Solano County Transportation Department. If the Solano County Transportation Department determines that increased maintenance is likely to be required as a result of the truck traffic hauling biosolids, the Solano County Transportation Department may request that the applicant to enter into a road maintenance agreement to reimburse cost to Solano County for such increased maintenance.

Section 5. Section 25-400 O of Chapter 25 is amended to read:

(o) The applicator shall suspend all operations when wind speed exceeds 25 miles per hour at the site of landspreading activity if the activity occurs within two (2) miles of a city or urban center. The applicator shall not start receiving, landspreading, or incorporating biosolids at the beginning of the day’s field operations if wind speed exceeds 25 mph. Once started, the applicator shall cease receiving, landspreading and/or incorporating biosolids if wind speed exceeds 25 mph for 90 minutes. Receiving, landspreading, and/or incorporation of biosolids shall not occur again until wind speed drops below 25 mph for 90 minutes. The applicator shall provide monitoring devices to measure the wind speed at the biosolids application site at all times. In addition, at least one wind sock calibrated for a 25 mph wind shall be provided in a location visible from a public road and within 500 feet of the application site, and/or an alternative device for measuring wind speed. The applicator shall provide a contingency plan for securing biosolids in staging areas and for diversion of biosolids in route to the application sites during periods of wind speeds above 25 mph for approval by the Administrative Authority.

Section 6. Section 25-402 a 4 of Chapter 25 is amended to read:

(4) Staging areas and biosolids land application shall be at least:

(A) 50 100 feet from property lines. This requirement may be waived by the Department of Environmental Management when property lines are adjacent to properties using biosolids as a soil amendment;
(B) 500 feet from any type of water supply wells;

(C) 100 feet from non-domestic water wells. One-quarter mile (1,320 feet) from any residence located off sites registered for biosolids application. This distance shall be increased to two miles from city limits or employment centers on Travis Air Force Base;

(D) One-quarter mile (1,320 feet) from residences located on sites registered for biosolids application unless waived by owner occupied residences;

(E) 100 feet from public roads;

(F) 200 feet from surface waters, including intermittent and perennial streams, surface waterways, primary drainages, ponds, lakes and marshes;

(G) 2,500 feet from any domestic surface water supply intake.

1 May be reduced to not less than 100' if approved by owner occupied residences.

Section 7. Section 25-402 a 6 of Chapter 25 is added to read:

(6) Incorporation shall be performed in conjunction with the land application of all biosolids. All biosolids applied to land shall be incorporated within 24 hours unless high winds or inclement weather conditions prohibit incorporation activities from occurring or as otherwise directed by the Administrative Authority.

Section 8. Section 25-402 a 7 of Chapter 25 is added to read:

(7) Land spreading and incorporation activities shall only occur between 6:00 a.m. and 6:00 p.m. Land spreading of biosolids on weekends and holidays is prohibited.

Section 9. Section 25-402 a 8 of Chapter 25 is added to read:

(8) The applicator shall contribute a fee for each acre that is applied with biosolids into a fund designated for the continuing study of odors, pathogen transmission, environmental effects and other concerns relating to land application of biosolids, and/or establishment of educational information pertaining to the land application of biosolids. The fee shall be set by the Board of Supervisors pursuant to Chapter 11, Section 11-110 of this Code.

Section 10. Section 25-402 A 9 of Chapter 25 is added to read:

(9) Annually, after the close of the application season, there shall be a report prepared for the Board of Supervisors on the results of the past application season.

Section 11. Section 25-402 c 6 l of Chapter 25 is amended to read:

(I) Transportation plans including:
(i) Name and address of hauler;

(ii) Proposed delivery truck route(s) to site;

(iii) Proposed number of trucks and frequency and hours of delivery;

(iv) Local traffic conditions;

(v) Proposed methods to prevent tracking of mud, biosolids, or septage upon the roadways;

(vi) Determination by the Solano County Transportation Department regarding impact on maintenance to roads.

Section 12. Section 25-402 c 6 N of Chapter 25 is added to read:

(N) Contingency plan for securing biosolids in staging areas and for diversion of biosolids in route to the application site(s) during periods of wind speeds above 25 mph for approval by the Administrative Authority.

Section 13. Section 25-402 c 6 O of Chapter 25 is added to read:

(O) An odor control mitigation plan that details the action taken by the generator(s) of the biosolids to decrease the likelihood of a highly odorous load from leaving the treatment plant, and action, including diversion, that the applicator will take if an odorous load is delivered, or odor complaints are received. The Administrative Authority may require additional measures beyond those listed in the approved odor control mitigation plan to be implemented in order to mitigate site specific conditions at the time of staging and land spreading.

Section 14. Section 25-402 c 7 of Chapter 25 is amended to read:

(7) The Administrative Authority shall conduct Landspreading Inspections at any one of the fields listed in the Landspreading Notification Report to assure compliance with this Chapter. This inspections shall may include sampling. Additional Landspreading Inspections may be conducted at the discretion of the Administrative Authority. Inspections may occur at sites that are currently proposed for land application of biosolids, and/or are in the process of land application, and/or were locations of past land application(s).

Section 15. Section 25-402 c 8 of Chapter 25 is amended to read:

(8) Samples of the material being landspread shall be collected periodically during each inspections.

(A) Samples of biosolids collected shall be kept separate for each site and source.
(B) Samples of biosolids may be composited from several locations on the same field or registered site.

(C) The number of samples of biosolids taken and analyzed shall be determined by the Administrative Authority at the time of landspreading notification, during field inspections, complaint investigations, or from requests by other permitting authorities. This determination shall take into consideration the source of the material, the variability of the pollutants within the material, the frequency of sampling and analysis conducted by the generator of the material, and the quantity of the material being landspread. The intent of the sampling program is to verify that the biosolid material which is being applied to land is consistent with the reports which have been submitted to the Administrative Authority, that the product is in compliance with this Code and any other Federal or State requirements. In no case shall the frequency of analysis be less than once each year for each source of biosolid material which is applied to land within the county.

(D) Additional analysis may be conducted if, in the opinion of the Administrative Authority, conditions exist during the applications which may promulgate public concern or where there is potential for a public health hazard.

(E) The Administrative Authority shall at no time be limited as to sampling location or number of samples obtained.

(F) Collection of samples shall not be limited to biosolids but may also include air, soil, plant and/or water samples. Collection of samples may occur on proposed, presently active or past biosolids application sites.

(G) Analysis of samples collected by the Administrative Authority shall not be limited as to the constituents analyzed for and may include analysis for heavy metals concentrations (consistent with the limits set forth in 40 CFR 503), pathogens (consistent with 40 CFR 503), and other constituents which may be of concern in protection of the public health and/or the environment.

Section 16. Section 25-600 C of Chapter 25 is amended to read:

(c) Any violation of this chapter may be declared to be a public nuisance, as determined by the Administrative Authority, and may be abated or enjoined by the Administrative Authority through civil action, in addition to any other remedy herein provided. The Administrative Authority shall have the authority to order the applicator to modify or abate existing land application processes or field conditions, or to immediately cease any and all landspreading operations pending the investigation and decision of the Administrative Authority. The Administrative Authority reserves the right to reject shipments of biosolids loads destined for field application if it is determined that such loads do not comply with this Chapter.
Section 17. Section 25-602 of Chapter 25 is amended to read:

Sec. 25-602. Penalty for Violation of Chapter
Any violation of the provisions of this chapter is a misdemeanor punishable by a fine of not more than five hundred one-thousand ($1000) dollars for the first offense; each continuing or subsequent offense shall be punishable by a fine of not more than one thousand ($1000) dollars or imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. Such persons shall be deemed to be guilty of a separate offense for each and every day during any portion of which a violation of this chapter is committed, continued, or permitted by such person. (Ord. 1502, §1; Ord. 1536; Ord. 1558, §1.)

Section 18. This ordinance shall take effect thirty (30) days after its adoption.

Section 19. A summary of this ordinance will be published within fifteen (15) days after its adoption in the Fairfield Daily Republic, a newspaper of general circulation in Solano County.

PASSED AND ADOPTED by the Solano County Board of Supervisors at its regular meeting on this April 22, 2003, by the following vote:

AYES: SUPERVISORS: Silva, Vasquez, and Chairman Kromm.

NOES: SUPERVISORS: Kondylis

EXCUSED: SUPERVISORS: None

Duane Kromm, Chairman
Solano County Board of Supervisors

ATTEST:
Michael D. Johnson, Clerk
Board of Supervisors

By: 

Additions indicated by italics; deletions by strikeouts