

CHAPTER 25
CHEMICAL TOILETS, SEWAGE PUMPING TRUCKS, DOMESTIC SEPTAGE
LAND APPLICATION, AND BIOSOLIDS LAND APPLICATION

ARTICLE I. IN GENERAL

- § 25-100. Purpose
- § 25-101. Applicability
- § 25-102. Definitions

ARTICLE II. CHEMICAL TOILET

- § 25-200. Chemical Toilets

ARTICLE III. SEPTIC TANK, CHEMICAL TOILET,
AND GREASE TRAP PUMPING TRUCKS

- § 25-300. Septic Tank, Chemical Toilet, and Grease Trap Pumping Trucks

ARTICLE IV. DOMESTIC SEPTAGE LAND APPLICATION AND
BIOSOLIDS LAND APPLICATION

- § 25-400. Prohibitions
- § 25-401. Biosolid Compost
- § 25-402. Requirements for Land Application of Biosolids
- § 25-403. Requirement for Bonds
- § 25-404. Right of Entry

ARTICLE V. PERMIT FEES

- § 25-500. Generally

ARTICLE VI. ABATEMENT

- § 25-600. Enforcement
- § 25-601. Appeals
- § 25-602. Penalties

ARTICLE I. IN GENERAL

Sec. 25-100. Purpose

The declared purpose of this chapter is to provide for the regulation of chemical toilets; septic tank, chemical toilet, and grease trap pumping trucks; and biosolids land application as well as providing for the issuance, suspension, and revocation of permits in the county; and to promote the development and implementation of other methods of reuse of biosolids, including conversion to energy, in place of land application or land filling of Class B biosolids.

(Ord. No. 888, §1; Ord. No. 1124, §1; Ord. No. 1502; § 1; Ord. No. 1536, §1; Ord. No. 1558, §1; Ord. No. 1689, §1)

Sec. 25-101. Applicability

This chapter shall apply to all unincorporated territory with the county except that Article IV, commencing with section 25-400 does not apply to an approved solid waste facility regulated under Public Resources Code section 43000 et seq.

(Ord. No. 888, §1; Ord. No. 1124, §1; Ord. No. 1536, §1; Ord. No. 1558, §1; Ord. No. 1689, §2; Ord. No. 1731, §1)

Sec. 25-102. Definitions

Whenever the following terms are used in this Article, they shall have the meanings respectively ascribed to them in this section.

Administrative Authority is Director of the Department of Resource Management or the Director's designee.

Agricultural Land is land on which a food crop, a feed crop, or a fiber crop is grown. This includes range land and land used as pasture.

Agronomic Rate is the whole domestic septage or biosolids application rate (dry weight basis) designed:

- (a) To provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop, or vegetation grown on the land; and
- (b) To minimize the amount of nitrogen that passes below the root zone of the crop or vegetation grown on the lands to the ground water.

Application is a distribution of domestic septage or biosolids to a site, as described in the Landspreading Notification Report for biosolids or the permit for septage, at a rate, determined prior to landspreading, not to exceed either the agronomic rate or the annual pollutant loading rate, based on the intended use of the field. An application shall be limited to once per crop and shall be considered

complete when biosolids or septage has been applied at the agronomic rate to each field listed in the Landspreading Notification Report or the permit.

Applicator is any person, company organization, or other legal entity engaged, or about to become engaged in the placement of domestic septage or biosolids on land at a controlled rate for the purpose of enhancing the growth of plants in accordance with the provisions of this chapter. The applicator shall be the same entity which the Regional Water Quality Control Board identifies as the discharger and may include land owner, operator, or lessee.

Annual Pollutant Loading Rate is the maximum amount of pollutant that can be applied to a unit area of land during a 365 day period.

Biosolids (a.k.a., sewage sludge) are the solid, semi-solid, or liquid residues generated during the treatment of domestic sewage and industrial wastewater in a wastewater treatment plant or publicly owned treatment works. Includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes, and material derived from sewage sludge.

Biosolid Compost is material containing biosolids produced by a facility that has been approved to handle compostable materials and is regulated under Public Resources Code section 43000 et seq.

Chemical Toilet is a portable toilet facility which contains a chemical material and a tank to receive human wastes pending removal by a chemical toilet pumping vehicle.

Class A Biosolids are biosolids which meet the pathogen requirements in section 503.32(a) of Title 40, Code of Federal Regulations, or revisions thereof. Class A Exceptional Quality (Class A EQ) are Biosolids which meet metals standards, Class A pathogen reduction standards and vector attraction reduction standards contained in 40 CFR Part 503.13 (Table 3), 40 CFR Part 503.32 and 40 CFR 503.33, respectively.

Class B Biosolids are biosolids which meet the pathogen requirements in section 503.32(b) of Title 40, Code of Federal Regulations, or revisions thereof.

Cumulative Pollutant Loading Rate is the maximum amount of a pollutant that can be applied to an area of land.

Domestic Sewage is waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works, including the pumpings from individual onsite systems that are brought to a treatment works via a pumping truck.

Field means a discrete, discernable, and identifiable individual piece of land used for crop production, designated or under consideration for domestic septage or biosolids use.

Generator is a treatment works that creates biosolids as part of an approved wastewater treatment process.

Industrial Wastewater is wastewater generated in a commercial or industrial process.

Land Application or Landspreading is the placement of biosolids on agricultural land or reclamation sites intended to support vegetative growth.

Operator is any person or group of persons who control or are responsible for the maintenance of a parcel of land, including but not limited to the owner, farmer, lessee, etc.

Parcel means a discrete piece of land identifiable by an individual number (Assessor's Parcel Number or APN) assigned by the Assessor of the County of Solano.

Person is any person, firm, business, city, county, district, special district, including a water district, sole proprietorship, partnership, joint venture, trust, association, or corporation whether for profit or non-profit.

Pollutant is an organic substance, an inorganic substance, a combination of organic and inorganic substances, or a pathogenic organism that, after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly from the environment or indirectly by ingestion through the food chain, could, on the basis of information available to the Administrator of United States Environmental Protection Agency, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction), or physical deformations in either organisms or offspring of the organisms.

Pollutant Limit is a numerical value that describes the amount of a pollutant allowed per unit amount of biosolids (e.g., milligrams per kilogram of total solids); the amount of a pollutant that can be applied to a unit area of land (e.g., kilograms per hectare); or the volume of a material that can be applied to a unit area of land (e.g., gallons per acre) as listed in 40 CFR section 503.13 or as adopted by the State in law, regulation, basin plans or orders, whichever is more stringent.

Saturated is the point at which soil will no longer absorb water and continued wetting of the soil will result in runoff or standing water.

Site is one or more parcels or fields of land with a single or multiple owners or operators, as described in a Project Description, Site Specific Information Report, Report Of Waste Discharge, or other documents submitted to the Regional Water Quality Control Board.

Staging Area is the location on a site where biosolids is deposited on the ground for loading onto a vehicle for landspreading on the same or nearby sites which have been registered with the Administrative Authority and approved or exempted by the appropriate Regional Water Quality Control Board.

Treatment is a process, approved by the Administrative Authority, which alters, modifies, or changes the biological, physical, and/or chemical characteristics of domestic septage and/or domestic sewage.

USEPA is the United States Environmental Protection Agency.

40 CFR 503 is Title 40, Code of Federal Regulations, Part 503 and revisions thereof.

(Ord. No. 888, §1; Ord. No. 1472, §1; Ord. No. 1502, §1; Ord. No. 1536, §1; Ord. No. 1558, §1; Ord. No. 1689, §3; Ord. No. 1731, §2)

ARTICLE II. CHEMICAL TOILETS

Sec. 25-200. Chemical Toilets

(a) It shall be unlawful for any person, whether as principal, servant, agent, or employee to clean, install or replace a chemical toilet or dispose of cleanings thereof without having first obtained a permit to do so from the administrative authority. In agricultural areas where chemical toilets are temporarily required for use by farm laborers and are supplied by a commercial operator, permits for a particular location are not required. However, the commercial operator shall obtain an annual operating permit from the administrative authority.

(b) Criteria for toilet facilities shall be as follows:

(1) Toilet facilities shall provide sufficient space for comfortable use. A minimum area for approximately eight (8) square feet, with a minimum width of two and one-half (2 & 2) feet, shall be provided for each toilet seat. A minimum area of ten (10) square feet, with a minimum width of two and one-half (2 & 2) feet shall be required when a urinal is included. Sufficient additional space shall be included if hand-washing fixtures are within the facility.

(2) Toilets shall be designed, constructed, and maintained so as to prevent the access of flies to the excreta.

(3) Buildings housing toilet and hand-washing facilities shall be rigidly constructed and shall provide privacy.

(4) The interior walls of units shall be constructed of durable nonabsorbent material, smooth, readily cleanable, and finished in a light color.

(5) Units shall be ventilated and provided with self-closing doors which can be fastened from the inside.

(c) Servicing of Chemical Toilet Units. Suitable chemicals effective at all times in controlling odors and liquefying solids shall be used for the chemical toilets. It is recommended that such chemicals have the following characteristics:

(1) Contain a bacteriostatic agent to prevent decomposition of the sewage;

(2) Contain an effective deodorant material to mask objectionable odors;

(3) Contain a suitable emulsifying agent, in addition to water, to help break down solid matter.

(4) Have sufficient strength to remain effective between changing of the chemicals.

(d) Disposal of Contents of Chemical Toilets. The contents of chemical toilets shall be disposed of at a designated receiving station which discharges to a publicly owned sewage treatment works.

(e) Cleansing. Each facility shall be thoroughly cleaned and washed down weekly or as often as necessary, and at least after each emptying of the chemical toilet.

(f) Toilets. It shall be the responsibility of the chemical toilet servicing firm to insure that toilets are serviced and maintained in a clean, sanitary condition and kept in good repair at all times.

(g) Identification of Chemical Toilets. The business name shall be evident, on at least one (1) side of the chemical toilet, in letters of three inches (3") in height.

(Ord. No. 888, §1; Ord. No. 907, §1; Ord. No. 926, §1; Ord. No. 1190, §§ 1, 2; Ord. No. 1502, §1; Ord. No. 1536, §1; Ord. No. 1558, §1)

**ARTICLE III. SEPTIC TANK, CHEMICAL TOILET
AND GREASE TRAP PUMPING TRUCKS**

Sec. 25-300. Septic tank, chemical toilet, and grease trap pumping trucks

(a) It shall be unlawful for any person or firm to carry on, solicit, or engage in the business of the cleansing of septic tanks, chemical toilets, or grease traps or to dispose of the cleaning in the County of Solano without a valid permit issued by the administrative authority for the carrying on of said business.

(b) Criteria for septic tank, chemical toilet, and grease trap pumping trucks.

(c) Upon each side of every vehicle, for which registration is required, there shall be printed or affixed in permanent plain legible letters and numbers at least four inches (4") high, the permanent name and address of the registrant or establishment. The certified gallonage capacity of the tanks shall appear on the tank on both sides in numerals of a minimum of four inches (4") high in height and shall be fully legible and visible at all times. Such capacity as shown shall be that approved and certified by the Sealer of Weights and Measures of the County of Solano, or other approved Sealer of Weights and Measures. There shall be at least three (3) tanks for waste, water, and disinfectant except for vehicles used exclusively for septic tank pumping which shall have at least two (2) tanks. All pumping hoses must be cleaned out into the truck tank or into the septic tank, or chemical toilet being pumped, and not on the surface of the ground. There shall be carried on each unit at all times, a sufficient quantity of chlorinated lime or other product approved by the permitting authority for disinfection of hoses and areas where accidental spillage of sewage might occur.

(1) It is unlawful for any person or firm to park sewage effluent pumping trucks at the close of a working day on a public street or thoroughfare.

(2) All pumping trucks shall have the sewage effluent removed from the tanks at the close of each work day. The sewage shall be disposed of at an approved location.

(3) All discharge lines and valves shall have screw type caps, or other devices approved by the administrative authority.

(Ord. No. 888, §1; Ord. No. 1502, §1; Ord. No. 1536, §1; Ord. No. 1558, §1)

ARTICLE IV - DOMESTIC SEPTAGE AND BIOSOLIDS LAND APPLICATION

Sec. 25-400. Prohibitions

(a) Disposal or land application of sewage, septage, biosolids, or any other sewage waste, or the effluent of treated sewage or other waste, in any manner which will result in contamination, pollution, or a nuisance is prohibited.

(b) The land application or landspreading of domestic or industrial septage that has not been converted into biosolids is prohibited.

(c) Land application or landspreading of biosolids which do not meet the requirements of this Article, the requirements of the Regional Water Quality Control Board, the requirements of any other responsible agency and/or the requirements set forth in 40 CFR 503 is prohibited. Land application of biosolids is restricted to Class A or Class B as previously defined. Class B biosolids may only be land applied provided that the generator of the Class B biosolids is individually or as part of a consortium having a portion of their biosolids produced as Class A Exceptional Quality biosolids, converting biosolids to energy, or otherwise diverting Class B biosolids away from land spreading or landfilling (as waste or as Alternative Daily Cover).

(d) Marketing, distribution, or disposal to land of any biosolids from any source other than a treatment facility which has met all requirements of and secured a permit and/or Waste Discharge Requirements from the appropriate Regional Water Quality Control Board and complies with all federal requirements is prohibited.

(e) Land application of biosolids which exceeds the Pollutant Limits, Cumulative Pollutant Loading Rate, or the Annual Pollutant Loading Rate, as described in 40 CFR 503.13, or as adopted by the State in law, regulation, basin plans or orders, is prohibited.

(f) Land application of biosolids in the Primary Area of the Suisun Marsh (as defined in Solano County General Plan) is inconsistent with Solano County Policies and Regulations Governing the Suisun Marsh, the Suisun Marsh Protections Plan, and the Suisun Marsh Preservation Act of 1977, and is prohibited. Land application of biosolids in the Secondary Area of the Suisun Marsh is prohibited.

(g) Land application of biosolids in the area of the Primary Zone of the Sacramento-San Joaquin Delta (as defined in section 29728 of the Public Resources Code) which is inconsistent with the Delta Protection Commission's Land Use and Resource Management Plan for the Primary Zone of the Delta is prohibited.

(h) 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.

(i)(1) The application of biosolids to land that is water saturated, frozen or during periods of rainfall is prohibited.

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

(B) Staging or storage areas shall be maintained and operated to prevent the generation of leachate.

(j)(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 Department of Resource Management. The applicator 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 Department of Resource Management.

(3) The applicator shall be responsible to repair road damage caused by the hauling of biosolids, to the satisfaction of the Solano County Department of Resource Management. 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 Department of Resource Management. If the Solano County Department of Resource Management determines that increased maintenance is likely to be required as a result of the truck traffic hauling biosolids, the Solano County Department of Resource Management may request that the applicator to enter into a road maintenance agreement to reimburse cost to Solano County for such increased maintenance.

(k) Land application of biosolids from October 15 to April 15 (the rainy season) is prohibited.

(l) 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 60 minutes. Receiving, landspreading, and/or incorporation of biosolids shall not occur again until wind speeds drops below 25 mph for 60 minutes. The applicator shall provide monitoring devices to measure the wind speed at the biosolids application site at all times. In addition, at lease one wind sock calibrated for a 25 mph wind speed 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.

(m) Biosolids shall be created and/or processed in such a manner that they will be free from litter prior to land application.

(Ord. No. 888, §1; Ord. No. 1502, §1; Ord. No. 1536, §1; Ord. No. 1558, §1; Ord. No. 1618, §1; Ord. No. 1628, §§ 2, 3, 4, 5, 6; Ord. No. 1689, §4; Ord. No. 1731, §3)

Sec. 25-401. Biosolid Compost

Biosolid compost that is sold or given away in a bag or other container for residential, home gardening, or landscaping use is exempt from the requirements of this chapter as long as it does not cause contamination or a nuisance. The use of biosolids compost applied to land in bulk is exempted from compliance with the requirements of Article IV commencing with section 25-400 under the following conditions:

(a) The use of biosolid compost is prohibited in the areas described in section 25-400, subdivisions (f) and (g).

(b) The use of biosolid compost occurs at a rate beneficial to agriculture that does not result in pollution or a nuisance.

(c) The applicator submits a notification form approved by the Administrative Authority at least 10 working days prior to delivery of the biosolid compost to the site, along with a fee equal to one hour of staff time charged at the existing hourly rate set by the Board of Supervisors or a specific fee established for a biosolid compost notification form under section 11-110 of this Code to the Administrative Authority for review. The biosolid compost notification form shall include contact information for the owner, applicator, source of biosolid compost, location of use, approximate delivery date and duration of application, quantity, and a calculation of the equivalent agronomic rate.

(d) The use of biosolid compost occurs in compliance with applicable Federal and State requirements.

(Ord. No. 1501, §1; Ord. No. 1536, §1; Ord. No. 1689, §5; Ord. No. 1731, §4)

Sec. 25-402. Requirements For Land Application of Biosolids

Biosolids applied to land shall meet the following requirements:

(a) **General Requirements**

(1) A description of the project shall be submitted to and Waste Discharge Requirements or other written approval or exemption shall be obtained from the appropriate Regional Water Quality Control Board. Neither Class A nor Exceptional Quality biosolids shall be exempted from any of the requirements of this chapter.

(2) The applicator and the operator shall comply with any and all regulations and/or requirements of any and all other agencies having jurisdiction in Solano County.

(3) The applicator shall be primarily responsible for compliance with this chapter. If the applicator fails to meet the requirements of this chapter, the Administrative Authority shall immediately notify the operator. The operator shall be responsible for compliance when and if the applicator fails to meet requirements of this chapter.

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

(A) 100 feet from property lines. This requirement may be waived by the Department of Resource 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) 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 residence located on sites registered for biosolids application unless waived by owner occupied residence;

(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.

(5) Sanitary facilities for biosolids application personnel. The biosolids permit applicant shall ensure that adequate sanitary facilities, including a toilet and hand wash sink equipped with soap, water, and single use disposable towels shall be

available within three hundred feet of an active biosolids application site during landspreading operations.

(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.

(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.

(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 transmissions, 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.

(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. The report shall include an update on the generator's progress toward utilizing alternate technologies or methods for the reuse of biosolids other than land application or landfilling of Class B biosolids. Generators shall submit their progress report to the Administrative Authority by December 15th.

(10) At least one sign shall be provided at each access point into the field that indicates the date biosolids land application has begun and the end date once it is completed. The sign(s) shall remain posted by a minimum of 60 days if no public access is allowed or for one year if public access is allowed.

(b) **Requirements for Site Registration**

(1) Each intended biosolids land application site shall be registered with the Administrative Authority prior to the application of biosolids.

(A) New sites shall be registered prior to application of any biosolids to the site.

(B) Sites under permit with the Regional Water Quality Control Board or under contract, already receiving biosolids at the time of adoption of this chapter, shall be registered prior to any subsequent application of biosolids.

(2) The description of the site to be registered with the Administrative Authority shall be consistent with the description of the site submitted to or

permitted by the Regional Water Quality Control Board. (i.e., owner's name, location of site, number of fields per site, site acreage, etc.)

(3) Site Registration shall remain in effect for a period not to exceed five years. The Site Registration may be renewed after five years, if additional applications are intended, by submitting an application for Site Registration Renewal prior to April 15th of the sixth year. The Site Registration Renewal application shall include payment of the Site Registration Fee, and all information required in section 25-402(b)(5).

(4) Site Registration renewal shall also occur if substantial changes occur or changes to the biosolids reuse locations (such as addition of fields) occur such that the Regional Water Quality Control Board requires submittal of a new Report of Waste Discharge and/or adoption of new Waste Discharge Requirements. Site registration renewal may be utilized to consolidate sites previously registered separately, but registered under the same owner and/or lease holder.

(5) To register a site for land application of biosolids, the following information and/or documents shall be submitted to the Administrative Authority and additional requirements met:

(A) General Information.

(i) Name and Mailing Address of the Applicator.

(ii) Name and Mailing Address of Property Owner/Operator.

(iii) If the property is leased, a written proof of knowledge of and agreement by the property owner to the application, restrictions on allowable crops, right of entry, site restrictions, and any other conditions deemed necessary by the Administrative Authority.

(iv) Name and Mailing Address of Person to whom billings for fee payments should be sent.

(v) A statement setting forth facts demonstrating that the applicator owns or has access to suitable facilities for equipment cleaning, maintenance and storage. The location of and information pertaining to all such facilities shall be provided to the Administrative Authority upon request.

(vi) A statement regarding the applicator's experience and capability in the collection, transportation, treatment and land application of biosolids.

(B) Site Information.

(i) Site location including address and Assessor's Parcel Number(s), (or Assessor's Parcel Number if no address has been assigned,) size of parcel(s), a map of the site prepared at a scale acceptable to the Administrative Authority accurately showing drainage courses, runoff controls, surface waterways, wells, irrigation structures and canals, residences within 1320 feet, and copies of Assessor's Parcel Maps showing all fields on the site as well as parcels and numbers adjacent to the site and cities located within two miles or less from the closest portion of the site.

(ii) A list of predominate soils on the site and location maps of soil types (i.e., USDA Soil Maps), ground slope and depth to groundwater at the time of application.

(iii) The land use designation of the site.

(iv) Results obtained from background soil sampling and analyses conducted at the application site within 12 months of submittal of information. Soil samples from each field at the application site shall be submitted. In addition, results from at least one groundwater sample from a well approved by the Administrative Authority, collected within 12 months of submittal of information, shall be provided. Any samples collected shall be tested for pollutants that have an adopted Pollutant Limit. Groundwater samples shall also be tested for nitrates, *E. coli*, and fecal coliform bacteria. The Administrative Authority may require testing for other constituents and/or additional sampling by the applicator.

(v) Wind direction and speeds expected in the area of landspreading during landspreading operations. This may be based upon previous year's data.

(C) Any and all reports submitted to the appropriate Regional Water Quality Control Board, including but not limited to a Report Of Waste Discharge, Application For Facility Permit/Waste Discharge, Site Specific Information Report, or Project Description. The General Information and/or Site Information may be submitted to the Administrative Authority as part of the reports submitted to the Regional Water Quality Control Board.

(D) Approval of the project by the appropriate Regional Water Quality Control Board in the form of Waste Discharge Requirements, Waiver Approval, Letter of Approval, Exemption, or any other formal approval indicating project compliance with applicable Regional Water Quality Control Board standards and/or 40 CFR 503.

(E) Copies of any and all reports submitted to the USEPA, in complying with 40 CFR 503.

(F) Site Inspection.

- (i) A Site Inspection may be conducted by the Administrative Authority.
 - (ii) Other appropriate responsible agencies shall be notified by the inspector if any concerns arise from this inspection.
- (G) A Site Registration Fee, as established by the Board of Supervisors, shall be submitted prior to registration of the site.

(c) **Requirements for Landspreading Notification**

(1) After Site Registration is completed and the applicator has received written notification of the registration from the Administrative Authority, the applicator shall submit a Landspreading Notification Report to the Administrative Authority each year for sites (fields) on which the applicator intends to landspread biosolids.

(2) The applicator shall provide a Landspreading Notification Report to the Administrative at least 10 working days prior to initiation of the land application. Land application may not begin prior to receipt of written notification from the Administrative Authority that the Landspreading Notification Report is complete and meets the requirements of this chapter. Landspreading operations shall adhere to and be consistent with all information submitted to the Administrative Authority including, but not limited to, the Landspreading Notification Report. The applicator shall contact the Administrative Authority 24 hours prior to initiating or placing biosolids upon the field. Accurate mapping including all land use changes in the proposed land application area and the surrounding area shall be included with the Landspreading Notification Report. Site location including address and Assessor's Parcel Number(s), or Assessor's Parcel Number if no address is assigned, size of parcel(s), a map of the site prepared at a scale acceptable to the Administrative Authority showing drainage courses, runoff controls, surface waterways, wells, irrigation structures and canals, residences within 1,320 feet and copies of Assessor's Parcel Maps showing all fields on the site as well as parcels and numbers adjacent to the site and cities located within two miles or less from any portion of this site.

(3) The applicator shall also notify the Administrative Authority at least 24 hours prior to when the applicator intends to move the operation from one field to another, one site to another. This notification may be brief including the field number, location, owner, and intended date of change, and may be submitted via facsimile.

(4) At least once annually between March 1 and April 1, inclusive, the applicator shall publish a written notice stating that land application is to occur between April 15 and October 15 of that year in the public notification section of newspaper(s) of general circulation of the city(s) closest to the sites of proposed land application for the current year. The notice shall include the information

contained in (A), (B), (C), and (G) of this subsection and a general location of the area that will receive biosolids. The applicator shall also provide written notification to all residents adjacent to the fields listed in the Landspreading Notification Report at least 14 but not more than 45 calendar days prior to commencement of biosolids applications. The Administrative Authority shall be provided with a copy of all written notifications. Any notification to residents adjacent to fields in the Landspreading Notification Report shall include:

- (A) The name of the applicator;
 - (B) A phone number of a responsible contact for the applicator;
 - (C) The name, telephone number and address of the Administrative Authority;
 - (D) The tentative date or range of dates, of the biosolids application;
 - (E) A statement that if questions or concerns are not adequately addressed by the applicator, the recipient of the notice should contact the Administrative Authority.
 - (F) The location that biosolids are to be applied. This shall include Assessor's Parcel Numbers, addresses (if any), and directions and distance from nearest roads;
 - (G) A statement that biosolids are sewage sludge that have been treated and tested and shown to be capable of beneficial and legal use as a soil amendment for agriculture, silviculture, horticulture, and land reclamation activities as specified under 40 CFR Part 503. If independent testing and analysis is conducted by the Generator, then it shall submit results of laboratory analyses within 15 business days if requested in writing by the Administrative Authority.
- (5) Person(s) residing on property immediately adjacent to the field intended for application of biosolids may file a protest with the Administration Authority. The protest shall be in writing, stating the reasons for the objection, and shall be filed with the Administrative Authority within 10 days of receipt of written notification for the applicator. The Administrative Authority shall immediately notify the applicator of protests received from persons residing immediately adjacent to the application site. All impending biosolids applications at that site may be suspended pending the decision of the Administrative Authority. The Administrative Authority may consolidate protests that are similar and render one decision that applies to all such protests. The Administrative Authority shall render a decision on the protests within fourteen days of receipt of the written protest. The applicator and protestor shall be notified of the decision within five working days of the decision being rendered by the Administrative Authority. The decision of the Administrative Authority may be appealed to the Board of Supervisors as provided for in section 25-601.

(6) The applicator shall submit the following information and/or documents to the Administrative Authority as a Landspreading Notification Report:

(A) Name, mailing address and phone number of the property owner/operator.

(B) Name, mailing address and phone number of the Applicator.

(C) Biosolids source and hauler along with address, phone number, and contact person, level of pathogen treatment, description of treatment, and vector attraction reduction description.

(D) Site location and field name or number.

(E) Storage and staging areas.

(F) Application Rate and Annual Pollutant Loading Rate information including quantity of material, application area size, ammonia concentration, organic nitrogen concentration, proposed nitrogen loading, residual nitrogen loading from previous applications, proposed crop/land use, crop nitrogen usage, and date of application.

(G) Pollutant loading rate and concentration of each pollutant with an adopted Pollutant Limit.

(i) If all the pollutant loading rates and concentrations of each pollutant are less than ninety percent (90%) of the adopted Pollutant Limit, then analysis of soil from each field proposed for landspreading that has been previously applied with biosolids during the current registration period, and at least one groundwater sample collected from a well approved by the Administrative Authority shall be submitted in support of the Landspreading Notification Report. The Administrative Authority may require testing for other constituents and/or additional sampling by the applicator.

(ii) If any of the pollutant loading rates or pollutant concentrations are equal to or greater than ninety percent (90%) of the adopted Pollutant Limit, then requirements of subsection (i) and a Monitoring and Action Plan are required. The Monitoring and Action Plan shall describe how fields will be monitored and tested to ensure that the Pollutant Limits will not be exceeded. At a minimum, the monitoring and testing shall include, implementation of additional operational controls, additional field soil and groundwater analysis following application, and any other requirements as deemed necessary by the Administrative Authority.

(iii) Any samples collected shall be tested for the presence of pollutants with an adopted Pollutant Limit. Groundwater samples shall also be tested for nitrates, *E. coli*, and fecal coliform bacteria. Results of sample analysis obtained from the site within 12 months of submittal of the information may be used.

(iv) The Administrative Authority may require testing for other constituents and/or additional sampling by the applicator.

(H) Site controls including, but not limited to, crops to be planted and intended land use during the next 3 years, public access control procedures, storage procedures if material is stored near the fields before land application, existence of potential for any tailwater or storm water runoff within 30 days and control measures to be taken, nuisance avoidance measures and statement of compliance with all setback and buffer zone requirements and site restrictions.

(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.

(J) A list of names and addresses of the residents notified and the date of notification.

(K) Copy of the approval of the Pre-application Report by the Regional Water Quality Control Board.

(L) Certificate of Pollution Liability Insurance indicating insurance in an amount no less than \$1,000,000 (One Million Dollars).

(M) Copy of an Indemnification Agreement existing between the applicator and the operator.

(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.

(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 landspreading.

(P) A nitrogen management plan detailing the proposed Plant Available Nitrogen (PAN) application rate based on actual weighted averages and including an estimation of actual number of vehicle deliveries of biosolids (by wet tonnage) necessary to provide the required application rate for each specific registered field. Vehicle delivery tallies including cumulative amount of vehicles shall be maintained on a daily basis to prevent the over application of nitrogen.

(7) The Administrative Authority shall conduct inspections to assure compliance with this Chapter. The inspections may include sampling. 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). The Administrative Authority may direct the Applicator to collect additional samples and shall at no time be limited as to types, locations, or number of samples required or obtained.

(8) Samples of the material being landspread shall be collected during inspection.

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

(F) 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.

(9) A Landspreading Notification Fee, as established by the Board of Supervisors, shall be submitted to the Administrative Authority at the time of submittal of the information required for the Landspreading Notification.

(d) **Requirements for Reporting.** In addition to submittal of the general information required for the Site Registration and the Landspreading Notification, the following reporting requirements shall be met:

(1) Within 30 days after completion of land application of biosolids to each specific field or at each month's end, whichever comes first, a Post-application Report shall be submitted to the Administrative Authority with the following information:

(A) Site number and/or location including a map clearly showing each field.

(B) Date and time of the application.

(C) Total volume of material applied.

(D) Any variations from the information provided in the pre-application report.

(2) Any other reports required by a) the Regional Water Quality Control Board, as part of the Waste Discharge Requirements or otherwise, b) the USEPA, or c) any other regulatory agency, shall be submitted to the Administrative Authority.

(3) The applicator shall retain copies of all registrations and notifications for a minimum of five years after Site Registration expiration and copies of all reports for a minimum of five years after issuance of the report.

(4) The applicator shall provide, upon request from the Administrative Authority, copies of results of any laboratory analysis conducted for use by the applicator on material applied in Solano County.

(Ord. No. 888, §1; Ord. No. 1502, §1; Ord. No. 1536, §1; Ord. No. 1558, §1; Ord. No. 1618, §§ 2,6; Ord. No. 1628; §§ 6,7,8,9,10,11,12,13,14,15; Ord. No. 1689, §6; Ord. No. 1731, §5)

Sec. 25-403. Requirement for bonds

The applicator shall furnish a corporate surety bond as security for performance under the site registration or permit. A separate bond shall be posted for each concurrent landspreading operation. The amount of the bond shall be no less than \$50,000. The County of Solano shall be named as the obligee. The purpose of the bond is to cover costs should nuisance abatement by the Administrative Authority be necessary and the applicator or operator not take responsibility for the abatement.

(Ord. No. 888, §1; Ord. No. 1536, §1; Ord. No. 1558, §1)

Sec. 25-404. Right of entry

As a requirement of the issuance of a permit, Site Registration, or Landspreading Notification under this article, the applicator, farm operator, land owner and/or lessee shall agree to allow the representatives of the Administrative Authority or other regulatory agencies at reasonable times and upon presentation of credentials to:

- (a) Enter upon the applicator's premises or location where any records are required to be kept under the terms and conditions of this chapter;
- (b) Have access to and copy any records required to be kept under the terms and conditions of this chapter;
- (c) Inspect any monitoring equipment or observe any monitoring method;
- (d) Inspect any collection, transport vehicles, treatment, pollution management, or control facilities required by this chapter;
- (e) Enter any site, during reasonable hours, where biosolids or septage is proposed to be used or has been applied or stored and sample any ground or surface waters, soils, vegetation, biosolids, septage, or other materials on the site; and,
- (f) Obtain any photographic documentation or evidence.

(Ord. No. 1536, §1; Ord. No. 1558, §1)

ARTICLE V. FEES

Sec. 25-500. Generally

(a) The fee for each permit issued and the fees for Site Registration and Landspreading Notification, pursuant to the provisions of this chapter, shall be determined in the amount and payable at the time and method set by the board of supervisors, pursuant to Chapter 11, Section 11-110 of this Code.

(b) All reasonable costs of laboratory analysis of biosolids, septage, soil, water and/or vegetation samples collected by the Administrative Authority shall be paid by the applicator.

(Ord. No. 888, §1; Ord. No. 1190, §4; Ord. No. 1502, §1; Ord. No. 1536, §1; Ord. No. 1558, §1)

ARTICLE VI. ABATEMENT

Sec. 25-600. Enforcement of Chapter

(a) The Department of Resource management shall be empowered to ensure the enforcement of the provisions of this chapter.

(b) A violation of this chapter, or any state or federal regulations, may be cause for revocation of a permit or site registration by the Administrative Authority and notification to the appropriate Regional Water Quality Control Board and the USEPA for enforcement action.

(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.

(Ord. No. 888, §1; Ord. No. 889, §1; Ord. No. 1502, §1; Ord. No. 1536, §1; Ord. No. 1558, §1; Ord. No. 16,28, §16; Ord. No. 1689, §7)

Sec. 25-601. Appeals

Any decisions by the Administrative Authority to revoke a permit or biosolids site registration or to order the cessation of land application activities or to deny a protest and allow application of biosolids onto land may be appealed to the Board of Supervisors by filing a written Notice of Appeal with the Clerk of the Board, on a form as may be prescribed by the County, within 10 days of the Administrative

Authority's decision. Activities authorized by the permit or registration shall be suspended while the appeal is pending.

(Ord. No. 1502, §1; Ord. No. 1536, §1; Ord. No. 1558, §1; Ord. No. 1618, §7)

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 one-thousand (\$1,000) 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, §1; Ord. 1558, §1; Ord. 1628, §17)

(Ord. No. 1124, §1; Ord. No. 1125, §1)