

Biosolids and Sewage Sludge



Planning & Community Development

Agricultural Advisory Board – December 12, 2022

Stanislaus County
Zoning Ordinance
Section 21.20.030(B)(e)
Use Permit Required

“Commercial or municipal composting, processing and/or spreading of whey, treated sludge or biosolids (including Class A and Class B), or other organic matter when the matter to be composted, processed and/or spread is not generated on-site and the composting, processing and/or spreading is not part of a routine farming practice. Composting operations with less than one thousand cubic yards or three hundred tons of active composting material on-site at any given time shall be considered an agricultural use and shall be exempt from this provision. (This provision is intended to apply to operations whose primary function is the composting, processing and/or spreading of organic matter; it is not intended to apply to composting and/or the use of fertilizers and other soil amendments or feed additives in conjunction with agricultural production.)”

Adopted between 1987 and 1993

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Use Permit Required

- Prior to 1998 ban on the spreading of biosolids:
 - Only two Use Permit applications filed for land disposal of sludge
 - Both application proposed to spread material brought from outside the County on lands totaling thousands of acres in northeasterly and easterly portions of Stanislaus County.
 - Both projects required to prepare environmental impact reports (EIR's)
 - Neither project prepared an EIR and projects never moved forward.

The Path to a Ban on Biosolids – County Code Chapter 9.34

- May, 1993 – AAB assigned task of reviewing the data and making a recommendation to the BOS regarding the land application of sewage sludge.
 - Sewage Sludge Task Force formed (dairy farmer, farm bureau, Modesto, RCD/CAFF, Tri-Valley Growers)
 - Three years of meetings
- April 22, 1997 – BOS considered AAB recommended ordinance:
 - Land application to be overseen by Ag Commissioner
 - Use Permit requirement to remain
 - Five year sunset
 - Waste Discharge Permit from RWQCB required
 - Landowner disclosure statement
 - Remediation for misuse as soil amendment
- April, 1997 – BOS referred the matter to Planning Commission.

AAG = Agricultural Advisory Board

BOS = Board of Supervisors

The Path to a Ban on Biosolids – County Code Chapter 9.34

- PC held an informational workshop to become educated as to the nature of biosolids and the myriad of issues associated with its use.
 - Persons in favor and in opposition
 - Groups represented: US EPA, USDA, CA Farm Bureau, Stanislaus Farm Bureau, Cities of Modesto and Turlock, Coalition for Sludge Education, UC Davis Ag Extension, private biosolid applicators, and others
 - 100's of pages of information provided to PC (as well as two video tapes)
 - Workshop extended for more than 10 hours spread over two different evenings
- October 2, 1997 – PC failed to make a final recommendation to BOS after three failed motions

BOS = Board of Supervisors

PC = Planning Commission

The Path to a Ban on Biosolids – County Code Chapter 9.34

- November 4, 1997 – BOS directed staff to prepare an ordinance with language to prohibit the land application of biosolids/sludge products.
- June 23, 1998 – BOS considered a proposed ordinance with:
 - Exception for scientific research by public agency – not to exceed 1,000 acres; and
 - A “sunset” of the ordinance five (5) years after adoption.
- August 18, 1998 – BOS voted to remove sunset clause
- September 22, 1998 – BOS adopted Chapter 9.34 as it exists today

BOS = Board of Supervisors

The Path to a Ban on Biosolids – County Code Chapter 9.34

- Outreach in developing the ordinance version considered for adoption included meetings with:
 - City of Modesto
 - Stanislaus County Farm Bureau
- Public testimony at final public hearings to consider adoption of ordinance:
 - “largely in favor of the ordinance”
 - Appears to have led to removal of sunset clause

Environmental Opposition to Ban

- Opposition based on assumption that the County had some need or obligation to provide for biosolid use. (Cities of Modesto and Turlock)
 - County contended that this was not the case
 - Ordinance proposed on a health and safety basis, with the ban supported by a very large body of evidence showing that there is a serious scientific uncertainty about the safety aspects of land application of biosolids.
 - Ordinance did not prevent biosolids from being disposed of in alternative fashions, or even being kept in their present locations as much of the materials had been for many years.

2022 Action to Repeal Chapter 9.34

- November 1, 2022 - Board of Supervisors Agenda Item prepared by the Department of Environmental Resources (DER) requesting approval to repeal Chapter 9.34 was removed from the agenda. No action was taken.
 - Repeal needed to support State efforts to reduce the disposal of organic waste by 75% by the year 2025 (Senate Bill 1383 signed into law in 2016)
 - At the time of repeal request, approximately 56% of all biosolids generated in California are land applied.
 - Ban adopted at a time when there were unanswered questions regarding the safety and environmental impacts to the land on which the materials were applied.
 - State Water Resource Control Board (Water Board) has certified programmatic EIR and adopted a General Order establishing the minimum requirements for the land application of biosolids.
 - Sites regulated by EPA and Water Board.
 - Proposed repeal of Chapter 9.34 would not eliminate the requirement for a Use Permit in the General Agriculture (A-2) zoning district.

DER's Current Stance

- Continue to oppose the application of biosolids; uphold the County's current ordinance (Chapter 9.34) banning biosolids.
 - In contact with other county jurisdictions also pushing back on CalRecycle