

ORDINANCE NO. 3337

**AN ORDINANCE TO EXTEND THE INTERIM
MORATORIUM ON THE LAND APPLICATION OF TREATED SEWAGE
SLUDGE/BIOSOLIDS**

8.13.030 - Interim moratorium.

Except as otherwise provided herein, there shall be an interim moratorium on the application or distribution of biosolids and exceptional quality biosolids on any land within the unincorporated areas of San Luis Obispo County. The moratorium established by this ordinance shall remain in effect until such time as a permanent ordinance regulating the land application of biosolids and exceptional quality biosolids is enacted by the Board of Supervisors, or until March 31, 2021, whichever first occurs. The moratorium shall apply to any person applying or distributing biosolids in San Luis Obispo County, subject to the following requirements:

- (1) Any person who desires to distribute or apply biosolids in a quantity equaling or exceeding 5.0 cubic yards during the period of the moratorium, shall notify in writing the San Luis Obispo County Public Health Department, Division of Environmental Health thirty days prior to application or distribution; and
- (2) The division of environmental health shall not authorize more than a cumulative total of one thousand five hundred cubic yards of exceptional quality biosolids to be applied or distributed within the unincorporated areas of San Luis Obispo County during any twelve-month period beginning with the adoption of this ordinance. If the cumulative total of exceptional quality biosolids land applied or distributed in a twelve-month period is less than one thousand five hundred cubic yards, the remainder shall be carried over to the subsequent twelve-month period and added to the one thousand five hundred cubic yards.
- (3) The division of environmental health shall be empowered to prohibit any application of biosolids, including exceptional quality biosolids under the following conditions:
 - a. Biosolids failing to meet exceptional quality (EQ) standards as described in 40 CFR 503.13 Table 3 and that have achieved a level of vector attraction reduction required by 40 CFR 503.33. Additionally, biosolids failing to meet either fecal coliform or Salmonella sp. bacterial limits contained in Alternatives 1 through 6 of 40 CFR 503.32(a).
 - b. The application of biosolids is in excess of the cumulative total limitation set forth above in subsection (2).
 - c. The applicant cannot provide documentation of biosolids meeting EQ standards.
- (4) The environmental health division shall develop policies and procedures to implement the requirements of this chapter.

SECTION II: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or the constitutionality of the remaining portions of this ordinance. The Board of Supervisors hereby declares it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION III: Before the passage of 15 days after adoption of this ordinance, it shall be published with the names of the Board of Supervisors members voting for and against same, once in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

Introduced at a regular meeting of the Board of Supervisors held on the 25th day of October, 2016, and passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 8th day of November, 2016, by the following roll call vote, to-wit:

AYES: Supervisors Frank R. Mecham, Bruce S. Gibson, Adam Hill, Debbie Arnold and Chairperson Lynn Compton

NOES: None

ABSENT: None

Lynn Compton
Chairman of the Board of Supervisors of the
County of San Luis Obispo, State of
California

ATTEST:

TOMMY GONG
County Clerk and Ex-Officio Clerk of the
Board of Supervisors, County of San
Luis Obispo, State of California

By: Annette Ramirez
Deputy Clerk