



April 10, 2013

The Honorable Katcho Achadjian, Chair
Assembly Local Government Committee
State Capitol, Room 4098
Sacramento, CA 95814

RE: AB 371 (Salas) – OPPOSE

Dear Assemblyman Achadjian:

The Southern California Alliance of Publicly Owned Treatment Works (SCAP) has taken an “oppose” position on AB 371 relating to the land application of biosolids in Kern County. SCAP represents 81 public agencies that provide essential water and wastewater treatment to nearly nineteen million people in Los Angeles, Orange, San Diego, Santa Barbara, Riverside, San Bernardino and Ventura counties. We provide environmentally sound, cost-effective management of more than two billion gallons of wastewater each day and, in the process, convert wastes into resources such as recycled water and renewable energy.

The litigation challenging the constitutionality of Kern County’s Measure E, which is an initiative ordinance banning the land application of biosolids in unincorporated areas of the county, has been ongoing for many years. AB 371 seeks to circumvent this litigation, which involves important constitutional questions, and would authorize Kern County to regulate or prohibit by ordinance the land application of biosolids in unincorporated areas. However, there are legal, policy and scientific principles that all indicate these types of bans are inappropriate and unsupportable.

Specifically, the type of ban which Kern County has previously sought to enforce, and which could be authorized by AB 371, is in conflict with the Integrated Waste Management Act (IWMA) and the regional welfare doctrine. Additionally, AB 371 runs contrary to the overwhelming weight of scientific evidence that the land application of biosolids is a safe and beneficial practice, protective of both human health and the environment. This evidence includes the science-based federal and California regulations that currently govern the land application of biosolids.

If AB 371 is passed and Kern County is allowed to adopt and enforce a land application ban, California cities and wastewater treatment agencies will face more difficulty finding management alternatives to beneficially use their biosolids in both the short and long term. This would be unfortunate, because biosolids are a beneficial soil amendment that makes marginal

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soil productive, increases crop production, and increases moisture holding capacity that in turn reduces the irrigation demand of crops. Recycling biosolids to farmland is a time-tested practice that occurs every day on hundreds of farms across California and the United States, with no adverse impacts on public health or the environment.

SCAP strongly opposes AB 371 and respectfully requests your Committee's consideration of our concerns.

Sincerely,

A handwritten signature in black ink that reads "John Pastore". The signature is written in a cursive style with a large, looped initial "J" and "P".

John Pastore, Executive Director

Cc: Assemblymember Marc Levine
Assemblymember Luis Alejo
Assemblymember Steve Bradford
Assemblymember Rich Gordon
Assemblymember Melissa Melendez
Assemblymember Kevin Mullin
Assemblymember Marie Waldron
SCAP Board of Directors