2-6-06

PLANNING DEPARTMENT

TED JAMES, AICP, Director
2700 "M" STREET, SUITE 100
BAKERSFIELD, CA 93301-2323
Phone: (661) 862-8600
FAX: (661) 862-8601 TTY Relay 1-800-735-2929
E-Mail: planning@co.kern.ca.us
Web Address: www.co.kern.ca.us/planning

RESOURCE MANAGEMENT AGENCY

DAVID PRICE III, RMA DIRECTOR
Community & Economic Development Department
Engineering & Survey Services Department
Environmental Health Services Department
Planning Department
Roads Department

NOTICE OF PREPARATION

TO: See Attached Mailing List

DATE: February 3, 2006

FROM: Kern County Planning Department
Attn: Lorelei H.Oviatt,AICP
2700 M Street, Suite 100
Bakersfield, CA 93301

SUBJECT: **NOTICE OF PREPARATION OF THE KERN COUNTY BIOSOLIDS ORDINANCE ENVIRONMENTAL IMPACT REPORT**

Pursuant to the decision of the California Court of Appeal,Fifth Appellate District, in a lawsuit entitled *County Sanitation District No. 2 of Los Angeles County, et al. v. County of Kern, et al.* (Lawsuit), the Tulare County Superior Court issued a peremptory writ of mandate on December 2, 2005, requiring Kern County to prepare an environmental impact report (EIR) that covers the adoption of an ordinance regulating the land application of treated sewage sludge within its jurisdiction. The EIR will evaluate the potential environmental impacts of the proposed amendment of Chapter 8.05 (Land Application of Biosolids) of the Kern County Ordinance Code to prohibit all land application of all categories of biosolids on land in unincorporated Kern County, as well as alternatives to a total ban on land application and alternative disposal options including, but not limited to, continuation of the existing level of regulation of land application set forth in Chapter 8.05 of Ordinance No. G-6931.

The Kern County Planning Department as Lead Agency (per CEQA Guidelines Section 15052) solicits the views of your agency as to the scope and content of the environmental information, which is germane to your agency's statutory responsibilities in connection with the proposed project.

Due to the limits mandated by State law, your response must be received by March 6, 2005 at 5pm.

Pursuant to Section 21083.9 of the Public Resources Code **a Scoping Meeting conducted by the Kern County Planning Department to receive agency comments on the preparation of an Environmental Impact Report will be held on the following date and at the following location: February 17, 2006 at 1:30 p.m** at the Kern County Planning Department located at 2700 M Street, Bakersfield, California.

PROJECT TITLE: Amendment of Chapter 8.05 (Land Application of Biosolids) of the Kern County Ordinance Code

PROJECT LOCATION: County-Wide

PROJECT DESCRIPTION: The project is the amendment of Chapter 8.05 (Land Application of Biosolids) of the Kern County Ordinance Code to prohibit all land application of all categories of biosolids on land in unincorporated Kern County.

Date: February 3, 2006

Signature:
Name: Lorelei H. Oviatt, AICP
Title: Supervising Planner
Telephone: (661) 862-8866
Loreleio@co.kern.ca.us

Attachments

Biosolids NOP (LHO)
I:\adm\jvb3\biosolids NOP.lst
1/2/06

City of Bakersfield
Planning Department
1715 Chester Avenue
Bakersfield, CA 93301

California City Planning
21000 Hacienda Boulevard
California City, CA 93515

City of Delano
P.O. Box 939
Delano, CA 93216

City of Maricopa
P.O. Box 548
Maricopa, CA 93252

City of McFarland
P.O. Box 1488
McFarland, CA 93250

City of Ridgecrest
100 West California Avenue
Ridgecrest, CA 93555

City of Shafter
336 Pacific Avenue
Shafter, CA 93263

City of Taft
Planning and Building
209 East Kern Street
Taft, CA 93268

City of Tehachapi
115 South Robinson Street
Tehachapi, CA 93561-1722

City of Wasco
P.O. Box 190
Wasco, CA 93280

Inyo County Planning Department
P.O. Drawer "L"
Independence, CA 93526

Kings County Planning Agency
Kings County Government Building #6
1400 West Lacey Boulevard
Hanford, CA 93230

Los Angeles County
Department of Regional Planning
320 West Temple Street, Room 1390
Los Angeles, CA 90012

San Bernardino County
Office of Planning
385 North Arrowhead Ave, 3rd Floor
San Bernardino, CA 92415

San Luis Obispo County
Planning and Building Department
County Government Center
San Luis Obispo, CA 93408

Santa Barbara County
Planning and Development
123 East Anapamu Street
Santa Barbara, CA 93101

Tulare County
Planning & Development Dept.
Room 105-111
County Civic Center
Visalia, CA 93291-4503

Ventura County Planning Department
Attention Victor R. Husbands, Director
800 South Victoria Avenue
Ventura, CA 93009

U.S. Dept. of Interior/BLM
Bak Dist. & Caliente Res. Area
3801 Pegasus Drive
Bakersfield, CA 93308-6837

John O Gara
China Lake Naval Weapons Center
Code N45NCW
China Lake, CA 93555

Edwards Air Force Base
AFFTC/XRX Bldg 0001, Rm 110
#1 South Rosamond Boulevard
Edwards AFB, CA 93524-1936

U.S. Environmental Protection Agency
Region IX Office / Attn: David Tomsovic
75 Hawthorn Street /Mail CMD -2
San Francisco, CA 94105

U. S. Fish & Wildlife Service
San Joaquin Valley Branch Chief
2800 Cottage Way #W-2605
Sacramento, CA 95825-1846

U.S. Department of Interior
Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

Sequoia National Forest
Greenhorn Ranger Station
P.O. Box 3810
Lake Isabella, CA 93240-3810

U.S. Forest Service
Los Padres National Forest
6755 Hollister Avenue, Suite 150
Goleta, CA 93117

U.S. Department of Agriculture
Natural Resources Conservation Service
5000 California Avenue, Suite 100
Bakersfield, CA 93309-0711

Kern County Agriculture Department

Kern County Airports

San Joaquin Valley Air Pollution Control District
1990 East Gettysburg Avenue
Fresno, CA 93726

Community Development

Kern County Administrative Officer

Kern County Engineering & Survey Svs/ Floodplain

Kern County Engineering & Survey Svs/ Survey

Kern County Env Health Services Dept

Kern County Fire Department

Kern County Library

Kern County Museum

Kern County Parks and Recreation

Resource Management Agency Special Projects/Fiscal Analysis

Kern County Sheriff's Department

Kern County Roads Department

Kern County Waste Management Department

Attention Schifra Walder
Kern County Superintendent of Schools
1300 - 17th Street
Bakersfield, CA 93301

KernCOG

Local Agency Formation Commission
5300 Lennox Avenue, Suite 303
Bakersfield, CA 93309

Kern County Water Agency
P.O. Box 58
Bakersfield, CA 93302-0058

City of Bakersfield
Parks & Recreation Dept.
4101 Truxtun Avenue
Bakersfield, CA 93301

San Joaquin Valley Unified APCD

Golden Empire Transit
1830 Golden State Avenue
Bakersfield, CA 93301

Kern Mosquito Abatement District
4705 Allen Road
Bakersfield, CA 93312-3429

National Audubon
P.O. Box 160697
Sacramento, CA 95816-0694

Attention Mike McCurdy
Verizon California Inc.
CAE01NE - R/W
11 South 4th Street (2nd Floor)
Redlands, CA 92373

Native American Heritage Council of Kern County
P.O. Box 1507
Bakersfield, CA 93302

Attention Cindy Lee
SBC California
250 East Ashlan Avenue
Fresno, CA 93704

Attention Doug Snyder/Land Dept.
Pacific Gas and Electric Company
1918 "H" Street
Bakersfield, CA 93301

Pacific Gas and Electric Company
Land Projects/Shaw Office
650 "O" Street, First Floor
Fresno, CA 93760-0001

Sierra Club/Kern Keaweah Chapter
Arthur Unger

PUT IN BUCKET

Southern California Edison
P.O. Box 410
Long Beach, CA 90801

Southern California Gas Company
1510 North Chester Avenue
Bakersfield, CA 93308

Southern California Gas Co.
Attention Trans. Dept.
9400 Oakdale Avenue
Chatsworth, CA 91313-6511

Smart Growth Coalition
441 Vineland Road
Bakersfield, CA 93307

Mary Ann Lockhart
P.O. Box GG
Frazier Park, CA 93225

Mountain Community Town Council, Inc
P O Box 178
Frazier Park, CA 93225

California Farm Bureau Federation
1601 Exposition Boulevard, FB3
Sacramento, CA 95815-5195

Ray Chopra
Caltrans Permit Engineer
1226 Olive Drive
Bakersfield, CA 93308

Stationary Resource Division
(California Air Resources Board)
Attention Barbara Fry
P.O. Box 2815
Sacramento, CA 95812

Southern San Joaquin Valley
Archaeological Information Center
California State University
9001 Stockdale Highway
Bakersfield, CA 93311

Caltrans District 6
Planning/Land Bank Bldg.
P.O. Box 12616
Fresno, CA 93778

State Clearinghouse
Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044 -
CERTIFIED MAIL

California State University Bakersfield
Library
9001 Stockdale Highway
Bakersfield, CA 93309

Department of Conservation/Division of
Oil, Gas, & Geothermal Resources
4800 Stockdale Highway, Suite 417
Bakersfield, CA 93309

State Fish and Game
1130 East Shaw, Suite 206
Fresno, CA 93710

California Food and Agriculture
1220 "N" Street
Sacramento, CA 95814

Calif. Dept. of Health Services
Drinking Water Field Operations Branch
1040 East Herndon Avenue, Suite 205
Fresno, CA 93720-3158

State Department of Health
Services/Drinking Water
Jesse Dhaliwal
1200 Discovery Drive, Ste 100
Bakersfield, CA 93309

Office of Historical Preservation
Nick Del Cioppo
P.O. Box 942896
Sacramento, CA 94296-0001

Public Utilities Commission
Energy Division
505 Van Ness Avenue
San Francisco, CA 94102

California Regional Water Quality
Control Board/Central Valley Region
1685 E Street
Fresno, CA 93706-2020

State Lands Commission
100 Howe Avenue, Ste 100-South
Sacramento, CA 95825-8202

Department of Water Resources
San Joaquin District
3374 East Shields Avenue, Rm A-7
Fresno, CA 93726

Tulare Basin Wetlands
P.O. Box 628
Wasco, CA 93280

Nature Conservancy
Western Regional Office
785 Market St. Third Floor
San Francisco, CA 94103

South Tulare Richgrove Refuse
Route 2, Box 272
Delano, CA 93215

North West Kern
Resource Conservation District
5000 California Avenue, Ste 100
Bakersfield, CA 93309-0711

Alpaugh Irrigation District
4793 Road 42
Alpaugh, CA 93201

Semi Tropic Water Storage Dist.
P.O. Box Z
Wasco, CA 93280

Pond Poso Improvement District
5000 California Avenue, Suite 100
Bakersfield, CA 93309

Shafter-Wasco Irrigation Dist.
P.O. Box 158
Wasco, CA 93280

North Kern Water Storage Dist.
P.O. Box 81435
Bakersfield, CA 93380-1435

Buttonwillow Improvement District
1017 Central Avenue
Wasco, CA 93280

Cuddy Valley Statistical Consulting
11667 Steinhoff Road
Frazier Park, CA 93222

Paul Martin
Western States Dairymen
8090 Valley Ford Road
Petaluma, CA 94952

R.L. Abbott and Associates
5060 California Avenue, Suite 910
Bakersfield, CA 93309

Kern National Wildlife Refuge
P.O. Box 670
Delano, CA 93216

Dairy Action Network
925 "I" Street, Suite 850
Sacramento, CA 95814

Senator Dean Florez
1800 - 30th Street, Suite 360
Bakersfield, CA 93301

Building Industry Assoc.
1415 - 18th Street, Suite 420
Bakersfield, CA 93301

Les Clark
IOPA
4600 American Avenue West #201
Bakersfield, CA 93309

Greg Sammons
Dept of Food and Agriculture
18830 Road 112
Tulare, CA 93274

DWR - Aquaduct
900 South Freemont Avenue
Alhambra, CA 91803

Western United Dairyman
8090 Valley Ford Road
Petaluma, CA 94952

Center on Race, Poverty & the Environment
1224 Jefferson Street, Suite 25
Delano, CA 93215

Center on Race, Poverty & the Env
450 Geary Street, Suite 500
San Francisco, CA 94102

Renee Donato Nelson
11916 Borg Court
Bakersfield, CA 93306

Metropolitan Water Dist of So California
P.O. Box 54153
Los Angeles, CA 90054

St. Clair Ranching Mutual H2O
14812 Sunnybank Avenue
Bakersfield, CA 93312

Dept of Water Resources
Div of Land and Right of Way
P.O. Box 942836
Sacramento, CA 94236

Mutual Water Company
16331 Aslan Drive, #2
Frazier Park, CA 93222

McAllister Ranch Irrigation District
230 Truxtun Avenue
Bakersfield, CA 93301

Friant Water Users Authority
854 North Harvard Avenue
Lindsay, CA 93247-1715

Attention Staff Engineer
Wheeler Ridge-Maricopa
Water Storage District
2109 Highway 166
Bakersfield, CA 93313-9630

Kern Delta Water Dist.
501 Taft Highway
Bakersfield, CA 93307

Lamont Storm Water Dist.
P.O. Box 543
Lamont, CA 93241

c/o William C. Roden
Western Kern Resource
Conservation Dist.
Antelope Ranch Co.
Cholame, CA 93431

North West Kern
Resource Conservation District
5000 California Avenue, Ste 100
Bakersfield, CA 93309-0711

Buena Vista Resource
Conservation Dist.
P.O. Box 756
Buttonwillow, CA 93206

Tehachapi Resource Conservation Dist.
202 South Green Street
Tehachapi, CA 93561

Wasco Public Utility Dist.
P.O. Box 836
Wasco, CA 93280

Highland Park Public Utility Dist.
343 Arvin Street
Bakersfield, CA 93308

Plainview Public Utility Dist.
11321 Rose Street
Lamont, CA 93241

Lamont Public Utility Dist.
8624 Segrue Road
Lamont, CA 93241

Lamont Public Utility Dist.
8624 Segrue Road
Lamont, CA 93241

Arvin-Edison Water Storage District
P.O. Box 175
Arvin, CA 93203

Shafter-Wasco Irrigation Dist.
P.O. Box 158
Wasco, CA 93280

Kern-Tulare Water Dist.
1820 21st Street
Bakersfield, CA 93301

Rag Gulch Water Dist.
1820 21st Street
Bakersfield, CA 93301

Delano-Earlimart Irrigation District
Route 1, Box 960
Delano, CA 93215

Antelope Valley-East Kern
Water Agency
6500 West Avenue N
Palmdale, CA 93551

Tehachapi-Cummings County Water Dist
P.O. Box 326
Tehachapi, CA 93561

Tejon-Castaic Water Dist.
P.O. Box 1000
Lebec, CA 93243

West Kern Water Dist.
P.O. Box 1105
Taft, CA 93268

Semi Tropic Water Storage Dist.
P.O. Box Z
Wasco, CA 93280

Rosedale-Rio Bravo
Water Storage District
P.O. Box 867
Bakersfield, CA 93302

Lost Hills Water Dist.
3008 Sillect Avenue, Ste 205
Bakersfield, CA 93308-6340

Kern County Water Agency
Improvement District #4
P.O. Box 58
Bakersfield, CA 93302-0058

Henry Miller Water Dist.
P.O. Box 9759
Bakersfield, CA 93389

Devil's Den Water Dist.
P.O. Box 1832
Fresno, CA 93717

Cawelo Water Dist.
17207 Industrial Farm Road
Bakersfield, CA 93308-9801

Buena Vista Water Storage Dist.
P.O. Box 756
Buttonwillow, CA 93206

Berrenda Mesa Water Dist.
2100 "F" Street, Ste 100
Bakersfield, CA 93301

Belridge Water Storage District
P.O. Box 250
Lost Hills, CA 93249-025

Lebec County Water Dist.
P.O. Box 910
Lebec, CA 93243

Olcese Water Dist.
P.O. Box 60679
Bakersfield, CA 93386-0679

Greenfield County Water Dist.
551 Taft Highway
Bakersfield, CA 93307

California Water Service Co.
3725 South "H" Street
Bakersfield, CA 93304

North Kern Water Storage Dist.
P.O. Box 81435
Bakersfield, CA 93380-1435

Vaughn Water Co.
10014 Glenn Street
Bakersfield, CA 93312

Oildale Mutual Water Co.
P.O. Box 5638
Bakersfield, CA 93388

North of the River
Municipal Water Dist.
4000 Rio Del Norte Street
Bakersfield, CA 93308-1024

Buttonwillow County Water Dist.
P.O. Box 874
Buttonwillow, CA 93206

Community Alliance for
Responsible Environ. Stewardship
915 "L" Street, #C-438
Sacramento, CA 95814

Kern County Farm Bureau
801 South Mt. Vernon Avenue
Bakersfield, CA 93307

Kern Water Bank
5500 Ming Avenue, Suite 490
Bakersfield, CA 93309

Boron Community Service District
P O Drawer B
Boron, CA 93516

California City Community District
21000 Hacienda Blvd.
California City, CA 93505

Inyokern Community Services District
P O Box 1418
Inyokern, CA 93527

Rosamond Community Services Dist
2700 20th Street West
Rosamond, CA 93560

Mojave Public Utility District
15844 "K" Street
Mojave, CA 93501

Rand Communities County Water District
P O Box 198
Randsburg, CA 93445

North Edwards Water District
P O Box 987
North Edwards, CA 93523

Bear Valley Springs Assoc.
Environmental Control Committee
29541 Rolling Oak Drive
Tehachapi, CA 93561

East Niles Community Services Distr
1417 Vale
Bakersfield, CA 93306

Golden Hills Comm. Serv. Dist
22209 Old Town Road
Tehachapi, CA 93581

Lake Isabella Comm. Serv. District
2095 Edith Avenue
Lake Isabella, CA 93240

Stallion Springs Community Serv. Dist.
28500 Stallion Springs Drive
Tehachapi, CA 93561

Frazier Park Public Utility Dist.
4040 Park Drive
Frazier Park, CA 93225

U.S. EPA Region IX Office
75 Hawthorn Street
San Francisco, CA 94105

U.S. Department of Interior
Fish & Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

U.S. Fish & Wildlife Service
San Joaquin Valley Branch Chief
2800 Cottage Way #W2605
Sacramento, CA 95825-1846

U.S. Forest Service
351 Pacu land #200
Bishop, CA 93514-3101

Sequoia National Forest
Greenhorn Ranger Station
4875 Ponderosa Drive
Lake Isabella, CA 93240-3810

U.S. Dept. of Agriculture
Resources Conservation Service
5000 California Ave. Suite 100
Bakersfield, CA 93309-0711

U.S. Army Corps of Engineers
Attention Planning Division
1325 "J" Street
Sacramento, CA 95814

J. Edward Duggan
Tehachapi Resource Conservation
202 South Green Street
Tehachapi, CA 93561

Arvin Community Services District
141 Plum Tree Drive
Arvin, CA 93202

Bear Valley Community Services Dist.
28999 South Lower Valley Road
Tehachapi, CA 93561-6529

Lucinda Roth
SJVAPCD
1990 E. Gettysburg Ave
Fresno, CA 93737

Jack Stewart
Blue Springs Development Co
P O Box 2054
California City, CA 93504

Kern National Wildlife Refuge
P O Box 670
Delano, CA 93216

Los Padres National Forest
Mt. Pinos Ranger District
34580 Lockwood Valley Road
Frazier Park, CA 93225

Calif. State Water Resources Control Brd
Division of Water Quality
1001 "I" Street
Sacramento, CA 95814

RWQCB Los Angeles
320 W 4th Street, suite 200
Los Angeles, CA 90013-2343

South Coast Air Quality Manage. Dist
21865 E Copley Drive
Diamond Bar, CA 9176504182

Michael M Hogan Esq
Hogan Guiney Dick LLP
225 Broadway Suite 1900
San Diego, CA 92101

Daniel V. Hyde Esq
Lewis Brisbois Bisgaard & Smith LLP
221 North Figueroa St #1200
Los Angeles, CA 90012-2601

Thomas Woodruff Esq
Woodruff Spradlin & Smart
701 South Parker Street, Suite 8000
Orange, CA 92868-4760

Keith Pristsker, Dep City Attorney
City of Los Angeles
200 North Main Street
700 City Hall East
Los Angeles, CA 90012-4131

Roberta Larson Esq
Somach Simmons & Dunn
813 6th Street 3rd Floor
Sacramento, CA 95814

Robert Parkingson Esq
Borton Petrini & Conron
1600 Truxtun Avenue
Bakersfield, CA 93303

Griswold Lasalle Cobb Dowd & Gin
311 N Douty Street
P O Box 330
Hanford, CA 93232-0330

Steven M Torigiani Esq
Young Woolridge LLP
1800 30th Street, 4th Floor
Bakersfield, CA 93301-5298

James A. Worth Esq
McMurtrey & Haartsock & Worth
2001 22nd Street, Suite 100
Bakersfield, CA 93301

Responsible Biosolids Management
320 So. 7th Street
Lompoc, CA 93436

USA Transport, Inc
12191 Violet Road
Adelanto, CA 92301

Shaen Magan
P O Box 138
Bass Lake, CA 93604

Calif. Assoc. of Sanitation Agencies (CASA)
925 L Street, Suite 1400
Sacramento, CA 95814

SCAP
30200 Rancho Viejo Rd, Suite B
San Juan Capistrano, CA 92675

Kern County Farm Bureau
801 South Mt. Vernon Avenue
Bakersfield, CA 93307

Sanitation Dist. Of Los Angeles County
P O Box 4998
Whittier, CA 90607

City of Los Angeles
Sanitation Dept. of Public Works
Biosolids Management
433 So. Spring St, Suite 400
Los Angeles, CA 90013

City of Buenaventura
Public Works
501 Poli Street
Ventura, CA 93002

City of Oxnard
Public Works
305 West Third Street, 3rd Floor
Oxnard, CA 93030

County of Ventura Public Works
800 S. Victoria Avenue
Ventura, CA 93309-1650

Goleta Sanitary District
100 William Moffet Road
Goleta, CA 93117

Orange County Sanitation District
10844 Ellis Avenue
Fountain Valley, CA 92708

City of Camarillo
Camarillo Sanitary District
601 Carmen Drive
Camarillo, CA 93010

Chumash Casino Resort
Wastewater Treatment Facility
3400 East Highway 246
Santa Ynez, CA 93346-9405

Cutler-Orosi Treatment Plant
40401 Road 120
Cutler, CA 93615

Summerland Sanitary District
P O Box 417
Summerland, CA 93067

Cambria Community Services District
P O Box 65
Cambria, CA 93428

City of Oxnard
60001 South Perkins Road
Oxnard, CA 93033

City of San Buenaventura
1400 Spinnaker Drive
Ventura, CA 93001

Camarillo Sanitary District
P O Box 248
Camarillo, CA 93011

County of Ventura
Moorpark Wastewater Treatment Plant
7150 Walnut Canyon Road
Moorpark, CA 93021

San Siemeon Community District
111 Pico Avenue
San Simeon, CA 93452

Avila Beach County Water District
P O Box 309
Avila Beach, CA 93424

City of Arvin
P.O. Box 548
Arvin, CA 93203

Form A

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, PO Box 3044, Sacramento, CA 95812-3044 916/445-0613

SCH # _____

Project Title: Amendment of Biosolids Ordinance

Lead Agency: Kern County Planning Department

Contact Person: Lorelei H. Oviatt, AICP

Mailing Address: 2700 M Street Suite 100

Phone: 661-862-8866

City: Bakersfield Zip: 93301

County: Kern

Project Location:

County: Kern

City/Nearest Community: Bakersfield - County-Wide

Cross Streets: 119 Hwy, Gunclub Road, Garces Hwy

Zip Code: _____ Total Acres: 23,954

Assessor's Parcel No. various

Section: various Twp. _____ Range: _____ Base: _____

Within 2 Miles: State Hwy #: 5 and 119

Waterways: _____

Airports: _____

Railways: _____ Schools: _____

Document Type:

CEQA: ☒ NOP ☐ Early Cons ☐ Neg Dec ☐ Draft EIR ☐ Supplement/Subsequent EIR (Prior SCH No.)_____ ☐ Other _____

NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI

Other: ☐ Joint Document ☐ Final Document ☐ Other_____

Local Action Type:

☐ General Plan Update ☐ General Plan Amendment ☐ General Plan Element ☐ Community Plan

☐ Specific Plan ☐ Master Plan ☐ Planned Unit Development ☐ Site Plan

☐ Rezone ☐ Prezone ☐ Use Permit ☐ Land Division (Subdivision, etc.)

☐ Annexation ☐ Redevelopment ☐ Coastal Permit ☒ Other Ordinance

Development Type:

☐ Residential: *Units*_____ *Acres*_____

☐ Office: *Sq.ft.*_____ *Acres*_____ *Employees*_____

☐ Commercial: *Sq.ft.*_____ *Acres*_____ *Employees*_____

☐ Industrial: *Sq.ft.*_____ *Acres*_____ *Employees*_____

☐ Educational _____

☐ Recreational _____

☐ Water Facilities: *Type*_____ *MGD*_____

☐ Transportation: *Type*_____

☐ Mining: *Mineral*_____

☐ Power: *Type*_____ *Watts*_____

☐ Waste Treatment: *Type*_____

☐ Hazardous Waste: *Type*_____

☒ Other: Ban on Land Application of Biosolids

Funding (approx.): Federal $_____ State $_____ Total $_____

Project Issues Discussed in Document:

☒ Aesthetic/Visual
☒ Agricultural Land
☒ Air Quality
☒ Archeological/Historical
☐ Coastal Zone
☐ Drainage/Absorption
☐ Economic/Jobs
☒ Fiscal
☒ Flood Plain/Flooding
☐ Forest Land/Fire Hazard
☒ Geologic/Seismic
☒ Minerals
☒ Noise
☒ Population/Housing Balance
☒ Public Services/Facilities
☒ Recreation/Parks
☐ Schools/Universities
☐ Septic Systems
☒ Sewer Capacity
☒ Soil Erosion/Compaction/Grading
☒ Solid Waste
☒ Toxic/Hazardous
☒ Traffic/Circulation
☒ Vegetation
☒ Water Quality
☒ Water Supply/Groundwater
☒ Wetland/Riparian
☒ Wildlife
☒ Growth Inducing
☒ Landuse
☒ Cumulative Effects
☐ Other _____

Present Land Use/Zoning/General Plan Designation:

Agricultural Land

Project Description:

The project is the amendment of Chapter 8.05 (Land Application of Biosolids) of the Kern County Ordinance Code to prohibit all land application of all categories of biosolids on land in unincorporated Kern County.

Reviewing Agencies Checklist

Form A, continued

KEY
S = Document sent by lead agency
X = Document sent by SCH
✓ = Suggested distribution

___ **Resources Agency**
___ Boating & Waterways
___ Coastal Commission
___ Coastal Conservancy
___ Colorado River Board
S Conservation
S Fish & Game
___ Forestry & Fire Protection
S Office of Historic Preservation
S Parks & Recreation
S Reclamation Board
___ S.F. Bay Conservation & Development Commission
S Water Resources (DWR)

Business, Transportation & Housing
___ Aeronautics
S California Highway Patrol
S CALTRANS District # 6, 7
___ Department of Transportation Planning (headquarters)
___ Housing & Community Development
S **Food & Agriculture**

Health & Welfare
___ Health Services ___

State & Consumer Services
___ General Services
___ OLA (Schools)

Environmental Protection Agency
S Air Resources Board
S California Waste Management Board
___ SWRCB: Clean Water Grants
___ SWRCB: Delta Unit
S SWRCB: Water Quality
___ SWRCB: Water Rights
S Regional WQCB # ___ (Lahontan / Central LA)

Youth & Adult Corrections
___ Corrections

Independent Commissions & Offices
___ Energy Commission
S Native American Heritage Commission
___ Public Utilities Commission
___ Santa Monica Mountains Conservancy
S State Lands Commission
___ Tahoe Regional Planning Agency

___ Other ___

Public Review Period (to be filled in by lead agency)

Starting Date February 3, 2006 Ending Date March 6, 2006

Signature [signature] Date February 2, 2006

Lead Agency (Complete if applicable):
Consulting Firm: ___
Address: ___
City/State/Zip: ___
Contact: ___
Phone: (___) ___

Applicant: ___
Address: ___
City/State/Zip: ___
Phone: (___) ___

For SCH Use Only:
Date Received at SCH ___
Date Review Starts ___
Date to Agencies ___
Date to SCH ___
Clearance Date ___
Notes:

Chapter 1
Project Description

1.1 Introduction

Pursuant to the decision of the California Court of Appeal,Fifth Appellate District, in a lawsuit entitled *County Sanitation District No. 2 of Los Angeles County, et al. v. County of Kern, et al.* (Lawsuit), the Tulare County Superior Court issued a peremptory writ of mandate on December 2, 2005, requiring Kern County to prepare an environmental impact report (EIR) that covers the adoption of an ordinance regulating the land application of treated sewage sludge within its jurisdiction. The EIR will evaluate the potential environmental impacts of the proposed amendment of Chapter 8.05 (Land Application of Biosolids) of the Kern County Ordinance Code to prohibit all land application of all categories of biosolids on land in unincorporated Kern County, as well as alternatives to a total ban on land application and alternative disposal options including, but not limited to, continuation of the existing level of regulation of land application set forth in Chapter 8.05 of Ordinance No. G-6931.

Sewage sludge is a product of wastewater treatment. "Sewage sludge" is defined by federal regulations as the "solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in treatment works." More generally, sewage sludge refers to the mud-like deposit originating from sewage and created by the treatment processes used to decontaminate wastewater before it is released to local waterways. Sewage sludge typically consists of water and 2 to 28 per cent solids. The resultant solids are referred to as biosolids. In this NOP, "sewage sludge" is used to refer to wastewater treatment solids generally, and "biosolids" will be used to refer specifically to the material that has been treated for use for land application.

This Notice of Preparation is to inform the public about issues related to the project and request information on additional issues that should be addressed in the Environmental Impact Report (EIR). This scoping process, discussed in Section 15083 of the State CEQA Guidelines, is to help identify the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in the EIR.

The EIR will evaluate the potential environmental impacts of banning land application of all categories of biosolids on the approximately 8,202 square miles of Kern County with emphasis on the unincorporated areas. The EIR is expected

to provide full public disclosure on the potential cumulative impacts of banning the land application of biosolids on the environment, including, but not limited to, groundwater, air, roads, odors and human health. Alternatives to a total ban on land application as well as alternative disposal options for sewage sludge will be discussed including, but not limited to: continuation of the existing level of regulation of land application, additional regulation of land application, additional treatment prior to land application, composting, use as alternative daily cover in landfills, direct disposal in landfills and incineration. The direct and indirect cumulative effects of the implementation of the proposed project will be discussed including, but not limited to: changes in disposal practices for the operators of Publicly Owned Treatment Works (POTW) inside and outside Kern County, loss of use of the biosolids to farmers, and impacts on communities and public services from the change in disposal methods.

This chapter describes the Project. Chapter 2 presents a completed Environmental Checklist Form for the Project.

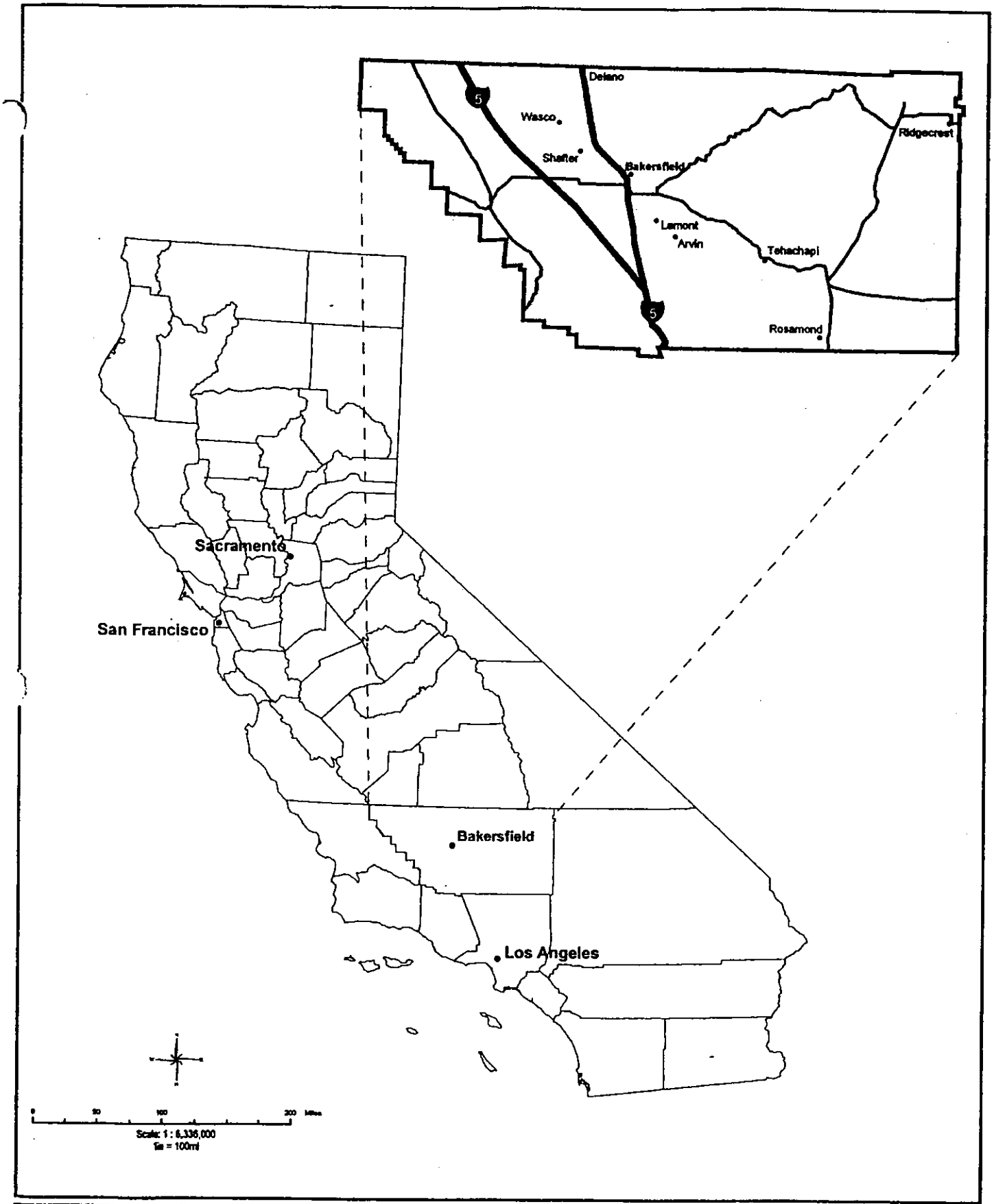
1.2 Project Objectives

- Promote and protect the general health, safety and welfare of Kern County and its residents.
- Protect groundwater supplies and soils from contamination and degradation through imposition of an ordinance that bans biosolids land application in unincorporated Kern County.
- Ensure a high quality of life for Kern County and its residents through the elimination or reduction of activities that produce unmitigated impacts to air quality, an increase in odors, unmitigated impacts on public health and/or contribute to such impacts for future generations.
- Comply with the requirements of the writ of mandate issued by the Tulare County Superior Court in the Lawsuit.

1.3 Project Location and Setting

Kern County is California's third largest county in land area, encompassing approximately 8,202 square miles. Located at the southern end of the Central Valley, Kern County serves as the gateway to Southern California, the San Joaquin Valley, and California's High Desert. The geography of the County is diverse, containing mountainous areas, agricultural lands, and desert areas.

Kern County is bounded by Kings, Tulare and Inyo Counties on the north, San Bernardino County on the east, Los Angeles and Ventura Counties on the south, and Santa Barbara and San Luis Obispo Counties on the west.(Figure 1-1, Regional Location)



Regional Location

Figure 1-1

Regional Location

The lowest point in the Kern County, located approximately 12 miles west of Delano, is 206 feet above mean sea level (MSL). The highest point in the County is 8831 feet above MSL at the summit of Mount Pinos, which is located approximately 12 miles west of Frazier Park.

Kern County includes eleven incorporated cities: Arvin, Bakersfield, California City, Delano, Maricopa, McFarland, Ridgecrest, Taft, Tehachapi, Shafter and Wasco with the City of Bakersfield having the largest population. The remainder of the County outside the Metropolitan Bakersfield area is generally characterized as rural, with areas of unincorporated urbanized communities, such as Kernville, Lake Isabella, Inyokern, Mojave, Boron, Rosamond, Golden Hills, Stallion Springs and Buttonwillow.

Kern County consists of three general areas or "Regions." Described as Valley, Mountain and Desert.(Figure 1-2, Geographic Regions of Kern County) encompassing over 5 million acres.

The Kern County General Plan (2004) and The Housing Element, 2002-2007, used the Kern County Council of Governments' nine "Sub-Areas" for purposes of analysis. The following descriptions of the three Regions (Valley, Mountain and Desert) and their Sub-Areas within those Regions (Figure 1-3 Regional Planning Areas) will be used in the EIR as locational and orientation tools to be referred to periodically within the analysis chapter of this Program EIR as appropriate. Some of the regions may contain a feature that makes a particular environmental topic discussion relevant to that region, but in most cases the feature or related issue is not defined by the exact boundaries of that region.

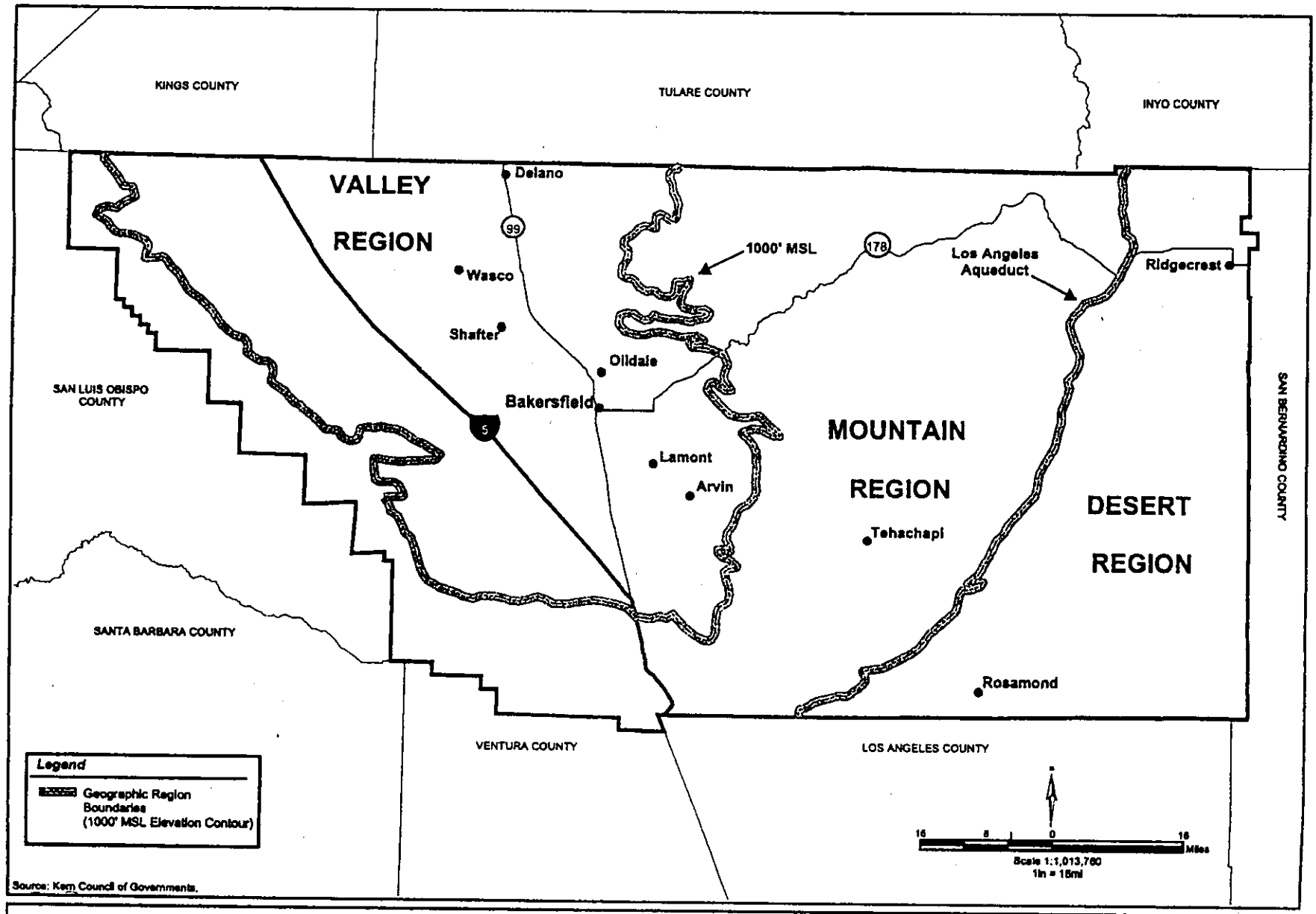
Valley Region. The General Plan Update describes the Valley Region as "the southern San Joaquin Valley below an elevation of 1,000 feet mean sea level (MSL)" within Kern County. The San Joaquin Valley portion is characterized by relatively low rainfall, averaging less than 10 inches per year." Average temperatures are relatively high, and total evaporation exceeds total precipitation. Summers are relatively cloudless, hot and dry. Winter is generally mild, but an occasional freeze does occur and may cause substantial agricultural damage. The Valley region includes the following Sub-Areas described below:

- **Northern San Joaquin Valley**. The Northern San Joaquin Valley Sub-Area consists of 424 square miles located in the north central portion of the County. The area includes the cities of Delano, McFarland, Shafter, and Wasco. The year 2000 population was 92,142 with just 10 percent or 9,701 residents located in the unincorporated areas.

  Employment is largely based on agricultural production. However, there are several correctional facilities located in the area that provide additional employment that helps stabilize the seasonal nature of agricultural employment.

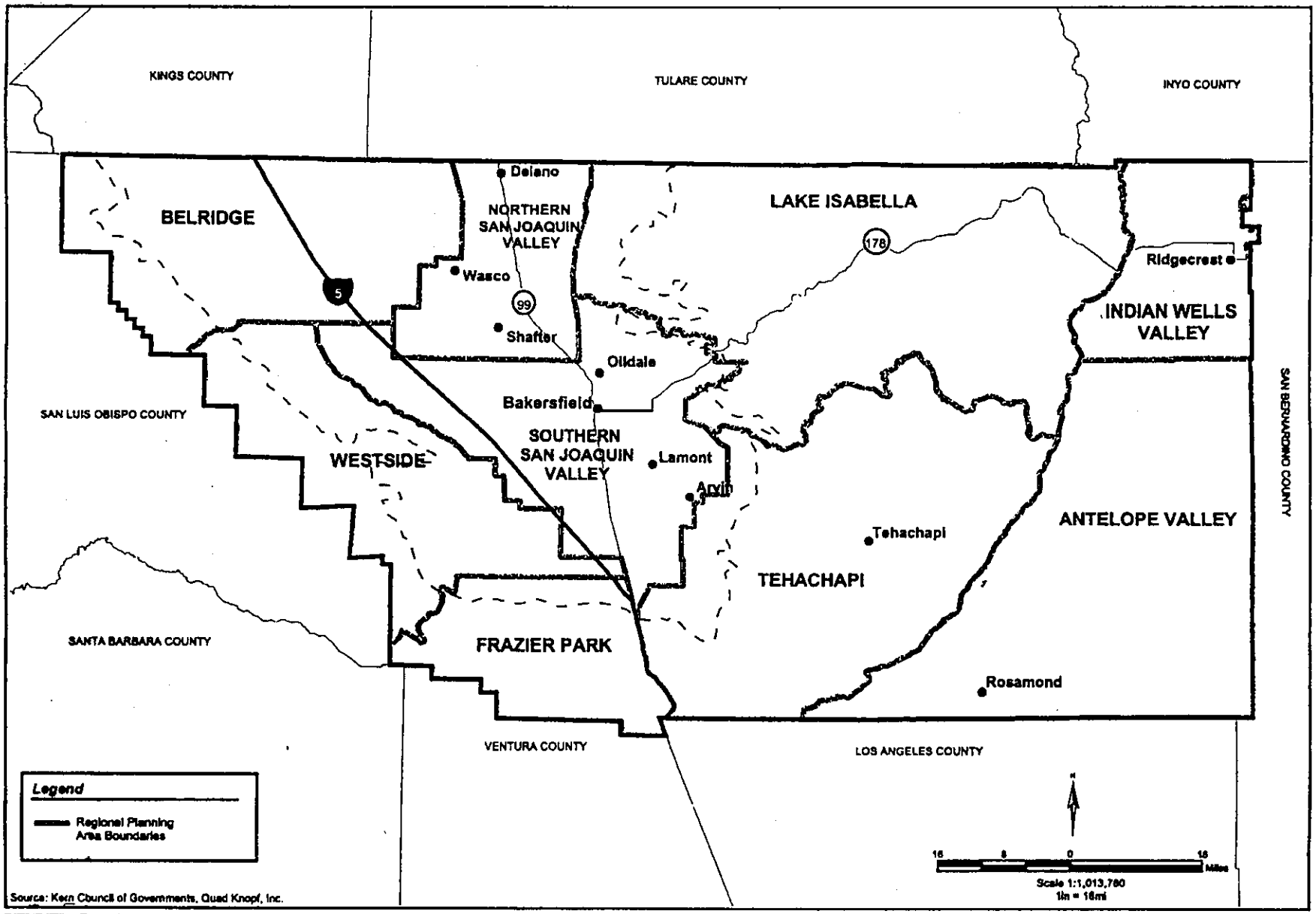
  Employment is largely based on agricultural production. However, there are several correctional facilities located in the area that provide additional employment that helps stabilize the seasonal nature of agricultural employment.

- **Southern San Joaquin Valley.** The Southern San Joaquin Valley consists of 960 square miles in the west central portion of the County. The Sub-Area includes the cities of Bakersfield and Arvin, as well as the unincorporated communities of Oildale, Lamont, Buttonwillow, Old River, Pumpkin Center, Rosedale, and Greenfield. The Southern San Joaquin Valley is the most populous Sub-Area



Geographic Regions of Kern County

Figure 1-2



Kern Council of Governments
Regional Planning Areas

Figure 1-3

in the County, with a population of 425,113 in 2000. A majority of the population is located in the City of Bakersfield, with 165,100 persons residing in the unincorporated areas.

Employment in this area is diverse. The City of Bakersfield is home to many of the County's governmental facilities, while agriculture, petroleum, and the service sector also provide significant employment in the area. The Sub-Area is located along several major transportation corridors, with Interstate 5 (I-5), State Highways 58 and 99, and two national railroads passing through the area.

- **Westside.** The Westside Sub-Area encompasses the western portion of the County. The cities of Taft and Maricopa are located in the area, along with the unincorporated communities of South Taft, Ford City, Taft Heights, and McKittrick. The population was 20,331 in 2000, with 13,931 in the unincorporated areas.

  The economy of the Westside Sub-Area is resource based. Oil exploration and production provide a large segment of the employment base, with clay mineral extraction also occurring in the area. Several correctional institutions also provide an additional source of employment in this area.

- **Belridge.** The Belridge Sub-Area, located in the northwestern area of Kern County, had a year 2000 population of 3,418. The Belridge Sub-Area is bounded on the north by Kings and Tulare counties, on the west by San Luis Obispo County, on the south by Lerdo Highway, and on the east by State Route 43. I-5 crosses the Sub-Area and highway-related retail activities are located at the junction of I-5 and State Highway 46. The area contains no incorporated community; the primary unincorporated community is Lost Hills. The economy is largely based on agriculture and petroleum production.

Mountain Region. The General Plan Update describes the Mountain Region as "the westernmost and central portion of the County above the 1,000 foot MSL contour in the valley and western region of the County and west of the primary alignment of the Los Angeles Aqueduct in the eastern County, including the southernmost portion of the County."

The County includes portions of several mountain ranges that intersect to form a horseshoe valley. The mountain ranges, from east to west, include the Sierra Nevada Mountains, Tehachapi Mountains, San Emigdio Range, Temblor Range and parts of the Coast Ranges. The average elevation of these mountains ranges varies between 4,000 and 8,000 feet above MSL. The average rainfall in the mountain areas is approximately 15 inches, but can be as high as 35 or more inches. Snow accounts for much of the precipitation above 6,000 feet MSL. The average temperature depending on location is approximately 55 degrees Fahrenheit.

The Mountain Region includes the following sub areas described below:

- **Tehachapi.** The Tehachapi Sub-Area contains 1,264 square miles and is located in the southern Sierra Nevada Mountains. The City of Tehachapi is the only incorporated jurisdiction in the Sub-Area. The primary unincorporated communities are Golden Hills, Stallion Springs, Bear Valley Springs, and Old Town. The area had a population of 28,415 in 2000, with 17,458 residents in the unincorporated areas.

The main employment sectors are resource extraction, wind power generation, building material production, and agricultural activity. The Tehachapi correctional institution also employs a significant number of residents.

- **Lake Isabella.** The Lake Isabella Sub-Area is the largest of the 9 Sub-Areas, encompassing 1,570 square miles. This mountainous area contains no incorporated communities. The major unincorporated communities are Wofford Heights, Bodfish, Lake Isabella, and Kernville. The area's population was 15,561 in 2000. The economy is based primarily on the tourism industry, as the Kern River recreational areas and Sequoia National Forest are located in the area. Mining, timber harvesting, and livestock provide additional employment to area residents.

- **Frazier Park.** The Frazier Park Sub-Area consists of 439 square miles in the southwestern sector of the County. It is bounded on the north by the Westside Sub-Area, on the east by I-5, on the south by Los Angeles and Ventura Counties, and on the west by San Luis Obispo County. Frazier Park is a mountainous region that contains no incorporated communities. The primary unincorporated areas are Frazier Park, Lebec, Lake of the Woods, and Pine Mountain Club. The population was 7,051 in 2000. Limited employment opportunity exists in this Sub-Area, with the major sectors being governmental agencies, service, and manufacturing.

Desert Region. The General Plan Update describes the Desert Region as "the eastern section of the County east of the primary alignment of the Los Angeles Aqueduct" within Kern County. The eastern Mojave Desert/Indian Wells Valley is truly a desert and is characterized by generally desert like climatic conditions.The Desert Region includes the following Sub-Areas described in detail below:

- **Antelope Valley.** The Antelope Valley Sub-Area encompasses 1,381 square miles in the southeastern quarter of Kern County. This area includes California City, as well as the unincorporated communities of Boron, Mojave, North Edwards, Willow Springs, and Rosamond. This Sub-Area had a total population of approximately 38,000 in 2000, with nearly 30,000 in the unincorporated areas.

  Edwards Air Force Base, a major testing, research, and development facility, is located in the Antelope Valley Sub-Area. A significant amount of employment in the area is associated with the Air Force Base. Other employment is found in the mineral extraction sector, as borax and gold deposits are located in the area.

- **Indian Wells Valley.** The Indian Wells Valley Sub-Area encompasses 412 square miles, and is located in the northeastern corner of the County. The Sub-Area includes the incorporated city of Ridgecrest. The population of the Sub-Area was 31,610 in 2000, with 6,683 persons in the unincorporated areas. The China Lake Naval Weapons Center is located within this Sub-Area, providing many of the employment opportunities for local residents. Other employment is provided in the resource production sector and education (Cerro Coso Community College).

Sewage Disposal

Methods of sewage disposal are handled by both public and private agencies, and by private individual systems. Disposal of waste by public agency is through County Service Areas,

Community Services Districts and Public Utility Districts. Individual private disposal generally occurs through a septic tank and leach line or cesspool system.

County Service Area. County Service Areas (CSA) are established, on request by residents of the designated area, by the Board of Supervisors to serve that area. Assessments for CSAs are established by the Board of Supervisors and approved by property owners of the area being served. Sewage disposal services may include actual disposal of sewage or monitoring of septic tanks to ensure proper operation of system. (CSAs provide service for more than just sewage disposal, and may include street lighting, fire hydrants, drainage, and crossing guards.) County Engineering and Survey Services manage the CSA programs for the County. Table 1.1 lists CSA by official identified number:

Table 1.1

County Service Areas – Sewage Disposal

No.	Name	Location	Service
23	Mexican Colony	Southwest Shafter	Sewer; Sewer Standby
39.1	Kern Valley	Wofford Heights	Sewage Disposal
39.2	Kern Valley	South Lake Isabella	Septic Monitoring
39.8	Reeder Tract	Lake Isabella	Sewage Disposal
40	Pine Mountain Club	Pine Mountain Club	Septic Monitoring
42	Alpine Forest Park	West of Tehachapi	Septic Monitoring
51	O'Neil Canyon	Lebec	Septic Monitoring
69	San Joaquin	Weedpatch	Septic Monitoring

Source: Kern County Final Program EIR June, 2004

Community Sewage Disposal Systems. Several incorporated and unincorporated communities are served by wastewater treatment plants managed through Community Services Districts (CSD). State law allows the establishment of a CSD to provide a variety of services to communities similar to those provided by cities; these services include water, sewage disposal, road maintenance, and law enforcement. A similar entity is the Public Utilities District (PUD) in which services are limited to utilities and public services such as water and sewage disposal. Several PUDs have been established in the County for various purposes. Management of CSDs and PUDs differ from CSAs; the former two entities are overseen by a board of directors or similar board elected by the people within the district, while the County Board of Supervisors manages the CSAs.

The following is a list of CSDs and PUDs that provide sewage disposal and other services:

- Arvin CSD
- Bear Valley CSD
- Boron CSD
- California City CSD
- Desert Lake CSD
- Enos Lane PUD
- Frazier Park PUD

- Golden Hills CSD
- Inyokern CSD
- Lake Isabella CSD
- Lamont PUD
- Lost Hills PUD
- Mojave PUD
- Mountain Meadows CSD
- Plainview PUD
- Rosamond CSD
- Stallion Springs CSD
- Wasco PUD

Liquid waste disposal and monitoring is also performed by County Sanitation District. While a city may manage its own sanitation district, most Kern County entities are operated through the County Waste Management Department as a public works project. The following is a list of County Sanitation Districts:

- Ford City-Taft Heights Sanitation District (KC)
- Kern Sanitation District
- Alta Verde Sanitation District (Kern County)
- Mt. Vernon-Panorama Sanitation District (KC)
- Union Avenue Sanitation District (KC)

Lastly, sewage disposal facilities north of the Kern River and in the Bakersfield urban area is managed by the North of the River Sanitary District No. 1 and with a joint agreement with the City of Bakersfield. This district is developing in cooperation with County Service Area No. 71 a waste water disposal northwest of Bakersfield to provide facilities for sewage disposal in Oildale, northwest Bakersfield and Shafter.

Septic Tank Disposal Systems. Other domestic, industrial and commercial units not currently served by a community private or public sewage entity dispose of liquid waste through an individual sewage disposal system. While some individual treatment systems may be operational in the County, most of the remaining disposal systems consist of a septic tank and disposal field. The septic tank is designed to provide a place for sewage solids to settle out of the liquids, for bacterial action to decompose or "digest" the major portion of the solids, and to store residual solids. Liquids flow out of the septic tank into a leach field or into a seepage pit where it percolates into the soil. When septic tanks reach a designated capacity, solid wastes are removed (pumped) to an approved field or sewage disposal facility.

Waste Water Treatment Facilities. As noted, sewage is disposed of by either community treatment plants or through individual systems (septic tank). There are 47 authorized treatment plants within Kern County; these facilities range in size from large plants that treat wastes from communities such as Arvin or Bakersfield, and smaller plants that handle wastes from specific uses, such as Arvin Farm Labor Camp or Lake Isabella Shopping Center. A complete list of these treatment plants, their location and capacity will be discussed in the EIR.

1-7

1.4 Project Description

The project is the amendment of Chapter 8.05 (Land Application of Biosolids) of the Kern County Ordinance Code to prohibit all land application of all categories of biosolids on land in unincorporated Kern County.

Sewage sludge is a product of wastewater treatment. "Sewage sludge" is defined by federal regulations as the "solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in treatment works." More generally, sewage sludge refers to the mud-like deposit originating from sewage and created by the treatment processes used to decontaminate wastewater before it is released to local waterways. Sewage sludge typically consists of water and 2 to 28 per cent solids. The resultant solids are referred to as biosolids. The California State Water Resources Control Board, Final Statewide Program EIR for the General Order for General Waste Discharge Requirements for the Discharge of Biosolids to Land for Use in Agricultural, Sivicultural, Horticultural and Land Reclamation Activities in California certified July 2004, states that the 1.2 million tons of biosolids generated in 2001 was disposed using the following methods: approximately 48 % was land applied, 21% was composted, 18% was buried in landfills, 2.4% was incinerated and 1% remained in onsite storage. The EIR further notes that 70% of this material is generated at 10 Point of Treatment Waste (POTW's) that have daily wastewater flows in excess of 50 million gallons per day (mgd) in southern counties and as well as in the other large urban centers of the state such as the Bay area..

1.5 Legal Background

In 1998, approximately one third of the biosolids applied to land in California was applied in Kern County. In 1999 an estimated one million wet tons of sewage sludge were applied to approximately 23, 954 acres of irrigated agricultural land in Kern County, The acreage, distributed among 14 noncontiguous sites, represented approximately 3 percent of the harvested cropland in Kern County.

In October 1999, the Kern County Board of Supervisors adopted Ordinance No. G-6638 to adopt Chapter 8.05 Land Application of Biosolids into the Kern County Ordinance Code. Ordinance No. G-6638 provided for two regulatory stages. The first stage, which lasted three years, allowed for the application of Class B sewage sludge on sites that had already been approved, but precluded the approval of any new sites. The second stage was scheduled to become effective on January 1, 2003 and allows only exceptional quality (EQ) sewage sludge to be applied to land in Kern County. In late 2002, the County adopted Ordinance No. 6931, which amended Chapter 8.05 to impose a permitting requirement on the application of EQ biosolids to land within the unincorporated area of Kern County. A copy of the current Chapter 8.05 is attached as Appendix A.

Pursuant to the decision of the California Court of Appeal, Fifth Appellate District, in the Lawsuit, the Tulare County Superior Court issued a peremptory writ of mandate on December 2, 2005, requiring Kern County to prepare an environmental impact report (EIR) that covers the

adoption of an ordinance regulating the land application of treated sewage sludge within its jurisdiction. As directed by the Kern County Board of Supervisors, the Planning Department under the direction of the Resource management Agency has undertaken to retain a consultant and prepare an EIR

On December 7. 2005, Kevin McCarthy, Roy Ashburn, Dean Florez, Mary K. Shell, and Gene A. Lundquist submitted to the Kern County Department of the Auditor -Controller-County Clerk an initiative petition which proposes the adoption of an ordinance banning the land application of biosolids in Kern County. On January 17, 2006, Ann K. Barnett, County Clerk, certified the petition as having the requisite number of signatures to be placed on the ballot for consideration by the voters. On January 17, 2006, the Kern County Board of Supervisors placed the initiative on the ballot for June 6, 2006.

1.6 Current And Potential Land Application

Currently there are 4 sites in the Valley portion of unincorporated Kern County totaling 9,248 acres that are continuing to accept Class B biosolids as a permitted use. (Figure 1-4 Current Land Application Operations). The 2005 applications total 446,488 wet tons resulting in 126,247 dry tons through November- December , 2005. Table 1-2 details the current information on these sites. In addition, the City of Bakersfield and other Kern County cities dispose of biosolids on agricultural fields within their city limits.

Table 1.2
Current Biosolids Land Application Disposal Sites – Unincorporated Kern County

APPLIER	CO-APPLIER	LOCATION PROPERTY OWNER
Responsible Biosolids Management	City of L.A. Hyperion WWTP Terminal Island WWTP	119 HWY/Enos Ln # of Fields: 29 Total Acres 4648 2005 Application: Wet Tons 232317 (to Nov.) Dry Tons 70728 (to Nov.) Approx. 30 loads/day
USA Transport, Inc	City of San Buenaventura, City of Oxnard, City of Cambria, Moorpark WWTP, Summerland Sanitary District, San Simeon WWTP, Avila WWTP, Camarillo WWTP, Chumash Casino, Cutler-Orosi SD	Gun Club Rd/Peterson # of Fields: 14 Total Acres 1120 2005 Application: Wet Tons 49669 (to Nov.)

		Dry Tons 16798 (to Nov.) Approx. 3 loads/day
Shaen Magan (Scofield)	Orange County SD, L.A. County JWPCP, Valencia WWTP, Goleta Sanitary District, County of Ventura-Moorpark WWTP	Garces Hwy/Scofield Rd # of Fields: 7 Total Acres 800 2005 Application: Wet Tons 81975 (to Dec) Dry Tons 17905 (to Dec) Approx. 19 loads/day
Shaen Magan (South Dairy)	Orange County SD, L.A. County JWPCP, Valencia WWTP, Goleta Sanitary District, County of Ventura-Moorpark WWTP	GarcesHwy/Corcoran Rd # of Fields: 18 Total Acres 2680 2005 Application: Wet Tons 82527 (to Dec) Dry Tons 20816 (to Dec) Approx. 17 loads/day

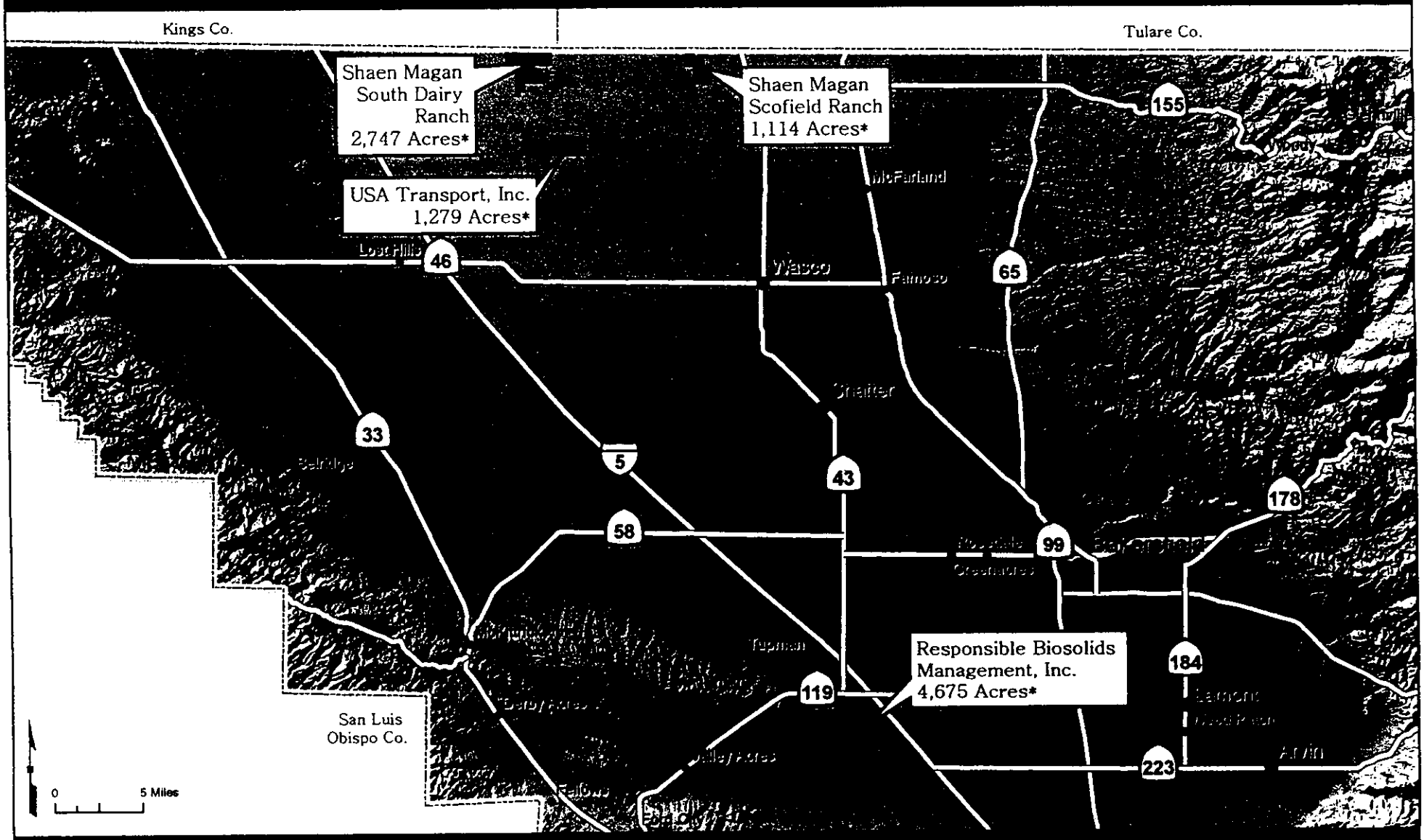
Source: Kern County Environmental Health Services Department

The EIR will evaluate as the baseline condition, all the potential sites identified in the 1999 Negative Declaration as receiving biosolids in the unincorporated Kern County. Those properties are identified in that document (Figure 1-5 – Biosolids Sites – 1999) as14 noncontiguous locations within the County totaling 23,594 acres , generally located as follows: three sites located between Interstate 5 and the City of Taft; four sites are west of City of Shafter near Interstate 5; six sites west of the City of Delano, between State Highway 42 and Interstate 5; and one site within Fremont Valley, east of Koehn Lake in eastern Kern County. Of these sites, only the four sites noted in Figure 1-2 and Table 1.2, totaling 9,248 , are currently permitted and operating.

Based on information from the Kern County Agricultural Commissioner there is approximately 12, 826 acres of crop land zoned A-1 (Limited Agriculture) and 799,488 acres of crop land zoned A (Exclusive Agriculture) for a total of 812,314 acres in the unincorporated county areas. The baseline analysis of sites, therefore, represents approximately 3% of the available agricultural land in the unincorporated area.

Fig. 1-4. Current Land Application Operators

County of Kern, California



1:500,000

Map produced by the County of Kern Planning Dept., Jan. 2006

*All acreage is approximate.

Source: County of Kern Environmental Health
County of Kern Planning Department

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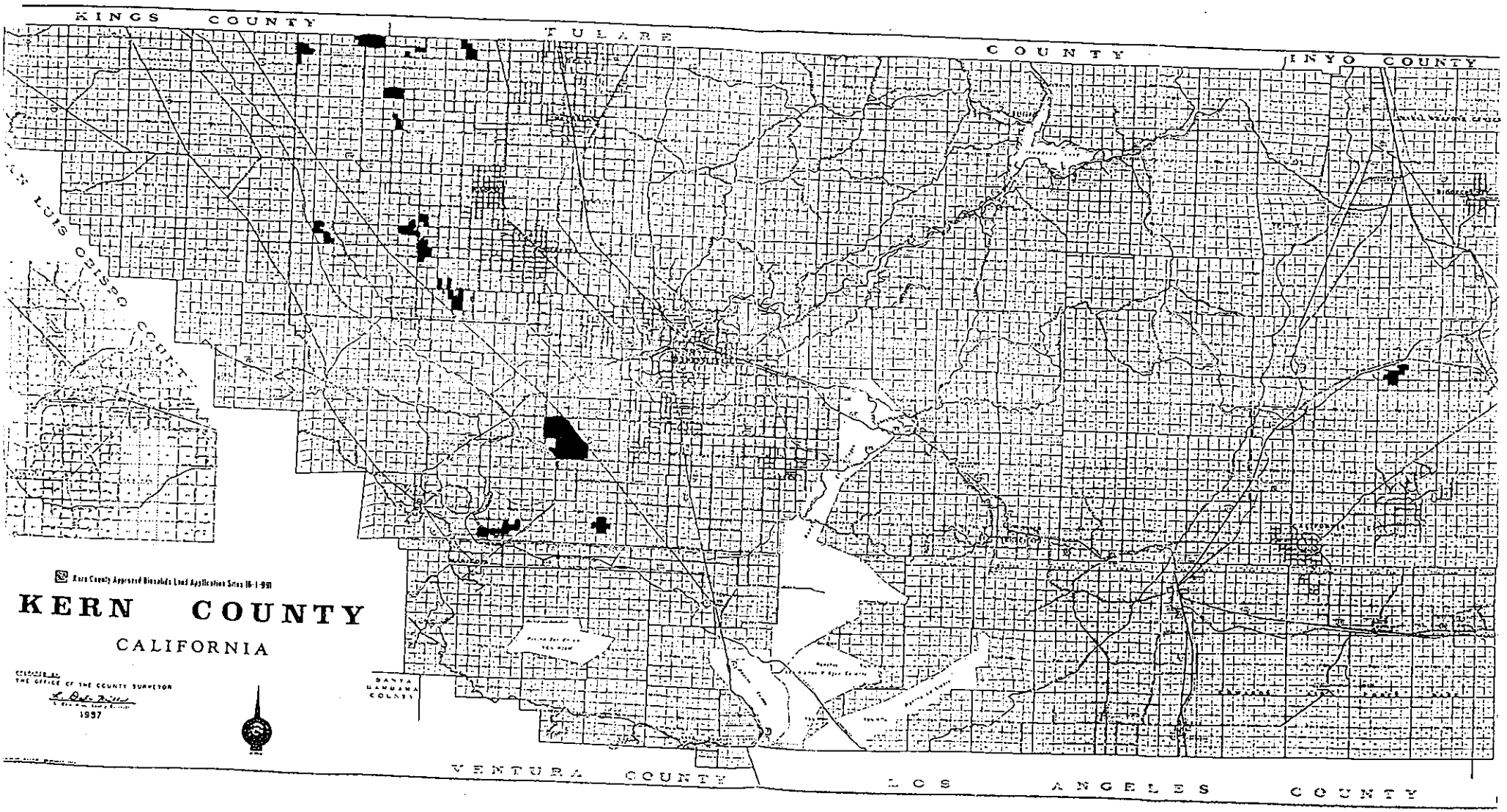

FIGURE 1-5

Biosolids Sites – 1999

1.7 Disposal Options

The following are identified options for the disposal of sewage sludge if land application was no longer allowed in the unincorporated areas of Kern County. These options include, but are not limited to: (1) Land filling (direct disposal in landfills and use as alternative daily cover) and (2) Incineration (energy production and re-use of ash in other products) and (3) transportation to land application or other disposal sites outside Kern County.

The following are identified options that will be evaluated for feasibility of mitigating environmental impacts instead of a total ban on the land application of all categories of biosolids. These options include, but are not limited to : (3) Additional treatment prior to land application (thermal drying, chemical stabilization and composting) and (4) Land application for agronomic purposes.

Each alternative would be evaluated for its capability of meeting the County's public health and other objectives, wastewater treatment facility objectives, potential for both direct and indirect project level and cumulative environmental impacts, reasonable and feasible mitigation measures and a cost for implementation of each option.

1.8 Proposed Discretionary Actions/Required Approvals

- Consideration and Certification of a Final Environmental Impact Report with appropriate findings and Mitigation Monitoring Program, if applicable, by the Kern County Board of Supervisors.
- Consideration and approval at a duly noticed public hearing by the Kern County Board of Supervisors of an amendment of Chapter 8.05 (Land Application of Biosolids) of the Kern County Ordinance Code.
- Review by the Tulare County Superior Court for compliance with the writ of mandate issued in the Lawsuit.

1.9 Alternatives to the Proposed Project

Section 15126.6 of the State CEQA Guidelines requires an EIR to describe a reasonable range of alternatives to the project or to the location of the project which would reduce or avoid significant impacts, and which could feasibly accomplish the basic objectives of the project , and to evaluate the comparative merits of the alternatives. Alternatives that would reduce or avoid significant impacts represent an environmentally superior alternative to the proposed project. Some alternatives that will considered include, but are not limited to:

- continuation of the existing level of regulation of land application

- additional regulation of land application
- Other disposal options such as composting, use as alternative daily cover in landfills, land filling and incineration.
- Land application in areas outside Kern County

Chapter 2

Environmental Checklist Form

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☒ Aesthetics	☒ Agriculture Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☒ Geology and Soils
☒ Hazards / Hazardous Materials	☒ Hydrology and Water Quality	☒ Land Use and Planning
☒ Mineral Resources	☒ Noise	☒ Population and Housing
☒ Public Services	☒ Recreation	☒ Transportation and Traffic
☒ Utilities and Services	☒ Mandatory Findings of Significance	☐

DETERMINATION. (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☒ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENT IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Printed Name: Corelei H. Ovitt, AICP

Date: 2-1-06

For: Kern County Planning

Evaluation of Environmental Impacts:

(1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

(2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

(3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

(4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measure and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses", may be cross-referenced).

(5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration, Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

(a) Earlier Analysis Used. Identify and state where they are available for review.

(b) Impacts Adequately Addressed. Identify which effects from the above checklist where within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

(c) Mitigation Measures. For effects that are "Less Than Significant With Mitigation Measures Incorporated", describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

(6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

(7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

(8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

(9) The explanation of each issue should identify:

(a) The significance criteria or threshold, if any, used to evaluate each question.

(b) The mitigation measure identified, if any, to reduce the impact to less than significance.

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-than-Significant Impact	No Impact
I.	**AESTHETICS.** Would the project:				
	(a) Have a substantial adverse effect on a scenic vista?	☒	☐	☐	☐
	(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☒	☐	☐	☐
	(c) Substantially degrade the existing visual character or quality of the site and its surroundings	☒	☐	☐	☐
	(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☒	☐	☐

(a –d) The banning of land application of biosolids from the 23, 954 acres would lessen the potentially significant impacts on aesthetics. The related indirect and direct impacts on aesthetics from other disposal options including, but not limited to the use of land application outside Kern County, incineration and use in land fills are also considered potentially significant, including impacts on the existing visual quality of out of county agricultural areas with the introduction of additional trucks into new rural areas and the potential spillage of biosolids on public roads and near rural recreational areas are considered potentially significant and will be discussed in the EIR.

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-than-Significant Impact	No Impact
II.	**AGRICULTURE RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
	(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	☐	☐	☒	☐
	(b) Conflict with existing zoning for agricultural use or a Williamson Act Contract?	☐	☐	☐	☒
	(c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use?	☒	☐	☐	☐
	(d) Result in the cancellation of an open space contract made pursuant to the California Land Conservation Act of 1965 or Farmland Security Zone Contract for any parcel of 100 or more acres (Section 15206(b)(3) Public Resources Code)?	☐	☐	☒	☐

(a –d) The banning of land application of biosolids could have potentially significant impacts on agricultural resources from the long-term effects on 23, 954cres of the accumulation of trace metals and other biosolids constituents in soils, adverse effects on soil productivity especially in areas of extreme soil conditions such as salt-affected environments, and adverse effects on soil productivity for specific crops. The related indirect and direct impacts on agricultural resources from other disposal options, including, but not limited to the use of land application outside Kern County, incineration , use in land fills and the use of manure and other soil amendments in place of biosolids on crop land, are also considered potentially significant and will be discussed in the EIR.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-than-Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
(a) Conflict with or obstruct implementation of the applicable air quality plan?	☒	☐	☐	☐
(b) Violate any air quality standard as adopted in (c)i, (c)ii, or as established by EPA or air district or contribute substantially to an existing or projected air quality violation?	☒	☐	☐	☐
(c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? Specifically, would implementation of the project exceed any of the following adopted thresholds:				
i. San Joaquin Valley Unified Air Pollution Control District:				
<u>Operational and Area Sources</u>				
Reactive Organic Gases (ROG) 10 tons per year.	☒	☐	☐	☐
Oxides of Nitrogen (NO_x) 10 tons per year.	☒	☐	☐	☐
Particulate Matter (PM_{10}) 10 tons per year.	☒	☐	☐	☐
<u>Stationary Sources - as determined by District Rules</u>				
Severe Nonattainment 25 tons per year.	☐	☐	☐	☒
Extreme Nonattainment 10 tons per year.	☒	☐	☐	☐
ii. Kern County Air Pollution Control District.				

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	Operational and Area Sources Reactive Organic Gases (ROG) 25 tons per year. Oxides of nitrogen (NO_x) 25 tons per year. Particulate Matter (PM_{10}) 15 tons per year. Stationary Sources - determined by District Rules 25 tons per year.	☒	☐	☐	☐
(d)	Expose sensitive receptors to substantial pollutant concentrations?	☒	☐	☐	☐
(e)	Create objectionable odors affecting a substantial number of people?	☒	☐	☐	☐

(a – e) The projects potential impact on air quality will lessen with the banning of land application of biosolids on the 23, 954 acres. The related indirect and direct impacts on air quality from other disposal options, including, but not limited to the use of land application outside Kern County, incineration , use in land fills and the use of manure and other soil amendments in place of biosolids on crop land , are also considered potentially significant and will be discussed in the EIR. Potential significant effects from these possible results of banning the land application of biosolids include the evaluation of the potential changes in air quality conditions as a result of land application of biosolids in areas outside Kern County and the resulting impacts on sensitive receptors, localized and cumulative changes in odors, vehicle emissions, and effects from wind drift and emissions as a result of biosolids transport. These impacts will be evaluated on a project and regional level for all air basins affected directly or indirectly including, but not limited to; San Joaquin Valley Basin, Mojave Air Basin, and South Coast Air Basin

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IV.	**BIOLOGICAL RESOURCES.** Would the project:				
(a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans. policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☒	☐	☐	☐
(b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☒	☐	☐	☐
(c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☒	☐	☐	☐
(d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☒	☐	☐	☐
(e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
(f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☒	☐	☐

(a-f) The projects impact on biological resource could be less than significant on the subject sites with the banning of land application on 23, 954 acres. The related indirect and direct impacts on biological resources from other disposal options, including, but not limited to the use of land application outside Kern County, incineration, use in land fills and the use of manure and other soil amendments in place of biosolids on crop land , are also considered potentially significant and will be discussed in the EIR. Impacts to be evaluated include potential effects on sensitive biological resources, including special –status species and sensitive plant communities, potential for incidental take of threatened or endangered species, potential conflicts with regulatory policies or procedures for protection of biological resources, and the adverse impacts to protected wetlands, riparian areas and streams from the introduction of trace metals, hormones and other contaminants resulting from these other disposal methods.

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V.	**CULTURAL RESOURCES.** Would the project:				
(a)	Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☒	☐	☐	☐
(b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☒	☐	☐	☐
(c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☒	☐	☐	☐
(d)	Disturb any human remains, including those interred outside of formal cemeteries?	☒	☐	☐	☐

(a – d) The projects impact on cultural resources could be less than significant on the subject sites with the banning of land application on 23, 954 acres. The related indirect and direct impacts on cultural resources and human remains from other disposal options, including, but not limited to the use of land application outside Kern County, incineration, and use in land fills , are also considered potentially significant and will be discussed in the EIR. The impacts to be evaluated include the potential for application of biosolids outside Kern County or other disposal methods to damage, degrade, or otherwise adversely affect cultural resources or human remains

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-than-Significant Impact	No Impact
VI. GEOLOGY AND SOILS. Would the project:				
(a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii. Strong seismic groundshaking?	☐	☐	☒	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv. Landslides?	☐	☐	☒	☐
(b) Result in substantial soil erosion or the loss of topsoil?	☒	☐	☐	☐
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☒	☐	☐	☐
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☒	☐	☐	☐

(a – e) The ban on land application of biosolids on the soils of the 23, 954 acres is potentially significant and will include evaluation of the potential for increased soil erosion. The related indirect and direct impacts on geology and soils from other disposal options, including, but not limited to the use of land application outside Kern County, incineration, and use in landfills, are also considered potentially significant and will be discussed in the EIR.

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VII.	**HAZARDS AND HAZARDOUS MATERIALS.** Would the project:				
(a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☒	☐	☐	☐
(b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☒	☐	☐	☐
(c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school?	☒	☐	☐	☐
(d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☒	☐	☐	☐
(e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☒	☐	☐	☐
(f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☒	☐	☐	☐
(g)	Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
(h)	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands	☐	☐	☒	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-than-Significant Impact	No Impact
are adjacent to urbanized areas or where residences are intermixed with wildlands?				
(i) Would implementation of the project generate vectors (flies, mosquitoes, rodents, etc.) or have a component that includes agricultural waste? Specifically, would the project exceed the following qualitative threshold:				
i. Occur as immature stages and adults in numbers considerably in excess of those found in the surrounding environment; and	☒	☐	☐	☐
ii. Are associated with design, layout, and management of project operations; and	☒	☐	☐	☐
iii. Disseminate widely from the property; and	☒	☐	☐	☐
iv. Cause detrimental effects on the public health or well being of the majority of the surrounding population.	☒	☐	☐	☐

(a –i) The projects impact from the ban of land application of biosolids on 23, 954 acres on public health and increased exposure of people to hazards is considered potentially significant for long term effects and will include evaluation of the long –term effects on human health, health effects on land use for growing crops for human consumption, acute and chronic health effects on humans from exposure to regulated and unregulated constituents of concern, including hormones, trace elements of prescription drugs, volatilization of pesticides, pathogenic organisms, and potential for exposure of residents and agricultural workers to unsafe levels of radionuclides after long-term application. The related indirect and direct impacts public health from other disposal options, including, but not limited to the use of land application outside Kern County, incineration, and use in landfills, are also considered potentially significant and will be discussed in the EIR.

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-than-Significant Impact	No Impact
VIII.	**HYDROLOGY AND WATER QUALITY.** Would the project:				
	(a) Violate any water quality standards or waste discharge requirements?	☒	☐	☐	☐
	(b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
	(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on site or off site?	☒	☐	☐	☐
	(d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on site or off site?	☒	☐	☐	☐
	(e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☒	☐	☐	☐
	(f) Otherwise substantially degrade water quality?	☒	☐	☐	☐

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-than-Significant Impact	No Impact
(g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
(h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☒	☐	☐
(i)	Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☒	☐	☐
(j)	Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

(a-j) The projects impact on hydrology and water quality from the ban of land application of biosolids on the 23, 954 acres is considered potentially significant for long-term effects and will include evaluation of the effects on the hydrology or beneficial uses of surface water or groundwater supplies where biosolids have been applied to land at those sites and the results of banning , potential long-term water quality impacts from biosolids application under variable site-specific conditions on the identified sites, potential water quality and impacts from transportation-related spills of biosolids. The threshold for evaluation will include the higher standard of "no change to the groundwater "as well as the current RWQCB "no exceedance of established waste discharge thresholds". The related indirect and direct impacts on hydrology and water quality from other disposal options, including, but not limited to the use of land application outside Kern County, incineration , use in landfills and the use of manure and other soil amendments in place of biosolids on crop land , are also considered potentially significant and will be discussed in the EIR.

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-than-Significant Impact	No Impact
IX.	**LAND USE AND PLANNING.** Would the project:				
(a)	Physically divide an established community?	☒	☐	☐	☐
(b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☒	☐	☐	☐
(c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	☒	☐	☐	☐

(a-b) The potential impacts on land use banning land application on the 23, 954 acre sites are considered less than significant. The related indirect and direct impacts on land use and conflicts with established communities from other disposal options, including, but not limited to the use of land application outside Kern County, incineration , use in landfills and the use of manure and other soil amendments in place of biosolids on crop land , are also considered potentially significant and will be discussed in the EIR.

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-than-Significant Impact	No Impact
X.	**MINERAL RESOURCES.** Would the project:				
(a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☒	☐	☐	☐
(b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☒	☐	☐	☐

(a –b) There would be no impact from the banning of land application of biosolids on the 23, 954 acres on mineral resources. The related indirect and direct impacts to mineral resources from other disposal options, including, but not limited to the use of land application outside Kern County, incineration , and use in land fills, are considered potentially significant and will be discussed in the EIR.

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-than-Significant Impact	No Impact
XI.	**NOISE.** Would the project:				
	(a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?	☒	☐	☐	☐
	(b) Exposure of persons to, or generation of, excessive ground borne vibration or ground borne noise levels?	☒	☐	☐	☐
	(c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☒	☐	☐	☐
	(d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☒	☐	☐	☐
	(e) For a project located within the Kern County Airport Land Use Compatibility Plan, would the project expose people residing or working in the project area to excessive noise levels?	☒	☐	☐	☐
	(f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☒	☐	☐	☐

(a –f) The generation of noise from the transport and spreading of biosolids would be eliminated from the 23, 954 acres land application was banned. The related indirect and direct impacts to noise from other disposal options, including, but not limited to the use of land application outside Kern County, incineration, and use in land fills, are also considered potentially significant and will be discussed in the EIR.

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-than-Significant Impact	No Impact
XII.	**POPULATION AND HOUSING.** Would the project:				
(a)	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☒	☐	☐	☐
(b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☒	☐	☐	☐
(c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☒	☐	☐	☐

(a-c) The impacts to population and housing from the ban of land application on the 23, 954 acres would be less than significant. The related indirect and direct impacts to population and housing from other disposal options, including, but not limited to the use of land application outside Kern County, incineration , and use in land fills , are also considered potentially significant and will be discussed in the EIR. The direct and indirect impacts could induce growth by allowing for the continued expansion of wastewater treatment plants to serve new populations. This impact is considered potentially significant and will be evaluated in the EIR.

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-than-Significant Impact	No Impact
XIII.	**PUBLIC SERVICES.** Would the project:				
	(a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or to other performance objectives for any of the public services:				
	Fire Protection?	☐	☒	☐	☐
	Police Protection?	☐	☒	☐	☐
	Schools?	☐	☒	☐	☐
	Parks?	☐	☒	☐	☐
	Sanitary Districts ?	☒	☐	☐	☐

(a-) There would be no impact on public services if land application was banned on the 23, 954 acres as the agricultural use would continue without any additional impacts. The related indirect and direct impacts to public services from other disposal options, including, but not limited to the use of land application outside Kern County, incineration ,and use in landfills, are also considered potentially significant and will be discussed in the EIR.

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XIV.	**RECREATION.** Would the project:				
(a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☒	☐	☐	☐
(b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☒	☐	☐	☐

. (a-b) There would be no impacts on recreation if land application was banned on the 23, 954 acres as the agricultural use would continue without any additional impacts The related indirect and direct impacts to recreation from other disposal options, including, but not limited to the use of land application outside Kern County, incineration , and use in land fills, are also considered potentially significant and will be discussed in the EIR. The indirect effects could induce growth by allowing for the continued expansion of wastewater treatment plants to serve new populations and therefore require the expansion of recreational facilities. This impact is considered potentially significant and will be evaluated in the EIR.

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-than-Significant Impact	No Impact
V.	**TRANSPORTATION AND TRAFFIC.** Would the project:				
(a)	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☒	☐	☐	☐

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-than-Significant Impact	No Impact
(b)	Exceed, either individually or cumulatively, a Level of Service standard established by the county congestion management agency or adopted County threshold for designated roads or highways? Specifically, would implementation of the project cause the Level of Service (LOS) for roadways and/or intersections to decline below the following thresholds or further degrade already degraded segment(s):				
	i. Metropolitan Bakersfield General Plan LOS "C"	☐	☒	☐	☐
	ii. Kern County General Plan LOS "D"	☐	☒	☐	☐
(c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☒	☐
(d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☒	☐	☐	☒
(e)	Result in inadequate emergency access?	☒	☐	☐	☐
(f)	Result in inadequate parking capacity?	☒	☐	☐	☐
(g)	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☒	☐	☐	☐

(a –g) There would be no impacts on traffic and transportation if land application was banned on the 23, 954 acres as the agricultural use would continue without any additional impacts The related indirect and direct impacts on traffic and transportation from other disposal options, including, but not limited to the use of land application outside Kern County, incineration , use in landfills and the use of manure and other soil

amendments in place of biosolids on crop land , are also considered potentially significant and will be discussed in the EIR. The direct and indirect impact on traffic and transportation is considered potentially significant and will include evaluation of the potential changes in vehicle miles traveled in an area as a result of transport and disposal of biosolids, effects of biosolids transport on the roadway system and pavement sections in the immediate vicinity of the potential application sites, changes in required roadway maintenance and conflicts with local transportation plans

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-than-Significant Impact	No Impact
XVI.	**UTILITIES AND SERVICE SYSTEMS.** Would the project:				
(a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☒	☐	☐	☐
(b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☒	☐	☐	☐
(c)	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☒	☐	☐	☐
(d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☒	☐	☐	☐
(e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☒	☐	☐	☐
(f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☒	☐	☐	☐
(g)	Comply with federal, state, and local statutes and regulations related to solid waste?	☒	☐	☐	☐

(a – g) There would be no impacts on utilities and service systems if land application was banned on the 23, 954 acres as the agricultural use would continue without any additional impacts. The related indirect and direct impacts to utilities and service systems including energy uses from other disposal options, including, but not limited to the use of land application outside Kern County, incineration , and use in land fills, are also considered potentially significant and will be discussed in the EIR The project' direct and indirect effects could induce growth by allowing for the continued expansion of wastewater treatment plants to serve new populations. This impact is considered potentially significant and will be evaluated in the EIR.

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-than-Significant Impact	No Impact
XVII.	**MANDATORY FINDINGS OF SIGNIFICANCE.** Would the project:				
	(a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☒	☐	☐	☐
	(b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☒	☐	☐	☐
	(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☒	☐	☐	☐

(a) The Project could result in significant impacts to the environment. Specific impacts will be identified in the EIR.

(b) The Project has the potential to contribute to direct and indirect cumulative impacts associated with aesthetics, biological resources, public health, mineral resources, public services, agricultural resources, cultural resources, hydrology, water quality and supply, air quality, noise, traffic, noise, recreation, population, soils and land use. These impacts will be evaluated in the EIR to determine whether the effects are cumulatively considerable.

(c) The Project could potentially result in environmental effects that have adverse impacts on human beings, either directly or indirectly. These impacts will be fully addressed in the EIR.

ATTACHMENT A

KERN COUNTY CODE
Title 8 Health and Safety
Chapter 8.05 LAND APPLICATION OF BIOSOLIDS

KERN COUNTY CODE

Title 8 HEALTH AND SAFETY

Chapter 8.05 LAND APPLICATION OF BIOSOLIDS

8.05.010 Purpose and intent.

There are numerous unanswered questions about the safety, environmental effect and propriety of land applying biosolids or sewage sludge, even when applied in accordance with federal and state regulations. Biosolids may contain heavy metals, pathogenic organisms, chemical pollutants and synthetic organic compounds, which may pose a risk to public health and the environment if improperly handled. Land application of biosolids may pose a risk to land, air, water, to human and animal health, and may cause loss of confidence in agricultural products from Kern County as well as the potential loss of productive agricultural lands.

In order to promote the general health, safety and welfare of Kern County and its inhabitants, the land application of biosolids, except for exceptional quality biosolids as defined in this chapter, is prohibited in the unincorporated area of Kern County.

The county recognizes that exceptional quality biosolids, as defined in this chapter, are considered by the U.S. Environmental Protection Agency to be a product, whether distributed in bulk form, bags or other containers, that can be applied as freely as any other fertilizer or soil amendment to any type of land.

In order to assure continued compliance with the limitations imposed by this chapter on the land application of biosolids and to obtain data on the use of exceptional quality biosolids, the permitting, reporting, testing and inspection requirements of this chapter are being imposed. As the county obtains data and reporting information under this chapter, and as other scientific advances in the study of the impacts of biosolids occur, the county will evaluate the need for further regulation of the land application of all types of biosolids. (Ord. G-6931 § 3 (part), 2002)

Title 8 HEALTH AND SAFETY

Chapter 8.05 LAND APPLICATION OF BIOSOLIDS

8.05.020 Authority.

This chapter is adopted pursuant to the police power of Kern County as set forth in Article XI, Section 7, of the California Constitution. In addition, 40 CFR Part 503 recognizes the authority of local government to impose more stringent requirements on the use or disposal of sewage sludge in order to protect public health and the environment from any adverse effect from sewage sludge. (Ord. G-6931 § 3 (part), 2002)

Title 8 HEALTH AND SAFETY

Chapter 8.05 LAND APPLICATION OF BIOSOLIDS

8.05.030 Definitions.

A. "Agency" means an authorized representative of the environmental health services department of the county.

B. "Applier" means any person engaged in the land application of exceptional quality biosolids.

C. "Biosolids" are treated solid, semi-solid or liquid residues generated during the treatment of sewage in a wastewater treatment works that meet 40 CFR Part 503 requirements specified in 503.32 for pathogen reduction, 503.33 for vector attraction reduction, and 503.13, Table 1 for pollutant concentrations. These residues include, but are not limited to, scum or solids removed in primary, secondary or advanced wastewater treatment processes and material derived from sewage sludge. Biosolids do not include ash generated during the firing of sewage sludge in a sewage incinerator or grit and screenings generated during preliminary treatment of sewage. Biosolids, as used in this chapter, excludes biosolids products that are in a bag or container packaged for routine retail sales through regular retail outlets which are primarily used for residential landscaping.

D. "Certified laboratory" means a laboratory certified by the state Department of Health Services pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 of the California Health and Safety Code.

E. "Class A biosolids" are biosolids that meet the pathogen reduction requirements in 40 CFR 503.32(a) alternatives 1--6 and contain constituents in concentrations not exceeding the concentrations listed in 40 CFR 503.13, Table 1 or Table 3.

F. "Class B biosolids" are biosolids that meet the pathogen reduction requirements in 40 CFR 503.32(b).

G. "Compost" means the product, in any form, resulting from the controlled biological decomposition of organic materials which may include biosolids. Facilities where compost is produced are required to obtain solid waste facilities and conditional use permits as a condition of operation. Compost products are required to meet or exceed product quality criteria as established by the California Integrated Waste Management Board.

H. "County" means the county of Kern, state of California.

I. "CPLR biosolids" are cumulative pollutant loading rate biosolids which are Class A, or Class B biosolids that have achieved a level of vector attraction reduction per 40 CFR 503.33 and that meet the ceiling concentrations in 40 CFR 503.13, Table 1, but exceed at least one (1) of the pollutant concentration limits in 40 CFR 503.13, Table 3, and, therefore, are subject to the cumulative pollutant loading rates in 40 CFR 503.13, Table 2. Cumulative pollutant loading rate is the maximum amount of a pollutant that can be applied to an area of land.

J. "Exceptional quality biosolids" are Class A biosolids that meet the pollutant concentrations in 40 CFR 503.13 Table 3 and have achieved one of the vector attraction reduction requirements of 40 CFR 503.33(b)(1) through (b)(8). Additionally, Class A biosolids must meet both the fecal coliform and Salmonella sp. bacteria limits contained in Alternatives 1 through 6 of 40 CFR 503.32(a) to be exceptional quality. For the purposes of this chapter, exceptional quality biosolids are in bulk form and shall not include compost which meets or exceeds exceptional quality criteria.

K. "Field" means a discrete area of land within a site. It is the smallest unit of land for which monitoring, record keeping and reporting requirements apply.

L. "Land application" means the placement of exceptional quality biosolids on agricultural land at an agronomic rate to support vegetative growth. For purposes of this chapter, placement includes the spraying or spreading of exceptional quality biosolids onto the land surface, the injection of exceptional quality biosolids below the surface, or the incorporation of exceptional quality biosolids into the soil.

M. "Land apply" means the spraying or spreading of exceptional quality biosolids onto the land

surface, the injection of exceptional quality biosolids below the surface, or the incorporation of exceptional quality biosolids into the soil so that it can either condition the soil or fertilize crops or vegetation grown in the soil.

N. "Permit" means a land application permit issued by the agency to an applier. Such permit authorizes the land application of exceptional quality biosolids in the county. Permits are not transferable to other parties without the prior approval of the agency as provided in Section 8.05.060(N).

O. "Person" means any individual, firm, partnership, joint venture, association, corporation, estate, trust, receiver, syndicate, city, county or other political subdivision, or any other group or combination acting as a unit.

P. "Sensitive receptors" are schools, hospitals, convalescent homes, food establishments, parks and recreation areas, and single and multiple-family dwellings.

Q. "Site" means the area of land covered by a single permit. This land may be a single parcel or contiguous parcels of land with a single applier. A site can be comprised of one or more fields.

R. "Staging" means the placement of biosolids on a site for up to forty-eight (48) hours to facilitate the production of exceptional quality biosolids and the transfer of exceptional quality biosolids between the transportation and application vehicles.

S. "Storage" means the placement of biosolids on a site for more than forty-eight (48) hours. (Ord. G-6931 § 3 (part), 2002)

Title 8 HEALTH AND SAFETY

Chapter 8.05 LAND APPLICATION OF BIOSOLIDS

8.05.040 Biosolids prohibited.

A. It shall be unlawful for any person to land apply biosolids, except for exceptional quality biosolids as defined in 8.05.030(J), to property within the unincorporated area of the county. Any site which received a permit for the land application of biosolids under the authority of Ordinance G-6638 shall discontinue land application of biosolids on January 1, 2003.

B. The discharge of biosolids to surface waters or surface water drainage courses, including wetlands and water ways, is prohibited. (Ord. G-6931 § 3 (part), 2002)

Title 8 HEALTH AND SAFETY

Chapter 8.05 LAND APPLICATION OF BIOSOLIDS

8.05.050 General requirements.

A. Prior to commencing any land application activities under this chapter, the applier shall apply for a permit and pay all applicable permit fees.

B. Before exceptional quality biosolids are land applied, the applier shall contact the agency and regional water quality control board to determine whether CPLR biosolids have been applied to the field since July 20, 1993.

1. If CPLR biosolids have not been applied to the field since July 20, 1993, the cumulative amount for each pollutant may be applied to the field in accordance with 40 CFR 503.13, Table 2.

2. If CPLR biosolids have been applied to the field since July 20, 1993, and the cumulative amount of each pollutant applied to the field since that date is known, the cumulative amount of each pollutant applied to the field shall be used to determine the additional amount of each pollutant that can be applied to the field in accordance with 40 CFR 503.13, Table 2.

3. If CPLR biosolids have been applied to the field since July 20, 1993, and the cumulative amount of each pollutant applied to the field since that date is not known, no further exceptional quality biosolids may be applied to the field.

C. Soils on all fields will be sampled and analyzed prior to the application of exceptional quality biosolids as set forth below. The applicant will submit a current analysis reflecting soil conditions at the time of submittal of the permit application. All costs associated with sampling and analysis will be paid by the applicant.

1. Soils will be analyzed for the purpose of monitoring environmental considerations.

a. Environmental analyses for the total quantity of molybdenum listed in 40 CFR 503.13, Table 1 and metals listed in 40 CFR 503.13, Table 3 will be conducted every three (3) years or after every forty (40) dry tons/acre of exceptional quality biosolids has been land applied, whichever occurs first. Further, exceptional quality biosolids land application shall be prohibited on fields with soils exceeding any of the Table 3 limits. Analyses shall also be made for total dioxins and PCBs. All analyses shall be conducted by a certified laboratory.

2. The minimum number of soil samples and sampling depth is as follows:

a. A minimum of one (1) composite sample is required for every one hundred sixty (160) contiguous acre site comprised of similar soil types as defined by soil surveys or consultation with the Natural Resources Conservation Service. A minimum of one (1) composite sample for each forty (40) acres will be required for sites with highly heterogeneous soil types,

b. Each sample must be a composite of soil cores taken from a minimum of six (6) randomly selected locations representing the average soil conditions in the field. The sampling depth shall be consistent with the depth of incorporation of the exceptional quality biosolids. Samples for nitrate-nitrogen and soluble molybdenum must be taken to a depth of three (3) feet.

D. In order to confirm exceptional quality biosolids are being land applied, prior to initial land application, and quarterly thereafter, samples of the biosolids shall be taken at the staging area prior to land application. Samples shall be collected by an independent party not associated with the generator, applier or owner of the permitted site and analysis performed by a certified laboratory.

E. The application of exceptional quality biosolids shall be confined to sites that are approved by the agency in accordance with the provisions of this chapter.

F. The agency shall be allowed, whether announced or not, to enter and inspect all sites where exceptional quality biosolids are being or have been land applied. The agency shall, during normal business hours, have access to and may copy any records that must be kept under the provisions of this chapter. (Ord. G-6931 § 3 (part), 2002)

Title 8 HEALTH AND SAFETY

Chapter 8.05 LAND APPLICATION OF BIOSOLIDS

8.05.060 Permit application.

A. It shall be unlawful for any person to apply exceptional quality biosolids to land within the unincorporated area of the county without obtaining a permit from the agency and being in compliance with the terms and conditions as stated herein.

B. A permit application, furnished by the agency, shall be filed with the agency, accompanied by an eight thousand dollar ($8,000.00) permit fee. The application form shall include the following information:

1. The name and address of the applier, the property owner or leaseholder;

2. The address, legal description or other sufficient identifying description of the property;

3. A map of the property, showing:

a. The location of the proposed land application fields within each site,

b. All potable water wells, drinking water supplies, and buildings, including the identification of any buildings which are owned by the applicant, within one thousand (1,000) feet of the site,

c. The location of property boundaries.

4. Copies of all original laboratory tests for any tests required to be performed prior to the initial application of exceptional quality biosolids as required by Section 8.05.050(C);

5. Such additional information as may be required by the agency to facilitate any required investigation.

C. The person filing the application shall sign a statement under penalty of perjury that the facts stated in the application are true and correct and that all information required has been set forth in the application. The owner or authorized representative of the property shall also sign the application acknowledging the intended use to be made of the property.

D. Applicants shall be notified of incomplete or inaccurate applications within twenty (20) working days after the date of the filing of the application. The applicant shall make the necessary corrections and additions and resubmit the application within thirty (30) calendar days of notification. The agency shall evaluate the information provided in the application to determine whether or not the land application proposal will be in compliance with the applicable requirements of this chapter.

E. The agency shall have fifteen (15) working days after the date of filing of a complete application to approve or deny all complete and accurate applications. If an application is denied, the applicant may amend the application and resubmit the amended application within thirty (30) calendar days of the date on which the denial was mailed to the applicant. Such submittal of an amended application is not subject to an additional fee.

F. Written notice of the denial of a permit shall be delivered in person or by U.S. mail, postage prepaid, to the applicant at the address on file with the agency.

G. The agency may deny an application for one (1) or more of the following reasons:

1. Inadequate, incomplete, or inaccurate application information;

2. The land application proposal would not be in conformance with the applicable requirements of this chapter.

H. The agency shall issue the permit within twenty-four (24) hours of approving the application.

I. Permits shall be reviewed annually from the date of issuance or reissuance. Permit review and reissuance are subject to the following:

1. A permit does not expire at the end of one (1) year absent an express permit term or condition limiting the period of the permit;

2. The agency shall notify the applier sixty (60) calendar days before the permit is due for review;

3. No fewer than thirty-five (35) calendar days before the permit is due for review, the applier shall submit a certification that the information contained in the permit is current, or shall file a new application pursuant to Section 8.05.060(B);

4. If the applier files a certification as specified in subsection (I)(3), the agency shall reissue the permit upon payment of the annual fee.

J. A permit may be revoked by the agency when the applier has violated any provision(s) of this chapter or any federal/state laws or regulations related to the land application of exceptional quality biosolids, or violated a provision(s) of any permit issued by the Regional Water Quality Control Board, or other state agency with jurisdiction, related to the land application of exceptional quality biosolids. If the agency intends to revoke the permit, a written notice to this effect shall be delivered in person or by certified mail to the mailing address of the permit applicant. The written notice shall state the grounds for the proposed revocation. The revocation shall become effective ten (10) days after service of the notice unless the permit holder files an appeal with the board of supervisors within that time period.

K. The applicant may appeal a denial or revocation of a permit. Any appeal or revocation shall be made to the board of supervisors by filing a written request for a hearing before the board of supervisors with the clerk of the board not more than ten (10) calendar days after notice of the proposed denial or revocation has been delivered. Upon receipt of a written request for a hearing, the clerk of the board shall set the matter for public hearing on a date not more than sixty (60) calendar days following receipt of such written request, and shall give the permit applicant and the board of supervisors at least thirty (30) calendar days written notice of the time, date, and place of the hearing. After the hearing, the board of supervisors shall issue its written decision and findings on the appeal within thirty (30) calendar days after the close of the hearing.

L. The agency may temporarily suspend any permit issued under this chapter, prior to any hearing when, in the opinion of the agency director, such action is necessary to protect the residents of the county from immediate threats to health and safety. The agency shall notify the permit holder of the temporary suspension and the effective date thereof and at the same time shall set the matter for hearing as soon as possible before the board of supervisors as set forth in subsection (K) herein. The temporary suspension shall remain in effect until the board of supervisors has taken final action on the merits.

M. Fees to review and process permit applications, appeal an action of the agency, as specified herein, inspect sites, engage in enforcement activities and compensate for infrastructure impacts shall be established by the board of supervisors.

N. No permit may be transferred without the prior approval of the agency. The agency shall review a request for transfer of a permit using such criteria as it deems necessary to assure that the proposed transferee would qualify for the approval, in the first instance, for issuance of a permit and is capable of complying with the conditions of the permit and the requirements of this chapter. The agency shall not unreasonably withhold its consent to the transfer of any permit. Denial of any request for the transfer of a permit may be appealed to the board of supervisors following the procedures provided for appeal of the denial or revocation of a permit under subsection (K) herein. (Ord. G-6931 § 3 (part), 2002)

Title 8 HEALTH AND SAFETY

Chapter 8.05 LAND APPLICATION OF BIOSOLIDS

8.05.070 Management practices.

A. Transportation, storage of biosolids and land application of exceptional quality biosolids shall not degrade the groundwater or surface water.

B. Discharge of biosolids to surface waters or surface water drainage courses is prohibited and all biosolids shall be confined to within the boundaries of the site.

C. All irrigation tailwater on sites utilized for exceptional quality biosolids application shall be maintained on the permitted site and shall not be allowed to flow onto adjacent properties, either by means of surface or subsurface flows.

D. Class B biosolids shall not be stored on the site unless approved by the agency due to adverse climatic or other emergency conditions which prevent production and application of exceptional quality biosolids within forty-eight (48) hours. Sites where exceptional quality biosolids are stored for more than forty-eight (48) hours shall be designed and maintained to contain all storm water falling from a ten (10) year, twenty-four (24) hour storm and to prevent washout or inundation from a one hundred (100) year storm or flood.

E. Transportation, fugitive dust, surface water runoff, storage of biosolids and application of exceptional quality biosolids shall not cause a nuisance, odors, flies or other vectors.

F. Exceptional quality biosolids with a moisture content less than fifty percent (50%) shall not be applied and incorporated when wind gusts are in excess of ten (10) miles per hour.

G. Application of exceptional quality biosolids shall not cause or result in the covering, disturbing or changing any part of a county road or highway or the placing of any obstruction or piling any material on the surface of any county road or highway.

H. No exceptional quality biosolids shall be applied which contain PCBs in excess of fifty (50) parts per million or dioxins in excess of ten (10) parts per billion.

I. Before the land application of exceptional quality biosolids each year, a management plan shall be submitted to the agency. The plan must include: fields to be used, process used to create exceptional quality biosolids and mitigation of offsite flows through the site. (Ord. G-6931 § 3 (part), 2002)

Title 8 HEALTH AND SAFETY

Chapter 8.05 LAND APPLICATION OF BIOSOLIDS

8.05.080 Site restrictions.

A. All exceptional quality biosolids staging, storage and application areas shall be at least:

1. Fifty (50) feet from property lines;

2. Five hundred (500) feet from domestic or public water supply wells;

3. Fifty (50) feet from nondomestic water supply wells;

4. Five hundred (500) feet from occupied residential buildings. However, in the case of the owner's residence on the site, the agency may waive this set back requirement if requested by the owner;

5. Ten (10) feet from agricultural buildings;

6. Five hundred (500) feet from sensitive receptors, except schools;

7. Fifty (50) feet from public roads;

8. One hundred (100) feet from surface waters (streams, ponds, lakes marshes, or surface percolation or settling ponds intended for water banking use);

9. Two (2) miles from any school site.

10. Sites where Class B biosolids are stored shall be located, designed and maintained to restrict public access. (Ord. G-6931 § 3 (part), 2002)

Title 8 HEALTH AND SAFETY

Chapter 8.05 LAND APPLICATION OF BIOSOLIDS

8.05.090 Monitoring, recordkeeping and reporting.

A. Test results shall be expressed in milligrams per kilogram of exceptional quality biosolids on a one hundred percent (100%) dry weight basis.

B. Analyses shall be conducted using methods as required by 40 CFR Part 503.8.

C. For exceptional quality biosolids, the applier shall retain the following information for five (5) years after the last application of exceptional quality biosolids, in a location approved by the agency:

1. The concentration of each pollutant listed in 40 CFR 503.13, Table 3 and any other constituents as may be specified by the agency for all land applied exceptional quality biosolids;

2. The certification statement (which may be required from the generator of the exceptional quality biosolids) set forth in 40 CFR 503.17 (a)(2)(ii);

3. A description of how the pathogen requirements in 40 CFR 503.17(a)(2)(ii) are met (which may be required from the generator of the exceptional quality biosolids);

4. A description of how the vector attraction reduction requirement in Part 503 is met (which may be required from the generator of the exceptional quality biosolids);

5. A description of how the site restrictions in Section 8.05.060 are met for each land applied site.

D. Persons who apply exceptional quality biosolids in the county shall submit a written report of their activity to the county on a monthly basis. The report shall include a summary of the quantity in wet tons of Class B biosolids hauled from each source per day and total quantities in both wet and dry tons of exceptional quality biosolids applied per month. (Ord. G-6931 § 3 (part), 2002)

Title 8 HEALTH AND SAFETY

Chapter 8.05 LAND APPLICATION OF BIOSOLIDS

8.05.100 Inspection and enforcement.

A. The agency shall inspect all sites at least four (4) times per year during the period when exceptional quality biosolids are being applied and may inspect more frequently or at any time.

B. The agency shall charge for services not specifically described that are rendered by personnel that are necessary for the enforcement of the provisions of this chapter. The charge will be calculated on the per-hour fee of eighty-five dollars ($85.00) as established in Section 8.04.100.

C. The agency shall charge actual costs for testing, sampling, and analyzing necessary to ensure compliance with the provisions of this chapter.

D. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor.

E. In addition, any violation of this chapter may be deemed by the agency to be a public nuisance, and may be abated, or enjoined by the agency, irrespective of any other remedy herein provided. (Ord. G-6931 § 3 (part), 2002)

Title 8 HEALTH AND SAFETY

Chapter 8.05 LAND APPLICATION OF BIOSOLIDS

8.05.110 Penalty for violation.

Any person violating any provision of this chapter is guilty of a misdemeanor and upon conviction thereof is punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment of not more than six (6) months or both. Every violation of this chapter shall be construed as a separate offense for each day during which such violation continues and shall be punishable as provided in this section. The court or the county may also demand and require the violator to clean up at the violator's expense any illegally applied or deposited biosolids and dispose of it in an approved, environmentally safe and clean manner. (Ord. G-6931 § 3 (part), 2002)