

**ORDINANCE NO. 696.1 no longer operative
REPEALED Per Ord. 696.1 – Effective 11/26/01
(Minute Order dated 7/10/2001 – Item # 3.15a)**

**ORDINANCE NO. 696
(AS AMENDED THROUGH 696.1)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO.
696 REGULATING THE LAND APPLICATION OF SEWAGE SLUDGE**

The Board of Supervisors of the County of Riverside Ordains as Follows:

Section 1. Purpose and intent. It is the purpose and intent of this ordinance to regulate the land application of sludge in a manner that is consistent with agronomic rates which protect public health, ground and surface waters, and agricultural markets.

Section 1.1 “Findings” The Board of Supervisors hereby makes the following findings of fact:

1. On March 20, 2000, the Office of the U.S. Inspector General prepared an Audit Report entitled WATER, Biosolids Management and Enforcement. The Objectives of the Report "were to determine whether (1) EPA oversight of biosolids land application can be made more effective, and whether (2) the Government Performance and Results Act goal for biosolids is appropriate and readily reportable. The report concluded that at the present time the EPA cannot assure the public that current land application practices established in regulations issued by the EPA appearing in 40 CFR 503.1 et seq. are protective of human health and the environment.
2. One of the more notable scientists in the EPA was Dr. David Lewis. Dr. Lewis publicly questioned the EPA's commitment to "good science", when the EPA formulated its regulations in 40 CFR 503.1 et seq. governing the land application of sewage sludge. Dr. Lewis' criticisms of the Department led to disciplinary actions which, when challenged under whistleblower protection laws, resulted in the following testimony.
 - a. Dr. Rosemarie Russo, Director of the Ecosystems Research Division of EPA's National Exposure Research Laboratory, testified that the EPA failed to conduct research in six areas, including pathogens, i.e. areas that were vitally important to determining the public health risk associated with land application of sludge. She stated that, due to this

failure, the sludge rules in 40 CFR 503.1 et seq. were not “scientifically defensible.”

- b. Dr. James Smith, a Senior Environmental Engineer for the EPA and a pathogen expert, conceded in his deposition testimony that the 503 sludge rules were never subjected to a vigorous risk assessment based on the harmful health effects which may arise from bacteria in the sludge. He also admitted that Dr. Lewis’ concern about “undetected pathogens hiding in sludge” raised a “significant issue.”
3. The EPA has now requested a review of risk assessment of land application of Biosolids to the National Research Council of the National Academy of Science and Engineering. The National Academy has been tasked by Congress to advise on scientific matters of national scope.
4. Currently, there are unanswered questions about the safety, environmental effects, and propriety of land application of sewage sludge, even when the sludge is applied in accordance with federal, state and local regulations. Sludge contains heavy metals pathogenic organisms, chemical pollutants, and synthetic organic compounds, which may pose an unknown risk to public health and the environment. There currently is a lack of adequate scientific understanding concerning the risk that land application of sludge may pose to soils, air, water and to human and plant and animal health. In addition, such application may cause loss of confidence in agricultural products from Riverside County as well as the potential loss of use of productive agricultural lands. Therefore, with the degree of uncertainty that exists in terms of risk, the continuation of the practice of the land application of sewage sludge may unnecessarily jeopardize the public and the environment. In order to adequately protect the public health, safety and welfare of Riverside County and its residents, it is the intent of this chapter that the land application of sewage sludge shall be more restricted on an interim basis and then prohibited entirely after November 25, 2001.”

Section 1.2 **Moratorium on issuance of new permits.**

Because of the Findings above made no new permits shall be issued under this Ordinance for the land application of sludge. Permits previously issued shall continue in effect until the expiration date of their current term at which time they shall not be renewed.

Section 2. **Definitions.** Whenever in the ordinance the following terms are used, they shall have the meanings respectively ascribed to them in this section.

- A. **"Agronomic Rate"** shall mean sludge applications that do not exceed

nitrogen fertilizer rates for the crop to be grown and do not result in phytotoxicity (accumulation of heavy metals and/or nutrients adverse to normal vegetative growth).

- B. **"Applicator"** shall mean any person, company, organization, or other legal entity engaged, or about to become engaged with the placement of sludge on land at a controlled rate for the purpose of reusing sludge and enhancing the growth of plants in accordance with the provisions of this ordinance.
- C. **"County"** shall mean the County of Riverside, State of California.
- D. **"Department"** shall mean the Department of Health of the County of Riverside.
- E. **"Field"** shall mean a discrete, discernable, and identifiable individual piece of land used for crop production, designated or under consideration for sludge use, generally not more than 160 acres in size, unless soils or other physical features are largely homogeneous.
- F. **"Field Crops"** shall mean those crops including but not limited to cotton, small grains, corn, milo, forage crops, seed crops, oil crops, vine and tree crops.
- G. **"Good Quality"** shall mean the quality of sludge is such that it can be applied on a site at a rate sufficient to provide a significant benefit to plant growth, by adding plant nutrients, and/or improving soil structure by adding organic matter in accordance with the provisions of this ordinance. Good Quality shall also mean at a minimum "stabilized sludge" as per the Manual of Good Sludge Management, State of California, 1983.
- H. **"Grower"** shall mean the operator of the site involved in production of field crops.
- I. **"Health Officer"** shall mean the Health Officer of the County of Riverside or his designated representative.
- J. **"Irrigation Tail Water"** shall mean the excess water applied to a field that does not infiltrate the soil, but collects at the lower end of a field.
- K. **"Land Application"** shall mean the placement of sewage sludge or treated sewage sludge within three (3) feet of the surface of agricultural or marginal land intended to support vegetative growth.

- L. **"Marginal Land"** shall mean land where the soil characteristics do not support normal vegetative growth over time. Marginal land includes, but is not limited to, strip mine areas; areas where topsoil has been removed, fill areas with poor soil characteristics, and completed landfills with poor top soil.
- M. **"Person"** shall mean any person, firm, business, city, county, district, special district, including a water district, sole proprietorship, partnership, joint venture, trust, association, or corporation whether for profit or non-profit.
- N. **"PFRP"** shall mean a process to further reduce pathogens as defined by Environmental Regulations and Technology; Control of Pathogens in Municipal Wastewater Sludge, U.S. EPA Technology Transfer #625-10-89-006, September 1989, and 40 CFR Part 257, Federal Register, September 1979 as it may be amended.
- O. **"PSRP"** shall mean a process to significantly reduce pathogens as defined by Environmental Regulations and Technology; Control of Pathogens in Municipal Wastewater Sludge, U.S. EPA Technology Transfer #625/10-89-006, September 1989, and 40 CFR Part 257, Federal Register, September 1979 as it may be amended.
- P. **"Resting Periods"** as established by resolution adopted by the Board of Supervisors shall mean the period of time which elapses between an application of sludge to a site and such time when;
- (1) public access is allowed;
 - (2) grazing by animals whose products are consumed by humans is allowed;
 - (3) if pasture is subsequently converted into a dairy pasture, grazing by milking animals; or
 - (4) there should be no planting of unprocessed food crops.
- Q. **"Site"** shall mean one or more fields owned by a single person. The distance between any two shall be no greater than five miles.
- R. **"Sludge"** shall mean the accumulated matter produced in the treatment of wastewater. This includes liquid, semi-liquid, and solid material that has been mechanically dewatered or air dried. Wastewater treatment plant "grit" and "bar screenings" are not included as part of this definition.

- S. **"Sludge Staging Area"** shall mean the location on a site, where sludge is deposited on the ground for loading onto a vehicle, for application, on the same or nearby sites in connection with an approved Sludge Management Plan.
- T. **"Treatment"** shall mean a process which alters, modifies, or changes the biological physical or chemical characteristics of sewage sludge.
- U. **"Vehicle"** shall mean any motorized or non-motorized conveyance used to transport sludge.
- V. **"Wastewater Treatment Plant"** shall mean a facility designed and constructed to receive, treat, or store sewage combined with waterborne waste.

Section 3. General Requirements for Approvals

- A. No person shall land apply sludge in the County without first having obtained approval of a Sludge Management Plan including those elements established by resolution of the board of supervisors, and having paid all fees.
- B. **Applications for Sludge Management Plan Approval**
Applications for Sludge Management Plan approvals shall be made to the Health Officer upon forms provided by the Department, shall be accompanied by an application fee as established by resolution of the Board of Supervisors and shall include the following information:
 - 1. Name and address of the applicant.
 - 2. Type of organization such as sole proprietorship, partnership, joint venture, corporation, business trust of company including names, home addresses and percentage of ownership of all owners and officers. Information as to ownership interest of less than one percent (1%) need not be provided.
 - 3. Consent to examine financial statements of the applicant and its parent corporation if the applicant is a subsidiary or division. Financial statements shall be available for at least the last three (3) years and shall indicate whether the statements have been audited. The financial statements shall consist of at least the following documents:
 - a) balance sheets;
 - b) statements of income;

- c) statements of retained earnings; and
 - d) statements of cash flows.
5. Identification of the local manager and responsible office personnel.
 5. A statement setting forth facts demonstrating that the applicant owns or has access to suitable facilities for equipment cleaning, maintenance, storage, and business offices. The addresses of all such facilities shall be provided with the application. Included with this statement shall be documentation indicating these facilities are properly zoned and constructed consistent with appropriate local ordinances.
 6. A statement regarding the applicant's experience and capability in the collection and transportation of sludge.
 7. Evidence that the applicant can provide insurance policies in the amounts specified in Section 7.
 8. Evidence that the applicant can provide a bond in accordance with the specification in Section 8.
 9. A list of vehicles to be used for the transportation and/or application of sludge, including;
 - a) A list of vehicle identification numbers;
 - b) The type, year, make, model, mileage, license numbers, company vehicle numbers and intended use of all vehicles.
 10. All technical standards as specified by resolution adopted by the Board of Supervisors.
 11. Whatever information in the application and supporting documents is considered to be proprietary information by the applicant should be clearly marked as such. Once such information has been marked as proprietary, it may not be released to the public or other applicants. The Health Officer may invite existing Applicants to review all non-proprietary information on file with the County, included with the application.
 12. Any other relevant information requested by the Department.

C. Applications for Sludge Application Site Approval

1. After the Sludge Management Plan has been approved, initial applications for each Sludge Application Site shall be made to the Health Officer upon forms provided by the Department, shall be accompanied by an approval fee as established by resolution of the Board of Supervisors and shall include the following information:
 - a) Name, address and phone number of the grower and land owner with evidence of grower and land owner agreeing to sludge use, resting periods, allowable crops, right of entry and any other conditions;
 - b) Legal description of site location;
 - c) The site plotted on a scale reproduction of a section of the 1.24.000 scale United States Geological Survey Quadrangle Map for the area or at a scale acceptable to the Department;
 - d) The site plotted on a scale reproduction of a Soil Survey Map for the area as published by the United States Soil Conservation Service, United States Department of Agriculture and Cooperative Extension Service;
 - e) A list of predominate soils on the site;
 - f) A tabulation of site information to include net acreage (to nearest 0.1 acre), depth to regional ground water, annual application rate, lifetime application rate, and buffer zones for occupied dwellings, property lines, roads and wells;
 - g) A detailed site plan prepared at a scale of one inch equals 660 feet or at a scale acceptable to the Department depicting the site boundary, limits of sludge application and homes, wells, irrigation structures and dikes within 500 feet of this site;
 - h) Representative soil sample analyses for pH, cation exchange capacity, and background metal concentrations. Metal concentrations shall be limited to those levels specified in resolution by Riverside County Board of Supervisors.
 - i) Only sludge treated by a PSRP or PFRP may be applied to agricultural land. Sewage sludge laboratory analysis data that the Department considers adequate to assess the potential public health

and environmental impacts of the project shall be provided. As a minimum requirement the results of one laboratory analysis for a representative sample of the sewage sludge which meets the following criteria shall be submitted:

- 1) The sample was obtained not more than twelve (12) months before submission of the application;
 - 2) The analysis includes percent for solids, pH and the dry weight concentration of total nitrogen, ammonium, nitrate, total phosphorus, total potassium, cadmium, copper, lead, nickel, and zinc; and
 - 3) The analysis includes the concentration of Polychlorinated Biphenyl (PCB).
- j) The transportation route from the wastewater treatment plant generating the sludge to the site.
 - k) Approval of the Regional Waste Quality Control Board, as appropriate.
 - l) Statement by the County Agricultural Commissioner indicating the recommended agronomic rates. Such recommendation may be site and crop specific.
 - m) Any other relevant information requested by the Department.
2. Application for Marginal Land Site. The Department will evaluate proposed projects on marginal lands on a case-by-case basis. The projects will be evaluated on technical merit, enhancement of the environment and impact to public health. Fees and approval requirements will be established based on the scope of the projects.

Section 4. Action On Applications For Sludge Management Plan and Sludge Application Site Approvals

- A. Applicants shall be notified of incomplete or inaccurate applications within ten (10) working days after the date of the filing of the application. The applicant may make the proper corrections and resubmit the corrected application. The applicant may make the necessary corrections and additions and resubmit the application within 30 days of notification.

- B. All complete and accurate applications for Sludge Management Plan and Sludge Application Site Plan Approvals shall be approved or denied, in whole or in part, within fifteen (15) working days after the date of filing or shall be deemed approved. If an application is denied, in whole or in part, the applicant may amend the application and resubmit the amended application.
- C. Denial of application may be for one or more of the following causes, or for other reasons as specified by the Health Officer:
1. Lack of responsibility as shown by past work.
 2. Lack of competency as revealed by financial statements, experience or inadequate equipment.
 3. Inadequate, incomplete, or inaccurate information on the sludge management application submitted.
 4. Inadequate, incomplete, or inaccurate information on the sludge application site application submitted.
 5. The plan proposes an application that is not environmentally sound.
- Written notice of the denial of an application for a new Sludge Management Plan or new Sludge Application Site Approval, shall be given by personal delivery or by mailing by certified mail to the applicant at the address on file with the Department.
6. Other reasons as specified by the health officer.
- D. Approvals granted for Sludge Management Plans shall be valid for a period not to exceed five (5) years, but may be issued for any period of less than five (5) years.
- E. Sludge management plans shall not be renewed.
- F. Existing sludge management plans that have received approval shall continue in effect until November 25, 2001.
- G. A Sludge Management Plan Approval or Sludge Application Site Approval may be rescinded by the Health Officer whenever the applicator has violated a provision of this ordinance or State rules or regulations, discharge order of the water quality control board, or is in noncompliance with a resolution of the Board of Supervisors. In such instance, a written notice to this effect shall first be delivered in person or by certified mail to the business address of the

applicant appearing on the application. The written notice shall state the grounds for the proposed rescission.

- H. The applicant may appeal such proposed rescission of the Health Officer by filing a written request for a hearing before the Board of Supervisors with the Clerk of the Board not more than fifteen (15) calendar days after notice of the proposed rescission has been given. 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 applicant and the Board of Supervisors at least thirty (30) calendar days written notice of the time, date, and place of the hearing. The Board of Supervisors, or a hearing body or officer appointed by it to hear the case, shall issue its written decision and findings on the appeal within thirty (30) calendar days after the close of the hearing. Such decision will be final. Where the approval is rescinded, the applicant shall terminate operations forthwith as determined by the Board of Supervisors.

Section 5. Fees

- A. There shall be a fee required to obtain an approval of the Sludge Management Plan and for a Sludge Application Site under the provision of this ordinance as specified in a resolution adopted by the Board of Supervisors. Such fees shall be in amounts based upon a cost-analysis determined by the Riverside County Auditor-Controller to be an amount necessary to fully fund the costs incurred by the County in administering this program.
- B. There shall also be a monitoring fee for each sludge application site as specified in a resolution adopted by the Board of Supervisors based on the tons of sludge applied at each application. The fees shall be due within thirty (30) days of the sludge application.

Section 6. Delinquency Dates And Penalties

- A. The delinquency date shall be, in the case of renewal, the thirtieth (30) day following the expiration date shown on the Sludge Management Plan.
- B. If any fee specified is not paid prior to the delinquency date, the applicant shall pay, in addition to such fee, a penalty in the amount of twenty percent (20%) for such fee; if any fee specified is not paid within sixty (60) days of the delinquency date, the applicant shall pay in addition to such fee, a penalty in the amount of one hundred percent (100%) of such fee.

Section 7. Insurance

- A. The applicator shall, at all times during the term of the approval, maintain in full force and effect workers' compensation insurance and a minimum of \$1,000,000 General Liability insurance. All insurance shall be by insurers and for policy limits acceptable to the County. Before commencement of any work, the Applicator shall furnish the County with certificates of insurance, or other evidence satisfactory to County, indicating that insurance has been procured and is in force. The certificates shall include the following express obligation:
- "This is to certify that the policies of insurance described herein have been issued to the insured for whom this certificate is executed and are in force at this time. In the event of cancellation or material change in a policy affecting the certificate, notice will be given the certificate holder."
- B. In the event applicator's insurance coverage fails or lapses, the approval issued hereunder shall terminate immediately, and Applicator shall be deemed in default.
- C. Applicator shall be under a duty to promptly notify the Health Officer of any cancellation or non-renewal of insurance coverage.

Section 8. Bonds

- A. **Security Bond.** Applicator shall furnish a corporate surety bond as security for performance under the approval. The amount of the bond shall be the average of two-months expected gross income derived from transportation and use of sludge in Riverside County. The Department shall have the right to require a surety bond in the above-described amount, such right to be dependent upon the reasonable need thereof, as may be determined by the Health Officer.
- B. **Premium.** Premium for the above-described bond(s) shall be paid by the Applicator. A certificate from the surety showing that bond premiums have been paid, in full, shall accompany the bond.
- C. **Authorized Company.** The surety on the bond shall be a company acceptable by the County and shall be a corporate surety company authorized to do business in the State of California.
- D. **Transferability of Approvals.** No assignment or transfer whether voluntary or involuntary of the approvals issued under this ordinance or any right thereunder, shall be made in whole or in part by the applicator without the expressed, prior written consent of the Health Officer. A decision on such

transferability shall rest within the sole discretion of the Health Officer and shall be issued within thirty (30) calendar days of receipt by the Health Officer of all documentation regarding the proposed transfer.

Section 9. Conditions For Operations

- A. **Site Restrictions.** Sludge use shall be limited to bonafide agricultural, horticultural, and silvacultural sites where crops are established and harvested, and marginal lands as approved by the Health Officer. Sludge may be reapplied each time a crop is removed. A crop must be planted within 18 months from the first date of sludge application on a site.
- B. **Sludge Quality.** Only sludge of good quality shall be used.
- C. **Sludge Incorporation.** Land applied sludge shall be soil incorporated by discing or other suitable tillage implement within 24 hours from the time of application. Sludge incorporation shall be thorough, including residues in staging areas.
- D. **Tail Water Control.** Tail water shall not be discharged from any field on which sludge has been applied unless such discharge has been approved by the Department.
- E. **Spill Control.** The applicator shall establish and maintain an ongoing spill prevention and response program.
- F. **Allowable Crops.** Sludge may be used on field crops. Other crops will be evaluated by the Health Officer on a case by case basis.
- G. **Sludge Use Agreements.** The applicator shall obtain written evidence that the grower and land owner are desirous of receiving sludge and that they both agree to observe resting periods, and crop restrictions as established in resolution of the Board of Supervisors.
- H. **Resting Periods.** Resting periods as established by resolution of the Board of Supervisors shall be observed for sites receiving sludge. The applicator shall physically inspect sites receiving sludge at least annually and certify to the Department that appropriate resting periods are observed. Any resting period violation shown by the applicator shall be reported to the Department within seven (7) days from the date of discovery.
- I. **Advance Site Notice.** The applicator shall notify the Health Officer in writing at least 24 hours in advance of delivery to the site.

J. **Site Identification.** The areas to receive sludge application shall be clearly marked with stakes or other prominent markers as approved by the Department before the sludge application.

K. **Buffer Zones.**

1. Unless treated by PFRP as defined, sewage sludge shall not be land applied within the buffer zones established by the Regional Water Quality Control Board, to ensure surface and groundwater protection, which are as follows:
 - a) Fifty (50) feet from property lines unless written permission is obtained from the adjacent landowner;
 - b) Five-hundred (500) feet from domestic water wells;
 - c) One half mile from all residences, schools and public meeting places
 - d) Fifty (50) feet from public roads.
2. The Department may require increased buffer distances and may set buffer zones between sludge application areas based on adjacent land uses. In making this determination, the Department may consider adjacent application rates, sludge quality, land slopes, vegetated filler strip and other factors considered relevant by the Department.

L. **Maintenance Yard.**

1. Sewage sludge transportation vehicle parking/service yards shall be maintained in a clean and safe condition.
2. Vehicle washing facilities that drain to an approved subsurface disposal system shall be required. The entire lot shall be adequately sloped for drainage control.

M. **Vehicles.**

1. Each vehicle shall have clearly visible, on each side, the identity and telephone number of the Applicator or DBA, in a size with letters of not less than three (3) inches in height.
2. Maintenance and repair work shall be logged and shall be made

available for inspection by the Health Officer at reasonable times.

3. Vehicles shall meet all emission standards and limits on noise.
 4. Vehicles shall be designed and maintained in such a manner as to prevent leakage of liquids or spilling, blowing or loss of material during transportation.
 5. Vehicles shall carry a shovel, broom, fire extinguisher, and first aid kit.
 6. Sludge Transportation. Vehicles transporting sludge shall be maintained in a neat and clean condition and in sound mechanical condition. All loads shall be fully tarped. Vehicle exteriors shall be free of sludge before entering public roads.
 7. Vehicles Conditions. All vehicles must meet California Department of Transportation requirements and be equipped in a manner whereby effective communication with the Applicator's office can be maintained.
 8. California Highway Patrol Inspection. Applicator shall cause its vehicles to be inspected by the California Highway Patrol annually, and a report of said inspection shall be provided to the Health Officer upon request.
 9. Licenses and Taxes. The Applicator shall obtain and maintain, at its own expense, all required licenses and approvals and shall promptly pay all taxes required by the City, County, State, and Federal Governments.
 10. Department's Review.
 - a) The Health Officer shall affix a distinctive, durable decal on each vehicle used by the applicator.
 - b) The Health Officer may suspend the use of said decal for any vehicle which fails to meet the requirements of this ordinance. Said vehicle shall not be used for collection, application, transfer, or removal of sewage sludge until it has been cleared in writing by the Health Officer for return to service.
- N. **Staging Areas.** Sludge staging areas shall be restricted to sites approved for sludge application. Staging areas must be located out of buffer zones. All sludge within a staging area must be land applied within 24 hours from time of delivery to the staging area. The staging area shall be sufficiently cleaned of sludge so the application rate within the staging area is equivalent to the approved application rate for the site.

- O. **Sludge Storage.** Sludge storage is not allowed except where specifically permitted by State Regulations.

Section 10. Technical Standards. Technical standards governing sludge application rates, acceptable sludge criteria, cumulative soil metals, etc. shall be established by resolution adopted by the Board of Supervisors.

Section 11. Monitoring.

- A. **Sludge Testing.** The applicator shall submit a monitoring plan as specified by resolution adopted by the Board of Supervisors.
- B. **Soil Testing.** The applicator shall conduct sampling which conforms to the procedure specified by resolution adopted by the Board of Supervisors.

Section 12. Reporting. The applicator shall file monthly reports with the Department within fifteen (15) days from the end of any reporting month in which activity occurs. The monthly report shall include those items specified in resolution by the Board of Supervisors.

Section 13. Sludge Load Records. The applicator shall create and maintain an accurate record for each load of sludge used in Riverside County. An applicator shall maintain sludge records for a period of three (3) years. Such records shall be made available to the Health Officer for the purpose of verifying sludge quantities used. The sludge load record shall note the following:

- A. source;
- B. date and time picked up;
- C. date and time delivered to use site;
- D. use site identification;
- E. load size; and,
- F. vehicle(s) and driver(s).

Section 14. Right of Entry. The applicator, farm operator, and land owner shall agree, as a requirement of the approval, to authorize the Health Officer at reasonable times and upon presentation of credentials to:

- A. Enter upon the applicator's premises or location where any records are required to be kept under the terms and conditions of the approval;
- B. Have access to and copy any records required to be kept under the terms and conditions of this approval;
- C. Inspect any monitoring equipment or observe any monitoring method required in the approval;
- D. Inspect any collection, transport vehicles, treatment, pollution management, or control facilities required under the approval;
- E. Enter any site where sludge is proposed to be used or has been used or stored and sample any ground or surface waters, soils, vegetation, sludge or other materials on the site; and,
- F. Obtain any photographic documentation or evidence.

Section 15. Enforcement. It shall be the duty of the Health Officer or his agents to enforce the provisions of this ordinance.

Section 16. Violations. Violations by any person, firm, partnership, association, or corporation, whether having obtained approval or not, of any of the provisions of this ordinance, constitutes an infraction or misdemeanor as hereinafter specified. Upon conviction thereof, the person or entity shall be subject to a fine of \$100.00 for the first offense; \$200.00 for the second violation within a one (1) year period; and \$300.00 for each additional violation within the same one (1) year period. Fourth and additional violations within a one year period, shall each constitute a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00), or six (6) months in jail, or both. Notwithstanding the above, a first or subsequent offense may be charged and prosecuted as a misdemeanor. Payment of any penalty provided herein shall not relieve a person, as defined, of the responsibility of correcting the conditions considered as a separate and distinctive offense.

Section 17. Public Nuisance Declaration. In addition, any violation of this ordinance is hereby deemed to be a public nuisance, and may be abated, or enjoined by the Health Officer or his designee, irrespective of any other remedy hereinabove provided.

Section 18. Severability. If any clause, provision, sentence, or paragraph of this ordinance, or the application thereof, is deemed to be invalid as to any person, entity, establishment, or circumstance, such invalidity shall not effect the other provisions of this ordinance which shall still remain in effect, and to

its end, it is hereby declared that the provisions of this ordinance are severable.

Section 19. No person shall apply sludge to land within Riverside County following the effective date of this ordinance without being in full compliance with all terms and conditions of this ordinance.

ADOPTED:

3-26-91 (Eff. 4-25-91)

7-10-01 (Eff. 8-08-01)

AMENDED:

696.1 (Eff. 8-8-01)

(696.1) 11/26/01 (Repealed – Eff.: 11/26/01)