

1 BEFORE THE BOARD OF SUPERVISORS
2 OF THE COUNTY OF FRESNO
3 STATE OF CALIFORNIA
4 ORDINANCE NUMBER _____
5

6 AN ORDINANCE AMENDING TITLE 8 HEALTH AND SAFETY CHAPTER 8.30 OF THE
7 ORDINANCE CODE OF THE COUNTY OF FRESNO, RELATED TO THE LAND APPLICATION
8 OF HUMAN-DERIVED MATERIALS, WHERE SUBSECTION 8.30.045 IS ADDED, AND
9 SUBSECTIONS 8.30.010, 8.30.020, 8.30.030, 8.30.040, AND 8.30.070 ARE AMENDED.

10 **SECTION 1. FINDINGS.** The Board of Supervisors of the County of Fresno hereby finds
11 and declares as follows:

12 WHEREAS, California law currently prohibits the spread of human compost; and

13 WHEREAS, the use of human compost raises significant ethical and regulatory concerns;

14 and

15 WHEREAS, while proponents claim the process of human composting is eco-friendly, the
16 process lacks long-term, large-scale scientific studies to prove it is safe and sustainable; and

17 WHEREAS, with a lack of long-term environmental studies regarding the integration of
18 human compost in soil, there are concerns whether pathogens, polyfluoralkyl substances (PFAS
19 or “forever chemicals”), medications, and heavy metals are fully broken down, causing potential
20 soil and groundwater contamination; and

21 WHEREAS, the application of human compost lacks the same regulatory standards as
22 those for biosolids, which ensure consistency and address contamination concerns; and

23 WHEREAS, members of the public may find the application of human compost, particularly
24 in public spaces, especially where food is grown, or on culturally-significant land, to be highly
25 objectionable, causing erosion of public trust; and

26 WHEREAS, California Health and Safety Code section 7116 expressly authorizes local
27 jurisdictions to prohibit the spreading of human compost; and
28

1 WHEREAS, the Board of Supervisors finds it necessary and appropriate to prohibit the
2 use of human compost on lands within its jurisdiction per state law.

3 NOW, THEREFORE, The Board of Supervisors hereby ordains as follows:

4 **SECTION 2.** The Ordinance Code of the County of Fresno, Chapter 8.30, is hereby
5 amended as follows:

6 Chapter 8.30 – LAND APPLICATION OF ~~BIOSOLIDS~~ HUMAN DERIVED MATERIALS

7 Section 8.30.010 – Purpose and Intent.

8 Section 8.30.020 – Authority.

9 Section 8.30.030 – Funding.

10 Section 8.30.040 – Definitions.

11 Section 8.30.045 – Human Compost Land Application Prohibition.

12 Section 8.30.050 – Biosolids.

13 Section 8.30.060 – Biosolids Land Application Authorizations.

14 Section 8.30.070 – ~~Penalty for Violation~~ Violations and Penalties.

15 Section 8.30.080 – Severability.

16 **8.30.010 Purpose and intent.**

17 It is the purpose and intent of this chapter to regulate the land application of ~~biosolids~~ human-
18 derived materials in the unincorporated territory of Fresno County in a manner that protects
19 public health, ground and surface waters, agricultural markets, and sensitive wetlands and
20 habitat areas. In order to ensure adequate protection of irreplaceable resources, including
21 critical groundwater basins and agricultural land devoted to food production, this chapter
22 provides local control and requires that the highest levels of safety be observed in the land
23 application of ~~biosolids~~ human-derived materials. This chapter is intended to supplement and to
24 operate in conjunction with standards imposed on the land application of ~~biosolids~~ human-
25 derived materials by state law and by the applicable rules, regulations, orders and requirements
26 of the State Water Resources Control Board and the Central Valley Regional Water Quality
27 Control Board.

28 **8.30.020 Authority.**

1 This chapter is adopted pursuant to the police power of Fresno County as set forth in Article XI,
2 Section 7, of the California Constitution. In addition, 40 CFR Part 503 recognizes the authority
3 of local government to impose more stringent requirements on the use or disposal of biosolids
4 in order to protect public health and the environment. California Health and Safety Code section
5 7116 expressly authorizes the County to adopt an ordinance specifically prohibiting the
6 integration of reduced human remains, or human compost, into the soil on lands under the
7 County's jurisdiction.

8 **8.30.030 Funding.**

9 The board of supervisors authorizes County Department(s) to charge actual costs in enforcing
10 this ordinance. shall establish and adopt by resolution a funding mechanism for
11 implementation of this program. Funding shall be based upon the amount necessary to fully
12 fund the costs incurred by the county in administering this program.

13 **8.30.040 Definitions.**

14 For purposes of this chapter, the following terms shall be defined as follows:

- 15 A. "Active compost" means compost feedstock that is in the process of being rapidly
16 decomposed and is unstable. Active compost is generating temperatures of at least fifty
17 degrees Celsius (one hundred twenty degrees Fahrenheit) during decomposition and is
18 releasing carbon dioxide at a rate of at least fifteen milligrams per-gram of compost per-day, or
19 the equivalent of oxygen uptake.
- 20 B. "Applicator" means any person engaged in the land application of biosolids.
- 21 C. "Biosolids" are treated solid, semi-solid or liquid residues generated during the treatment
22 of sewage in a wastewater treatment plant. These residues include, but are not limited to, scum
23 or solids removed in primary, secondary or advanced wastewater treatment processes and
24 material derived from sewage sludge. Biosolids do not include ash generated during the firing
25 of sewage sludge in a sewage incinerator or grit and screenings generated during preliminary
26 treatment of sewage. Biosolids, as used in this chapter, includes composted material that
27 contains material derived from sewage sludge and which fails to meet the standards specified
28 for "exceptional quality compost," as defined herein. Notwithstanding any other provision

1 hereof, biosolids, as used in this chapter, specifically excludes those biosolids products that are
2 packaged in a bag or container for routine retail sales through regular retail outlets, which
3 products are primarily used for residential landscaping.

4 D. "County" means the county of Fresno, State of California.

5 E. "Exceptional quality biosolids" are those class A biosolids that meet each of the following
6 requirements in order to be classified as "exceptional quality": (1) the pollutant concentration
7 levels specified in 40 CFR § 503.13, Table 3; (2) a level of vector attraction reduction required
8 by 40 CFR § 503.33; and (3) the bacteria limits specified in Alternatives 1 through 6 of 40 CFR
9 § 503.32(a), for either the fecal coliform, or salmonella species.

10 F. "Exceptional quality compost" means an organic, composted material containing
11 biosolids which meets the ceiling concentration standards set forth in 40 CFR § 503.13(b)(1),
12 the pollutant concentration standards set forth in 40 CFR § 503.13(b)(3), one of the class A
13 pathogen reduction alternatives set forth in 40 CFR § 503.32(a), and one of the vector
14 attraction reduction options set forth in 40 CFR § 503.33(b)(1)-(8), and which has undergone the
15 process to further reduce pathogens described in Section 17868.3 of Title 14 of the California
16 Code of Regulations, and which has reached a stage of reduced biological activity as indicated
17 by reduced temperature and rate of respiration below that of active compost, as defined herein.

18 G. "Existing operator" means a person who on the effective date of this chapter is operating
19 pursuant to current waste discharge requirements for the land application of biosolids as issued
20 by the Central Valley Regional Water Quality Control Board or the State Water Resources
21 Control Board.

22 H. "Floodway" means a channel for floodwater as designated by the Reclamation Board of
23 the State of California or as shown on maps published by the Federal Emergency Management
24 Agency.

25 I. "Human compost" or "reduced human remains," means the remains of a human body
26 that have been reduced to soil through a decomposition process, which may be accelerated
27 with the addition of organic materials, and as per California Health and Safety Code section
28 7116(b).

1 J. "Human Derived Materials" means biosolids and human compost, as defined herein.

2 ~~K.~~ K. "Land application" means the spraying or spreading of biosolids onto the land surface,
3 the injection of biosolids below the surface of the land, or the incorporation of biosolids into the
4 soil so that it can either condition the soil or fertilize crops or vegetation grown in the soil.

5 ~~L.~~ L. "Land Owner" means the owner or owners of land upon which the biosolids are
6 proposed to be applied or are being applied.

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

10 ~~N.~~ N. "Wastewater treatment facility" means a facility that has been permitted by the Central
11 Valley Regional Water Quality Control Board and the County, or a city within the county, to
12 conduct wastewater treatment operations, resulting in generation of biosolids as a by-product
13 thereof.

14 8.30.045. Human compost land application prohibition. The integration of or spreading of
15 reduced human remains, or human compost, into the soil on land located in the unincorporated
16 area of Fresno County, is hereby prohibited. This prohibition shall not apply to private property
17 that is not open to the public, except upon private land where food is grown that will be made
18 available to the public.

19 **8.30.050 Biosolids land application prohibitions.**

20 A. The land application of biosolids to land located in the unincorporated area of Fresno
21 County, is hereby prohibited, except as expressly authorized under the provisions of Section
22 8.30.060.

23 B. The discharge of biosolids to surface waters or surface water drainage courses located
24 within the unincorporated area of the bounty, including wetlands and waterways, is hereby
25 prohibited.

26 C. Land application of biosolids within any designated floodway designated by the
27 Reclamation Board of the State of California or within any designated floodway shown on maps
28 published by the Federal Emergency Management Agency is hereby prohibited.

1 **8.30.060 Biosolids land application authorizations.**

2 A. The prohibitions set forth in Paragraph A of the preceding Section 8.30.050 do not apply
3 to exceptional quality biosolids, as defined herein provided, however, that land application of
4 exceptional quality biosolids:

5 1. Shall be subject to waste discharge requirements and any other applicable regulatory
6 provisions of the State Water Resources Control Board and the Central Valley Regional Water
7 Quality Control Board, and

8 2. Shall constitute "solid waste disposal" under the provisions of the Fresno County Zoning
9 Ordinance and accordingly shall be subject to regulation and discretionary approval under the
10 conditional use permit process pursuant to Sections 853 and 873 thereof.

11 B. The prohibitions set forth in Paragraph A of the preceding Section 8.30.050 do not apply
12 to exceptional quality compost, as defined herein provided, however, that any land application
13 of exceptional quality compost after the effective date of this chapter:

14 1. Shall be subject to waste discharge requirements and any other applicable regulatory
15 provisions of the State Water Resources Control Board and the Central Valley Regional Water
16 Quality Control Board, and

17 2. Shall be subject to regulation and authorization by use permit issued by the Fresno
18 County agricultural commissioner. The terms and conditions of such permit shall be established
19 by Resolution to be adopted by the board of supervisors prior to the effective date of the
20 ordinance codified in this chapter.

21 C. From the effective date of this chapter through and including December 31, 2002, no
22 person may land apply any biosolids in the unincorporated areas of Fresno County unless that
23 person meets the following requirements:

24 1. From the effective date of this chapter through and including December 31, 2002, any
25 existing operators may continue to land apply biosolids. Provided, however, that the existing
26 operator's operations shall be limited to the specific site(s) for which waste discharge
27 requirements have been issued, and for which a conditional use permit has been issued by the
28

1 county (except as to land that is exempt from county zoning and land use requirements) prior to
2 the effective date of this chapter.

3 2. The existing operator's continued operation under this subsection shall be subject to the
4 following requirements and time limitations:

5 (a) During the period from the effective date of this chapter through and including December
6 31, 2002, no biosolids material may be land applied unless it meets the following standards:

7 (1) The Class A or Class B pathogen requirements in 40 CFR, Part 503, Section 503.32,
8 subsections (a) or (b) respectively, or its revisions; and

9 (2) One of the vector attraction reduction requirements identified in 40 CFR, Part 503,
10 Section 503.33 or its revisions; and

11 (3) The ceiling concentration limits in 40 CFR, Part 503, Section 503.13, Table 1, or its
12 revisions; and

13 (4) Any standards established by the Central Valley Regional Water Quality Control Board
14 or the State Water Resources Control Board in waste discharge requirements which are
15 applicable either to the applicator's site or to the facilities where the biosolids are generated.

16 D. Commencing January 1, 2003, all existing operators shall be required to conform their
17 activities to the prohibitions set forth in Section 8.30.050, except to the extent land application
18 of biosolids is expressly authorized under Paragraph A of this section, such that no biosolids
19 may thereafter be applied by existing operators to any land in the unincorporated area of the
20 county unless the material to be applied meets the definition of either "exceptional quality
21 biosolids" or "exceptional quality compost" set forth in Paragraphs E and F of Section 8.30.040.

22 **8.30.070 Penalty for violation.**

23 ~~Any person violating any provision of this chapter is guilty of a misdemeanor and upon~~
24 ~~conviction thereof is punishable by a fine of not more than five hundred dollars or by~~
25 ~~imprisonment of not more than six months or both. Every violation of this chapter shall be~~
26 ~~construed as a separate offense for each day during which such violation continues and shall~~
27 ~~be punishable as provided in this section. The court or the county may also demand and~~
28 ~~require the violator to clean up at the violator's expense any illegally applied or deposited~~

1 ~~biosolids and dispose of it in an approved, environmentally safe and clean manner. In addition,~~
2 ~~any unauthorized application of biosolids in violation of this chapter shall constitute a public~~
3 ~~nuisance, and may be abated or enjoined, as appropriate, irrespective of any other remedy~~
4 ~~herein provided.~~

5 Section 8.30.070 – Violations and Penalties.

- 6 A. Any person who violates this chapter is guilty of a misdemeanor and upon conviction
7 thereof may be punished by a fine of not more than one thousand dollars (\$1,000.00) or
8 by imprisonment in the County Jail for a period of not more than six (6) months, or by both
9 such fine and imprisonment. This section shall not serve to limit any other legal remedies
10 or actions that the County may have to address violations of this chapter.
- 11
- 12 B. Administrative Citation. The County may, at its discretion, issue an administrative citation
13 for each violation of this chapter. The administrative penalty to be assessed for each
14 violation shall be as follows: (i) First violation, up to one thousand dollars (\$1,000.00); (ii)
15 Second occurrence of the same violation within one year of the first violation, up to two
16 thousand dollars (\$2,000.00); (iii) Third or subsequent occurrence of the same violation
17 within one year of the first violation, up to five thousand dollars (\$5,000.00).
- 18
- 19 C. Every violation of this chapter shall be construed as a separate offense for each day during
20 which such violation continues and shall be punishable as provided in this chapter. The
21 court or the County may also demand and require the violator to clean up at the violator's
22 expense any illegally applied or deposited human-derived materials and dispose of it in a
23 legal, approved, environmentally safe, and clean manner. In addition, any unauthorized
24 application of human-derived materials in violation of this chapter shall constitute a public
25 nuisance, and may be abated or enjoined, as appropriate, irrespective of any other remedy
26 herein provided.
- 27
- 28 D. All fines, fees, and assessments may be recovered pursuant to Chapter 1.13.

1 E. Private Right of Action. Any aggrieved person may enforce the provisions of this chapter
2 by means of a civil lawsuit. In addition to any other available remedy, any person who
3 violates the provisions of this chapter shall be liable for treble the actual damages with
4 regard to each and every such violation, and shall be liable for reasonable attorneys' fees
5 and costs of litigation. In addition, a jury or a court may award punitive damages where
6 warranted.

7
8 **8.30.080 Severability.**

9 If any clause, provision, sentence, or paragraph of this chapter, or the application thereof, is
10 deemed to be invalid as to any person, entity, establishment, or circumstance, such invalidity
11 shall not affect the other provisions of this chapter which shall still remain in full force and effect,
12 and to this end, it is hereby declared that the provisions of this chapter are severable.

13 THE FOREGOING, was passed and adopted by the following vote of the Board of
14 Supervisors of the County of Fresno this ___ day of _____, 2026, to wit:

15 AYES:

16 NOES:

17 ABSENT:

18 ABSTAINED:

19
20 **COUNTY OF FRESNO**

21 _____
22 Garry Bredefeld, Chairman of the Board
23 of Supervisors of the County of Fresno

24 **ATTEST:**

25 Bernice E. Seidel
26 Clerk of the Board of Supervisors
27 County of Fresno, State of California

28 By:

Deputy

1 FILE # _____

2 AGENDA # _____

3 ORDINANCE # _____

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