

ORDINANCE NO. 2020-04

AN ORDINANCE OF THE TOWN OF LUTHER, OKLAHOMA, AMENDING PART 8, "HEALTH AND SANITATION," OF THE CODE OF ORDINANCES OF THE TOWN OF LUTHER, OKLAHOMA, AND SPECIFICALLY CHAPTER 7, "LAND APPLICATION OF BIOSOLIDS;" ADDING SECTION 8-701, "DEFINITIONS;" ADDING SECTION 8-702, "INTENT," WHICH SETS FORTH THE INTENT OF THE PROHIBITION OF LAND APPLICATION OF BIOSOLIDS; ADDING SECTION 8-703, "APPLICABILITY;" ADDING SECTION 8-704, "BIOSOLIDS PROHIBITED;" ADDING SECTION 8-705, "PENALTY;" WHICH PROVIDES THE PENALTY FOR VIOLATION; PROVIDING FOR REPEALER; AND PROVIDING FOR SEVERABILITY

RECITALS

WHEREAS, biosolids are primarily organic materials produced during wastewater treatment; and

WHEREAS, The Environmental Protection Agency's 40 CFR Part 503, Standards for the Use and Disposal of Sewage Sludge (the Part 503 Rule), requires that wastewater solids be processed before they are land applied; and

WHEREAS, this processing is referred to as "stabilization" and helps minimize odor generation, destroys pathogens (disease causing organisms), and reduces vector attraction potential; and

WHEREAS, vectors (flies, mosquitoes, rodents, birds, etc.) can transmit diseases directly to humans or play a specific role in the life cycle of a pathogen as a host; and

WHEREAS, vector attraction reduction refers to processing which makes the biosolids less attractive to vectors thereby reducing the potential for transmitting diseases; and

WHEREAS, while Exceptional Quality biosolids products can be as safe as other agricultural and horticultural products and may be used without site restrictions, determining whether biosolids are of exceptional quality is problematic at best for small municipalities; and

WHEREAS, despite positive impacts to the environment, land application can have negative impacts on water, soil, and air if not practiced correctly; and

WHEREAS, negative impacts to water can result from the application of biosolids at rates that exceed the nutrient requirements of the vegetation, excess nutrients in the biosolids (primarily nitrogen compounds) can leach from the soil and reach groundwater, and runoff from rainfall may also carry excess nutrients to surface water; and

WHEREAS, Negative impacts to soil can result from mismanagement of a biosolids land application.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LUTHER, OKLAHOMA:

SECTION I. Section 8-701 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby amended to read as follows:

SECTION 8-701 DEFINITIONS:

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Biosolids mean solid, semi-solid, or liquid residue generated during treatment of domestic sewage in a treatment works; and include domestic septage, scum, or solids removed in primary, secondary, or advanced wastewater treatment processes, and a material derived from biosolids. The term 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 purposes in limited quantities.

Treatment works means facilities installed for the purpose of treating, neutralizing, stabilizing, or disposing of sewage, industrial waste, or other wastes, including, but not limited to a plant, disposal field, lagoon, pumping station, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary landfills, or other works.

SECTION II. Section 8-702 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby amended to read as follows:

SECTION 8-702 INTENT:

A. It is recognized that the land application of biosolids can pose a potential risk to public safety and environmental quality, and may not be appropriate, 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. Application of biosolids is an incompatible land use in the incorporated Town limits because of the smell, dust, and other immediate undesirable effects.

B. Land application of biosolids can negatively affect the brand, reputation, and environmental health of the Town of Luther.

C. It is, therefore, the intent of this Chapter, to prohibit land application of biosolids within the corporate limits of the Town.

SECTION III. Section 8-703 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby amended to read as follows:

SECTION 8-703 APPLICABILITY:

This Chapter applies to all private and public lands in the Town of Luther. Disposal of biosolids on municipal-owned land as part of a municipal treatment works is exempt from the provisions of this chapter.

SECTION IV. Section 8-704 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby amended to read as follows:

SECTION 8-704 BIOSOLIDS PROHIBITED:

Land application of biosolids is prohibited within the corporate limits of the Town of Luther.

SECTION V. Section 8-705 of the Code of Ordinances of the Town of Luther, Oklahoma, is hereby amended to read as follows:

SECTION 8-705 PENALTY:

Any person who violates Section 8-704 of this Chapter shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$750.00 for every day that the violation continues.

SECTION VI. All ordinances in conflict herewith are hereby repealed.

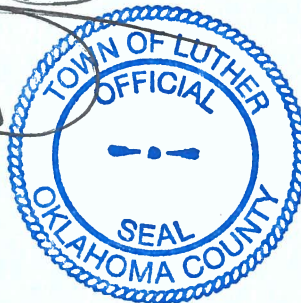
SECTION VII. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

PASSED AND APPROVED and approved this 9 June, 2020.


MAYOR JENNI WHITE

ATTEST:


TOWN CLERK



Approved as to form and legality:


Town Attorney