



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5118

Introduced 2/8/2024, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

New Act
415 ILCS 5/22.56 rep.

Creates the Sludge Control Act. Provides that person may not: (1) apply to or spread on any land in the State sludge generated from a municipal, commercial, or industrial wastewater treatment plant, compost material that included in its production sludge generated from a municipal, commercial, or industrial wastewater treatment plant or septage, or any other product or material that is intended for use as a fertilizer, soil amendment, topsoil replacement, or mulch or for other similar agricultural purpose that is derived from or contains sludge or septage; or (2) sell or distribute in the State compost material that included in its production sludge or septage or any other product or material that is intended for use as a fertilizer, soil amendment, topsoil replacement, or mulch or for other similar agricultural purposes that is derived from or contains sludge or septage. Sets forth exceptions. Defines terms. Repeals a provision in the Environmental Protection Act regarding the regulation of farm land sludge application.

LRB103 35389 LNS 65454 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Sludge
5 Control Act.

6 Section 5. Definitions. As used in this Act:

7 "Septage" means the liquid and solid material pumped from
8 a septic tank, cesspool, or similar domestic sewage treatment
9 system, or from a holding tank, when the system is cleaned or
10 maintained.

11 "Sludge" means any solid, semisolid, or liquid waste
12 generated from a municipal, commercial, or industrial
13 wastewater treatment plant, water supply treatment plant, or
14 air pollution control facility or any other such waste having
15 similar characteristics and effects.

16 Section 10. Prohibitions on land application of sludge and
17 sale and distribution of compost and other agricultural
18 products and materials containing sludge and septage.

19 (a) Notwithstanding any provision of law to the contrary,
20 except as provided in subsection (b), a person may not:

21 (1) apply to or spread on any land in the State:

22 (A) sludge;

1 (B) compost material that included in its
2 production sludge or septage; or

3 (C) any other product or material that is intended
4 for use as a fertilizer, soil amendment, topsoil
5 replacement, or mulch or for other similar
6 agricultural purpose that is derived from or contains
7 sludge or septage; or

8 (2) sell or distribute in the State:

9 (A) compost material that included in its
10 production sludge or septage; or

11 (B) any other product or material that is intended
12 for use as a fertilizer, soil amendment, topsoil
13 replacement, or mulch or for other similar
14 agricultural purposes that is derived from or contains
15 sludge or septage.

16 (b) The prohibitions in subsection (a) do not apply to:

17 (1) the disposal or placement at a solid waste
18 landfill of any of the materials that are prohibited from
19 application, spreading, sale, or distribution by this
20 Section;

21 (2) the land application of or the sale or
22 distribution of compost material or other agricultural
23 product or material derived from or containing residuals
24 generated as a result of the processing or cultivation of
25 food, food waste, crops, or vegetative material, the
26 brewing of malt liquor, the fermenting of wine or hard

1 cider, or the distilling of spirits, including, but not
2 limited to, blueberries, apples, grapes, potatoes,
3 seaweed, fish and seafood, and spent grain or malt, as
4 long as such residuals are not mixed with sludge, septage,
5 sewage, or sanitary wastewater prior to or during land
6 application or the production of the compost material or
7 other agricultural product or material; or

8 (3) the land application of or the sale or
9 distribution of compost material or other agricultural
10 product or material derived from or containing sludge
11 resulting from the production of precipitated calcium
12 carbonate.

13 (415 ILCS 5/22.56 rep.)

14 Section 15. The Environmental Protection Act is amended by
15 repealing Section 22.56.