

# SB1648



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1648

Introduced 2/9/2017, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/22.56a

Amends the Environmental Protection Act. Provides that Exceptional Quality biosolids shall not be subject to regulation as a sludge or other waste, except as provided in the Nuclear Safety Law of 2004 in relation to the authority of the Illinois Emergency Management Agency, if specified requirements are met. Provides that nothing in the Act shall limit or supersede the authority of the Illinois Emergency Management Agency under the Nuclear Safety Law of 2004. Effective immediately.

LRB100 08184 MJP 18280 b

A BILL FOR

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 5. The Environmental Protection Act is amended by  
5 changing Section 22.56a as follows:

6 (415 ILCS 5/22.56a)

7 Sec. 22.56a. Land application of Exceptional Quality  
8 biosolids.

9 (a) The General Assembly finds that:

10 (1) technological advances in wastewater treatment  
11 have allowed for the production of Exceptional Quality  
12 biosolids that can be used on land as a beneficial  
13 recyclable material that improves soil tilth, fertility,  
14 and stability and their use enhances the growth of  
15 agricultural, silvicultural, and horticultural crops;

16 (2) Exceptional Quality biosolids are a resource to be  
17 recovered; and

18 (3) the beneficial use of Exceptional Quality  
19 biosolids and their recycling to the land as a soil  
20 amendment is encouraged.

21 (b) To encourage and promote the use of Exceptional Quality  
22 biosolids in productive and beneficial applications, to the  
23 extent allowed by federal law, Exceptional Quality biosolids

1 shall not be subject to regulation as a sludge or other waste,  
2 except as provided in subsection (d), if all of the following  
3 requirements are met:

4 (1) The sewage treatment plant generating the  
5 Exceptional Quality biosolids maintains the following  
6 information with respect to the biosolids:

7 (A) documentation demonstrating that the  
8 Exceptional Quality biosolids do not exceed the  
9 ceiling concentration limits in Table 1 of 40 CFR  
10 503.13 and the pollutant concentration limits in Table  
11 3 of 40 CFR 503.13;

12 (B) documentation demonstrating that the Class A  
13 pathogen requirements in 40 CFR 503.32(a) are met,  
14 including but not limited to a description of how they  
15 were met;

16 (C) documentation demonstrating that the vector  
17 attraction requirements in 40 CFR 503.33(b)(1) through  
18 (b)(8) are met, including but not limited to a  
19 description of how they were met;

20 (D) a certification statement regarding the Class  
21 A pathogen requirements in 40 CFR 503.32(a) and the  
22 vector attraction reduction requirements in 40 CFR  
23 503.33(b)(1) through (b)(8), as required in 40 CFR  
24 503.17(a)(1)(ii); and

25 (E) the quantity of Exceptional Quality biosolids  
26 sold or given away by the sewage treatment plant each

1 year. The information must be maintained for a minimum  
2 of 5 years after the biosolids are generated, and upon  
3 request must be made available to the Agency for  
4 inspection and copying during normal business hours.

5 (2) For Exceptional Quality biosolids that have not  
6 been bagged:

7 (A) they are not applied to snow-covered or frozen  
8 ground; and

9 (B) they are used on agricultural land in a manner  
10 that follows recommended application rates and are  
11 used on all land in a manner that follows best  
12 management practices to protect water quality.

13 (3) If Exceptional Quality biosolids that have not been  
14 bagged are generated in another state and imported into  
15 this State, the person importing the biosolids must  
16 maintain the information set forth in subparagraph (A) of  
17 paragraph (1) of subsection (a) through subparagraph (D) of  
18 paragraph (1) of subsection (a) of this Section and the  
19 amount of Exceptional Quality biosolids imported each  
20 year. The information must be maintained for a minimum of 5  
21 years after the biosolids are imported, and upon request  
22 must be made available to the Agency for inspection and  
23 copying during normal business hours.

24 (c) For purposes of this Section, Exceptional Quality  
25 biosolids are considered "bagged" if they are in a bag or in an  
26 open or closed receptacle that has a capacity of one metric ton

1 or less, including, but not limited to, a bucket, box, carton,  
2 vehicle, or trailer.

3 (d) Nothing in this Act shall limit or supersede the  
4 authority of the Illinois Emergency Management Agency under the  
5 Nuclear Safety Law of 2004.

6 (Source: P.A. 99-67, eff. 7-20-15.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.