

1 HB193
2 197795-1
3 By Representative Hanes
4 RFD: Agriculture and Forestry
5 First Read: 19-MAR-19

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8 SYNOPSIS: Under existing law, the use of biosolids
9 composed of treated human sewage as fertilizer for
10 agricultural purposes is not regulated.

11 This bill would require the Alabama
12 Department of Environmental Management to regulate
13 the use of biosolids as fertilizer for agricultural
14 purposes subject to the minimum requirements of
15 this bill. The department would also be charged
16 with enforcement of this act.

17 The bill would also levy a tax on the
18 delivery of biosolids earmarked for the
19 administration of this act.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT

24
25 Relating to the Department of Environmental
26 Management; to authorize the department to regulate the use of
27 biosolids composed of treated human sewage applied on land as

1 a fertilizer or soil amendment for agricultural purposes
2 subject to the minimum requirements of this act; to provide
3 for enforcement of this act by the department; and to provide
4 for a privilege license tax on any person, firm, or
5 corporation selling or delivering for use any biosolids in
6 this state.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. For the purposes of this act, the
9 following words have the following meanings:

10 (1) BIOSOLIDS. Biosolids composed of treated human
11 sewage applied on land as a fertilizer or soil amendment for
12 agricultural purposes.

13 (2) DEPARTMENT. The Alabama Department of
14 Environmental Management.

15 (3) LANDOWNER. The person or persons seeking to
16 apply biosolids who owns the property or acts on behalf of his
17 or her immediate family or a corporate entity or other entity
18 owning the property when the person seeking to apply the
19 biosolids to the property has a substantial ownership interest
20 in the entity.

21 Section 2. The Alabama Department of Environmental
22 Management shall regulate by rule the use of biosolids
23 composed of treated human sewage as fertilizer for
24 agricultural purposes. The rules may not be less stringent
25 than the requirements of this act.

1 Section 3. (a) Biosolids may only be applied as a
2 fertilizer or soil amendment for agricultural purposes under
3 the following conditions:

4 (1) Biosolids may be injected directly in the
5 ground, with no other action needed.

6 (2) Biosolids may be applied on top of the ground
7 when used for growing crops, provided the biosolids are tilled
8 into the soil within 24 hours of application.

9 (3) Biosolids may be applied on the top of the
10 ground when used for grazing livestock and not tilled in the
11 soil provided the biosolids are not applied to any property
12 that is not at least 1,320 feet from a dwelling occupied by a
13 person other than a landowner.

14 (4) Biosolids may not be applied on any property in
15 a manner that allows biosolids to run off the property into a
16 stream or waterway or otherwise run off the property. Any
17 ditch or stream that flows from or through the property shall
18 be monitored for contaminants for 60 days after application.
19 Any evidence of contaminants found during the monitoring
20 process shall be reported to the Department of Environmental
21 Management and the local county health department.

22 (b) In addition to the requirements of subsection
23 (a), any person who applies biosolids to land, any biosolids
24 applied to land, and any land on which biosolids are applied
25 shall meet the requirements of 40 C.F.R. Sections 503.10 to
26 503.18.

1 (c) The storage of biosolids shall be subject to the
2 following requirements:

3 (1) Not more than 150 cubic yards of biosolids may
4 be stored by a landowner at any time. The biosolids may not be
5 stored within 1,320 feet from a dwelling occupied by a person
6 other than a landowner. This subsection does not apply to
7 waste produced by livestock owned by the landowner.

8 (2) All biosolids stored in bulk shall be stored in
9 a manner so that the biosolids are contained in the storage
10 area.

11 (3) Except as provided otherwise in this act,
12 biosolids that are stored for more than 60 days shall be
13 stored in a containment structure constructed with masonry
14 block concrete or timber walls and a roof to minimize the
15 biosolids becoming wet.

16 (4) Biosolids may be stored in a temporary storage
17 area for not more than 60 days provided the biosolids are
18 contained in an area surrounded by a Class A silt fence that
19 meets specifications of the department and is properly
20 installed and maintained. The biosolids shall be covered with
21 a heavy duty tarpaulin and any runoff from the storage area
22 shall be contained.

23 (d) Any biosolids that are transported from a
24 storage area to a place of application over a public road
25 shall be transported in a manner so that the biosolids do not
26 contaminate a public road.

1 (e) Any person who applies biosolids to any land
2 shall file in the local office of the judge of probate in the
3 chain of the title of the land a statement prepared under oath
4 that biosolids have been applied on the land giving the date
5 of the application and the application of the biosolids to the
6 land shall be disclosed to any potential buyer before any
7 sales contract for the sale of the property is agreed upon and
8 signed.

9 (f) (1) Any person who sells livestock that grazed on
10 land on which biosolids have been applied or who sells
11 livestock that were fed any feed grown on land on which
12 biosolids have been applied shall disclose those facts to the
13 buyer.

14 (2) Any slaughterhouse in this state that processes
15 livestock grazed on land or fed feed grown on land on which
16 biosolids have been applied shall disclose those facts to the
17 retail purchaser and these facts shall be disclosed to any
18 customers purchasing the processed livestock in any restaurant
19 or other food establishment in this state.

20 (g) The provisions of this section are supplemental
21 and shall not be construed to repeal any laws not in direct
22 conflict herewith.

23 Section 4. (a) This act shall be enforced by the
24 Department of Environmental Management.

25 (b) Any person, firm, corporation, or other entity
26 that violates this act may be subject to an administrative

1 fine not to exceed one thousand dollars (\$1,000) for each
2 violation.

3 Section 5. (a) Any person, firm, corporation, or
4 other entity selling or delivering biosolids composed of
5 treated human sewage as fertilizer for agricultural purposes
6 shall be subject to a privilege license or excise tax in the
7 amount of twenty dollars (\$20) per ton. It is the intent of
8 this act that the tax be paid by the person, firm,
9 corporation, or other entity delivering the biosolids. In the
10 event the tax is not paid as provided above, the user of the
11 biosolids shall be liable for the tax.

12 (b) The tax provided in this section shall be
13 collected by the State Department of Revenue. The State
14 Department of Revenue shall be entitled to 10 percent of the
15 amount collected to cover the cost of collection. The net
16 proceeds from the tax shall be deposited in a special account
17 in the State Treasury and shall be continuously appropriated
18 to the Department of Environmental Management for the
19 administration and enforcement of this act.

20 Section 6. The provisions of this act are
21 supplemental and shall not be construed to repeal any laws not
22 in direct conflict herewith.

23 Section 7. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.