

HOUSE No. 136

The Commonwealth of Massachusetts

PRESENTED BY:

Steven Owens and Sean Garballey

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act prohibiting the use and sale of toxic sludge.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>1/15/2025</i>
<i>Kristin E. Kassner</i>	<i>2nd Essex</i>	<i>1/22/2025</i>

HOUSE No. 136

By Representatives Owens of Watertown and Garballey of Arlington, a petition (accompanied by bill, House, No. 136) of Steven Owens and Kristin E. Kassner for legislation to further regulate the use of sludge from a municipal, commercial or industrial wastewater treatment plant as an agricultural product. Agriculture.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act prohibiting the use and sale of toxic sludge.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 128 of the General Laws , as appearing in the 2022 Official
2 Edition, shall be amended by inserting after section 65A the following new section:-

3
4 Section 65B. (a) For the purposes of this section, the following words will have the
5 following meanings:

6 "Sludge", any solid, semisolid or liquid waste generated from a municipal, commercial or
7 industrial wastewater treatment plant, water supply treatment plant, or air pollution control
8 facility or any other such waste having similar characteristics and effects.

9 (b). Notwithstanding any provision of law to the contrary, except as provided in
10 subsection (c), a person may not:

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

(i) Sludge generated from a municipal, commercial or industrial wastewater treatment plant;

(ii) Compost material that included in its production sludge generated from a municipal, commercial or industrial wastewater treatment plant or septage; or

(iii) 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 generated from a municipal, commercial or industrial wastewater treatment plant or septage; or

(2) Sell or distribute in the State:

(i) Compost material that included in its production sludge generated from a municipal, commercial or industrial wastewater treatment plant or septage; or

(ii) 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 generated from a municipal, commercial or industrial wastewater treatment plant or septage.

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

(1) The disposal or placement at a solid waste landfill of any of the materials that are prohibited from application, spreading, sale or distribution by this subsection;

(2) The land application of or the sale or distribution of compost material or other agricultural product or material derived from or containing residuals generated as a result of the processing or cultivation of food, food waste, crops or vegetative material, the brewing of malt liquor, the fermenting of wine or hard cider or the distilling of spirits, including, but not limited to, blueberries, apples, grapes, potatoes, seaweed, fish and seafood and spent grain or malt, provided that such residuals are not mixed with sludge from a municipal, commercial or industrial wastewater treatment plant, septage, sewage or sanitary wastewater prior to or during land application or the production of the compost material or other agricultural product or material; or

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

(4) The land application of or sale any of the materials that are prohibited from application, spreading, sale or distribution by this subsection including Materials derived from a composting toilet system defined by 310 CMR 15.289.