

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1726

By: Shaw

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5
6 AS INTRODUCED

7 An Act relating to biosolids; defining terms;
8 prohibiting land application, spreading, sale, and
9 distribution of certain materials; providing
10 exception to prohibition; providing civil liability
11 for violations; providing jurisdiction for
12 enforcement; directing production of report by the
13 Department of Environmental Quality; specifying
14 contents of report; requiring delivery of report by
15 certain date; requiring the Oklahoma Department of
16 Agriculture, Food, and Forestry to develop removal,
17 remediation, and recovery plans for certain
18 agricultural producers; directing production of
19 report by the Oklahoma Department of Agriculture,
20 Food, and Forestry; requiring the Oklahoma Department
21 of Agriculture, Food, and Forestry and the Oklahoma
22 Department of Environmental Quality to develop
23 policies to provide available funding for certain
24 purposes; providing for codification; and declaring
an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2-10-406 of Title 27A, unless
there is created a duplication in numbering, reads as follows:

A. As used in this act:

1 1. "Biosolids" means solids separated from liquids during the
2 wastewater treatment process which are treated physically and
3 chemically to produce a semisolid, nutrient-rich product;

4 2. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" or
5 "PFOAS" means non-polymeric perfluoroalkyl and polyfluoroalkyl
6 substances that contain at least two sequential, fully fluorinated
7 carbon atoms, excluding gases and volatile liquids;

8 3. "Sewage sludge" means the residual, semi-solid material that
9 is produced as a byproduct of sewage by municipal, commercial, or
10 industrial wastewater treatment plants; and

11 4. "Septage" means a fluid mixture of untreated and partially
12 treated sewage solids, liquids, and sludge of human or domestic
13 origin, which is removed from a septic tank.

14 B. Notwithstanding any other provision of law, and except as
15 provided in subsection C of this section, no person in this state
16 shall:

17 1. Apply to or spread on any land of this state:

18 a. sludge generated from a municipal, commercial, or
19 industrial wastewater treatment plant,

20 b. compost material that included in its production
21 sludge generated from a municipal, commercial, or
22 industrial wastewater treatment plant or septage, or

23 c. any other product or material that is intended for use
24 as a fertilizer, soil amendment, topsoil replacement,

1 mulch, or other similar agricultural purpose that is
2 derived from or contains sludge generated from a
3 municipal, commercial, or industrial wastewater
4 treatment plant or septage; or

5 2. Sell or distribute in this state:

6 a. compost material that included in its production
7 sludge generated from a municipal, commercial, or
8 industrial wastewater treatment plant or septage, or

9 b. any other product or material that is intended for use
10 as a fertilizer, soil amendment, topsoil replacement,
11 mulch, or other similar agricultural purpose that is
12 derived from or contains sludge generated from a
13 municipal, commercial, or industrial wastewater
14 treatment plant or septage.

15 C. The prohibited actions in subsection B of this section shall
16 not apply to:

17 1. The disposal or placement of materials described in
18 subsection B of this section at a lined and monitored solid waste
19 landfill until alternative approved safe processes of disposal are
20 implemented;

21 2. The land application of or the sale or distribution of
22 compost material or other agricultural product derived from or
23 containing residuals generated as a result of the processing or
24 cultivation of food, food waste, crops, or vegetative material; the

1 brewing of malt liquor; the fermenting of wine or hard cider; or the
2 distilling of spirits, including, but not limited to, blueberries,
3 apples, grapes, potatoes, seaweed, fish and seafood, and spent grain
4 or malt. Provided, the exemption under this subsection shall only
5 apply if the agricultural product is not cultivated in soil
6 previously treated with biosolids and that such product is not mixed
7 with sludge from a municipal, commercial, or industrial wastewater
8 treatment plant, septage, sewage, or sanitary wastewater prior to or
9 during land application or during the production of the agricultural
10 product;

11 3. The land application, sale, or distribution of compost
12 material or agricultural product or material derived from or
13 containing sludge resulting from the production of precipitated
14 calcium carbonate; and

15 4. The land application, sale, or distribution of compost
16 material or other agricultural product or material derived from or
17 containing manure from animals, zoos, or other agricultural sources.

18 D. The Department of Environmental Quality shall have
19 jurisdiction to enforce the provisions of this section as they
20 pertain to prohibition of land application or spreading of materials
21 described under this section. The Oklahoma Department of
22 Agriculture, Food, and Forestry shall have jurisdiction to enforce
23 the provisions of this section regarding agriculture. The
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1 Departments shall enter into a memorandum of understanding to
2 effectively enforce the provisions of this section.

3 E. Pursuant to subsection B of this section, any actions after
4 the effective date of this act, resulting in future contamination
5 from perfluoroalkyl and polyfluoroalkyl substances (PFAS or PFOAS),
6 from land application of biosolids, sewage sludge, or septage, shall
7 be civilly liable to this state and to the people of Oklahoma for
8 costs arising from releases of PFAS or PFOAS to the environment from
9 noncompliance to this act. The funds resulting from such liability
10 shall be used for the remediation and recovery of affected Oklahoma
11 lands, crops, livestock, waters, and impacted human health.

12 SECTION 2. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 2-10-407 of Title 27A, unless
14 there is created a duplication in numbering, reads as follows:

15 A. The Department of Environmental Quality shall assess, study,
16 and develop a long-term plan for the purposes of prohibiting the
17 land application of septage in this state and proposing alternate
18 methods of safely processing PFAS, PFOAS, biosolids, sewage sludge,
19 and septage in this state and implementing safe management
20 processes. The plan shall include, but not be limited to:

21 1. Identification of the available capacity at wastewater
22 treatment plants or other treatment or disposal facilities in this
23 state to manage and safely process sludge that was previously land-
24 applied prior to the effective date of this act;

1 2. Determination of the capacity and alternate processes
2 anticipated to be necessary to manage septage following the
3 prohibition of land application in this state;

4 3. Development of recommendations to support and fund
5 additional management capacity, if necessary; and

6 4. Development of recommendations concerning a framework for
7 the long-term prohibition of land application in this state and
8 alternative safe management, treatment, and processing of biosolids
9 and sewage sludge.

10 B. The Department shall submit the final report to the
11 President Pro Tempore of the Oklahoma State Senate, the Speaker of
12 the Oklahoma House of Representatives, the Governor, and the
13 relevant legislative committee chairs overseeing environment and
14 natural resources not later than December 1, 2025. The report shall
15 include any suggested legislative implementations resulting from the
16 study.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 2-10-408 of Title 27A, unless
19 there is created a duplication in numbering, reads as follows:

20 A. The Oklahoma Department of Agriculture, Food, and Forestry
21 shall develop a comprehensive plan to protect agricultural producers
22 who are impacted by perfluoroalkyl and polyfluoroalkyl substances
23 (PFAS) contamination from the land application or spreading of:
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1 1. Sludge generated from a municipal, commercial, or industrial
2 wastewater treatment plant;

3 2. Compost material that included in its production sludge
4 generated from a municipal, commercial, or industrial wastewater
5 treatment plant; or

6 3. Any other product or material that is intended for use as a
7 fertilizer, soil amendment, topsoil replacement, mulch, or other
8 similar agricultural purpose that is derived from or contains sludge
9 generated from a municipal, commercial, or industrial wastewater
10 treatment plant or septage.

11 B. The Department shall work directly with impacted
12 agricultural producers to identify sources of contamination and
13 institute best practices for immediate and successful PFAS removal,
14 remediation, and recovery, including any necessary surveys and
15 testing.

16 C. The Department shall submit the final report to the
17 President Pro Tempore of the Oklahoma State Senate, the Speaker of
18 the Oklahoma House of Representatives, the Governor, and the
19 relevant legislative committee chairs overseeing environment and
20 natural resources not later than December 1, 2025. The report shall
21 include the estimated total cost of PFAS removal, remediation, and
22 recovery under this section. Upon the convening of the next
23 legislative session, the reported amount shall be included in the
24 general appropriations bill for the upcoming fiscal year.

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2-10-409 of Title 27A, unless
3 there is created a duplication in numbering, reads as follows:

4 The Oklahoma Department of Agriculture, Food and Forestry shall
5 develop policies to provide all necessary state funding and any
6 applicable federal funding for:

7 1. Water treatment infrastructure to remove perfluoroalkyl and
8 polyfluoroalkyl substances (PFAS). Water for the purposes of this
9 section shall include all rivers, streams, creeks, brooks,
10 reservoirs, ponds, lakes, springs, ground water, aquifers, private
11 wells, and all bodies of surface waters, artificial or natural,
12 which are contained within, flow through, or border upon the state
13 or any portion of it;

14 2. Perfluoroalkyl and polyfluoroalkyl substances (PFAS)
15 voluntary testing and investigation which will allow state
16 regulators to research and identify potentially impacted farms,
17 ranches, communities, water sources, or food products; and

18 3. Financial assistance and voluntary medical monitoring for
19 impacted families, neighbors, and communities as a result of
20 perfluoroalkyl and polyfluoroalkyl substances (PFAS) biosolids, and
21 sewage sludge land applications.

22 SECTION 5. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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