

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 874

By: Jett

AS INTRODUCED

An Act relating to biosolids; defining terms; directing certain entity to disclose biosolid use for certain product labeling; establishing label requirements; requiring disclosure at point of purchase for certain agriculture products; directing certain entity to disclose biosolid use on certain property with signage; requiring signage be public; requiring certain disclosure in conjunction with certain sale or lease; directing Department of Environmental Quality to publish certain information on certain website; directing Department to provide notice to certain businesses within certain distance by certain date; providing for codification; and providing an effective date.

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 2-6-502 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. As used in this act:

1. "Agritourism activity" means activity as defined pursuant to Section 5-15 of Title 2 of the Oklahoma Statutes;

2. "Biosolid" means sludge, perfluoroalkyl, and any perfluoroalkyl substance;

1 3. "Department" means the Department of Environmental Quality;

2 4. "Product" shall include, but not be limited to, compost  
3 material, fertilizer, soil amendment, topsoil replacement, and  
4 mulch; and

5 5. "Sludge" means sludge as defined pursuant to Section 2-10-  
6 401 of Title 27A of the Oklahoma Statutes.

7 B. 1. Any person, business, or entity authorized to commence  
8 industrial, municipal, and commercial operations in this state shall  
9 disclose the use of biosolids when labeling products for sale and  
10 distribution.

11 2. Any product under this subsection that is sold or  
12 distributed in this state shall have clear and distinct labeling  
13 disclosing that the product, either in its production or in its  
14 composition, includes biosolids generated from an industrial,  
15 municipal, or commercial wastewater treatment plant or sludge.

16 3. Full disclosure shall be given to any consumer who purchases  
17 an agricultural crop or vegetative material for any agricultural  
18 purpose if the crop or material was grown at a location in this  
19 state where biosolids have been permitted to be applied or spread.

20 C. 1. Any person, business, or entity authorized to commence  
21 industrial, municipal, and commercial operations in this state shall  
22 disclose the use of biosolids by placing signage on any property  
23 where such operations take place and where biosolids are utilized.  
24 Such signage shall be in an area that is visible to the public.

1           2. Prior to the sale or lease of any property described under  
2 this subsection, public access to the land shall be restricted for  
3 one year following the land application of biosolids as required in  
4 40 C.F.R. Part 503.

5           3. Any property under this subsection that is sold or leased  
6 shall include a disclosure stating that the subject property was  
7 used as a biosolids application site.

8           4. The Department shall publish and update annually a map of  
9 biosolid land application property sites on a publicly available  
10 website. All sites permitted to apply biosolids shall be labeled  
11 with the date of each land application and the names of the  
12 landowner and lessor, if applicable. Records shall be kept in  
13 perpetuity.

14           D. The Department shall, in consultation with the Oklahoma  
15 Department of Agriculture, Food, and Forestry, provide written  
16 notice to businesses conducting agritourism activities of any  
17 biosolid land application taking place within a two-mile radius of  
18 the business. Notice shall be transmitted at least sixty (60) days  
19 prior to land application.

20           SECTION 2. This act shall become effective November 1, 2023.

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