

1 STATE OF OKLAHOMA

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

3 SENATE BILL 268

By: Jett

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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 jurisdiction for  
11 enforcement; directing production of report by the  
12 Department of Environmental Quality; specifying  
13 contents of report; requiring delivery of report by  
14 certain date; requiring the Oklahoma Department of  
15 Agriculture, Food, and Forestry to develop removal,  
16 remediation, and recovery plans for certain  
17 agricultural producers; directing production of  
18 report by the Oklahoma Department of Agriculture,  
19 Food, and Forestry; providing for codification; and  
20 declaring an emergency.

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

22 SECTION 1. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 2-10-411 of Title 27A, unless  
24 there is created a duplication in numbering, reads as follows:

25 A. As used in this section:

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

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

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

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

11           B. Notwithstanding any other provision of law, and except as  
12 provided in subsection C of this section, no person in this state  
13 shall:

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

15           a. sludge generated from a municipal, commercial, or  
16 industrial wastewater treatment plant,

17           b. compost material that included in its production  
18 sludge generated from a municipal, commercial, or  
19 industrial wastewater treatment plant or septage, or

20           c. any other product or material that is intended for use  
21 as a fertilizer, soil amendment, topsoil replacement,  
22 mulch, or other similar agricultural purpose that is  
23 derived from or contains sludge generated from a  
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1 municipal, commercial, or industrial wastewater  
2 treatment plant or septage; or

3 2. Sell or distribute in this state:

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

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

13 C. The prohibitions in subsection B of this section shall not  
14 apply to:

15 1. The disposal or placement of materials described in  
16 subsection B of this section at a lined and monitored solid waste  
17 landfill;

18 2. The land application of or the sale or distribution of  
19 compost material or other agricultural product derived from or  
20 containing residuals generated as a result of the processing or  
21 cultivation of food, food waste, crops, or vegetative material; the  
22 brewing of malt liquor; the fermenting of wine or hard cider; or the  
23 distilling of spirits, including, but not limited to, blueberries,  
24 apples, grapes, potatoes, seaweed, fish and seafood, and spent grain

1 or malt. Provided, the exemption under this subsection shall only  
2 apply if the agricultural product is not cultivated in soil  
3 previously treated with biosolids and that such product is not mixed  
4 with sludge from a municipal, commercial, or industrial wastewater  
5 treatment plant, septage, sewage, or sanitary wastewater prior to or  
6 during land application or during the production of the agricultural  
7 product;

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

12 4. The land application, sale, or distribution of compost  
13 material or other agricultural product or material derived from or  
14 containing manure from animals, zoos, or other agricultural sources.

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

1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 2-10-412 of Title 27A, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. The Department of Environmental Quality shall assess, study,  
5 and develop a long-term plan for the purposes of prohibiting the  
6 land application of septage in this state. The plan shall include,  
7 but not be limited to:

8 1. Identification of the available capacity at wastewater  
9 treatment plants or other treatment or disposal facilities in this  
10 state to manage septage that is land-applied prior to the effective  
11 date of this act;

12 2. Determination of the capacity anticipated to be necessary to  
13 manage septage following the prohibition of land application in this  
14 state;

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

17 4. Development of recommendations concerning a framework for  
18 the long-term prohibition of land application in this state.

19 B. The Department shall submit an electronic report to the  
20 President Pro Tempore of the Senate, the Speaker of the House of  
21 Representatives, the Governor, and the relevant legislative  
22 committee chairs overseeing environment and natural resources not  
23 later than February 1, 2026. The report shall include any suggested  
24 legislative implementations resulting from the study.

1 SECTION 3. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 2-10-413 of Title 27A, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. The Oklahoma Department of Agriculture, Food, and Forestry  
5 shall develop a plan to protect agricultural producers who are  
6 impacted by perfluoroalkyl and polyfluoroalkyl substances (PFAS)  
7 contamination from the land application or spreading of:

8 1. Sludge generated from a municipal, commercial, or industrial  
9 wastewater treatment plant;

10 2. Compost material that included in its production sludge  
11 generated from a municipal, commercial, or industrial wastewater  
12 treatment plant; or

13 3. Any other product or material that is intended for use as a  
14 fertilizer, soil amendment, topsoil replacement, mulch, or other  
15 similar agricultural purpose that is derived from or contains sludge  
16 generated from a municipal, commercial, or industrial wastewater  
17 treatment plant or septage.

18 B. The Department shall work directly with impacted  
19 agricultural producers to identify sources of contamination and  
20 institute best practices for immediate and successful PFAS removal,  
21 remediation, and recovery, including any necessary surveys and  
22 testing.

23 C. The Department shall submit a report to the Legislature on  
24 the total cost of PFAS removal, remediation, and recovery under this

1 section. Upon the convening of the next legislative session, the  
2 reported amount shall be included in the general appropriations bill  
3 for the upcoming fiscal year.

4 SECTION 4. It being immediately necessary for the preservation  
5 of the public peace, health or safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval.

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