

## **RESOLUTION NO. 1636**

### **A RESOLUTION OF THE BROKEN ARROW CITY COUNCIL REGARDING PROPOSED STATE-MANDATED RESTRICTIONS OF MUNICIPAL SEWER SLUDGE OR BIOSOLIDS DISPOSAL AND THE CITY OF BROKEN ARROW'S OPPOSITION TO THE PASSING OF OKLAHOMA SENATE BILLS SB003 AND SB268, AS WELL AS OKLAHOMA HOUSE BILL HB1726**

**WHEREAS**, the City of Broken Arrow, and the Broken Arrow Municipal Authority (BAMA), its public trust, is committed to protecting the health, safety, and welfare of its residents and those of the state of Oklahoma; and

**WHEREAS**, the City of Broken Arrow solely owns and operates the Lynn Lane Wastewater Treatment Plant, and jointly owns and operates the Haikey Creek Wastewater Treatment Plant in conjunction with the Regional Metropolitan Utility Authority (RMUA); and

**WHEREAS**, the City of Broken Arrow uses and implements effective and efficient sewer sludge and biosolids management techniques that comply with all federal, state, and local rules and regulations; and

**WHEREAS**, these sewer sludge and biosolids management techniques more specifically include land application and disposal of treated product at a landfill; and

**WHEREAS**, land application of treated waste byproduct of municipal wastewater treatment operations has been a federally accepted and state-approved safe, and cost-effective option since treatment of wastewater operations commenced; and

**WHEREAS**, the chemicals known as PFOS (Perfluorooctane Sulfonate) and PFOA (Perfluorooctanoic Acid), collectively and incorrectly referred to as "Forever Chemicals," are synthetic substances that have gained widespread attention due to their commonplace in the environment, their persistence against degradation, and their potential health impacts; and

**WHEREAS**, the Environmental Protection Agency (EPA) has issued guidelines for PFOS and PFOA regarding drinking water but has only recently released a "draft" risk-assessment for their presence in wastewater sewer sludge and biosolids, thereby leaving state governments to individually determine appropriate regulatory actions; and

**WHEREAS**, states are generally adopting three (3) main approaches regulating PFOS and PFOA in sewer sludge and biosolids management, more specifically including: (1) "non-scientific" emotional-based approaches based on public opinion, such as total bans on land application; (2) a "scientific" restrictions-based approaches that seek to set certain specific chemical composition limitations on the product supported by scientific evidence; and (3) a "scientific" producer-based that seeks to regulate the amount that can be released into a sanitary sewer collection system at the point of discharge to the system; and

**WHEREAS**, Senate Bill 003 (SB003) proposes a total ban on the land application of any sewage sludge and biosolid material, Senate Bill 268 (SB268) prohibits the application and sale of such materials, and House Bill 1726 (HB1726) focuses on prohibiting the land application, spreading, sale, and distribution of biosolids and certain materials containing sewer sludge; and

**WHEREAS**, the passage of these bills would immediately create state-wide hardships and result in the following: (1) funding shortfalls due to increased capital and operational costs for each municipal utility provider, (2) potential landfill capacity availability and sustainability impacts, (3) elimination of beneficial uses generated from the treated waste product, (4) elimination of other viable alternatives thereby inducing market instability, and (5) infringement upon property-owner rights therefore creating unnecessary legal challenges and unintended consequences to the residents of Broken Arrow, as well as other Oklahomans; and

**WHEREAS**, the City of Broken Arrow supports the “scientific-based” approaches to managing PFOS and PFOA in sewer sludge and biosolids, emphasizing the need to apply “peer-reviewed” scientific evidence in the decision-making process to develop statutes and regulations; and

**WHEREAS**, the proposed bills, as presented, are seen as misdirected in focus, premature in nature, based on emotional concerns and not scientific evidence, and are contrary to current federal or state proper authority’s understandings and position regarding this subject matter; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Broken Arrow, Oklahoma, as follows:

- Formally opposes the passage of Oklahoma Senate Bill 003, Oklahoma Senate Bill 268, and Oklahoma House Bill 1726.
- Urges the Oklahoma State Legislature to reconsider these identified bills and work collaboratively with Oklahoma Department of Environmental Quality and local governments to develop more balanced and effective waste management regulations that are based upon a more comprehensive and scientific-based understanding,
- Directs the City Manager to communicate this resolution to the appropriate state legislators and other stakeholders.
- Encourages residents and local businesses to express their concerns regarding these bills to their appropriate state elected officials.

ADOPTED by the Council: March 18, 2025.

ATTEST:

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Mayor

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(SEAL) City Clerk

APPROVED AS TO FORM:

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City Attorney