February 14, 2025

The Honorable Brian Feldman and
Members of the Senate Education,
Energy, and Environment Committee
Miller Senate Office Building, 2 West Wing
11 Bladen Street
Annapolis, MD 21401

Re: Letter of Information SB732 Sewage Sludge Utilization Permits - Per- and Polyfluoroalkyl Substances - Concentration Limits

Dear Chair Feldman and Members of the Education, Energy, and Environment Committee:

The Washington Suburban Sanitary Commission (WSSC Water) appreciates the opportunity to provide information regarding **SB732 Sewage Sludge Utilization Permits - Per- and Polyfluoroalkyl Substances - Concentration Limits**. WSSC Water is a bi-county state agency and self-sustaining public utility currently among the largest water and wastewater utilities in the nation, with nearly 11,000 miles of water and sewer pipeline. Our service area currently spans nearly 1,000 square miles in Prince George's and Montgomery counties, and we serve 1.9 million residents, comprising 473,879 customer accounts, in addition to being a wholesale service provider. For more than 106 years, WSSC Water has maintained an exceptional track record of zero drinking water quality violations, consistently meeting strict federal standards and safeguarding the health of our customers. As an anchor institution, WSSC Water's success is directly linked to the prosperity of our communities and customer satisfaction.

WSSC Water collects 185,000,000 gallons of wastewater from our community per day, and generates 96,000 tons of sewage sludge, or biosolids, each year at our six (6) Water Resource Recovery Facilities. WSSC Water also recently commissioned our Piscataway Bioenergy Facility located in Accokeek, Maryland. The innovative $271 million facility is turning "Poop to Power" by transforming how WSSC Water handles biosolids. Once fully operational in 2025, the facility will convert almost half of the biosolids into renewable natural gas and will produce a significantly cleaner (Class A) nutrient-rich organic material. The renewable energy will be used to power Ride On buses in Montgomery County, and the Class A biosolids can be used and distributed as a soil amendment. This vital project creates green energy, green jobs and a green future, and exemplifies WSSC Water's investment and commitment to serving as an environmental steward in the communities we serve and beyond, as well as our focus on balancing investments with affordability.

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BACKGROUND

Stopping PFAS at the source

WSSC Water, like many community water systems, are passive receivers of PFAS. It is ubiquitous in the environment due to the manufacture and continued use of PFAS-containing materials. WSSC Water has advocated for stopping PFAS at the source as a comprehensive approach to addressing PFAS contamination and to in part alleviate the significant costs associated with PFAS mitigation. Banning biosolids land application in the State of Maryland does not alone achieve the environmental and public health protection desired. Tackling PFAS contamination meaningfully and sustainably would require directing resources where the greatest risk reductions can be accomplished, which is by PFAS elimination at production and use, to stop PFAS from entering the environmental cycle in the first place and accomplish the biggest strides in reducing PFAS in biosolids.

What WSSC Water is doing to reduce PFAS from the source

PFAS ends up in wastewater and eventually in biosolids because of the use of PFAS in consumer and industrial products. WSSC Water shares the concern about the PFAS contamination we receive and affirms our commitment to tackling PFAS contamination meaningfully through research and source elimination to reduce harm to public health and the environment. For this reason, we have significantly increased efforts to reduce PFAS sources in our systems by expanding PFAS monitoring, enhancing source tracking, and developing in-house PFAS analytical capabilities. WSSC Water is also actively leading and participating in nationally recognized research focused on understanding the effect of PFAS on fields receiving municipal sources of biosolids, and reducing and eliminating PFAS concentrations in wastewater and biosolids. We also engage in public outreach and education around limiting PFAS exposure.

What MDE is doing to reduce PFAS from the source

WSSC Water is committed to continue working with the State to implement sustainable solutions for holistic PFAS reduction in biosolids. In August 2024, the Maryland Department of the Environment (MDE) released risk-based tiered recommendations for PFAS in biosolids that prioritize actions based on the level of PFAS risk and ultimately promote risk reduction by source reduction. This approach has demonstrated success in pioneering states like Michigan in keeping high levels of PFAS off agricultural land, reducing industrial sources of PFAS to biosolids, while preserving the renewable resource in biosolids. We support this risk-based policy approach that directs resources to the greatest risk and places the responsibility and cost of PFAS reduction on producers.

IMPACTS OF SB732

Impacts to ratepayers

The proposed bill as written could potentially have the reverse effect, putting the cost on PFAS receivers and ratepayers. MDE has determined that the median level of PFOA and PFOS in biosolids is 4.98 parts per billion (ppb) and 12.7 ppb. SB732 would direct MDE to issue sewage sludge (biosolids) utilization permits for agricultural land application with a limit of 1 microgram per kilogram (equivalent to 1 ppb)

for PFOS or PFOA, effectively banning biosolids land application in the State of Maryland. Landfilling would increase biosolids management costs to our ratepayers by as much as 200 to 250%. Due to the limited capacity of landfills in Maryland, we also expect that as more biosolids are pushed out of Maryland, it will become more difficult and costly to find landfills to accept our biosolids.

Absence of alternatives

Biosolids can be managed by land application, landfilling or incineration, and each method comes with its own environmental considerations. Land application is the only method that returns valuable nutrients and organic materials to the soil. The US Environmental Protection Agency Part 503 Rule sets specific requirements to ensure land application is done safely to protect public health. Landfilling is a final disposal approach, but it is not a preferred approach. Every community has a finite landfill capacity, and landfilling biosolids permanently uses limited landfill space. Biosolids also contribute to landfill methane emissions, and since landfilling does not deal with contaminants at the source, landfill leachate can deliver contaminants back into the environment. Incineration is an energy-intensive process that turns biosolids into ash, carbon dioxide (a greenhouse gas), and regulated air pollutants, but the environmental impacts of polluted air emissions often outweigh the benefits of incineration. For this reason, WSSC Water decommissioned two incinerators, last operated in 2012, as upgrades became prohibitively expensive to continue to meet more stringent air quality standards.

WSSC Water is not currently equipped to destroy the PFAS we receive. The very same properties that make this "forever" chemical resistant to water, oil, grease, and heat are the same properties that make it extremely challenging and expensive to treat. It resists capture and destruction by our existing processes. Building new technologies like pyrolysis or gasification comes at a cost estimate of $175 million. Not only would these technologies destroy the nutrients in biosolids, they are also not proven for long-term or large-scale use. There are no established monitoring methods or policies yet in place to manage PFAS in the resulting air emissions or ash products. If PFAS is not destroyed, it is potentially converted into air pollution over parts of our service area. Consequently, it then becomes a water issue as air emissions travel and rain falls, with no ability to track it.

In closing, WSSC Water appreciates this opportunity to provide testimony on SB732. We continue to advocate for the protection of public health and the environment by stopping PFAS at the source as we seek to manage biosolids responsibly and balance affordability for our ratepayers. If you have any questions, please do not hesitate to contact me at 301-206-8028 or Priscilla.To@wsscwater.com.

Sincerely,

DocuSigned by:
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Priscilla To, PhD, PE
Director
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