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SB 732

February 18, 2025

TO: Members of the Education, Energy, and the Environment Committee

FROM: Nina Themelis, Director of Mayor's Office of Government Relations

RE: **Senate Bill 732 - Sewage Sludge Utilization Permits - Per- and Polyfluoroalkyl Substances - Concentration Limits**

POSITION: Letter of Concern

Chair Feldman, Vice Chair Kagan and Members of the Committee, please be advised that the Baltimore City Administration (BCA) wishes to express concerns with Senate Bill (SB732).

SB732 proposes new amendments to the Maryland Environment Article, focusing on regulating per- and polyfluoroalkyl substances (PFAS) in sewage sludge applied to agricultural land. Under this bill, any sewage sludge utilization permit issued or renewed by the Department of the Environment must limit the concentration of perfluorooctane sulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) to the lowest of three possible thresholds: one microgram per kilogram ($\mu\text{g/kg}$), the level established by health-based standards adopted by the U.S. Environmental Protection Agency, or more stringent limits set by the Department through regulations. Compliance requires independent lab testing within 14 days before land application unless the sludge is delivered directly to the site without storage or mixing. The Department may set stricter PFAS limits or regulate additional substances.

Baltimore City's water and wastewater treatment plants, operated by the Department of Public Works (DPW), treat approximately 200 million gallons of wastewater daily, serving 1.6 million residents. Currently, the Back River and Patapsco plants manage sludge byproducts in compliance with Maryland Department of the Environment (MDE) standards, which establish a tiered approach to PFAS monitoring and biosolid land application, with a maximum allowable limit for PFOS and PFOA of 100 $\mu\text{g/kg}$, beyond which land application must be discontinued. The proposed threshold of 1 $\mu\text{g/kg}$ for PFOS and PFOA poses a far stricter limit, creating significant financial and operational burdens. Given the 2–4 week turnaround for third-party lab results, the proposed two-week standard creates an unachievable compliance timeline, requiring significant investment in testing infrastructure.

Additionally, the proposed legislation would substantially increase operational costs for public utilities, ultimately leading to higher rates for consumers. By imposing an unfunded mandate on utilities, it shifts the financial burden to ratepayers rather than addressing PFAS contamination at its source. Without a clear implementation plan, wastewater operators will be forced to consider costly alternative treatment processes, such as pyrolysis or gasification, which are not yet commercially available in Maryland and have seen limited use nationwide.

While we recognize the need for regulating PFAS to protect public health and the environment, we respectfully ask the committee to **consider these concerns** and their potential impact on public utilities and ratepayers when addressing this bill.