Metropolitan Washington
Council of Governments

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:

On behalf of the Metropolitan Washington Council of Governments (COG) and the Blue Plains Inter Municipal Agreement (IMA) Partners, we wish to express concerns we have with SB 732, Sewage Sludge Utilization Permits - Per- and Polyfluoroalkyl Substances - Concentration Limits.

COG is a nonprofit association with 300 members, including elected officials from 24 local governments, the Maryland and Virginia state legislatures, and U.S. Congress. Each month, over 1,500 officials and experts participate through COG to address significant regional challenges and plan for the future. COG and our member jurisdictions have a long history of partnership with local, state, and federal government in addressing important water resource issues.

The Blue Plains 2012 Intermunicipal Agreement (2012 IMA) is the regional agreement between the IMA Parties that share in the wastewater treatment services provided by the Blue Plains Advanced Wastewater Treatment Plant (Blue Plains). The 2012 IMA was formally adopted on April 3, 2013, by the District of Columbia, DC Water, Fairfax County (VA), Montgomery County (MD), Prince George's County (MD), and WSSC Water.

We support the bill's intent to address PFAS contamination, but COG and the Blue Plains IMA Partners are concerned about the feasibility of implementation, compliance requirements, and the potential for additional limits. Achieving the proposed limit of 1 microgram per kilogram for PFAS in sewage sludge will be technologically and economically challenging and is not possible with treatment processes in place today. The necessary treatment upgrades will likely cost billions of dollars, will take several years to construct, and will have a significant impact on affordability for residents, businesses, and communities at a time when many people are struggling to afford basic necessities. Likewise, farmers in Maryland and elsewhere may be deprived of an important source of inexpensive and effective fertilizer for their operations, further increasing their operational costs and the costs of goods they produce.

The requirements for demonstrating compliance with the proposed limits will also be burdensome, complex, and expensive. We are concerned that authorizing MDE to establish additional limits by regulation without clear criteria may further increase costs and create uncertainty about the implementation of costly new treatment technologies, as mentioned previously. The bill should ensure that any new standards are based on the latest scientific research and consider the practical implications for wastewater treatment operations.

As mentioned previously, we support the bill's intent of reducing PFAS pollution. Wastewater treatment facilities in Maryland and the metropolitan Washington region are leaders in adopting some of the most advanced treatment technologies in the world and have led the way in cleaning up the Chesapeake Bay, the Potomac River, the Anacostia River, and other local waterways. Similar to the Bay restoration efforts, wastewater and drinking water utilities are taking aggressive steps to address PFAS in drinking source water, treated drinking water, and wastewater treatment. For example, wastewater utilities in the COG region, including WSSC Water and DC Water, are national leaders in PFAS research and innovation. This includes supporting ongoing National research on fate and transport of PFAS in biosolids, variability of PFAS compounds in the environment, and innovative wastewater treatment approaches to significantly reduce the amount of PFAS compounds in biosolids and effluent.

We also support the steps taken by the Maryland General Assembly and the Department of the Environment (MDE) to protect citizens from PFAS, including the passage of SB 956 in 2024. The rule requires MDE to identify significant industrial users of PFAS chemicals by October 1, 2024, develop monitoring and testing criteria by January 1, 2025, establish action levels for pretreatment permits by June 1, 2025, and create mitigation plans by September 1, 2025. This includes mandatory PFAS monitoring and testing for significant industrial users and wastewater utilities. Wastewater treatment facilities are "passive receivers" of PFAS compounds through the raw influent that arrives at the treatment plant and were not designed or intended with PFAS treatment capabilities in mind. Efforts to eliminate PFAS pollution at the source are the most effective way to reduce PFAS pollution.

In conclusion, the Council of Governments (COG) values the opportunity to provide testimony on SB 732. Addressing PFAS pollution is a multifaceted challenge that demands thorough scientific analysis to develop effective policies, ensuring minimal impact on ratepayers, agricultural practices, and the environment. We are committed to collaborating with the Maryland General Assembly, the Maryland Department of the Environment, and other stakeholders to devise and implement solutions grounded in scientific evidence. Should you have any questions or concerns, please feel free to contact me at (202) 222-5226 or via email at sbieber@mwcog.org.

Sincerely,

Steve Bieber

Steve Bieber
Water Resources Program Director