



CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF ENGINEERING

Delegate Marc Korman, Chair
Delegate Regina T. Boyce, Vice-Chair
House Environment & Transportation Committee
250 Taylor House Office Building
Annapolis, Maryland 21401

Re: ***House Bill 909/Senate Bill 732: Sewer Sludge Utilization Permits – PFOS
& PFOA - OPPOSED***

February 6, 2025

Dear Chairman Korman and Committee Members:

I'm writing to you to request your support in rejecting the proposed legislation under HB 909 and SB 732 which proposes to restrict land applications of biosolids (or sewage sludge) on agricultural lands produced at treatment plants.

Perfluorooctane Sulfonic Acid (PFOS) and Perfluorooctanic Acid (PFOA) are "forever chemicals" linked to health concerns across the country, most notably in Maine. These compounds are found in sewage but originate in the consumer goods we utilize every day such as dental floss, nonstick coatings and moisture wicking clothing.

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ROBERT L. SMITH, P.E.

The City of Cumberland ("the City") operates a regional water reclamation facility that treats sewage from roughly 44,000 citizens in our region. If the bill is passed as written, the City can expect to raise our sewer rates by nearly double in order to afford the trucking fees to dispose of our sludge at an approved landfill which we have not yet identified. Many landfills are already restrictive of the volume of biosolids they can accept and their existing capacity may already be reserved under existing agreements.

Currently, Maryland Department of Environment (MDE) has offered the following guidance on PFOS/PFOA in relation to land application:

- If the level of PFOS or PFOA is 100 µg/kg (ppb) or above, land application of the biosolids is recommended to be stopped.
- If PFOS or PFOA is at or above 50 µg/kg (ppb), but less than 100 µg/kg (ppb), the recommended application rate for land application of biosolids must be lowered to 1.5 dry tons per acre or less.



MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

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- If PFOS or PFOA is at or above 20 µg/kg (ppb), but less than 50 µg/kg (ppb), the recommended application rate for land application of biosolids must be lowered to 3 dry tons per acre or less.
- Biosolids with a PFOS concentration below 20 µg/kg (ppb) and a PFOA concentration below 20 µg/kg (ppb) may be land applied with no additional requirements after submission of results.

As currently written, treatment plants will not be permitted to facilitate land application of biosolids with PFOS or PFOA concentration higher than 1 µg/kg (ppb) unless the U.S. Environmental Protection Agency or MDE sets a more restrictive level.

Water Reclamation Facility Biosolids data (2022) for PFOS and PFOA concentrations showed that PFOS levels between 4.8 and 6.4 µg/kg (ppb) and PFOA levels measured between 0.31 µg/kg (ppb) to 0.37 µg/kg (ppb). As of January 1, 2025, MDE requires a sampling schedule based on tons of biosolids produced annually. The City is required to sample quarterly under this schedule.

The bill also states that land application can occur if the sludge is tested within 14 days of application. PFOS and PFOA testing is tremendously expensive (\$1,000 per test) and typically takes 14 days (or more) to get the results. Orchestrating the testing and hauling in a 14-day period is not a feasible option for the City. The concessions to allow sludge to be applied after the 14-day window include factors that are outside of the sludge generators control once they leave the respective facility, such as the potential for the receiver to mix the sludge with other materials.

I implore you object to this bill and seek revisions to the legislation. While the City supports efforts to reduce exposure to PFOS and PFOA, we do not believe the current bill reflects a reasonable approach by grossly exceeding MDE's own guidance. The language shifts the burden of treating these chemicals from the industries manufacturing them to your constituents.

If this bill is passed, the City will have to store our biosolids on site until a location can be determined for disposal as our local landfills (Allegany County and Somerset, PA) will not be able to accept all of it due to restrictive capacity. If a new location is not identified within 60 days, we will need to shut down our wastewater facility. I assure you that this is not hyperbole.

The City requests that the bill be revised to comply with existing MDE guidance which I outlined in this letter. Until there is an alternative method for addressing PFOS and PFOA that is readily available to the City and other regions of the State, the General Assembly should be looking to address the areas with highest concentrations of these chemicals based on the required MDE testing instead addressing them in one fell swoop across the State.

Should you have any questions or concerns, please don't hesitate to contact me back at any time by email at robert.smith@cumberlandmd.gov or by phone at 301-759-6601.

Respectfully,



Robert Smith, PE
Director of Engineering and Utilities

cc:

Delegate Dana Stein, House Bill Sponsor

Senator Sara Love, Senate Bill Sponsor

Senator Brian Feldman, Chair, Senate E3 Committee

Senator Cherly Kagan, Vice-Chair, Senate E3 Committee

Allegany County Delegation

Mayor Raymond Morriss, City of Cumberland

Jeffrey Silka, City Administrator, City of Cumberland