

Chapter 329

(Senate Bill 719)

AN ACT concerning

Sewage Sludge – Per- and Polyfluoroalkyl Substances – Regulation

FOR the purpose of establishing restrictions on the land application, on or after a certain date, of sewage sludge ~~or products containing sewage sludge~~ with total concentrations of certain regulated per- and polyfluoroalkyl substances equal to or greater than certain levels; authorizing, on or before a certain date, a person to ~~blend sewage sludge from multiple sources~~ commingle sewage sludge for a certain purpose and subject to certain regulations and requirements; establishing monitoring protocols for certain per- and polyfluoroalkyl substances in certain sewage sludge ~~or products containing sewage sludge~~; authorizing the establishment of pretreatment standards for certain industrial users that discharge certain per- and polyfluoroalkyl substances at levels that exceed certain action levels; authorizing certain local jurisdictions and pretreatment authorities to set certain rates and fees for certain industrial users; encouraging sewage sludge generators to take certain actions with respect to certain per- and polyfluoroalkyl substances; and generally relating to per- and polyfluoroalkyl substances and sewage sludge.

BY repealing and reenacting, without amendments,

Article – Environment

Section 9–201(a), (l), and (m) and 9–230

Annotated Code of Maryland

(2014 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–201(k)

Annotated Code of Maryland

(2014 Replacement Volume and 2025 Supplement)

BY adding to

Article – Environment

Section 9–250

Annotated Code of Maryland

(2014 Replacement Volume and 2025 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Environment

9–201.

(a) In this subtitle the following words have the meanings indicated.

(k) “Sewage” means[:

(1) Any human or animal excretion or water-carried domestic waste; or

(2) A mixture of industrial waste and any of the things in item (1) of this subsection] **THE WATER-CARRIED DOMESTIC WASTE FROM RESIDENCES, BUILDINGS, INDUSTRIAL ESTABLISHMENTS, OR OTHER PLACES.**

(l) “Sewage sludge” means any thickened liquid, suspension, settled solid, or dried residue that a sewage treatment plant extracts from sewage.

(m) (1) “Sewage sludge generator” means a person who owns or operates a facility that receives and processes sewage in this State or produces sewage sludge to be utilized in this State.

(2) “Sewage sludge generator” includes:

(i) The Washington Suburban Sanitary Commission; and

(ii) The Maryland Environmental Service.

(3) “Sewage sludge generator” does not include the owner or operator of a septic system.

9-230.

(a) (1) The Department of the Environment shall adopt regulations to carry out this Part III of this subtitle.

(2) The Department of the Environment may not adopt a regulation or part of a regulation that deals with the land application of sewage sludge without the approval of the Department of Agriculture.

(b) In adopting regulations under this Part III and §§ 9-269 and 9-270 of this subtitle, the Department of the Environment shall consider:

(1) Alternative utilization methods;

(2) Pathogen control;

(3) Advertising requirements for public hearings and public information meetings;

- (4) Performance bonds, liability insurance, or other forms of security;
- (5) Procedures for notifying units of local government and other interested parties; and
- (6) Adequate standards for transporting sewage sludge, including requirements for enclosing or covering sewage sludge during transportation.

(c) In addition to the considerations under subsection (b) of this section, in adopting regulations for the land application of sewage sludge, the Department of the Environment shall consider:

- (1) Methods for calculating loading rates that:
 - (i) Will assure nondegradation of the groundwater supply; and
 - (ii) For agricultural land, shall be limited by the nutrient requirements of crop or cover vegetation, as recommended by the Department of Agriculture;
- (2) The crops that are to be grown on land on which sewage sludge may be applied;
- (3) The nature of any nearby surface water or groundwater;
- (4) The character of any affected area;
- (5) The character of nearby existing or planned land uses and transport routes;
- (6) The nearness of the land on which sewage sludge may be applied to sensitive areas, including flood plains, wetlands, and areas of critical concern;
- (7) The definitions of:
 - (i) Sewage sludge that is unsuitable for application to agricultural land;
 - (ii) Agricultural land;
 - (iii) Marginal land; and
 - (iv) Compost;
- (8) Acceptable cumulative loading rates, including rates for nitrogen and heavy metals;

(9) Special requirements of land used for producing tobacco; and

(10) Reasonable buffer areas to separate any home or other property from land on which sewage sludge may be applied.

(d) (1) The Department shall adopt regulations to establish a mechanism for determining annual generator's fees.

(2) The regulations shall provide for public input into the development of fee schedules.

(3) The fee schedules shall take into account:

(i) The volume of sewage sludge generated by a sewage sludge generator;

(ii) The method by which the sewage sludge is utilized;

(iii) The anticipated costs of monitoring and regulating sewage sludge utilization sites;

(iv) The anticipated needs of the State's sewage sludge regulation program; and

(v) The potential hazard of the sewage sludge generator's activities to public health, safety, or welfare or to the environment.

9-250.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “COMMINGLE” MEANS TO MIX TREATED SEWAGE SLUDGE WITH OTHER MATERIALS FOR THE PURPOSE OF REDUCING THE CONCENTRATION OF REGULATED PFAS.

~~(2)~~ (3) “CONCENTRATION OF REGULATED PFAS” MEANS THE TOTAL CONCENTRATION, AS MEASURED IN ACCORDANCE WITH MONITORING PROTOCOLS ESTABLISHED UNDER SUBSECTION (G) OF THIS SECTION, OF THE FOLLOWING PER- AND POLYFLUOROALKYL SUBSTANCES:

(I) PFOA;

(II) PFOS; OR

(III) A MIXTURE OF PFOA AND PFOS.

~~(3)~~ (4) “PFOS” MEANS PERFLUOROOCTANE SULFONIC ACID.

~~(4)~~ (5) “PFOA” MEANS PERFLUOROOCTANOIC ACID.

(B) THIS SECTION APPLIES ~~ONLY TO THE LAND APPLICATION OF ALL SEWAGE SLUDGE AND PRODUCTS CONTAINING SEWAGE SLUDGE THAT ARE INTENDED FOR LAND APPLICATION IN THE STATE.~~

(C) ON OR AFTER OCTOBER 1, ~~2027~~ 2028:

(1) A PERSON MAY NOT APPLY SEWAGE SLUDGE ~~OR A PRODUCT CONTAINING SEWAGE SLUDGE~~ TO AGRICULTURAL OR MARGINAL LAND IF THE SEWAGE SLUDGE ~~OR PRODUCT CONTAINING SEWAGE SLUDGE~~ HAS A TOTAL CONCENTRATION OF REGULATED PFAS EQUAL TO OR GREATER THAN 50 PARTS PER BILLION; AND

(2) IF SEWAGE SLUDGE ~~OR A PRODUCT CONTAINING SEWAGE SLUDGE~~ HAS A TOTAL CONCENTRATION OF REGULATED PFAS THAT IS EQUAL TO OR GREATER THAN 25 PARTS PER BILLION BUT LESS THAN 50 PARTS PER BILLION, A PERSON MAY APPLY THE SEWAGE SLUDGE ~~OR PRODUCT CONTAINING SEWAGE SLUDGE~~ TO AGRICULTURAL OR MARGINAL LAND ONLY IN ACCORDANCE WITH SUBSECTIONS (E) AND (F) OF THIS SECTION.

(D) (1) ~~ON OR BEFORE SEPTEMBER 30, 2029,~~ AFTER OCTOBER 1, 2028, IF A SEWAGE SLUDGE GENERATOR DETERMINES, THROUGH MONITORING PROTOCOLS ESTABLISHED UNDER SUBSECTION (G) OF THIS SECTION, THAT ITS SEWAGE SLUDGE HAS A TOTAL CONCENTRATION OF REGULATED PFAS THAT IS EQUAL TO OR GREATER THAN 25 PARTS PER BILLION BUT LESS THAN 50 PARTS PER BILLION, SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION AND IN ACCORDANCE WITH DEPARTMENT REGULATIONS:

(I) ~~A PERSON MAY BLEND SEWAGE SLUDGE FROM MULTIPLE SOURCES~~ FOR A PERIOD OF NOT MORE THAN 2 YEARS FOLLOWING THE DATE THE DETERMINATION IS MADE, THE SEWAGE SLUDGE MAY BE COMMINGLED TO REDUCE THE TOTAL CONCENTRATION OF REGULATED PFAS IN THE FINAL MATERIAL TO LEVELS BELOW 25 PARTS PER BILLION; AND

(II) SEWAGE SLUDGE ~~OR A PRODUCT CONTAINING SEWAGE SLUDGE BLENDED~~ COMMINGLED IN ACCORDANCE WITH ITEM (I) OF THIS

PARAGRAPH MAY NOT BE SUBJECT TO THE TEMPORARY ALTERNATIVE MANAGEMENT MEASURES SPECIFIED IN SUBSECTION (E) OF THIS SECTION.

(2) (I) A PERSON THAT ~~BLENDS OR OTHERWISE~~ COMMINGLES SEWAGE SLUDGE FOR THE PURPOSE OF LAND APPLICATION SHALL MONITOR FOR THE PRESENCE OF PFOS AND PFOA AT LEAST ONCE PER MONTH, USING A REPRESENTATIVE SAMPLE, IN ACCORDANCE WITH PROTOCOLS ESTABLISHED UNDER SUBSECTION (G) OF THIS SECTION.

(II) IF THE TOTAL CONCENTRATION OF REGULATED PFAS IN THE ~~BLENDED~~ COMMINGLED PRODUCT IS EQUAL TO OR GREATER THAN 25 PARTS PER BILLION, THE PERSON:

1. SHALL IMMEDIATELY NOTIFY THE DEPARTMENT;
AND

2. MAY NOT APPLY THE ~~BLENDED~~ COMMINGLED PRODUCT TO LAND UNTIL THE PERSON DEMONSTRATES, THROUGH ADDITIONAL MONITORING, THAT THE TOTAL CONCENTRATION OF REGULATED PFAS IN THE ~~BLENDED~~ COMMINGLED PRODUCT HAS BEEN REDUCED TO LEVELS BELOW 25 PARTS PER BILLION.

(E) (1) THIS SUBSECTION APPLIES ONLY TO THE LAND APPLICATION ON OR AFTER OCTOBER 1, 2028, OF SEWAGE SLUDGE ~~OR PRODUCTS CONTAINING SEWAGE SLUDGE~~ THAT ~~HAVE~~ HAS A TOTAL CONCENTRATION OF REGULATED PFAS THAT IS EQUAL TO OR GREATER THAN 25 PARTS PER BILLION BUT LESS THAN 50 PARTS PER BILLION.

(2) ~~FOR A PERIOD OF NOT MORE THAN 12 MONTHS, AND PENDING THE DEVELOPMENT AND APPROVAL OF A MITIGATION PLAN~~ DURING THE DEVELOPMENT AND IMPLEMENTATION OF THE SOURCE TRACKING STUDY AND MITIGATION PLAN REQUIRED UNDER SUBSECTION (F) OF THIS SECTION, A PERSON MAY APPLY SEWAGE SLUDGE ~~AND OTHER PRODUCTS~~ DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO LAND:

(I) AT A RATE THAT DOES NOT EXCEED 3 DRY METRIC TONS PER ~~HECTARE~~ ACRE; AND

(II) SUBJECT TO:

1. THE SAME SETBACK REQUIREMENTS ESTABLISHED IN REGULATION FOR CLASS B BIOSOLIDS; ~~AND~~

2. ADDITIONAL SETBACKS FOR LAND APPLICATION NEAR PUBLIC AND PRIVATE WATER SUPPLY WELLS DEVELOPED BY THE DEPARTMENT AFTER CONSULTATION WITH ADJACENT LANDOWNERS AND COUNTY AND MUNICIPAL OFFICIALS FROM EACH LOCAL JURISDICTION LOCATED WITHIN 1 MILE OF THE PROPERTY BOUNDARY; AND

3. PARAGRAPH (3) OF THIS SUBSECTION.

(3) AT LEAST 14 DAYS BEFORE LAND APPLYING SEWAGE SLUDGE DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE LAND APPLIER SHALL PROVIDE NOTICE OF THE CONCENTRATION OF REGULATED PFAS IN THE SEWAGE SLUDGE TO:

(i) THE OWNER OR OPERATOR OF THE LAND ON WHICH THE SEWAGE SLUDGE WILL BE APPLIED;

(ii) THE OWNER OF EACH PARCEL OF LAND ADJOINING THE LAND TO WHICH THE SEWAGE SLUDGE WILL BE APPLIED; AND

(iii) THE LOCAL GOVERNMENT FOR EACH COUNTY AND MUNICIPALITY IN WHICH THE LAND TO WHICH THE SEWAGE SLUDGE WILL BE APPLIED IS LOCATED.

(F) (1) THIS SUBSECTION APPLIES ONLY TO A SEWAGE SLUDGE GENERATOR THAT PRODUCES SEWAGE SLUDGE THAT IS INTENDED FOR LAND APPLICATION.

(2) IF A SEWAGE SLUDGE GENERATOR DETERMINES, THROUGH MONITORING PROTOCOLS ESTABLISHED UNDER SUBSECTION (G) OF THIS SECTION, THAT ITS SEWAGE SLUDGE HAS A TOTAL CONCENTRATION OF PFAS THAT IS EQUAL TO OR GREATER THAN 25 PARTS PER BILLION, THE SEWAGE SLUDGE GENERATOR SHALL:

(i) COMPLETE A SOURCE TRACKING STUDY IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION; AND

(ii) DEVELOP A MITIGATION PLAN IN ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION.

(3) A SOURCE TRACKING STUDY CONDUCTED UNDER THIS SUBSECTION SHALL BE DESIGNED TO DETERMINE THE CONTRIBUTIONS OF SOURCES OF PFOS AND PFOA TO THE WASTEWATER TREATMENT SYSTEM WITH

SUFFICIENT SPECIFICITY TO ALLOW THE SEWAGE SLUDGE GENERATOR AND THE DEPARTMENT TO REDUCE OR PREVENT THE RELEASE OF PFOA AND PFOS FROM CONTROLLABLE SOURCES IN ACCORDANCE WITH APPLICABLE LAW.

(4) (I) A MITIGATION PLAN DEVELOPED UNDER THIS SUBSECTION SHALL:

1. BE DEVELOPED IN CONSULTATION WITH THE DEPARTMENT;

2. IDENTIFY SIGNIFICANT SOURCES OF PFOA AND PFOS LOADING TO THE WASTEWATER TREATMENT SYSTEM;

3. INCLUDE ACTIONS THAT THE SEWAGE SLUDGE GENERATOR CAN IMPLEMENT, OR REQUIRE SOURCES OF PFOA AND PFOS LOADING TO IMPLEMENT, TO REDUCE THE TOTAL CONCENTRATION OF REGULATED PFAS TO LEVELS BELOW 25 PARTS PER BILLION;

4. TAKE INTO CONSIDERATION INNOVATIVE SOLUTIONS AND LONG-TERM MITIGATION APPROACHES, CONSISTENT WITH APPLICABLE LAWS, REGULATIONS, AND OTHER REQUIREMENTS; AND

5. INCLUDE A REASONABLE TIMELINE, NOT TO EXCEED ~~2 YEARS~~ 5 YEARS FROM THE DATE A DETERMINATION IS MADE UNDER PARAGRAPH (2) OF THIS SUBSECTION, FOR IMPLEMENTING THE MITIGATION PLAN.

(II) THE ELEMENTS AND STRATEGIES IDENTIFIED IN A MITIGATION PLAN DEVELOPED UNDER THIS SUBSECTION MAY INCLUDE:

1. THE EXERCISE OF PRETREATMENT CONTROL AUTHORITIES IN ACCORDANCE WITH SUBSECTION (H) OF THIS SECTION TO REDUCE LOADING FROM INDUSTRIAL USERS;

2. THE INSTALLATION OF TREATMENT SOLUTIONS AT POINTS OF ENTRY OR CONCENTRATION IN THE SANITARY SEWER SYSTEMS THAT CONTAIN SIGNIFICANT LEVELS OF PFOS OR PFOA; OR

3. THE INSTALLATION OF SYSTEM-SCALE TREATMENT SOLUTIONS TO REDUCE THE TOTAL CONCENTRATION OF REGULATED PFAS TO LEVELS BELOW 25 PARTS PER BILLION.

(III) IF, DURING THE MONITORING PERIOD FOR WHICH THE TOTAL CONCENTRATION OF PFAS WAS DETERMINED TO BE EQUAL TO OR GREATER THAN 25 PARTS PER BILLION, THE INDIVIDUAL SAMPLES WERE WITHIN THE MARGIN OF ERROR OR DETECTION LIMIT FOR THE LABORATORY PERFORMING THE SAMPLE ANALYSIS, THE MITIGATION PLAN SHALL INCLUDE ADDITIONAL TESTING REQUIREMENTS AND TIMELINES DEVELOPED IN CONSULTATION WITH THE DEPARTMENT.

(5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A SEWAGE SLUDGE GENERATOR SHALL SUBMIT A MITIGATION PLAN REQUIRED UNDER THIS SUBSECTION TO THE DEPARTMENT WITHIN 6 MONTHS AFTER COMPLETION OF THE SOURCE TRACKING STUDY REQUIRED UNDER THIS SUBSECTION.

(II) A SEWAGE SLUDGE GENERATOR MAY REQUEST AND THE DEPARTMENT MAY GRANT A SINGLE EXTENSION ON THE DEVELOPMENT AND SUBMISSION OF A MITIGATION PLAN UNDER THIS SUBSECTION BASED ON:

- 1. EXIGENT CIRCUMSTANCES; OR**
- 2. CONSIDERATIONS RELATED TO THE INVESTIGATION AND DESIGN OF MANAGEMENT APPROACHES OR TREATMENT OPTIONS.**

(6) (I) THE DEPARTMENT SHALL REVIEW EACH MITIGATION PLAN SUBMITTED UNDER THIS SUBSECTION AND MAY APPROVE, DENY, OR SUGGEST CHANGES TO THE MITIGATION PLAN.

(II) IN REVIEWING A MITIGATION PLAN SUBMITTED UNDER THIS SUBSECTION, THE DEPARTMENT SHALL CONSIDER THE COST OF IMPLEMENTING MITIGATION OPTIONS.

(7) A SEWAGE SLUDGE GENERATOR:

(I) SHALL COMPLY WITH THE PROVISIONS OF AN APPROVED MITIGATION PLAN; AND

(II) MAY NOT APPLY SEWAGE SLUDGE ~~OR A PRODUCT CONTAINING SEWAGE SLUDGE~~ TO LAND IF THE DEPARTMENT HAS DETERMINED THAT THE GENERATOR IS OUT OF COMPLIANCE WITH THE PROVISIONS OF AN APPROVED MITIGATION PLAN.

(8) THE DEPARTMENT SHALL PROVIDE A SEWAGE SLUDGE GENERATOR WITH REASONABLE TECHNICAL ASSISTANCE IN THE DEVELOPMENT OF A SOURCE TRACKING STUDY AND MITIGATION PLAN UNDER THIS SUBSECTION.

(G) (1) ~~(I) FOR EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOR THE PURPOSE OF ASSESSING COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION, THE TOTAL CONCENTRATION OF REGULATED PFAS IN SEWAGE SLUDGE OR A PRODUCT CONTAINING SEWAGE SLUDGE SHALL BE DETERMINED BY TAKING THE AVERAGE OF SAMPLES TAKEN IN ACCORDANCE WITH THIS SUBSECTION OVER THE IMMEDIATELY PRECEDING 12 MONTHS.~~

~~(2)~~ ~~(I)~~ EACH SAMPLE SHALL BE TAKEN:

~~(I)~~ 1. DURING NORMAL OPERATING CONDITIONS, AS SPECIFIED IN DEPARTMENT REGULATIONS;

~~(II)~~ ~~AT THE POINT WHERE SEWAGE SLUDGE LEAVES THE WASTEWATER TREATMENT FACILITY; AND~~

~~(III)~~ 2. AT A FREQUENCY SPECIFIED BY THE DEPARTMENT IN REGULATION, BUT NOT LESS THAN QUARTERLY.

~~(2) ON OR BEFORE OCTOBER 1, 2027 FOR A PERIOD OF NOT MORE THAN 12 MONTHS FOLLOWING THE DATE THAT COMMINGLING OPERATIONS BEGIN, A COMMINGLING OPERATION MAY USE A MASS BALANCE CALCULATION TO DETERMINE THE CONCENTRATION OF REGULATED PFAS IN THE COMMINGLED PRODUCT.~~

(3) (I) SAMPLES SHALL BE ANALYZED ~~USING A METHOD APPROVED BY THE DEPARTMENT AND CONDUCTED BY A LABORATORY CERTIFIED TO PERFORM THE METHOD AND SUBJECT TO A LABORATORY LEVEL OF QUANTITATION FOR BIOSOLIDS ANALYSIS NOT TO EXCEED 2 PARTS PER BILLION;~~

1. USING THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S METHOD 1633A OR AN EQUIVALENT METHOD APPROVED BY THE DEPARTMENT;

2. AT A CERTIFIED OR ACCREDITED LABORATORY; AND

3. SUBJECT TO A REPORTING LEVEL ESTABLISHED BY THE DEPARTMENT.

(ii) THE DEPARTMENT SHALL ASSIST SEWAGE SLUDGE GENERATORS IN IDENTIFYING QUALIFIED LABORATORIES UNDER THIS PARAGRAPH.

(4) THE DEPARTMENT MAY ESTABLISH ADDITIONAL MONITORING REQUIREMENTS FOR MATERIALS ~~BLENDED~~ COMMINGLED IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

(H) (1) IN ACCORDANCE WITH THE FEDERAL CLEAN WATER ACT, THE DEPARTMENT AND PRETREATMENT AUTHORITIES MAY ESTABLISH PRETREATMENT STANDARDS FOR INDUSTRIAL USERS THAT DISCHARGE PER- AND POLYFLUOROALKYL SUBSTANCES AT LEVELS THAT EXCEED ACTION LEVELS ESTABLISHED BY THE DEPARTMENT OR THE PRETREATMENT AUTHORITY UNDER AN INDUSTRIAL PRETREATMENT PROGRAM.

(2) IF A PUBLICLY OWNED TREATMENT WORKS DOES NOT HAVE AN INDUSTRIAL PRETREATMENT PROGRAM, AND IT IS DETERMINED THAT SEWAGE SLUDGE PRODUCED FOR LAND APPLICATION BY THE PUBLICLY OWNED TREATMENT WORKS HAS A TOTAL CONCENTRATION OF REGULATED PFAS EQUAL TO OR GREATER THAN 25 PARTS PER BILLION, THE DEPARTMENT SHALL, IN CONSULTATION WITH THE PUBLICLY OWNED TREATMENT WORKS, ~~DEVELOP DISCHARGE PERMITS FOR INDUSTRIAL USERS IN A MANNER CALCULATED TO ESTABLISH LOCAL LIMITS FOR PER- AND POLYFLUOROALKYL SUBSTANCES CONSISTENT WITH EXISTING AUTHORITIES UNDER THE FEDERAL CLEAN WATER ACT~~ EVALUATE THE CONTRIBUTION FROM INDUSTRIAL USERS AND DETERMINE APPROPRIATE CONTROLS TO MEET APPLICABLE STANDARDS.

(3) THE DEPARTMENT SHALL:

(i) ISSUE GUIDANCE TO SUPPORT PUBLICLY OWNED TREATMENT WORKS IN THE IMPLEMENTATION OF THIS SUBSECTION; AND

(ii) PROVIDE REASONABLE TECHNICAL ASSISTANCE AS REQUESTED BY LOCAL JURISDICTIONS IN THE EXERCISE OF LOCAL LIMITS AUTHORITY UNDER THE FEDERAL CLEAN WATER ACT.

(4) A LOCAL JURISDICTION OR A PRETREATMENT AUTHORITY MAY SET APPROPRIATE RATES AND FEES FOR INDUSTRIAL USERS, INDIVIDUALLY OR AS A CLASS, THAT ARE DETERMINED TO DISCHARGE PER- AND POLYFLUOROALKYL SUBSTANCES INTO THE WASTEWATER TREATMENT SYSTEM AT LEVELS THAT NECESSITATE THE IMPLEMENTATION OF MITIGATION MEASURES.

(5) THIS SECTION MAY NOT BE INTERPRETED TO LIMIT THE AUTHORITY OF A LOCAL JURISDICTION OR A PRETREATMENT AUTHORITY TO SET LOCAL LIMITS THAT LEAD TO REDUCTIONS OF PER- AND POLYFLUOROALKYL SUBSTANCES THAT EXCEED THE REDUCTIONS REQUIRED UNDER THIS SECTION.

(I) ALL SEWAGE SLUDGE GENERATORS ARE ENCOURAGED TO IDENTIFY POTENTIAL SOURCES OF PFOA AND PFOS LOADING TO THEIR WASTEWATER TREATMENT SYSTEMS AND TO TAKE STEPS TO REDUCE THE TOTAL CONCENTRATION OF REGULATED PFAS IN THE SEWAGE SLUDGE PRODUCED BY THOSE SYSTEMS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Approved by the Governor, April 28, 2026.