

# SENATE BILL 719

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CF HB 925

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By: **Senators Love and Hester**

Introduced and read first time: February 6, 2026

Assigned to: Education, Energy, and the Environment

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## A BILL ENTITLED

1 AN ACT concerning

2 **Sewage Sludge – Per- and Polyfluoroalkyl Substances – Regulation**

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

17 BY repealing and reenacting, without amendments,  
18 Article – Environment  
19 Section 9–201(a), (l), and (m) and 9–230  
20 Annotated Code of Maryland  
21 (2014 Replacement Volume and 2025 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article – Environment  
24 Section 9–201(k)  
25 Annotated Code of Maryland  
26 (2014 Replacement Volume and 2025 Supplement)

27 BY adding to  
28 Article – Environment

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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) "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:

1 (I) PFOA;

2 (II) PFOS; OR

3 (III) A MIXTURE OF PFOA AND PFOS.

4 (3) "PFOS" MEANS PERFLUOROOCTANE SULFONIC ACID.

5 (4) "PFOA" MEANS PERFLUOROOCTANOIC ACID.

6 (B) THIS SECTION APPLIES ONLY TO SEWAGE SLUDGE AND PRODUCTS  
7 CONTAINING SEWAGE SLUDGE THAT ARE INTENDED FOR LAND APPLICATION.

8 (C) ON OR AFTER OCTOBER 1, 2027:

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

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

20 (D) (1) ON OR BEFORE SEPTEMBER 30, 2029, SUBJECT TO THE  
21 REQUIREMENTS OF THIS SUBSECTION AND IN ACCORDANCE WITH DEPARTMENT  
22 REGULATIONS:

23 (I) A PERSON MAY BLEND SEWAGE SLUDGE FROM MULTIPLE  
24 SOURCES TO REDUCE THE TOTAL CONCENTRATION OF REGULATED PFAS IN THE  
25 FINAL MATERIAL TO LEVELS BELOW 25 PARTS PER BILLION; AND

26 (II) SEWAGE SLUDGE OR A PRODUCT CONTAINING SEWAGE  
27 SLUDGE BLENDED IN ACCORDANCE WITH ITEM (I) OF THIS PARAGRAPH MAY NOT BE  
28 SUBJECT TO THE TEMPORARY ALTERNATIVE MANAGEMENT MEASURES SPECIFIED  
29 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 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 PRODUCT TO LAND UNTIL THE PERSON DEMONSTRATES, THROUGH ADDITIONAL MONITORING, THAT THE TOTAL CONCENTRATION OF REGULATED PFAS IN THE BLENDED PRODUCT HAS BEEN REDUCED TO LEVELS BELOW 25 PARTS PER BILLION.**

**(E) (1) THIS SUBSECTION APPLIES ONLY TO THE LAND APPLICATION OF SEWAGE SLUDGE OR PRODUCTS CONTAINING SEWAGE SLUDGE THAT HAVE 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 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; 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.**

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

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

9                       **(I) COMPLETE A SOURCE TRACKING STUDY IN ACCORDANCE**  
10 **WITH PARAGRAPH (3) OF THIS SUBSECTION; AND**

11                      **(II) DEVELOP A MITIGATION PLAN IN ACCORDANCE WITH**  
12 **PARAGRAPH (4) OF THIS SUBSECTION.**

13           **(3) A SOURCE TRACKING STUDY CONDUCTED UNDER THIS**  
14 **SUBSECTION SHALL BE DESIGNED TO DETERMINE THE CONTRIBUTIONS OF**  
15 **SOURCES OF PFOS AND PFOA TO THE WASTEWATER TREATMENT SYSTEM WITH**  
16 **SUFFICIENT SPECIFICITY TO ALLOW THE SEWAGE SLUDGE GENERATOR AND THE**  
17 **DEPARTMENT TO REDUCE OR PREVENT THE RELEASE OF PFOA AND PFOS FROM**  
18 **CONTROLLABLE SOURCES IN ACCORDANCE WITH APPLICABLE LAW.**

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

21                               **1. BE DEVELOPED IN CONSULTATION WITH THE**  
22 **DEPARTMENT;**

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

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

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

32                               **5. INCLUDE A REASONABLE TIMELINE, NOT TO EXCEED**  
33 **2 YEARS, 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.



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

4                   (7) A SEWAGE SLUDGE GENERATOR:

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

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

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

14                  (G) (1) FOR THE PURPOSE OF ASSESSING COMPLIANCE WITH THE  
15 REQUIREMENTS OF THIS SECTION, THE TOTAL CONCENTRATION OF REGULATED  
16 PFAS IN SEWAGE SLUDGE OR A PRODUCT CONTAINING SEWAGE SLUDGE SHALL BE  
17 DETERMINED BY TAKING THE AVERAGE OF SAMPLES TAKEN IN ACCORDANCE WITH  
18 THIS SUBSECTION OVER THE IMMEDIATELY PRECEDING 12 MONTHS.

19                  (2) EACH SAMPLE SHALL BE TAKEN:

20                  (I) DURING NORMAL OPERATING CONDITIONS, AS SPECIFIED  
21 IN DEPARTMENT REGULATIONS;

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

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

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

30                  (II) THE DEPARTMENT SHALL ASSIST SEWAGE SLUDGE  
31 GENERATORS IN IDENTIFYING QUALIFIED LABORATORIES UNDER THIS  
32 PARAGRAPH.

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

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

10           (2) IF A PUBLICLY OWNED TREATMENT WORKS DOES NOT HAVE AN  
11 INDUSTRIAL PRETREATMENT PROGRAM, AND IT IS DETERMINED THAT SEWAGE  
12 SLUDGE PRODUCED FOR LAND APPLICATION BY THE PUBLICLY OWNED TREATMENT  
13 WORKS HAS A TOTAL CONCENTRATION OF REGULATED PFAS EQUAL TO OR  
14 GREATER THAN 25 PARTS PER BILLION, THE DEPARTMENT SHALL, IN  
15 CONSULTATION WITH THE PUBLICLY OWNED TREATMENT WORKS, DEVELOP  
16 DISCHARGE PERMITS FOR INDUSTRIAL USERS IN A MANNER CALCULATED TO  
17 ESTABLISH LOCAL LIMITS FOR PER- AND POLYFLUOROALKYL SUBSTANCES  
18 CONSISTENT WITH EXISTING AUTHORITIES UNDER THE FEDERAL CLEAN WATER  
19 ACT.

20           (3) THE DEPARTMENT SHALL:

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

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

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

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

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

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