

Maryland-Delaware Solid Waste Association

a chapter of the

**National
Waste & Recycling
AssociationSM**

Collect. Recycle. Innovate.

TO: The Honorable Marc Korman, Chair
Members, House Environment and Transportation Committee
The Honorable Sara Love

FROM: Andrew G. Vetter
Pamela Metz Kasemeyer
J. Steven Wise
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DATE: March 1, 2024

RE: **OPPOSE** – House Bill 1153 – *Environment – Water Pollution Control – Protecting State Waters from PFAS Pollution (Protecting State Waters From PFAS Pollution Act)*

The Maryland Delaware Solid Waste Association (MDSWA), a chapter of the National Waste and Recycling Association, is a trade association representing the private solid waste industry in the State of Maryland. Its membership includes hauling and collection companies, processing and recycling facilities, transfer stations, and disposal facilities. MDSWA and its members **oppose** House Bill 1153.

House Bill 1153 establishes a discharge limit for PFAS chemicals in any water discharged by a significant industrial user. The bill defines “significant industrial user” as a user that discharges an average of 25,000 gallons per day or more of processed wastewater to a wastewater treatment facility. The bill could also apply to any user that a publicly owned treatment works (POTW) designates as a significant industrial user on the basis that the user has a reasonable potential for adversely affecting the wastewater treatment plant’s operations.

While MDSWA appreciates the intentions of the bill sponsors to protect our waterways from contamination, we have concerns about compliance with the bill and the lack of alternatives for landfilled waste. PFAS are commonly used in many different products we encounter in our daily lives, many of which get thrown away and ultimately end up in landfills. PFAS may then appear in landfill leachate because they filter out of the deposited waste materials as they naturally degrade. Landfill leachate is collected and treated to remove contaminants.

It is important to highlight that landfills are not producers of PFAS. Nor do landfills utilize or profit from PFAS chemicals. Landfills, which provide an essential public service, are “receivers” of these chemicals used by manufacturers and everyday consumers, and merely convey and/or manage the traces of PFAS coming into our systems daily. In order to address the true sources of these chemicals, it is imperative to discontinue and phase out production and use (both domestic and foreign) at manufacturing

facilities and find safer alternatives. As long as PFAS are elements of products used in our everyday lives, and background levels resulting from decades of manufacturing and use persist, these chemicals will continue to be found in “receiver” streams.

Given that landfills are seemingly impacted by this bill, and that they perform an essential public service and are only “receivers” of PFAS chemicals, we have concerns about the requirements and limits imposed by the legislation. The industry believes additional research should be done to determine whether the limits imposed by the bill are the right ones. A stringent state-level requirement on PFAS could have significant unintended impacts on public and private landfills. If such facilities are deemed unusable under the bill, they may need to install prohibitively expensive supplemental treatment systems. Additionally, policies that limit the landfill disposal of PFAS containing waste could force alternative means of disposal that are less protective of public health and the environment.

Further, the ability to designate a user as a significant industrial user on the “reasonable potential for adversely affecting the wastewater treatment plant’s operations” is broad and can result in a wide range of discretion. We believe this authority should be more specifically described in the bill.

MDSWA urges a carefully considered approach on how to manage PFAS holistically. Targeting PFAS at a receiving source, such as a landfill, will not alter the reality that products containing PFAS will continue to enter the waste stream. MDSWA believes that the most significant action we can take today is removing these chemicals from the stream of commerce and continuing to pursue and remediate highly contaminated sites.

MDSWA would gladly participate in any ongoing discussions about how to most effectively remove PFAS from the waste stream and the resulting leachate. We believe such discussions are a prerequisite to any new restrictions, such as those imposed by the bill to account for all potential consequences.

For more information call:

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