



**The Maryland Department of the Environment  
Secretary Serena McIlwain**

***HB 909  
Sewage Sludge Utilization Permits - Per- and Polyfluoroalkyl Substances -  
Concentration Limits***

**Position:** Support with Amendments

**Committee:** Environment and Transportation

**Date:** February 26, 2025

**From:** Leslie Gray, Government Relations Officer

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The Maryland Department of the Environment (MDE) **SUPPORTS** HB 909 **WITH AMENDMENTS**.

**Bill Summary**

This legislation would require certain sewage sludge utilization permits issued or renewed by the Department to limit the concentration of certain PFAS substances in biosolids being applied to agricultural lands.

**Position Rationale**

Managing PFAS levels in biosolids is an important strategy in protecting the public health and environment. Additionally, the land application of biosolids is an important tool for Maryland to meet its Chesapeake Bay water quality and climate goals. Not only does the land application of biosolids add bacteria and organic matter to soil, but land application of biosolids also improves the tillability and moisture retention capability of soil. Thereby reducing nutrient runoff, and helping to sequester carbon into the soil. If farmers had to use commercial fertilizer, this may inadvertently increase nutrient runoff and increase carbon emissions.

The sewage sludge utilization permit limit on the total concentration of PFOS and PFOA proposed in HB 909, effectively restricts the land application of any Class B biosolids on agricultural land. Given a cursory review of Maryland wastewater treatment plant PFAS data, MDE expects that no biosolids in Maryland are meeting the 1 ppb limit in this legislation. This will result in MDE needing to permit the remaining 17 landfills (10 currently permitted), to account for the significant volume of biosolids that would need to be disposed of. Moreover, biosolids may have to be disposed of out of state, increasing costs on wastewater treatment plants. Additionally, 250 farmers will no longer be able to utilize biosolids as a nutrient source, forcing them to procure more expensive nutrient sources.

**Proposed Amendments**

MDE proposes that the legislation provide for an immediate ban on the land application of sewage sludge containing a mixture of PFOA and PFOS at or above 100 ppb. The legislation should direct MDE within 3 years to develop a technologically and economically feasible standard for mixtures of PFOA and PFOS, using 1ppb as a presumptive baseline and require such standard to be incorporated within all sewage

sludge utilization permits within a reasonable timeframe after promulgation. Further, the legislation should be amended to codify MDE's current guidance as interim guidance during the period preceding incorporation of a final standard. This is consistent with land application guidelines and established limits in other states. Additionally, the Department recommends amendments to authorize MDE to establish workable sampling and testing protocols through evaluating the capacity, costs, and feasibility of a sampling testing program. The Department could issue guidance, within 180 days of enactment, on monitoring for PFOA and PFOS prior to land application while the Department develops formal regulations, to include sampling and testing protocols. Further, the Department could be instructed to revise such standards periodically to incorporate additional PFAS, as appropriate.

For the reasons detailed above MDE asks for a **FAVORABLE WITH AMENDMENTS** report for HB 909.