



## House Bill 909

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

MACo Position:

#### **LETTER OF INFORMATION**

Date: February 26, 2025

To: Environment and Transportation  
Committee

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) offers a **Letter of Information** on HB 909. This bill places new limitations on the use of certain byproducts from wastewater treatment processing that meet certain per- and polyfluoroalkyl substances (PFAS) thresholds.

Sewage sludge from wastewater treatment facilities is commonly repurposed for various beneficial uses, primarily in agriculture and land reclamation. Rich in organic matter and nutrients like nitrogen and phosphorus, treated sludge—often referred to as biosolids—can be applied as fertilizer to improve soil health and crop yields. Currently, in Maryland, approximately fifty percent of the biosolids from wastewater treatment facilities are used in agriculture.

HB 909 would limit the use of biosolids based on certain PFAS thresholds. As the primary operators of nearly all public infrastructure in Maryland, counties stand on the front line in mitigating the growing number of health threats resulting from PFAS contamination. One of the growing challenges with mitigation is deciding who will ultimately bear the financial responsibility: at-large taxpayers or culpable polluters. Counties are concerned as HB 909 would, whether intentionally or not, place a significant financial burden on local taxpayers, one coming at the same time as counties struggle to meet growing Blueprint obligations and grapple with a shrinking level of support from the federal government. For context, when Maine implemented similar restrictions on biosolids, costs for disposal of this material nearly doubled.

Additionally, counties echo the same concerns voiced by the Maryland Association of Municipal Wastewater Agencies (MAMWA),

***HB 909 is based on a narrowly tailored draft risk assessment.** MAMWA believes that the 1 microgram per kilogram in the bill is borrowed from EPA's recent draft risk assessment for PFOA and PFOS in biosolids. It is important to note that EPA did not identify any risk from PFOA and PFOS in biosolids to the public or any direct impact of risk to the general food supply. It is also important to note that PFAS chemicals are ubiquitous in our environment. In fact,*

*dental floss has an average of 2.5 million ppb, food packaging has an average of 876,000 ppb, ketchup 58,000 ppb, organic pasta sauce 21,000 ppb, cosmetic foundation 10,500 ppb, daycare dust 523 ppb, and even human blood serum contains 7 ppb. The pervasive presence of PFAS in consumer products is the reason MAMWA is working with MDE to reduce PFAS at the source.*

***HB 909 would be damaging for the State's citizens. The bill would impact nearly every wastewater plant in the State and would drive up costs significantly for our ratepayers. If biosolids land application is effectively banned, local wastewater managers will scramble to find alternative out-of-state (there is not enough landfilling capacity in Maryland to make it an option). Best case scenario, local wastewater plant owners will see a significant cost increase (e.g., for trucking materials out-of-state, for paying additional permit fees, for paying out-of-state landfilling tipping fees). Worst case scenario, plants may not have anywhere to send these materials for land application or landfilling either in the State or elsewhere.***

MACo is currently in discussions with the sponsor, advocates, and the Department of the Environment on amendments to address local concerns and ease the pressures on local taxpayers. Counties stand ready to partner with the committee and others to address the challenges of PFAS, without unduly burdening local ratepayers and taxpayers.