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February 20, 2026

The Honorable Brian Feldman and
Members of the Senate Education,
Energy, and the Environment Committee
Miller Senate Office Building, 2 West Wing
11 Bladen Street
Annapolis, MD 21401

**Re: Letter of Support with Amendments
SB719 Sewage Sludge - Per- and Polyfluoroalkyl Substances - Regulation**

Dear Chair Feldman and Members of the Education, Energy, and Environment Committee:

The Washington Suburban Sanitary Commission (WSSC Water) appreciates the opportunity to provide a letter of support with amendments regarding **SB719 Sewage Sludge - Per- and Polyfluoroalkyl Substances - Regulation**. We would like to thank the Bill Sponsors for working with the utilities to develop solutions that balance public health and practical implementation.

WSSC Water is a bi-county state agency and self-sustaining public utility currently among the largest water and wastewater utilities in the nation, with nearly 11,000 miles of water and sewer pipeline. Our service area currently spans nearly 1,000 square miles in Prince George's and Montgomery counties. WSSC Water collects 185,000,000 gallons of wastewater per day from 1.9 million residents in our community, and generates 120,000 tons of sewage sludge, or biosolids, each year.

Summary of Proposed Amendments: WSSC Water is broadly supportive of:

- Language affirming source tracking and pretreatment authority.
- Clear standards to guide decision-making and justify significant investments.

To preserve the critical community need for operational continuity in large-scale wastewater management, WSSC Water proposes amendments to:

- Provide additional time before tiered land application restrictions enter effect, for alternative management measures, and mitigation plan implementation.
- Provide for MDE to grant time extensions on alternative management measures and mitigation plan implementation.

As such, WSSC Water staff are supportive of MAMWA's amendments, as drafted.

BACKGROUND

Stopping PFAS at the source: WSSC Water, like many community water and wastewater systems, must address PFAS due to the manufacture and continued use of PFAS in consumer and industrial products. Eliminating PFAS in production and use would prevent PFAS from entering the environmental cycle and is a critical step in reducing PFAS concentrations in our biosolids as well as our wastewater effluent, which is discharged back to state waters. The most effective and cost-efficient solution is to stop PFAS at the source. That is why WSSC Water is also supporting SB686, which calls for PFAS product phaseouts.

What WSSC Water is doing to reduce PFAS from the source: Reducing PFAS in biosolids sustainably is in alignment with our commitment to public health and the environment. WSSC Water invested \$1.5M to set up an advanced PFAS lab, which allows us to analyze for PFAS in drinking water, wastewater and biosolids. In 2025, we collected over 400 samples in our water and wastewater systems to understand PFAS concentrations throughout the system. We continue to actively lead and participate in grant-funded research focused on understanding the effect of PFAS on fields receiving municipal sources of biosolids, and testing promising and innovative PFAS destruction technologies that could potentially lower the cost of system-scale PFAS treatment.

Biosolids Management Options: Biosolids can be managed by land application, landfilling, or incineration, and each method comes with its own environmental considerations. Land application is the only method that returns valuable nutrients and organic materials to the soil. The US Environmental Protection Agency Regulations (40 CFR, Part 503) sets specific requirements to ensure land application is done safely to protect public health. Landfilling is a final disposal approach, but it is not a preferred approach. Every community has a finite landfill capacity, and landfilling biosolids permanently uses limited landfill space. Biosolids also contribute to landfill methane emissions, and since landfilling does not deal with contaminants at the source, landfill leachate can deliver contaminants back into the environment, including wastewater treatment plants. Incineration is an energy-intensive process that turns biosolids into ash, but the environmental impacts of polluted air emissions often outweigh the benefits of incineration.

Current operations and PFAS levels: Since 2024, when centralized advanced biosolids processing operations began at our Piscataway Bioenergy Facility, WSSC Water has been sampling PFAS levels in our biosolids on a monthly basis. The average results are:

Analytical Parameter	Results (parts per billion)
PFOA	3
PFOS	32
Sum of PFOA & PFOS	35

A total of approximately 120,000 tons of biosolids are generated and land applied annually. Approximately half is received and processed by WSSC Water facilities, and the remainder is received and processed by DC Water.

WSSC Water holds contracts with a solids hauler to land apply biosolids to agricultural land. Land application is performed in accordance with the Code of Maryland Regulations and approved sewage sludge (biosolids) utilization permits from the Maryland Department of the Environment (MDE). The material is applied in accordance with plant nutrient rates under approved nutrient management plans and is not blended or applied at reduced application rates.

IMPACTS & COSTS OF SB719

SB719 would impose restrictions on land application of biosolids containing combined PFOA and PFOS concentrations equal to or more than 25 parts per billion (ppb) beginning on October 1, 2027. Based on current PFAS concentrations in WSSC Water's biosolids, we do not expect to meet this threshold in the current timeframe.

Mitigation Plan: Our source tracking study will determine the contributions of PFAS sources to our wastewater treatment system. Building on the source tracking study, our mitigation plan will focus on reducing PFAS concentrations through our pretreatment authority and other initiatives. With source tracking and mitigation plan implementation, we expect our PFAS levels to fall below 25 ppb in approximately 5-7 years.

Interim Compliance: As a result, WSSC Water would be required to adopt approved alternative biosolids management practices until PFAS levels fall below the 25 ppb limit.

- **Blending:** As the bill is currently written, WSSC Water does not anticipate relying on the bill's blending provision unless blending is permitted for a longer period of time. Our private-sector partners are unlikely to undertake blending operations for the limited two-year period allowed.
- **Reduced Application:** SB719 permits reduced-rate land application for a period of no more than 12 months. To comply, WSSC Water would need to decrease application rates, resulting in an estimated additional cost of \$7.5M for one year (Note: this cost assumes the unit of measure of 3 dry tons per acre. If using the reduced application rate proposed in SB719, the cost would be substantially higher).
- **Landfilling:** As introduced, the bill's proposed timelines would effectively eliminate land application as a viable option after two years (for blending) and/or one year (for reduced land application rates). Without established and permitted alternatives in place, landfilling would likely become the only remaining disposal pathway for approximately 6 years. This would result in an estimated additional cost of \$8.2M per year. Landfilling also presents significant operational and financial risks, including the potential for landfill capacity constraints, longer hauling distances, and substantially increased costs. Moreover, if neighboring states adopt similar restrictions, regional disposal capacity could tighten further, compounding these challenges.

System-scale Technologies: If industrial pretreatment alone was not adequate or timely, and to counter the risk of insufficient landfill capacity, WSSC Water may opt to install treatment systems to destroy biosolids at our facility, at the estimated cost to ratepayers of \$200M. We are currently working to research and develop new technologies that may be able to reduce this capital cost.

The cost of alternative management measures and facility upgrades divert substantial time and resources away from aggressive pursuit of source reductions which provide the most cost-effective long-term benefits by reducing PFAS permanently.

PROPOSED AMENDMENTS AND RATIONALE

WSSC Water is broadly supportive of:

- Language affirming source tracking and pretreatment authority.
- Clear standards to guide decision-making and justify significant investments. Compared to action levels established under the 2024 Protecting State Waters from PFAS Pollution Act, a PFAS limit in biosolids is a stronger basis for establishing industrial pretreatment standards.
- Annual averaging as the basis for evaluating compliance, which accounts for sampling and analysis variability from sample to sample.
- Measures to enhance analytical confidence.

To preserve the critical community need for operational continuity in large-scale wastewater management, WSSC Water proposes the following amendments:

- Provide additional time before tiered land application restrictions enter effect for sufficient time to solicit and procure the necessary contracts to meet the requirements of alternative management measures.
- Extend the 2-year deadline for blending and 12-month timeframe for reduced land application rates to preserve flexibility and availability of alternative biosolids management measures. This is critical for the following reasons:
 - To provide the same time allowance for two alternative management measures that similarly reduce PFAS loading to land,
 - To mitigate the high risk of cutting off disposal options on viability, sustainability and cost of wastewater management,
 - To recognize that blending operations require utilities to make long-term commitments beyond two years to justify the capital investment made by private contractors,
 - To recognize that more time is required to implement and see PFAS source reductions from mitigation measures such as industrial pretreatment,
 - To recognize that more time is required to implement and see PFAS source reductions from product sale phaseouts, of which many are effective only in 2028 and 2029,
 - To recognize that facility upgrades are the most costly approach to PFAS reductions, thus more time is needed to judge the effectiveness of industrial pretreatment reduction before making these large financial commitments,
 - To recognize that if industrial pretreatment alone are still not adequate to bring our PFAS levels below 25 ppb, system-scale PFAS removal technologies require a minimum of 5-7 years to plan, permit, design and build, that such large-scale solutions are currently still in the research and development stage, and that these solutions are the most costly approach to PFAS reductions.
- Introduce a deadline to complete a source tracking plan, to demonstrate our commitment to sustainable and cost-effective PFAS reductions.


- Extend the 2-year mitigation plan implementation deadline for industrial pretreatment implementation and system-scale capital upgrades to account for time required by generators to plan, permit, design and build system-scale treatment solutions.
- Provide for MDE to grant time extensions on alternative management measures and mitigation plan implementation. This is critical because reduction of PFAS sources into wastewater is not entirely in the utility's control and could require more time than currently allowed to mitigate, for example, industrial substitution or pretreatment implementation, stream contamination cleanup, funding and rehabilitation of sewers in environmentally sensitive areas, or readiness and funding of system-scale PFAS removal technologies. While it could require more time, permanent source mitigation is still superior to quick and expensive wastewater treatment solutions that do not ultimately reduce PFAS in the environment.
- Clarify applicability of the bill's requirements to land application outside of Maryland.

In addition, we suggest several amendments related to specific requirements in proposed bill:

- Ensure analytical method feasibility and quality by deferring analytical method requirements to MDE. An examination of WSSC Water's past results showed that one of the nation's most advanced PFAS analytical laboratories could not reliably meet the 2 ppb level of quantification for biosolids samples.
- Provide for reduced monitoring in assessing compliance after a period of demonstrating levels below 25 ppb to reduce unnecessary indefinite sampling costs.
- Shorten the initial monitoring period for blending operations. It is not feasible to expect blending operations to gather one year of data for an annual average before blended products can be land applied.
- Provide clarity on who may blend, who conducts monitoring in blending, and on the ability to blend with non-biosolids materials.
- Revise the maximum reduced land application rate to 3 dry tons per acre. The current 3 dry metrics tons per hectare is not feasible.
- Clarify requirements on MDE's consultation with landowners in the vicinity of drinking water wells so that the process will not result in intolerable delays and risk disruption of continuous biosolids operations.

In closing, supporting this legislation, with amendments for realistic and feasible implementation, is an opportunity to model how Maryland is prioritizing source control as a cost-effective and sustainable model for PFAS reduction in our environment. WSSC Water appreciates this opportunity to provide testimony on SB719. We continue to advocate for the protection of public health and the environment by stopping PFAS at the source as we seek to manage biosolids responsibly and balance affordability for our ratepayers. If you have any questions, please do not hesitate to contact me at 301-206-8028 or Priscilla.To@wsscwater.com.

Sincerely,

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Priscilla To, PhD, PE
 Director, Operational Reliability and Resilience