



Support for Senate Bill 719

Dear Chairman Feldman and Members of the Committee:

The Chesapeake Legal Alliance supports Senate Bill 719, an important next step in our ongoing efforts to reduce PFAS levels in Maryland. SB 719 is designed to increase safeguards for Maryland's agricultural land and drinking water from "forever chemicals"—specifically PFOA and PFOS. The bill offers a balanced and modest approach to improving public health while providing our wastewater treatment plants with maximum flexibility to adapt as we continue to move marginally closer to a future free of these chemicals. The legislation moves the ball incrementally forward on PFAS regulation in several ways.

First, the bill better protects rural communities and our food supply. The application of sewage sludge containing PFAS poses a risk to our food system and drinking water wells in rural areas. SB 719 establishes clear, albeit not particularly stringent, guardrails by fully prohibiting the application of sewage sludge with a concentration of regulated PFAS equal to or greater than 50 parts per billion (ppb) on agricultural or marginal land. By setting this threshold, the bill ensures that egregious levels of contaminants are not unknowingly spread onto the land where they can harm our agricultural products and rural groundwater and streams.

Second, the bill promotes fiscal responsibility and "polluter pays" accountability. Currently, the burden of contamination falls on farm families, their neighbors, and consumers in the form of health costs, and on municipal treatment plants to pay for the proper alternatives to land application. This bill helps shift this burden to where it belongs: the sources of PFAS. The bill explicitly authorizes local jurisdictions and pretreatment authorities to set rates and fees for industrial users that discharge PFAS into the wastewater system. This protects municipal budgets and taxpayers by ensuring that the relatively small number of sources causing a disproportionate amount of the problem help pay for the necessary mitigation. This is a model that has shown great success in Michigan and will have important co-benefits by helping catalyze greater controls of industrial pollution into our sewer systems.

Third, the bill provides operational flexibility and a reasonable transition period. This bill is neither an immediate nor a blanket prohibition; it is a structured transition. Recognizing that process changes take time, SB 719 offers wastewater utilities - the generators of sewage sludge - significant operational flexibility, including: (1) a delayed effective date of October 1, 2027 for the substance of the bill; (2) an additional two-year transitional period until September 30, 2029 during which facilities are authorized to blend sludge from multiple sources to dilute PFAS concentrations to levels lower than the 25 ppb threshold; (3) a 12-month period during

which facilities required to develop a mitigation plan due to sludge concentrations over 25 ppb (but less than 50 ppb) may continue to land apply biosolids, albeit with additional protections in the form of a reduced application rate and additional setbacks from neighboring wells; and (4) a two-year timeframe for implementing a mitigation plan, along with a potential six month extension.

Finally, the bill focuses on solving the problem at the source. SB 719 is designed to fix the problem by keeping PFAS out of our sewer systems altogether, protecting not just rural wells where biosolids are applied, but also our waterways, since PFAS is not capable of being filtered even by Maryland's advanced wastewater treatment plants. If sludge tests at or above 25 ppb, a level broadly indicative of industrially impacted biosolids, the generator is required to conduct a source tracking study to identify exactly where PFOA and PFOS are entering the system. Following this study, the generator must submit a mitigation plan within 6 months that starts a timeline - not to exceed 2 years - to reduce levels through pretreatment controls or system upgrades.

Senate Bill 719 is not the bill that public health and environmental advocates would prefer, but it does reflect a series of compromises with municipal stakeholders that we believe move the ball forward in a positive direction. We would certainly welcome the opportunity to strengthen the bill further through amendments or to support future legislation that builds upon the framework established in this bill.

For these reasons we support Senate Bill 719. For more information, you may reach Evan Isaacson at evan@chesapeakelegal.org and Steve Forrer at steve@chesapeakelegal.org.