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Delegate Dana Stein's Testimony in Support of HB 925 Sewage Sludge - Per- and Polyfluoroalkyl Substances - Regulations

Chair Korman, Vice Chair Guyton, and fellow Members of the Environment and Transportation Committee:

HB 925 addresses the land application of biosolids (also known as sewage sludge) that contain PFAS, chemicals that are well established to be toxic. This bill is meant to protect public health, our farmers, and our water systems.

Biosolids are the byproduct of wastewater treatment. For decades, they have been responsibly recycled as fertilizer. This is an important management approach, and most of Maryland's wastewater sludge is managed through this process.

But we've recently discovered that PFAS persist through the treatment process and become concentrated in these biosolids. They build up over time on farmland, and according to the latest assessment from EPA, they pose significant risks to farmers, people who regularly consume food from their farms, and the surrounding environment.

We should not be spreading toxic chemicals onto the land where our farmers live and where our food is grown.

Other states have learned this lesson the hard way.

In Maine, farmer Bill Stone spread biosolids on his fields—consistent with Maine law—and lost his farm after PFAS contamination poisoned his soil, livestock, and family. Maine has now banned land application, and all Maine wastewater

treatment systems must landfill or truck their biosolids out of state. Connecticut has done the same.

In Texas and New Mexico, farmers have suffered devastating losses tied to PFAS contamination on their farms, with ongoing litigation and public-health fallout.

The New York Farm Bureau has publicly opposed land application unless testing confirms biosolids are free of PFAS.

These are not hypothetical risks. They are cautionary tales.

Maryland has an opportunity to act now—before contamination spreads, before farms are shuttered, and before farmer and public confidence in this use of biosolids collapses.

HB 925 is the product of over a year of work, led by the Senate sponsor, Senator Sara Love, with wastewater utilities, local government representatives, agricultural representatives, environmental advocates, and regulators who met regularly over the interim.

Last year, utilities expressed concern that we lacked sufficient data regarding the amount of PFAS in biosolids. Today, we have the data, as MDE discussed in its joint committee presentation on February 4.

Maryland has more than 250 wastewater treatment systems. Only about 50 are currently permitted to land-apply biosolids, and we have more than 500 samples from them measuring PFAS. Of those:

- None that currently land apply biosolids exceed the 50 parts-per-billion (ppb) upper threshold required by this bill.
- Only two—WSSC and Havre de Grace—fall between 25 and 50 ppb. And WSSC does not currently land apply in Maryland.
- Baltimore City is hovering right around the 25 ppb threshold, though it does anticipate those levels could rise. It does not currently land apply in Maryland, but it may wish to in the future.
- DC Water is below 20 ppb and would not be affected.
- Anne Arundel County is well below 25 ppb.

In other words: The sky is not falling. Most Maryland systems are already below the bill's limits, and for those between 25 and 50 ppb, the bill establishes a calibrated guardrail.

The bill creates a tiered structure:

First, it prohibits land application of biosolids exceeding 50 ppb for PFAS.

Second, for biosolids between 25 and 50 ppb, there is a mitigation framework developed with MDE—setbacks, timing restrictions, blending, and other risk-reduction strategies to limit exposure while the sources of PFAS upstream of the plant are addressed.

Third—and critically—HB 925 strengthens pretreatment authority by giving treatment plants *more authority* to STOP businesses from discharging PFAS down the drain.

Wastewater treatment plants are passive receivers. They do not manufacture PFAS. They cannot remove PFAS cheaply once it arrives in their systems. The best, durable, and most cost-effective solution is upstream control.

Treatment plants already have pretreatment authority for pathogens and other kinds of contaminants coming into their systems. This bill clarifies and strengthens their ability to identify high-concentration PFAS dischargers and require them to take some type of action—whether through onsite pretreatment, product substitution, or other mitigation.

If a car wash, for example, uses PFAS-laden chemicals in its detergent when alternatives exist, that is where a change must occur. Or, if a uniform rental facility is discharging high concentrations of PFAS in its sewage, we should be asking why—and requiring correction.

This authority includes the ability to assess fees or penalties on dischargers who fail to comply. That is how we protect ratepayers.

The land application of biosolids is a business decision. Currently there is a market for them on Maryland farms and elsewhere, but PFAS contamination is undermining that market. Maryland exports the majority of its biosolids to be spread on farms in Virginia and Pennsylvania.

However, there are currently three bills in the Virginia legislature that propose to ban the import of biosolids – including those from Maryland.

If we do nothing, PFAS concentrations could rise, biosolids markets shrink, and utilities would then be forced into costly disposal or advanced treatment solutions—costs that will fall squarely on water and sewer customers. Acting now—when levels are manageable, and while we still have the trust of the agricultural community—allows us to address the problem affordably and fairly. It will also protect the agricultural community and the consumers of food grown by them.