

# SENATE BILL 719

M3

(6lr2034)

## ENROLLED BILL

— *Education, Energy, and the Environment/Environment and Transportation and Health* —

Introduced by **Senators Love and Hester**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Sewage Sludge – Per- and Polyfluoroalkyl Substances – Regulation**

3 FOR the purpose of establishing restrictions on the land application, on or after a certain  
4 date, of sewage sludge ~~or products containing sewage sludge~~ with total  
5 concentrations of certain regulated per- and polyfluoroalkyl substances equal to or  
6 greater than certain levels; authorizing, on or before a certain date, a person to ~~blend~~  
7 ~~sewage sludge from multiple sources~~ commingle sewage sludge for a certain purpose  
8 and subject to certain regulations and requirements; establishing monitoring  
9 protocols for certain per- and polyfluoroalkyl substances in certain sewage sludge ~~or~~  
10 ~~products containing sewage sludge~~; authorizing the establishment of pretreatment  
11 standards for certain industrial users that discharge certain per- and  
12 polyfluoroalkyl substances at levels that exceed certain action levels; authorizing  
13 certain local jurisdictions and pretreatment authorities to set certain rates and fees  
14 for certain industrial users; encouraging sewage sludge generators to take certain

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 actions with respect to certain per- and polyfluoroalkyl substances; and generally  
2 relating to per- and polyfluoroalkyl substances and sewage sludge.

3 BY repealing and reenacting, without amendments,  
4 Article – Environment  
5 Section 9–201(a), (l), and (m) and 9–230  
6 Annotated Code of Maryland  
7 (2014 Replacement Volume and 2025 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article – Environment  
10 Section 9–201(k)  
11 Annotated Code of Maryland  
12 (2014 Replacement Volume and 2025 Supplement)

13 BY adding to  
14 Article – Environment  
15 Section 9–250  
16 Annotated Code of Maryland  
17 (2014 Replacement Volume and 2025 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
19 That the Laws of Maryland read as follows:

20 **Article – Environment**

21 9–201.

22 (a) In this subtitle the following words have the meanings indicated.

23 (k) “Sewage” means[:

24 (1) Any human or animal excretion or water–carried domestic waste; or

25 (2) A mixture of industrial waste and any of the things in item (1) of this  
26 subsection] **THE WATER–CARRIED DOMESTIC WASTE FROM RESIDENCES, BUILDINGS,**  
27 **INDUSTRIAL ESTABLISHMENTS, OR OTHER PLACES.**

28 (l) “Sewage sludge” means any thickened liquid, suspension, settled solid, or  
29 dried residue that a sewage treatment plant extracts from sewage.

30 (m) (1) “Sewage sludge generator” means a person who owns or operates a  
31 facility that receives and processes sewage in this State or produces sewage sludge to be  
32 utilized in this State.

33 (2) “Sewage sludge generator” includes:

1 (i) The Washington Suburban Sanitary Commission; and

2 (ii) The Maryland Environmental Service.

3 (3) "Sewage sludge generator" does not include the owner or operator of a  
4 septic system.

5 9–230.

6 (a) (1) The Department of the Environment shall adopt regulations to carry  
7 out this Part III of this subtitle.

8 (2) The Department of the Environment may not adopt a regulation or part  
9 of a regulation that deals with the land application of sewage sludge without the approval  
10 of the Department of Agriculture.

11 (b) In adopting regulations under this Part III and §§ 9–269 and 9–270 of this  
12 subtitle, the Department of the Environment shall consider:

13 (1) Alternative utilization methods;

14 (2) Pathogen control;

15 (3) Advertising requirements for public hearings and public information  
16 meetings;

17 (4) Performance bonds, liability insurance, or other forms of security;

18 (5) Procedures for notifying units of local government and other interested  
19 parties; and

20 (6) Adequate standards for transporting sewage sludge, including  
21 requirements for enclosing or covering sewage sludge during transportation.

22 (c) In addition to the considerations under subsection (b) of this section, in  
23 adopting regulations for the land application of sewage sludge, the Department of the  
24 Environment shall consider:

25 (1) Methods for calculating loading rates that:

26 (i) Will assure nondegradation of the groundwater supply; and

27 (ii) For agricultural land, shall be limited by the nutrient  
28 requirements of crop or cover vegetation, as recommended by the Department of  
29 Agriculture;

- 1                   (2)    The crops that are to be grown on land on which sewage sludge may be  
2 applied;
- 3                   (3)    The nature of any nearby surface water or groundwater;
- 4                   (4)    The character of any affected area;
- 5                   (5)    The character of nearby existing or planned land uses and transport  
6 routes;
- 7                   (6)    The nearness of the land on which sewage sludge may be applied to  
8 sensitive areas, including flood plains, wetlands, and areas of critical concern;
- 9                   (7)    The definitions of:
- 10                   (i)     Sewage sludge that is unsuitable for application to agricultural  
11 land;
- 12                   (ii)    Agricultural land;
- 13                   (iii)   Marginal land; and
- 14                   (iv)    Compost;
- 15                   (8)    Acceptable cumulative loading rates, including rates for nitrogen and  
16 heavy metals;
- 17                   (9)    Special requirements of land used for producing tobacco; and
- 18                   (10)   Reasonable buffer areas to separate any home or other property from  
19 land on which sewage sludge may be applied.
- 20           (d)    (1)    The Department shall adopt regulations to establish a mechanism for  
21 determining annual generator's fees.
- 22                   (2)    The regulations shall provide for public input into the development of  
23 fee schedules.
- 24                   (3)    The fee schedules shall take into account:
- 25                   (i)     The volume of sewage sludge generated by a sewage sludge  
26 generator;
- 27                   (ii)    The method by which the sewage sludge is utilized;
- 28                   (iii)   The anticipated costs of monitoring and regulating sewage  
29 sludge utilization sites;

1 (iv) The anticipated needs of the State's sewage sludge regulation  
2 program; and

3 (v) The potential hazard of the sewage sludge generator's activities  
4 to public health, safety, or welfare or to the environment.

5 **9-250.**

6 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
7 INDICATED.

8 (2) “COMMINGLE” MEANS TO MIX TREATED SEWAGE SLUDGE WITH  
9 OTHER MATERIALS FOR THE PURPOSE OF REDUCING THE CONCENTRATION OF  
10 REGULATED PFAS.

11 ~~(2)~~ (3) “CONCENTRATION OF REGULATED PFAS” MEANS THE  
12 TOTAL CONCENTRATION, AS MEASURED IN ACCORDANCE WITH MONITORING  
13 PROTOCOLS ESTABLISHED UNDER SUBSECTION (G) OF THIS SECTION, OF THE  
14 FOLLOWING PER- AND POLYFLUOROALKYL SUBSTANCES:

15 (i) PFOA;

16 (ii) PFOS; OR

17 (iii) A MIXTURE OF PFOA AND PFOS.

18 ~~(3)~~ (4) “PFOS” MEANS PERFLUOROOCTANE SULFONIC ACID.

19 ~~(4)~~ (5) “PFOA” MEANS PERFLUOROOCTANOIC ACID.

20 (B) THIS SECTION APPLIES ~~ONLY~~ TO THE LAND APPLICATION OF ALL  
21 SEWAGE SLUDGE AND PRODUCTS CONTAINING SEWAGE SLUDGE THAT ARE  
22 INTENDED FOR LAND APPLICATION IN THE STATE.

23 (C) ON OR AFTER OCTOBER 1, ~~2027~~ 2028:

24 (1) A PERSON MAY NOT APPLY SEWAGE SLUDGE ~~OR A PRODUCT~~  
25 ~~CONTAINING SEWAGE SLUDGE~~ TO AGRICULTURAL OR MARGINAL LAND IF THE  
26 SEWAGE SLUDGE ~~OR PRODUCT CONTAINING SEWAGE SLUDGE~~ HAS A TOTAL  
27 CONCENTRATION OF REGULATED PFAS EQUAL TO OR GREATER THAN 50 PARTS  
28 PER BILLION; AND

1           **(2) IF SEWAGE SLUDGE ~~OR A PRODUCT CONTAINING SEWAGE SLUDGE~~**  
 2 **HAS A TOTAL CONCENTRATION OF REGULATED PFAS THAT IS EQUAL TO OR**  
 3 **GREATER THAN 25 PARTS PER BILLION BUT LESS THAN 50 PARTS PER BILLION, A**  
 4 **PERSON MAY APPLY THE SEWAGE SLUDGE ~~OR PRODUCT CONTAINING SEWAGE~~**  
 5 **~~SLUDGE~~ TO AGRICULTURAL OR MARGINAL LAND ONLY IN ACCORDANCE WITH**  
 6 **SUBSECTIONS (E) AND (F) OF THIS SECTION.**

7           **(D) (1) ~~ON OR BEFORE SEPTEMBER 30, 2029,~~ AFTER OCTOBER 1, 2028,**  
 8 **IF A SEWAGE SLUDGE GENERATOR DETERMINES, THROUGH MONITORING**  
 9 **PROTOCOLS ESTABLISHED UNDER SUBSECTION (G) OF THIS SECTION, THAT ITS**  
 10 **SEWAGE SLUDGE HAS A TOTAL CONCENTRATION OF REGULATED PFAS THAT IS**  
 11 **EQUAL TO OR GREATER THAN 25 PARTS PER BILLION BUT LESS THAN 50 PARTS PER**  
 12 **BILLION, SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION AND IN**  
 13 **ACCORDANCE WITH DEPARTMENT REGULATIONS:**

14           **(I) ~~A PERSON MAY BLEND SEWAGE SLUDGE FROM MULTIPLE~~**  
 15 **~~SOURCES~~ FOR A PERIOD OF NOT MORE THAN 2 YEARS FOLLOWING THE DATE THE**  
 16 **DETERMINATION IS MADE, THE SEWAGE SLUDGE MAY BE COMMINGLED TO REDUCE**  
 17 **THE TOTAL CONCENTRATION OF REGULATED PFAS IN THE FINAL MATERIAL TO**  
 18 **LEVELS BELOW 25 PARTS PER BILLION; AND**

19           **(II) ~~SEWAGE SLUDGE OR A PRODUCT CONTAINING SEWAGE~~**  
 20 **~~SLUDGE BLENDED~~ COMMINGLED IN ACCORDANCE WITH ITEM (I) OF THIS**  
 21 **PARAGRAPH MAY NOT BE SUBJECT TO THE TEMPORARY ALTERNATIVE**  
 22 **MANAGEMENT MEASURES SPECIFIED IN SUBSECTION (E) OF THIS SECTION.**

23           **(2) (I) A PERSON THAT ~~BLENDS OR OTHERWISE~~ COMMINGLES**  
 24 **SEWAGE SLUDGE FOR THE PURPOSE OF LAND APPLICATION SHALL MONITOR FOR**  
 25 **THE PRESENCE OF PFOS AND PFOA AT LEAST ONCE PER MONTH, USING A**  
 26 **REPRESENTATIVE SAMPLE, IN ACCORDANCE WITH PROTOCOLS ESTABLISHED**  
 27 **UNDER SUBSECTION (G) OF THIS SECTION.**

28           **(II) IF THE TOTAL CONCENTRATION OF REGULATED PFAS IN**  
 29 **THE ~~BLENDED~~ COMMINGLED PRODUCT IS EQUAL TO OR GREATER THAN 25 PARTS**  
 30 **PER BILLION, THE PERSON:**

31                   1. **SHALL IMMEDIATELY NOTIFY THE DEPARTMENT;**  
 32 **AND**

33                   2. **MAY NOT APPLY THE ~~BLENDED~~ COMMINGLED**  
 34 **PRODUCT TO LAND UNTIL THE PERSON DEMONSTRATES, THROUGH ADDITIONAL**  
 35 **MONITORING, THAT THE TOTAL CONCENTRATION OF REGULATED PFAS IN THE**

1 ~~BLEND~~ COMMINGLED PRODUCT HAS BEEN REDUCED TO LEVELS BELOW 25 PARTS  
2 PER BILLION.

3 (E) (1) THIS SUBSECTION APPLIES ONLY TO THE LAND APPLICATION ON  
4 OR AFTER OCTOBER 1, 2028, OF SEWAGE SLUDGE ~~OR PRODUCTS CONTAINING~~  
5 ~~SEWAGE SLUDGE THAT HAVE~~ HAS A TOTAL CONCENTRATION OF REGULATED PFAS  
6 THAT IS EQUAL TO OR GREATER THAN 25 PARTS PER BILLION BUT LESS THAN 50  
7 PARTS PER BILLION.

8 (2) ~~FOR A PERIOD OF NOT MORE THAN 12 MONTHS, AND PENDING THE~~  
9 ~~DEVELOPMENT AND APPROVAL OF A MITIGATION PLAN~~ DURING THE DEVELOPMENT  
10 AND IMPLEMENTATION OF THE SOURCE TRACKING STUDY AND MITIGATION PLAN  
11 REQUIRED UNDER SUBSECTION (F) OF THIS SECTION, A PERSON MAY APPLY SEWAGE  
12 SLUDGE ~~AND OTHER PRODUCTS~~ DESCRIBED UNDER PARAGRAPH (1) OF THIS  
13 SUBSECTION TO LAND:

14 (I) AT A RATE THAT DOES NOT EXCEED 3 DRY METRIC TONS  
15 PER ~~HECTARE~~ ACRE; AND

16 (II) SUBJECT TO:

17 1. THE SAME SETBACK REQUIREMENTS ESTABLISHED  
18 IN REGULATION FOR CLASS B BIOSOLIDS; ~~AND~~

19 2. ADDITIONAL SETBACKS FOR LAND APPLICATION  
20 NEAR PUBLIC AND PRIVATE WATER SUPPLY WELLS DEVELOPED BY THE  
21 DEPARTMENT ~~AFTER CONSULTATION WITH ADJACENT LANDOWNERS AND COUNTY~~  
22 ~~AND MUNICIPAL OFFICIALS FROM EACH LOCAL JURISDICTION LOCATED WITHIN 1~~  
23 ~~MILE OF THE PROPERTY BOUNDARY;~~ AND

24 3. PARAGRAPH (3) OF THIS SUBSECTION.

25 (3) AT LEAST 14 DAYS BEFORE LAND APPLYING SEWAGE SLUDGE  
26 DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE LAND APPLIER  
27 SHALL PROVIDE NOTICE OF THE CONCENTRATION OF REGULATED PFAS IN THE  
28 SEWAGE SLUDGE TO:

29 (I) THE OWNER OR OPERATOR OF THE LAND ON WHICH THE  
30 SEWAGE SLUDGE WILL BE APPLIED;

31 (II) THE OWNER OF EACH PARCEL OF LAND ADJOINING THE  
32 LAND TO WHICH THE SEWAGE SLUDGE WILL BE APPLIED; AND

1                   **(III) THE LOCAL GOVERNMENT FOR EACH COUNTY AND**  
2 **MUNICIPALITY IN WHICH THE LAND TO WHICH THE SEWAGE SLUDGE WILL BE**  
3 **APPLIED IS LOCATED.**

4           **(F) (1) THIS SUBSECTION APPLIES ONLY TO A SEWAGE SLUDGE**  
5 **GENERATOR THAT PRODUCES SEWAGE SLUDGE THAT IS INTENDED FOR LAND**  
6 **APPLICATION.**

7                   **(2) IF A SEWAGE SLUDGE GENERATOR DETERMINES, THROUGH**  
8 **MONITORING PROTOCOLS ESTABLISHED UNDER SUBSECTION (G) OF THIS SECTION,**  
9 **THAT ITS SEWAGE SLUDGE HAS A TOTAL CONCENTRATION OF PFAS THAT IS EQUAL**  
10 **TO OR GREATER THAN 25 PARTS PER BILLION, THE SEWAGE SLUDGE GENERATOR**  
11 **SHALL:**

12                   **(I) COMPLETE A SOURCE TRACKING STUDY IN ACCORDANCE**  
13 **WITH PARAGRAPH (3) OF THIS SUBSECTION; AND**

14                   **(II) DEVELOP A MITIGATION PLAN IN ACCORDANCE WITH**  
15 **PARAGRAPH (4) OF THIS SUBSECTION.**

16                   **(3) A SOURCE TRACKING STUDY CONDUCTED UNDER THIS**  
17 **SUBSECTION SHALL BE DESIGNED TO DETERMINE THE CONTRIBUTIONS OF**  
18 **SOURCES OF PFOS AND PFOA TO THE WASTEWATER TREATMENT SYSTEM WITH**  
19 **SUFFICIENT SPECIFICITY TO ALLOW THE SEWAGE SLUDGE GENERATOR AND THE**  
20 **DEPARTMENT TO REDUCE OR PREVENT THE RELEASE OF PFOA AND PFOS FROM**  
21 **CONTROLLABLE SOURCES IN ACCORDANCE WITH APPLICABLE LAW.**

22                   **(4) (I) A MITIGATION PLAN DEVELOPED UNDER THIS SUBSECTION**  
23 **SHALL:**

24                               **1. BE DEVELOPED IN CONSULTATION WITH THE**  
25 **DEPARTMENT;**

26                               **2. IDENTIFY SIGNIFICANT SOURCES OF PFOA AND**  
27 **PFOS LOADING TO THE WASTEWATER TREATMENT SYSTEM;**

28                               **3. INCLUDE ACTIONS THAT THE SEWAGE SLUDGE**  
29 **GENERATOR CAN IMPLEMENT, OR REQUIRE SOURCES OF PFOA AND PFOS**  
30 **LOADING TO IMPLEMENT, TO REDUCE THE TOTAL CONCENTRATION OF REGULATED**  
31 **PFAS TO LEVELS BELOW 25 PARTS PER BILLION;**





1           **(2) ~~ON OR BEFORE OCTOBER 1, 2027~~ FOR A PERIOD OF NOT MORE**  
2 **THAN 12 MONTHS FOLLOWING THE DATE THAT COMMINGLING OPERATIONS BEGIN,**  
3 **A COMMINGLING OPERATION MAY USE A MASS BALANCE CALCULATION TO**  
4 **DETERMINE THE CONCENTRATION OF REGULATED PFAS IN THE COMMINGLED**  
5 **PRODUCT.**

6           **(3) (I) SAMPLES SHALL BE ANALYZED USING A METHOD**  
7 **APPROVED BY THE DEPARTMENT AND CONDUCTED BY A LABORATORY CERTIFIED**  
8 **TO PERFORM THE METHOD AND SUBJECT TO A LABORATORY LEVEL OF**  
9 **QUANTITATION FOR BIOSOLIDS ANALYSIS NOT TO EXCEED 2 PARTS PER BILLION;**

10                   **1. USING THE U.S. ENVIRONMENTAL PROTECTION**  
11 **AGENCY'S METHOD 1633A OR AN EQUIVALENT METHOD APPROVED BY THE**  
12 **DEPARTMENT;**

13                   **2. AT A CERTIFIED OR ACCREDITED LABORATORY; AND**

14                   **3. SUBJECT TO A REPORTING LEVEL ESTABLISHED BY**  
15 **THE DEPARTMENT.**

16           **(II) THE DEPARTMENT SHALL ASSIST SEWAGE SLUDGE**  
17 **GENERATORS IN IDENTIFYING QUALIFIED LABORATORIES UNDER THIS**  
18 **PARAGRAPH.**

19           **(4) THE DEPARTMENT MAY ESTABLISH ADDITIONAL MONITORING**  
20 **REQUIREMENTS FOR MATERIALS ~~BLEND~~ COMMINGLED IN ACCORDANCE WITH**  
21 **SUBSECTION (D) OF THIS SECTION.**

22           **(H) (1) IN ACCORDANCE WITH THE FEDERAL CLEAN WATER ACT, THE**  
23 **DEPARTMENT AND PRETREATMENT AUTHORITIES MAY ESTABLISH PRETREATMENT**  
24 **STANDARDS FOR INDUSTRIAL USERS THAT DISCHARGE PER- AND**  
25 **POLYFLUOROALKYL SUBSTANCES AT LEVELS THAT EXCEED ACTION LEVELS**  
26 **ESTABLISHED BY THE DEPARTMENT OR THE PRETREATMENT AUTHORITY UNDER**  
27 **AN INDUSTRIAL PRETREATMENT PROGRAM.**

28           **(2) IF A PUBLICLY OWNED TREATMENT WORKS DOES NOT HAVE AN**  
29 **INDUSTRIAL PRETREATMENT PROGRAM, AND IT IS DETERMINED THAT SEWAGE**  
30 **SLUDGE PRODUCED FOR LAND APPLICATION BY THE PUBLICLY OWNED TREATMENT**  
31 **WORKS HAS A TOTAL CONCENTRATION OF REGULATED PFAS EQUAL TO OR**  
32 **GREATER THAN 25 PARTS PER BILLION, THE DEPARTMENT SHALL, IN**  
33 **CONSULTATION WITH THE PUBLICLY OWNED TREATMENT WORKS, DEVELOP**  
34 **DISCHARGE PERMITS FOR INDUSTRIAL USERS IN A MANNER CALCULATED TO**  
35 **ESTABLISH LOCAL LIMITS FOR PER- AND POLYFLUOROALKYL SUBSTANCES**

1 ~~CONSISTENT WITH EXISTING AUTHORITIES UNDER THE FEDERAL CLEAN WATER~~  
2 ~~ACT~~ EVALUATE THE CONTRIBUTION FROM INDUSTRIAL USERS AND DETERMINE  
3 APPROPRIATE CONTROLS TO MEET APPLICABLE STANDARDS.

4 (3) THE DEPARTMENT SHALL:

5 (I) ISSUE GUIDANCE TO SUPPORT PUBLICLY OWNED  
6 TREATMENT WORKS IN THE IMPLEMENTATION OF THIS SUBSECTION; AND

7 (II) PROVIDE REASONABLE TECHNICAL ASSISTANCE AS  
8 REQUESTED BY LOCAL JURISDICTIONS IN THE EXERCISE OF LOCAL LIMITS  
9 AUTHORITY UNDER THE FEDERAL CLEAN WATER ACT.

10 (4) A LOCAL JURISDICTION OR A PRETREATMENT AUTHORITY MAY  
11 SET APPROPRIATE RATES AND FEES FOR INDUSTRIAL USERS, INDIVIDUALLY OR AS  
12 A CLASS, THAT ARE DETERMINED TO DISCHARGE PER- AND POLYFLUOROALKYL  
13 SUBSTANCES INTO THE WASTEWATER TREATMENT SYSTEM AT LEVELS THAT  
14 NECESSITATE THE IMPLEMENTATION OF MITIGATION MEASURES.

15 (5) THIS SECTION MAY NOT BE INTERPRETED TO LIMIT THE  
16 AUTHORITY OF A LOCAL JURISDICTION OR A PRETREATMENT AUTHORITY TO SET  
17 LOCAL LIMITS THAT LEAD TO REDUCTIONS OF PER- AND POLYFLUOROALKYL  
18 SUBSTANCES THAT EXCEED THE REDUCTIONS REQUIRED UNDER THIS SECTION.

19 (I) ALL SEWAGE SLUDGE GENERATORS ARE ENCOURAGED TO IDENTIFY  
20 POTENTIAL SOURCES OF PFOA AND PFOS LOADING TO THEIR WASTEWATER  
21 TREATMENT SYSTEMS AND TO TAKE STEPS TO REDUCE THE TOTAL CONCENTRATION  
22 OF REGULATED PFAS IN THE SEWAGE SLUDGE PRODUCED BY THOSE SYSTEMS.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2026.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.