FOR ADDITIONAL CONSIDERATION:

Biosolids are a carbon- and nutrient-rich, semisolid byproduct of the wastewater treatment process. When treated to meet federal standards, they can be beneficially used as an alternative to synthetic fertilizers. During wastewater treatment, naturally occurring microorganisms break down waste in the liquid stream. The resulting solids are then separated and further processed through methods such as aerobic or anaerobic digestion, composting, drying, and/or alkaline stabilization to reduce pathogens and decompose organic matter.

THE BIOSOLIDS SECTOR & SUPPORTING ORGANIZATIONS:

Ilt's important to recognize the integrity and credibility of associations that stand behind the sustainable management of biosolids. Members of these organizations include professional engineers, scientists, and licensed operators with extensive education and experience in their fields, living and working in the communities they serve. With combined expertise spanning hundreds of years, they have consistently demonstrated their commitment to the safe operation and maintenance of wastewater and biosolids facilities. Their work has been instrumental in protecting public health and the environment across the United States, highlighting their dedication to responsible and informed management practices.

STATEMENT REGARDING PFAS & BIOSOLIDS ISSUE:

The biosolids community shares in the deep frustration and distress over the discovery that PFAS have been introduced into consumer products, water, and wastewater systems for decades, leading to contamination of our soils and waterways. This realization is profoundly disheartening, as it impacts us all as passive recipients of these chemicals. However, it’s critical to approach this issue with a measured perspective. We must address these challenges with solutions that balance environmental protection with economic stability, ensuring that our response is both thoughtful and effective. This resource will always be produced as long as we have advanced wastewater treatment in civilized society, and we therefore must be able to manage it.

CERCLA DESIGNATION & PASSIVE RECEIVERS PROTECTION:

Additionally, the USEPA issued a rule to designate certain PFAS compounds as a hazardous substance under Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the federal act that oversees responses to the release of hazardous substances into the environment. Based on a discharge or release of these compounds, this designation will allow the USEPA to use the regulatory enforcement tools of CERCLA to compel cleanups by Potentially Responsible Parties (PRP) or to recover clean-up costs funded under CERCLA law. There are liability concerns that are triggered by the designation. Specifically, if biosolids management providers or biosolids generators (utilities) land applied biosolids in an area that becomes a clean-up site, CERCLA allows the USEPA or other PRPs to pursue these entities for clean-up related costs. USEPA has attempted to mitigate this concern by issuing enforcement policy guidance stating the government will use its discretionary authority to determine whether to pursue public entities for clean-up related costs. However, this guidance is limited as it currently does not apply to private PRPs.

CERCLA could be amended to provide liability protections for passive receivers of PFAS with guardrails to prevent exemption abuse. The law currently provides for several exemptions already, including fertilizer application, innocent landowners, and de minimis contribution. Adding passive receivers of PFAS would allow the benefits of biosolids land application to continue.