

The Evolving World of Biosolids Regulation – An Overview

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Biosolids Regulatory Issues

- Land Application Restrictions
- Landfill Regulations
- Air Emission Requirements
- Wastewater Permit Provisions
- Cleanup Liability

Land Application Restrictions

- Maine – land application banned
- Michigan, Wisconsin, Minnesota, Maryland – interim PFAS guidelines with tiered management provisions (e.g., <20 ppb, 50 ppb, 125 ppb)
- EPA – draft risk assessment (risk at 1 ppb), standards under 40 CFR 503 won't be issued for 3-5 years
- Legislation pending in some States

Landfill Regulations

- EPA has identified landfills as a priority source category for PFAS
- EPA considering developing national effluent guidelines for landfills – will take several years
- BUT States and EPA can impose interim BAT limits in permits
- Result: higher costs for landfill usage, especially for PFAS-containing biosolids
- Also note limits on landfill capacity

Air Emission Requirements

- EPA has started process of considering regulation of PFAS air emissions
- Controls on air emissions of PFAS will eventually apply to incinerators
- That will likely limit extent to which current incinerators will accept PFAS-containing materials
- Also expect constraints on ability to get permits for new incinerators

Wastewater Permit Provisions

- EPA 12/5/22 memo recommends PFAS testing at POTWs for influent, effluent and biosolids – quarterly
- Also recommends that permitting agency consider imposing limits and/or BMPs for PFAS in permits
- Some States are imposing PFAS testing requirements and minimization programs in POTW permits
- POTWs working with their industrial users to reduce incoming PFAS loadings, which should reduce PFAS in biosolids and effluent

Cleanup Liability

- EPA designated PFOA and PFOS as hazardous substances under CERCLA
- Decision being litigated
- EPA issued enforcement policy too
- EPA is considering whether to change its designation decision
- Admin might leave that in place but propose CERCLA amendment to provide exemption for passive receivers

Questions?

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