Rep. Judy Aron, Chair
House Committee on Environment and Agriculture
NH State House of Representatives
Legislative Office Building, Rm 153
Concord, NH 03301

Submitted: Via Committee Email

RE: *Concerns regarding HB 1275, relative to the effects of per- and polyfluoroalkyl substances (PFAS) on agriculture*

Dear Chair Aron and Members of the Committee,

My name is Jason Randall, and I serve as the Director of Operations for the Plymouth Village Water & Sewer District (PVWSD). PVWSD is a municipal utility and local government entity located in Plymouth, New Hampshire (population approximately 7,000), serving more than 1,100 water and sewer connections and receiving septage from over 100 towns and cities throughout central and northern New Hampshire.

PVWSD's mission is to protect public health and the environment by providing high-quality drinking water and wastewater services through sustainable practices, innovation and technology, and responsible asset management, while maintaining affordability for our ratepayers. For these reasons, PVWSD **opposes HB 1275 as written**.

After reviewing HB 1275, we appreciate the Legislature's attention to PFAS impacts on agriculture and its intent to support farmers. However, **we are deeply concerned that the proposed 5-year moratorium on the spreading and application of sludge and biosolids for agricultural use—effective within 60 days of passage—would create an unnecessary and immediate crisis for New Hampshire wastewater utilities, municipalities, and local ratepayers.**

PVWSD's wastewater treatment facility recycles wastewater solids into organic, nutrient-rich compost and biosolids for beneficial use on agricultural land. The District has managed wastewater solids through land application since the 1980s, and this practice is as fundamental to our community as the ability to flush a toilet or take a shower. Without a viable outlet for wastewater solids and biosolids, material quickly accumulates onsite, creating operational, environmental, and public health risks.

In New Hampshire, biosolids management relies primarily on two methods:

1. land application
2. landfill disposal

Only one wastewater facility in the state utilizes incineration, which presents its own challenges, including air emissions and the potential deposition of airborne contaminants. A moratorium on land application would shift nearly 100% of New Hampshire's wastewater solids to landfills. This is neither a sustainable nor science-based response to concerns about PFAS on agricultural land.

Additionally, the Legislature has proposed limits on out-of-state solid waste entering New Hampshire landfills to preserve landfill capacity. While well intentioned, this policy may have

unintended consequences for biosolids management. Disposal of wastewater solids at landfills requires bulky materials—commonly construction and demolition debris—to maintain landfill slope stability. Some of these bulking materials currently come from out of state. If bulky material becomes limited, landfills may be unable to accept wastewater solids, which typically contain only 15–30% solids by weight and pose stability risks without adequate bulking agents.

PVWSD operates under stringent regulatory oversight and exceeds state and federal requirements for biosolids management. The New Hampshire Department of Environmental Services (NHDES) issues Sludge Quality Certifications (SQCs) to biosolids generators that meet established contaminant limits and screening criteria. These standards are science based and include toxicological studies designed to protect the most vulnerable populations.

While New Hampshire has maximum contaminant levels (MCLs) for four PFAS compounds in drinking water, it does not currently have PFAS standards for wastewater or biosolids. It is critical that the Legislature allow NHDES the time necessary to research, analyze, and model available data to develop defensible, science-based PFAS standards for wastewater and biosolids. An immediate, blanket moratorium on land application is premature, unsupported by current science, and does not meaningfully reduce potential PFAS exposure through agricultural products. To our knowledge, NHDES is not aware of agricultural sites in New Hampshire that have been impacted by PFAS as a result of biosolids land application.

For perspective, effective August 8, 2022, Maine enacted 38 M.R.S. §1306(7), banning the land application, sale, and distribution of sludge and sludge-derived products. This action resulted in a well-documented statewide crisis, as outlined in the 2023 Brown and Caldwell report, leaving municipalities with landfill disposal as the only in-state option for biosolids management.

The lessons learned from Maine's ban on land application of biosolids in Maine include the following takeaways:

- **Eliminating land application without replacement options creates systemic risk**
  The ban removed the primary beneficial-use outlet for biosolids but did not establish alternative in-state management capacity. This effectively forced nearly all biosolids into landfills, creating a fragile, single-path system vulnerable to disruption.

  NH Legislative Action: ***Reevaluate the land application moratorium after NHDES completes its PFAS soil leaching-to-groundwater modeling. NHDES anticipates this work will support the development of science-based PFAS standards for biosolids by the end of 2026, followed by rulemaking. Future permitting could also include evaluation of PFAS soil levels at proposed application sites (farms).***

- **Landfills alone are not a resilient long-term solution**
  Relying almost entirely on landfilling exposed multiple constraints—limited wet-waste allowances, dependence on bulking agents, and finite landfill lifespans. Even short-term disruptions quickly led to statewide capacity shortfalls.

  NH Legislative Action: ***Support the expansion of New Hampshire landfills through timely permit review. Engage additional in state or out of state disposal options for contingency capacity. Plan for post-landfill solutions such as regional PFAS treatment facilities and treatment alternatives.***

- **Policy interactions can amplify unintended consequences**
  The biosolids ban coincided with new recycling and out-of-state waste restrictions. Together, these policies sharply reduced the availability of bulking agents needed for landfill disposal, triggering cascading failures that neither policy caused on its own.

NH Legislative Action: ***Fund a study on in state and out of state bulky material availability. Extend or revise recycling and out-of-state waste restrictions if bulky material shortages are confirmed.***

- **Emergency stopgaps are costly and environmentally counterproductive**
  When landfills stopped accepting biosolids, utilities were forced to haul material long distances (including out of country to Canada). This doubled management costs for many wastewater utilities and municipalities, strained ratepayer budgets, and increased greenhouse gas emissions—undermining climate goals.

NH Legislative Action: ***Support policy to increase in-state capacity to avoid long-distance hauling (example: dryers, regional PFAS treatment facilities). Align biosolids policy with climate goals by reducing reliance on landfilling and long-haul transport.***

- **Rapid regulatory change without transition planning harms utilities**
  Wastewater utilities and municipalities had little time to adapt infrastructure, contracts, or budgets. Several facilities faced on-site storage emergencies and potential permit noncompliance, highlighting the need for phased implementation or contingency planning when major regulatory shifts occur.

NH Legislative Action: ***Direct NHDES to use phased implementation once standards are established and provide financial support through programs such as State Aid Grants (RSA 486) and the Clean Water State Revolving Loan Fund to help wastewater utilities and municipalities adapt infrastructure.***

- **PFAS risk management requires nuance, not blanket prohibitions**
  The ban treated all biosolids the same, regardless of PFAS concentration. Data in the Brown & Caldwell 2023 report show that many Maine biosolids have PFAS levels comparable to—or lower than—screening thresholds used in other states, suggesting that risk-based standards may be more effective than categorical bans.

NH Legislative Action: ***Fund a study to research and pilot PFAS treatment technologies to generate real performance and cost data. Direct NHDES to use pilot results to inform permitting and future standards, rather than assuming all biosolids pose equal risk.***

- **Source control and treatment innovation are critical complements to regulation**
  Biosolids managers are passive receivers of PFAS. Without stronger upstream source control and investment in PFAS-destruction or volume-reduction technologies, disposal bans alone simply shift the problem rather than solving it.

NH Legislative Action: ***Support PFAS source control policy that reduce PFAS entering wastewater systems. Invest in PFAS destruction technologies once pilot programs demonstrate effectiveness. Support the coordination of future effluent PFAS limits with biosolids management strategy.***

- **Regulatory certainty matters for long-term infrastructure investment**
  Unclear future rules for land application, air emissions, and PFAS treatment make it difficult for utilities and developers to justify investments in dryers, regional PFAS treatment facilities, or advanced treatment technologies.

NH Legislative Action: ***Fund a study to clarify air permitting expectations for wastewater dryers and thermal/PFAS treatment technologies. Signal long-term policy direction on beneficial use and PFAS limits so wastewater utilities and municipalities can plan capital investments.***

- **Beneficial use should remain part of the waste hierarchy**
  By eliminating land application entirely, the state moved biosolids management down the waste hierarchy toward disposal, increasing pressure on landfills and costs. The report suggests that carefully regulated beneficial use may still be compatible with health and environmental protection.

NH Legislative Action: ***Support regulated beneficial use consistent with NHDES health and environmental goals. Avoid policies that force all biosolids to disposal, which conflicts with waste hierarchy and climate objectives.***

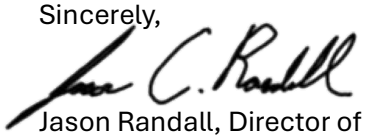
- **Integrated solid-waste and wastewater planning is essential**
  The crisis revealed that biosolids management is fundamentally a solid-waste capacity issue as much as a water-quality issue. Coordinated planning across state agency programs is necessary to avoid repeating similar disruptions.

NH Legislative Action: ***Promote coordination within NHDES Wastewater Engineering and Solid Waste programs when developing future capacity needs and regulations. Encourage use of statewide planning and reporting (example. Annual biosolids production reporting) to anticipate capacity gaps before crises occur.***

These lessons underscore the urgent need for a sustainable, science-based approach to biosolids management in New Hampshire.

The PVWSD respectfully requests that the Committee **consider amendments to HB 1275 that remove the broad moratorium on land application of biosolids**, and instead support continued research, monitoring, best practices, and targeted safeguards that protect agriculture soils and water quality without eliminating a critical beneficial-use option.

Sincerely,



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