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Cooperatively promoting the environmentally sound recycling of biosolids and other residuals

February 10, 2026

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

RE: HB 1275 -- An Act Relative to the Effects of Per- and Polyfluoroalkyl Substances (PFAS) on Agriculture

Dear Chair Aron and Members of the House Committee on Environment and Agriculture:

The North East Biosolids & Residuals Association (NEBRA) is writing in opposition to HB 1275 due to one provision of the bill. While we support the bill's broader goals, the proposed 5-year moratorium on the "land application of sludge or biosolids" is a short-sighted measure that will trigger operational and financial emergencies for New Hampshire's Water Resource Recovery Facilities (WRRFs), many of which are our members.

NEBRA was established in New Hampshire 29 years ago to cooperatively promote the environmentally sound recycling or beneficial use of wastewater biosolids and other suitable "waste" residuals in New England and eastern Canada. In addition to WRRFs, our members include septic system pumpers and companies who help manage the estimated 130,000 wet tons of wastewater residuals generated in New Hampshire each year. See New Hampshire — National Biosolids Data Project for more information about sludge/biosolids management in NH.

In addition to treating about 160 million gallons per day of wastewater, WRRFs in New Hampshire take in a large volume of septage. They are front-line protectors of public health and the environment. Although they are involuntary receivers of per- and polyfluoroalkyl substances (PFAS) being manufactured and used by others, these WRRFs are doing everything in their powers to reduce the impacts from PFAS being discharged to their facilities.

On behalf of our members and all the WRRFs in New Hampshire, here are our most crucial concerns:

- Operational Bedlam for Impacted Facilities: The 60-day implementation window for the moratorium will be impossible to meet. WRRFs cannot change course in that short of a timeframe. Even more important is the potential for water quality impacts and permit violations if WRRFs are unable to move the sludges/biosolids out of their facilities due to the moratorium. While PFAS risks are still being understood, these risks are real. These WRRFs will need funding to invest in alternatives and they will likely *abandon* their existing infrastructure, not restart it after a 5-year moratorium.

- Landfill Option Not Sustainable: Landfill capacity throughout the Northeast is diminishing. The moratorium would force an additional 52,000 wet tons of biosolids into landfills each year (equivalent to an estimated 2,363 tanker trucks per year). That will generate methane emissions (even in the best run landfills) and drive disposal costs up by as much as 175%, as we have seen in Maine. In addition, there is a need for bulky wastes to mix with the sludges for safe landfilling which can be a challenge. In any event, landfilling as an outlet for biosolids is not sustainable, especially in New Hampshire where there are many landfills reaching their currently-permitted capacity (see *Solid Waste Disposal Capacity in the Northeast* by the North East Waste Management Officials' Association, April 2021: Solid_Waste_Disposal_Capacity21.pdf).

- Economic Impact: Managing biosolids is already the second or third largest expense for municipalities. Eliminating recycling options without providing funding for alternatives will have major impacts on utility budgets. Affordability is a concern as we have seen in Maine. Biosolids has numerous proven benefits including enhancing soil health, recycling of nutrients (including micronutrients), reducing fertilizer and pesticide use, improving moisture retention, and increasing soil carbon content. That value and those benefits are lost if biosolids are sent to landfill.

- Scientific Context: A long-term moratorium ignores the proven benefits of nutrient recycling and carbon sequestration. There are decades of research into biosolids use as fertilizers and soil amendments. A nationwide study (recently published National collaborative study on the incidence and mobility of PFAS following land application of biosolids - ScienceDirect) includes a site in New Hampshire. Regular testing of New Hampshire's biosolids is ongoing by the Department of Environmental Services (NHDES) and has not revealed any major issues.

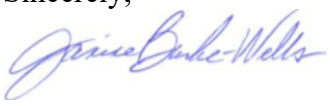
Here is what will help:

- Reduce the source(s) of PFAS into WRRFs.
- Require the NHDES to establish application limits for agricultural end uses of biosolids.
- Provide additional resources to study potential long-term outlets for sludges/biosolids.
- Balance the risks of land applying biosolids against the risks of *not* land applying biosolids in terms of soil health and climate impacts – problems that are just as important as PFAS. There are some very good, safe uses for biosolids.

Instead of looking at sludges/biosolids as a waste, impactful legislation should consider them from the perspective of a circular economy where there are numerous resources to recover including green energy that can be generated by these same solids. If the legislature were to establish a study commission to develop a plan for sustainable biosolids management, you will see the short-sightedness of the current legislation.

We believe HB 1275 has some very good policy components. However, the 5-year moratorium targeting only sludges/biosolids and eliminating an option for biosolids management without having a back-up plan is not sustainable. It will have major unintended consequences on WRRFs, especially New Hampshire residents, and little impact on the PFAS concerns in New Hampshire.

Sincerely,



Janine Burke-Wells,
Executive Director