The Authorities
PENNSYLVANIA MUNICIPAL AUTHORITIES ASSOCIATION

**House Republican Policy Committee**
**Public Hearing on the "Impacts of New DEP Requirements"**
**October 15th, 2026**

Good morning, Chairman Rowe, and members of the House Republican Policy Committee. Thank you for the opportunity to provide testimony regarding the Draft General Permits for the Beneficial Use of Biosolids by Land Application, which were posted by the Department of Environmental Protection (DEP) in the Pennsylvania Bulletin on July 4, 2026.

My name is Andrew Moore, and I am the Director of Plant Operations for the Lehigh County Authority.

The Pennsylvania Municipal Authorities Association ("PMAA") is an association that represents the interests of nearly 700 municipal authorities in Pennsylvania, which collectively provide water, sewer, stormwater, waste management and other services to over five million Pennsylvania citizens. Founded in 1941, the mission of PMAA is to assist authorities in providing services that protect and enhance the environment, promote economic vitality, and further the general welfare of the Commonwealth and its citizens. PMAA and its members, who are stewards of the environment, strive to provide the highest quality service to their customers and ratepayers. Many of PMAA's members may be impacted by DEP's ultimate decision on the Draft General Permits.

PMAA has consistently been at the forefront of educational initiatives and debate regarding the use of biosolids. It formed the PMAA Biosolids Workgroup to gather information and discuss the use of biosolids from a myriad of sources and stakeholders. PMAA was also a major participant in DEP's Biosolids Workgroup, where it provided valuable feedback to DEP regarding the use of biosolids. In 2025, PMAA members adopted a resolution confirming that PMAA supports the land application of biosolids and the legislative and regulatory oversight, and approval, of revisions to general permits issued by DEP, consistent with the recommendations by a Legislative Budget and Finance Committee

study authorized by House Resolution 149 (session of 2021).

PMAA would like to recognize the contributions of Representative Rigby who was the prime sponsor of House Resolution 149 and a recipient of PMAA's Distinguished Service Award in 2022 for his efforts on this issue.

PMAA strongly believes that any proposed changes to the Draft General Permits should be done so according to Pennsylvania's well-established regulatory review process. PMAA always supports the health and safety of Pennsylvania residents and believes that such should be a paramount concern in any government initiative. Likewise, PMAA also believes in the consideration and application of sound science in any government initiative. Therefore, at a minimum, any proposed changes to the Draft General Permits should be subject to a technical evaluation, a cost-benefit analysis and an opportunity to be reviewed and commented upon by, among others, the standing committees in the Pennsylvania House and Senate, and the Independent Regulatory Review Commission.

PMAA's comments are consistent with Pennsylvania legislative initiatives. House Resolution 149 (Session of 2021) sponsored by Representative Rigby directed the Legislative Budget and Finance Committee to study the costs and methods for permit holders to comply with proposed revisions to the General Permits and report its findings and conclusions to the House of Representatives. The Co-Sponsorship Memorandum for the aforementioned HR 149 (circulated by Representative Rigby) noted, in part, that the revisions to the General Permits "will significantly alter both the economic and environmental impacts of biosolids management across the Commonwealth," and that "unfunded mandates will have a cascading impact, including increased costs to the permittee and ratepayer, with little or no discernible positive impact to the environment."

The Legislative Budget and Finance Committee's report summarily stated that permit changes may create unintended consequences for biosolids management, which could result in higher fees for ratepayers.

To reiterate, PMAA strongly believes in the health and safety of Pennsylvania residents and the protection of Pennsylvania's environment and natural resources. It also believes that sound science must play a role in any government regulation or initiative. Significantly, these are not competing goals and

objectives, but must be together addressed thoroughly in any regulation or initiative. Therefore, PMAA once again endorses the proper vetting of the General Permits at issue in this matter through Pennsylvania's well established regulatory review process.

**Lehigh County Authority**

Lehigh County Authority (LCA) operates the City of Allentown's Kline's Island Wastewater Treatment Plant which serves a population of approximately 270,000 in Allentown and 14 surrounding communities. In 2025 the plant treated approximately 32 million gallons of wastewater per day, generated 16,829 wet tons of biosolids, and beneficially reused 100 percent of the processed biosolids through land application.

Our concerns with the proposed revisions fall into three major categories.

1. The proposed revisions have the potential to eliminate or significantly reduce the land application of biosolids. Land application has long been recognized as a beneficial reuse practice that recycles nutrients and organic matter back into the soil, while providing a cost-effective disposal option. The proposed revisions would not eliminate the need to manage biosolids; rather, they would simply shift biosolids reuse to landfill disposal. The impact has the potential to be even more severe in eastern Pennsylvania where there is limited agricultural land, higher population density, and landfill capacity concerns. LCA has experienced disposal costs as much as five times higher for landfills when compared to land application.

2. LCA supports responsible phosphorus management and recognizes the importance of protecting Pennsylvania's waterways from nutrient impairment. The Phosphorus Index (P-Index) was developed as a planning and risk assessment tool for phosphorus movement from fields, not as a regulatory mechanism governing biosolids application rates. Presently, the P-Index is not a federal or state regulatory requirement. Most importantly, the DEP has not demonstrated that the implementation of the P-Index for biosolids will have a measurable reduction in phosphorus loading to surface waters. Without a clear scientific basis linking the P-Index to environmental

improvements, the practical effect will be to reduce land application acreage without a corresponding environmental benefit. The proposed requirement would deprive farmers of low-cost fertilizer, increase costs to ratepayers, and limit the amount of biosolids that can be land applied which would divert biosolids to landfills that are already capacity limited.

3. LCA recognizes the growing public interest in PFAS and supports efforts to better understand the presence and movement of these compounds within the environment. However, the proposed PFAS monitoring requirements and tier system are being introduced in a rapidly evolving regulatory landscape where scientific understanding, analytical methods, and federal requirements continue to develop. This presents several challenges as there are only a small number of accredited laboratories able to perform this analysis. The competition for laboratory services will create scheduling difficulties and increased analytical costs for wastewater treatment plants. It is important to note, wastewater treatment plants do not manufacture or use PFAS in the treatment process and are passive receivers from industrial, commercial, and consumer sources. Of greater concern, the proposed requirements may unintentionally shift responsibility for PFAS management from entities that generate PFAS containing waste to wastewater treatment plants, resulting in compliance and disposal costs that are ultimately passed to the ratepayers.

**<u>Chalfont New Britain Township Joint Sewage Authority</u>**

Good morning, Chairman Rowe and members of the House Republican Policy Committee, my name is John Larson, and I am the Executive Director of the Chalfont New Britain Joint Sewer Authority.

The Chalfont New Britain Township Joint Sewage Authority is located in central Bucks County and serves about 17,000 residents in Chalfont Borough and New Britain Township. Additionally, we process wastewater for the Bucks County Water and Sewer Authority and are the treatment facility for about 5,000 of their customers.

Biosolids have many advantages as a fertilizer. The use of biosolids improves soil structure, delivers plant nutrients and lowers cost for the farmer by recycling treated organic matter back into the soil.

I have several overarching themes to the proposed changes to the General Permits.

1. The proposed changes to the permits will result in a virtual ban on the land application of biosolids.
2. These proposed changes will result in significant increases in sewer rates for our ratepayers.
3. There is no evidence that these changes will result in improvements to the environment or public health.
4. The changes to the general permits should be done through the regulatory process.
5. In the stakeholder involvement so far, I feel that comments from the biosolids sector were largely ignored and many additional restrictions and requirements were added after stakeholder involvement.

**PFAS in Biosolids**

Rather than setting PFAS limits in biosolids it would be more appropriate to require PFAS monitoring in biosolids. A two-year monitor-only period will give biosolid producers time to determine what the levels are, and if they are shown to be high, make arrangements to divert the biosolids to other management options. This would also give wastewater treatment plants time to identify industrial sources of PFAS and start to implement source reduction plans and a pretreatment program.

**The Phosphorus Index**

The proposed changes to the General Permits say that the Phosphorus Index (P-Index) must be used to determine biosolids application rates on certain fields and in certain watersheds. There are many reasons why this should NOT be a part of the General Permit. As has been mentioned this is not a regulatory requirement

and it is not required by the U.S. Environmental Protection Agency. Furthermore, the P-Index is frequently updated by Penn State University, and while we love Penn State, it is not appropriate to give them this regulatory authority. This protocol would effectively place Penn State University in the position of establishing DEP standards and guidelines moving forward. Making a non-regulatory body the deciding factor on land application limits in the future will further remove the permit process from the regulatory review process that is essential to protecting our residents from unnecessary overreaching mandates that they bear the cost of meeting.

I think it would be better to continue to evaluate the use of the P-Index on water quality and we should be supporting the needed field studies to determine phosphorus losses from farm fields that have received biosolids.

**Required Covered Farm Field Storage of Biosolids**

The proposed revisions to the General Permits proposes that field storage of biosolids must be covered. This is not feasible and would restrict the use of biosolids for most of the year. Biosolids field storage is already covered in existing regulations. The publication *"Guide to the Field Storage of Biosolids"* developed by the U.S. Environmental Protection Agency and the U.S. Department of Agriculture does not recommend the use of tarps on biosolid storage areas. Tarps are not safe for workers and are often damaged and blown away by wind.

Construction of buildings at the farm for storage is impractical. First, the farmer would have to consent and agree to use biosolids for several years. Each farm is not used every year so the structure could sit empty for long periods of time. Buildings require maintenance and could increase the farmer's taxes. Finally, the use of the P-Index could limit the application of biosolids once the soils reach a certain concentration and the construction of a storage structure may not be worth it.

**CLOSING**

While many of these guidelines are being included with good intentions and are proposed to protect the environment in our Commonwealth, I believe that we have not fully shown that the new regulations will have the desired outcome as proposed. The sewer authorities that these regulations will impact are passive

receivers of PFAS and not generators. Our understanding on the real impacts of PFAS from biosolids used as a soil amendment are still limited due to the lack of analysis and long-term monitoring. What we do know is that these new regulations will push many of the biosolids that are currently being used as soil amendments to be landfilled. This method of disposal does not remove the PFAS or PFOA, but rather shifts it to the landfill relocating the problem to a different location. The current landfill capacity in Pennsylvania and surrounding states is insufficient to be able to receive the biosolids that would need to be disposed of. Studies have been performed that indicate that this change would increase landfill disposal rates somewhere between 150 percent and 300 percent, and these increases could go even higher once the capacity becomes limited. These costs would be passed on to the residents greatly increasing the sewer rates across the state.

EPA released a guidance document in 2020 claiming that biosolids used as a soil amendment posed a high risk for PFAS transfer. EPA's Science Advisory Board (SAB) released a letter on Sept. 29, 2026, in this letter the EPA has made it clear that they now "disagree with the science underpinning the risk assessment." Proposing regulatory changes when the foundation for these changes is in question seems premature. I propose that we enter a 2–3-year monitoring period to gather real world data prior to regulations being amended that will negatively impact the entire state and our residents.

Thank you for the opportunity to testify before you today, we would be happy to answer your questions.