

CLEAN WATER SoCal
State Biosolids Leg/Reg Update
October 14, 2026

SYNAGRO

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Overview of State Regulatory Development

- States can implement their own additional regulations on biosolids use, which can be more stringent than federal requirements: Increasing awareness of PFAS in biosolids, misunderstanding of EPA's Draft Risk Assessment, and lack of federal action has spurred state-level interest in regulating land application without interim guidance from EPA.
- Although land application bans have garnered significant coverage, only two states (CT & ME) have enacted bans: Instead, **tiered limits based on measured PFAS concentration are the dominant state-level response**.
- Once explained, the economics of alternatives to land application, for water and wastewater utilities, ratepayers, and interstate waste flows make it difficult for regulators and legislators to cripple land application as a biosolids management option.
- National organizations representing key state-level biosolids stakeholders support measured responses to PFAS in biosolids: Land application benefits WWTPs, clean water agencies, and farmers, who all advocate for policies that continue to enable biosolids land application at the state and federal levels.
- Support from the Brown and Caldwell/Carollo Engineers state-by-state "affordability" studies

State Legislation (2026)

- **Arizona** HB 2640 - Land application ban bill **defeated.**
- **Florida** SB 1294 - Successfully **amended** to have the troublesome “bona fide market price” requirement as compared to other fertilizers language removed from the bill. **Vetoed** by Governor DeSantis,
- **Hawaii** SB 2096 – Biosolids land application ban bill **died** on March 30th.
- **Illinois** SB 3101 - Proposed language to immediately adopt the Michigan tiered regulations with the 1.5 dt/ac limit for PFOS and PFOA over 20 ppb to 100 ppb **defeated**.
- **Maryland** SB 719/HB 925 - Successfully **amended** to have tiered limits for application rates changed from 1.3 dt/ac to 3 dt/ac for PFOA and PFOS concentrations from 25 ppb to 50 ppb. Land application regulations take effect October 1, 2028
- **Massachusetts** S 3404 – This bill remains in the Senate Ways and Means Committee. Passage is highly **unlikely,** given that the bill will emerge during the formal session, which ends July 31. There are also various House versions of PFAS legislation that are in House Ways and Means and Health Care Finance committees. Those are also highly unlikely to move at this point.

State Legislation (2026)

- **New York** A10138/S9115 –Successfully **defeated** bills containing a five-year land application moratorium, onerous soil sampling, and groundwater analysis requirements. Brown and Caldwell study report detailing NY's biosolids management capacity constraints, costs increase, and environmental impacts was persuasive. Senate Budget Resolution (S.9008-B, Part XX) passed by the Senate included language exactly similar to S.9115. In budget negotiations, both the Governor and the Assembly did not agree on including this measure in the budget, thus the final budget agreement did not include any legislation pertaining to biosolids.
- **Oklahoma** SB 1799 - Bans the land application of any form of biosolids **defeated**. HB 3403 – Provides for four years conduct research and assess alternative biosolids management practices. The phase out of biosolids land application in this bill by 2029 was **removed**.
- **South Carolina** HB 5310 – Land application ban bill **defeated**.
- **Tennessee** HB 1122/SB 1263 – Local control bill (Grundy County) **defeated**. TN state preempts local control.
- **Virginia** SB 386/HB 1443 - Successfully **amended** to remove original land application ban and change tiered limits from 1.5 dt/ac to 3.0 dt/ac for PFOA and PFOS concentrations from 25 ppb to 50 ppb. Tiered land application regulations based on PFAS levels take effect on July 1, 2027. HB 1266 - **Defeated** onerous permit requirements for environmental justice impacted areas
- **Wisconsin** AB 130 – **Exempts** biosolids land appliers from liability if application done in compliance with permit

- **New York -** (Anticipated Proposed Regulation)
  - Concept: Biosolids used on land "should be limited so that soil background levels of PFAS are not exceeded." NYSDEC regulations would establish threshold concentrations that would dictate use restrictions for compost products and land application.
  - Potential max soil concentration on ag sites: PFOA: 1.5 ppb, PFOS: 3.0 ppb.
  - Soil sampling requirements would adversely impact farmers use of biosolids
- **Pennsylvania** – (Anticipated Proposed Regulations)
  - PADEP in the process of administratively creating tiered PFAS biosolids concentration tiers, unreasonable phosphorous index concentration limits, and restrictions on organic waste being processed at POTWs through their General Permit amendment process.

States | Legislative Strategy

- Since there is currently no federal regulation for PFAS in biosolids, and the EPA draft risk assessment has been acknowledged as being flawed, legislative and regulatory models are emerging from state-level actions, with versions of the “Michigan Model” offering an effective, adequate time-sequenced **interim** approach.
- The goal is to have legislation allow adequate time to establish a balanced interim approach to address PFAS in biosolids through a comprehensive, multi-faceted strategy that combines source reduction, mandatory monitoring, and sensible land application restrictions.
- Phase 1 – Initial Background Actions
  - Passive Receiver Protection
  - Biosolids Sampling
  - Source Control/Product Substitution Legislation
  - Implementation Steps (data evaluation/source investigation)
- Phase 2 - Tiered Regulatory Approach
  - After evaluation and establishment of PFAS Phase 1 requirements, establish tiered limits.
  - As milestones are reached, reevaluate tiered limits.

