

Testimony of Jill Whitcomb
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Before the House Republican Policy Committee
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Good morning, Chairman Rowe, Representative Rigby, and members of the Pennsylvania House Republican Policy Committee. On behalf of the Pennsylvania Department of Environmental Protection (DEP), I want to thank you for the opportunity to provide testimony related to the proposed changes to the general permits for the beneficial use of biosolids through land application.

Land application of biosolids benefits farmers, sewage treatment plant operators, and their ratepayers. Farmers benefit from an affordable source of nutrients and organic material that improves soil fertility. Sewage treatment plant owners benefit from an economical option to beneficially use their biosolids, as opposed to disposing of them in landfills or by incineration, which is more expensive.

The current general permits for the land application of biosolids (PAG-07 and PAG-08) and the land application of septage (PAG-09) were established in 2009. Under existing statutes and regulations, DEP has the authority to update and adjust these general permits when needed, including to protect public health and prevent pollution of waters of the Commonwealth. Typically, general permits are updated and reissued every five years to ensure their permit terms and conditions reflect the latest science and best practices. Pennsylvania's regulations governing the beneficial use of biosolids through land application found in 25 Pa. Code Chapter 271 Subchapter J, are rooted in the corresponding federal regulations at 40 CFR Chapter I Subchapter O, which were finalized in 1993, although with several notable differences, as detailed in the preamble to the Environmental Quality Board's (EQB) 1997 rulemaking published at [27 Pa.B. 521](#).

As part of this process DEP met with advisory boards – including the Agricultural Advisory Board and the Water Resources Advisory Committee – in 2021 to discuss proposed changes, including PFAS monitoring, storage requirements, and phosphorus management. DEP also convened a stakeholder workgroup that met six times beginning in September 2021 and submitted comments to DEP in March 2022.

Following the adoption of House Resolution 149 of 2021, DEP paused further development of the permit revisions and worked closely with the Legislative Budget and Finance Committee (LBFC) as it reviewed the proposed changes.

The LBFC published its report in June 2023, identifying several areas of uncertainty that they recommended DEP consider before proceeding. Several of these areas involved questions for the U.S. Environmental Protection Agency (EPA). At that time, there was no approved method for analyzing PFAS in biosolids and there was limited information and research related to the human health and environmental risks of PFAS in biosolids. Since then, EPA has established an approved method for analyzing PFAS in biosolids. EPA also published a draft risk assessment in early 2025 and draft guidance on PFAS in biosolids in summer 2026. DEP provided comments on both documents, emphasizing the importance of EPA finalizing the risk assessment to inform more actionable guidance and potential updates to federal regulations governing PFAS in biosolids.

Over the last several years, other states have also been evaluating the land application of biosolids. The Environmental Council of States (ECOS) published a [Compendium of State PFAS Actions](#), summarizing legislation, regulations, and permitting requirements established to protect public health across different environmental media. In several cases across the country, including Pennsylvania, the historical land application of biosolids is believed to have contributed to PFAS detected in nearby drinking water wells. In the Mid-Atlantic region, neighboring states such as Maryland and Virginia have enacted similar safeguards through legislation.

Recognizing both the regional and national focus on PFAS in biosolids, DEP engaged stakeholders and advisory bodies to refine the proposed changes. To ensure the proposed changes are informed by the latest science and research, DEP convened a Data Gathering Team in early 2025, meeting monthly from March through June. Its 16 members, representing DEP and PDA staff, academic researchers, and association members, were tasked with identifying available research on PFAS in biosolids and examining how other states are monitoring and regulating PFAS in biosolids.

Building on the team's findings, DEP assembled another stakeholder workgroup to address specific biosolids issues and develop proposed updates to the beneficial use permits. The workgroup discussed key aspects of the permits, including PFAS monitoring and limits, in-field biosolids storage requirements, phosphorus reduction strategies, and the processing and land application of mixtures of biosolids and residual waste at wastewater treatment facilities. The workgroup included broad representation from the regulated industry, agriculture, and nongovernmental organizations. The workgroup met three times from October through December 2025. Throughout this process, we shared common goals: clean water, sustainable farms, and sustainable biosolids land application programs.

The proposed permit changes reasonably balance the need for additional safeguards to protect farms, water supplies, and Pennsylvanians from pollutants in land-applied biosolids with the benefits that biosolids land application provides to farmers and to sewage treatment plants.

Phosphorus management is another component of the proposed general permits. Since 2005, as a result of amendments to the Nutrient Management Act through Act 38, agricultural operations that raise livestock and/or poultry and meet certain animal-number or density thresholds have been required to develop and implement phosphorus-based nutrient management plans. These plans include the Phosphorus Index (P-Index), a management tool designed to minimize the risk that manure application will degrade water quality.

Farms that produce and/or land-apply manure must conduct soil sampling and meet the phosphorus management requirements or implement their plans using phosphorus-based agronomic rates. Biosolids land application plans are nitrogen-based and do not currently require the use of the P-Index tool to manage phosphorus. The proposed general permits would require, at a minimum, screening of fields that receive biosolids to help ensure phosphorus applications are managed appropriately.

The proposed general permits also address storage and in-field staging and stacking requirements. For several decades, the agricultural industry has been required to meet certain standards for storing and stacking liquid, semi-solid, and solid animal manure in fields. The intent is to establish similar requirements and standards for biosolids to protect water quality.

In recent years, many sewage treatment plants have implemented energy recovery projects that turn methane gas generated from digestion of biosolids and other organic wastes into electricity or fuel for plant operation. DEP has heard concerns from municipalities and legislators about the permitting process for bringing in residual waste, such as food processing residuals (FPRs), into these digesters.

DEP wants to encourage the many benefits these digesters provide to sewage treatment plants, including renewable energy production, an additional source of revenue from facilities supplying residual waste, and the treatment of FPRs through digestion before land application. This treatment can reduce potential pollutants and odors associated with FPRs.

To streamline permitting for these practices, the revised permits would bring the requirements for both digesting FPRs with biosolids and land-applying the resulting blended materials under one permit. DEP has taken the initiative to consolidate the regulatory requirements, streamline the permitting process and provide greater certainty to sewage treatment plants that already have these systems in place or are considering constructing and operating them.

In contrast to the stakeholder-informed safeguards DEP is proposing, some states have taken a different approach to addressing the risks associated with PFAS in land-applied biosolids by banning land application entirely. Such bans limit available options and increase costs for

farmers and sewage treatment plant owners. They may also shift pollution risks to landfill leachate and emissions from facilities that incinerate biosolids.

Based on the experience of other states that have implemented provisions similar to those DEP is proposing, DEP does not anticipate that the proposed permit changes will significantly restrict land application of biosolids in Pennsylvania for most sewage treatment plants. Facilities with higher PFAS levels will need to look upstream, develop and implement source reduction plans, and work with industrial dischargers to minimize PFAS entering their systems. This has been a successful approach in at least one other state, and several other states, including Pennsylvania's neighbors, have recently adopted similar approaches.

Without these additional safeguards noted above, farmers and residents could face greater risks of exposure to PFAS, as well as increased risk of water quality impairment and degradation. Under the current permits, permittees are not required to monitor or notify farmers, depriving farmers of important information about what they may be putting on their fields. Without these additional safeguards, Pennsylvania could see importation of biosolids from other states with more rigorous and robust requirements, leading to enhanced risk of contamination of our farmers' soils and our residents' drinking water.

DEP published the draft permits on July 4, 2026, for a 60-day public comment period and received 545 comments. Before any permit will be finalized, DEP is reviewing those comments, preparing responses, and assessing what changes may be warranted in response to public feedback

DEP looks forward to continuing to work with stakeholders to protect clean water, support sustainable farms, and maintain a sustainable biosolids program. We appreciate the committee's interest in this important topic, and I look forward to answering your questions at this time.