



May 21, 2020

Martin Suuberg, Commissioner  
Massachusetts Department of Environmental Management  
One Winter Street  
Boston, Massachusetts 02108  
*(delivered by email to [Martin.Suuberg@mass.gov](mailto:Martin.Suuberg@mass.gov))*

***Re: Biosolids Management Stakeholder Input on Sludge/Biosolids Policy & Approach***

Dear Commissioner Suuberg,

First, on behalf of our members, we want to thank you for your leadership on the response to the COVID-19 epidemic. All the communications and support of front-line water quality professionals has been very valuable as we all navigate through a difficult situation.

**Our Current Concern**

As we write you today, our members are still focused on COVID-19 issues. One of the concerns they face, which we want to bring to the attention of the Department, is limited outlets for wastewater solids.

- The changes in solid waste disposal due to COVID-19 has stressed the regional biosolids market even more than it was before COVID. For more than a year, concerns about PFAS in biosolids have added to uncertainty about biosolids land application to soils, landfilling, and incineration. Our members -- wastewater treatment programs and the contractors who serve them -- are worried about potential liability for past and present biosolids disposition because of PFAS. In response to this, the market for biosolids end uses has shrunk and prices have risen significantly. The cost to manage the Commonwealth's biosolids have been increasing dramatically – some even doubling – just in the past year.
- Now, a recent request from the Department's division that oversees the wastewater residuals ("sludge") program to all Approval of Suitability (AOS) permit holders for land application of biosolids has added to our members' worries. We are writing on behalf of these stakeholders with a request to be included in further discussions about how PFAS will be addressed when it comes to wastewater and biosolids management. We also want to be involved in discussions of any changes being considered for the biosolids land application program in Massachusetts.

- We are concerned that the decades of demonstrated benefits and resource recovery potential of biosolids continue to be lost in regulatory discussions and policy decisions. We are apprehensive about the unintended impacts of potentially changing land application-related policy without a full understanding of the bigger operating environment, policy implications, and climate and environmental impacts. As we have noted in comments on PFAS-related regulations, actions that push biosolids/sludge to landfills and incineration – sometimes going out of state with long haul distances – sets back the progress the Commonwealth has made over the past in diverting organics from landfills and reducing associated greenhouse gas emissions. There are more biosolids produced in the Commonwealth (180,800 dry tons = 822,000 wet tons assuming 22% solids) than the food waste being diverted at great effort and cost (505,521 wet tons processed at MA organics facilities).
- Some of the information requested in the recent email from the Department shows that more research is needed to evaluate current land application practices. Although we welcome the focus on data-gathering, we are concerned about the quality of the data and how those data will be used for decision-making. Our members and all the biosolids AOS holders will strive to comply (and most will) with the May 22<sup>nd</sup> deadline of this recent information request. But we all want to understand how this information is going to be evaluated. The crisis in the sludge management market in New England has never been so serious. One major facility shutting down could lead to wastewater facilities having no place to send their sludge. We were already worried that changes to the land application program could impact landfill and incineration options. Adding uncertainties to the market at this time will more than likely cause additional negative unintended consequences for our remaining biosolids outlets.

### **A Time to Meet**

Our members truly want to be part of the solution. We would like the opportunity to meet with you to discuss our concerns and identify ways we can support MassDEP with its current biosolids data collection efforts. We can, for example, host webinars for those working on biosolids and PFAS policy to exchange information on details of biosolids operations. We have successfully used this type of workshop format in the past (for example, when the Department developed regulations for molybdenum in biosolids).

We are also willing to assist with collecting data from our members – not just in Massachusetts, but regionally as well, as there is much interstate activity around biosolids. We also have access to the latest research and have contracted several studies – along with our national counterparts such as the Water Environment Federation (WEF) – that might be of interest to your staff. Our members include the technical experts in land application and biosolids management in this region and they would be more than happy to share their knowledge with the Department. We think it's very important for the Department to tap these resources and have a very good understanding of the current situation before acting further.

### **Past Successful Collaboration**

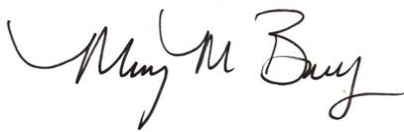
As you recall, we met with you more than a year ago to discuss the PFAS issue related to biosolids, and we very much appreciated the dialogue that followed, which led to a productive second meeting with your key staff members. We continued communications through 2019 but, slowly, the ability for the staff of the wastewater and residuals program to communicate was reduced and plans for further meetings were put off by the Department. We appreciated that, back in January, the Department decided to remove the PFAS testing requirement involving SPLP; that is something that we had argued would not produce any useful data. We felt the Department had listened to our concern and we appreciate that. We can point to

excellent examples of the Department's collaborative approach and expertise in stakeholder involvement; look no further than the Organics Subcommittee that some of us have been involved in, some for many years. We hope for similar involvement in addressing the current challenges around biosolids management, which are exacerbated by PFAS and now COVID-19.

In closing, as you know, our members are on the front lines of protecting public health and the water environment. We feel it is critical to engage them through all the steps of evaluating wastewater and sludge management policy and regulation. It will result in a better outcome for all parties.

Please contact NEWEA's Mary Barry at 617-875-2142 or [mbarry@newea.org](mailto:mbarry@newea.org) to schedule a meeting to be held this month (virtually, of course), if possible. Thank you.

Sincerely,



Mary M. Barry  
Executive Director  
**New England Water  
Environment Association**



Eric Smith  
President  
**Massachusetts Water  
Environment Association**



Janine Burke-Wells  
Executive Director  
**North East Biosolids &  
Residuals Association**

cc: Kathleen Baskin, Assistant Commissioner, Bureau of Water Resources  
Mickey Nowak, MAWEA