

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

HOUSE ENVIRONMENTAL RESOURCES & ENERGY COMMITTEE HEARING

STATE CAPITOL
G-50 IRVIS OFFICE BUILDING
HARRISBURG, PENNSYLVANIA

MONDAY, OCTOBER 25, 2021

IN RE: PENNSYLVANIA BIOSOLIDS MANAGEMENT
PERMIT REVISIONS

BEFORE:

HONORABLE DARYL METCALFE, MAJORITY CHAIRMAN
HONORABLE GREG VITALI, MINORITY CHAIRMAN
HONORABLE MIKE ARMANINI
HONORABLE DONALD COOK
HONORABLE JOSEPH HAMM
HONORABLE KATHY RAPP
HONORABLE TOMMY SANKEY
HONORABLE PAUL SCHEMEL
HONORABLE MANUEL GUZMAN
HONORABLE DIANNE HERRIN
HONORABLE JOE HOHENSTEIN
HONORABLE MARY ISAACSON
HONORABLE RICK KRAJEWSKI
HONORABLE DANIELLE FRIEL OTTEN
HONORABLE PAM SNYDER

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COMMITTEE STAFF PRESENT:

**GRIFFIN CARUSO, RESEARCH ANALYST, REPUBLICAN CAUCUS
GLENDON KING, EXECUTIVE DIRECTOR, REPUBLICAN CAUCUS
ALEX SLOAD, RESEARCH ANALYST, REPUBLICAN CAUCUS
PAM NEUGARD, ADMINISTRATIVE ASSISTANT, REPUBLICAN CAUCUS**

**SARAH IVERSEN, EXECUTIVE DIRECTOR, DEMOCRATIC CAUCUS
BILL JORDAN, RESEARCH ANALYST, DEMOCRATIC CAUCUS**

**JEAN M. DAVIS, REPORTER
NOTARY PUBLIC**

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I N D E X
T E S T I F I E R S

NAME	PAGE
WILLIAM TOFFEY, EXECUTIVE DIRECTOR, MID-ATLANTIC BIOSOLIDS ASSOCIATION	6
CHRISTINE VOLKAY-HILDITCH DEPUTY DIRECTOR OF PUBLIC WORKS - UTILITIES, CITY OF LANCASTER	20
JOHN UZUPIS, TECHNICAL SERVICES DIRECTOR, SYNAGRO	30
NED LANG, PRESIDENT, PENNSYLVANIA SEPTAGE MANAGEMENT ASSOCIATION	45
MICHAEL KYLE, EXECUTIVE DIRECTOR, LANCASTER AREA SEWER AUTHORITY	63

1 P R O C E E D I N G S

2 * * *

3 MAJORITY CHAIRMAN METCALFE: The House
4 Environmental Resource and Energy Committee is called to
5 order.

6 Before we get started, I'd ask everybody to
7 please rise. And, Representative Sankey, would you lead us
8 in the pledge, please, sir?

9 (Pledge of Allegiance)

10 MAJORITY CHAIRMAN METCALFE: I will ask my
11 assistant, Pam, to call the roll call, please.

12 (Roll call)

13 MAJORITY CHAIRMAN METCALFE: Thank you, Pam.

14 Today's meeting is on Pennsylvania biosolids
15 management permit revisions. And I had an e-mail last week
16 from my Minority Chair, Representative Vitali, asking that I
17 invite DEP. And at that point, on the 22nd of October, we
18 had already officially invited the DEP on the 18th of
19 October. So we had invited DEP to discuss this issue with
20 us this morning and testify before us regarding their plans
21 to bring about some permit revisions on biosolids and they
22 declined to attend the meeting today.

23 And it wasn't the first that we brought the topic
24 up to them. I had actually sent them a letter back on
25 September 7th of this year and had a host of questions that

1 I posed to the Secretary at that time regarding the plans to
2 revise this permit.

3 They didn't reply to our letter. It actually
4 asked for a reply by September 21st when I sent the letter
5 on September 7th -- so I gave them a couple of weeks --
6 asking some questions. I sent them about a page-and-a-half
7 letter with those questions and asked for it to be replied
8 to by September 21st.

9 We didn't get a copy of their reply until the
10 22nd of October. And, in fact, we didn't get it. It
11 actually was received by Glendon, my Executive Director.
12 And it was only after he had invited them on October 18th
13 that they finally sent him an e-mail version of their reply
14 on October 22nd, which is dated October 19th.

15 We still haven't officially received the
16 communication in my office via the normal process of them
17 mailing it over to us. So my office had not received it,
18 but Glendon did receive it on our behalf. As I said, it
19 took them, you know, from September 7th to October 22nd to
20 give us a reply. And then they did decline to actually
21 discuss this with us here today.

22 We have a number of experts here with us today
23 that will be talking about these proposed revisions. The
24 letter that they sent -- I was going to read it into the
25 record this morning but it's about four and a half pages

1 long, so I'd rather hear from our testifiers. And we can
2 make the letter available to anybody that would like to see
3 it after the meeting via electronic sharing. Glendon does
4 have a copy of it now.

5 Good morning, sir. We are having our first
6 testifier, who is Mr. William Toffey, Executive Director
7 from the Mid-Atlantic Biosolids Association. Thank you for
8 being with us this morning. You can begin when you are
9 ready, sir.

10 MR. WILLIAM TOFFEY: Thank you, Mr. Metcalfe.

11 Yes, Bill Toffey.

12 MAJORITY CHAIRMAN METCALFE: Excuse me, sir.

13 We do have to -- my Executive Director is
14 reminding me of our new rules this session. We need to
15 swear you in before you give your testimony this morning.

16 MR. WILLIAM TOFFEY: Okay.

17 MAJORITY CHAIRMAN METCALFE: If you could stand
18 and raise your right hand.

19 MR. WILLIAM TOFFEY: Sure.

20 (Witness sworn in)

21 MAJORITY CHAIRMAN METCALFE: Sorry for the
22 interruption.

23 Thank you, Glendon, for the reminder.

24 MR. WILLIAM TOFFEY: Thank you.

25 Yes. I'm Bill Toffey. I've been Executive

1 Director of the Mid-Atlantic Biosolids Association for ten
2 years. And for better than 20 years before that, I was a
3 manager in a biosolids unit at the Philadelphia Water
4 Department, which managed a couple hundred thousand tons of
5 material a year mostly in Pennsylvania.

6 The Mid-Atlantic Biosolids Association represents
7 seven states from New York down through Virginia. That's 60
8 million people. And at 50 pounds per year, that's about a
9 million and a half tons expressed as dry solids a year in
10 this region. And because Pennsylvania is so central, a lot
11 of it is flowing through or around Pennsylvania. So all the
12 regulations that are in place in Pennsylvania are very
13 meaningful to many of our members.

14 When we send out information of a technical
15 nature to our members in training and have programs, those
16 programs reach about 800 practitioners in this region, a
17 couple hundred of which are in the Pennsylvania area.

18 I'm just back from Chicago where the Water
19 Environment Federation, which is our national professional
20 organization of wastewater professionals, was meeting in its
21 technical conference. It skipped a year last year so there
22 was a lot of enthusiasm to get together in Chicago.

23 And I was paying particular attention to some of
24 those issues that are salient for this general permit and
25 includes both plenary sessions as well as the technical

1 session as well as some of the committee meetings. So I
2 would like to sort of highlight some of the things I learned
3 or underscored from the current conversations in our
4 profession that bear on the general permits today.

5 The first thing I want you to know was the entire
6 industry is committed to a program called Race to Zero. I
7 really hadn't heard of it in terms of the water profession.
8 It's a global initiative to bring down carbon dioxide
9 emissions, greenhouse gas emissions, to zero. And it's all
10 sectors of the economy and government. And the U.S. Water
11 Alliance here in the United States is coordinating the
12 response of water and wastewater professionals.

13 It was a big deal, a big deal to think about --
14 and they called it re-imagining what our role as public
15 utilities would be if our goal was to literally bring down
16 our net emissions to zero in our wastewater sector.

17 For example, they were saying, look at your
18 collections systems as a carbon collection system, not just
19 a wastewater but, in fact, the flow of carbon and nutrients
20 coming into the wastewater plant. And what would you do
21 with that if your goal was to have zero greenhouse gas
22 emissions? How could you transform that into fuel or
23 energy? How can you transform that into products that could
24 be used to replace fossil-based fertilizers on farms? What
25 would it be like if you were to apply it to soils so it

1 would be a sequestration of carbon and soil? What would it
2 be like if you were to put that carbon onto sites that you
3 could grow bioenergy crops on? In all that imagining, we
4 are being challenged to take on that as a core goal of
5 wastewater treatment, not just cleaning up the water and
6 putting it into the streams, but taking on the whole sweep
7 of those issues.

8 Well, sadly, if you look at the elements of the
9 permits that we are now reviewing in the draft, there's a
10 lot of things that interfere with our industry taking on
11 that goal. Let me review some of the principles that bear
12 on the four points in the general permit. That was for PFAS
13 being monitored, includes storage of biosolids, includes
14 accepting into digesters, high-strength wastes, and it
15 includes -- let's see -- the storage of biosolids and how
16 those new ideas that are being proposed in the predraft may
17 bear on this goal of a Race to Zero.

18 Okay. PFAS is actually one of the -- was all
19 over the place in terms of session conversation. And why it
20 has emerged in the last couple years as a core issue in
21 wastewater treatment is to me something of a mystery still.
22 We do know that it's a real serious issue when there is
23 elevated levels of these chemical compounds in source water
24 for drinking water.

25 But what we're learning in wastewater is a

1 different story. It's not the same urgency as you have when
2 you're looking at PFAS compounds in drinking water.

3 So we are learning a lot because it's so new as
4 an issue. What I learned was we're about two years out from
5 having protocols for analysis of PFAS compounds in
6 biosolids. Only in the last couple weeks did EPA in
7 collaboration with the Department of Defense issue proposed
8 protocols for PFAS analysis in wastewater and biosolids.
9 And it still has to go through a substantial amount of
10 technical review. And not until that review is complete and
11 a final version of those protocols are released can it
12 actually be put officially into permits.

13 But the important thing is that there is only one
14 lab in the entire country that is performing the analysis
15 according to that current protocol. Almost every other
16 laboratory is using some other approach and they're not
17 comparable. So on the face of it, it's premature to require
18 monitoring of PFAS and biosolids because we don't have the
19 protocols, we don't have the laboratories available to do
20 that kind of analysis according to an agreed-upon approach.

21 But beyond just the technicalities of analysis,
22 we are learning more about the fate of PFAS in wastewater
23 systems. We have reports now just released of the reports
24 from California where they did a major survey of all the
25 wastewater agencies to look at the levels in effluent and in

1 biosolids. It largely confirms what we already learned from
2 Maine and Michigan where the state authorities have already
3 done a major track down in wastewater. And we learned that
4 the vast majority of wastewater agencies have only very
5 small background levels of these chemical compounds. And
6 that's because only a few wastewater agencies actually are
7 in areas where there's been a hotspot of PFAS release. So
8 our goal should be to find where those hotspots are, not
9 require every public agency to do a regular analysis of
10 PFAS, which you really can't do because you don't have the
11 labs yet available.

12 So on top of that, we're learning more about the
13 fate within the wastewater agent plant and also once it gets
14 to the landscape when you're applying biosolids to soil.
15 And the story is actually more benign than we had feared it
16 might be. What we're learning is that the compounds
17 transform in a way that locks them up in the soil and keeps
18 them from getting into the food. So the pathways potential
19 exposure to crops and to livestock is less worrisome than we
20 might have expected.

21 So the big picture is that PFAS regulation, even
22 monitoring in biosolids as it's proposed in the draft
23 regulations, is really premature because we don't have the
24 techniques and we believe that the risk is going to be
25 pretty low. EPA is working on new models for assessing that

1 risk. And those models are not going to have results back
2 for us to use and respond to for another couple years. So
3 premature.

4 I would say that the other aspect of wastewater
5 treatment which is exciting, if you're a wastewater
6 professional, is codigestion. That is the acceptance of the
7 digesters of high-strength organic waste. The reason it's
8 exciting is because it has a direct relationship to that
9 Race to Zero because you put their waste into digesters to
10 produce the biogas. The biogas can be either used to
11 produce electricity or you can convert it into a renewable
12 vehicle fuel.

13 Now, this is a practice that is not widely used
14 yet in the wastewater industry, but there are people who are
15 advocating that for almost every municipal agency that has
16 digesters, they should be pursuing this as a project. In
17 California, the most aggressive environmental state in the
18 nation, as you know, they have banned food waste in the
19 landfills. They even banned biosolids going into landfills
20 because they want you to take it and use it in the soil.
21 But they also want the food waste to go into digesters to
22 produce more natural fuel.

23 But here in Pennsylvania, the DEP is proposing a
24 policy unlike any that any other state is pursuing, which is
25 to exclude from the definition of biosolids any plant that

1 is accepting high-strength waste into digesters. And what
2 makes it seem so crazy is that the experience, as reported
3 by practicing professionals across the country, is that when
4 you accept the high-strength waste into digesters, it
5 improves the digester performance. It does not adversely
6 affect the quality of the biosolids. In fact, it may
7 improve it. And you can create two to three times the
8 amount of biogas out of your digesters, making good use of
9 existing municipal assets.

10 So it's totally contrary to the practices and
11 policies adopted everywhere else for DEP to be proposing to
12 separately regulate the discharge of high-strength organic
13 waste into digesters. It's almost heartbreaking that
14 they're proposing to do that.

15 Let me get on to storage for just a second
16 because that's the other major area that they're proposing
17 to regulate. There's a lot of conversation in the industry.
18 There were sessions on the issue of resilience in wastewater
19 agencies. How do you respond to and adapt to the changing
20 factors of climate through increasing rainfall to increasing
21 heat? Have you allowed your agencies to comply with
22 regulations while accommodating the changes that we're
23 seeing in the weather?

24 Well, in Pennsylvania we're already seeing those
25 changes. And part of those changes is in the several

1 seasons we've had of incredible rainfall and in the intense
2 storms. So practices that worked, have been working for the
3 last 30, 40 years under current regulations, are not working
4 well. But to make those changes in practices and
5 facilities, it requires time and money. DEP has some bright
6 ideas as to what it thinks is necessary. And they're
7 putting some of those bright ideas into the general permit.
8 But almost every case is special. Almost every case
9 requires significant planning. And a lot of them require
10 investment, which means more cost. So we need to do this
11 right, but we don't need to do it prematurely.

12 I want to get into phosphorus because actually
13 phosphorus is the area that I've been a student of soil and
14 nutrient for most of my life, but at least for the last 40
15 years. And interestingly enough, phosphorus is a topic that
16 in Pennsylvania we have researchers, both at the State
17 University as well as the U.S. Department of Agriculture,
18 who are preeminent in this area. The development of the
19 phosphorus index which is proposed to be put into our
20 wastewater -- into our general permits is a tool to which
21 Pennsylvania officials were core engaged.

22 It's a tool for farmers. It's not the -- it's
23 not a regulatory instrument. And wastewater agencies in the
24 Chesapeake Watershed, the Susquehanna Watershed, have
25 already invested massive amounts of money removing it from

1 the effluent. And for them to now be penalized with
2 practices with a new layer of requirements on farmers is
3 also premature. There's a lot of excitement coming out of
4 Chicago on new technologies for extracting phosphorus from
5 the biosolids, but they're not ready for prime time. They
6 are not there with the equipment to accomplish that goal.

7 So we need to control phosphorus in the
8 Chesapeake, but it's not through the biosolids. It's
9 premature.

10 So I'll take some questions.

11 MAJORITY CHAIRMAN METCALFE: Thank you, sir.

12 I appreciate your testimony this morning.

13 Representative Vitali.

14 MINORITY CHAIRMAN VITALI: Thank you, Mr.
15 Chairman.

16 Just at the outset, it's important to note that
17 with regard to these permit revisions, we are in the
18 predraft stage. We're even prior to the draft stage. So
19 this is the time when you can and should -- and I'm sure are
20 -- expressing your concerns to the DEP about this to make
21 the necessary adjustments.

22 As the Chairman indicated, the DEP has sent an
23 extensive letter, almost five pages, outlining their
24 thoughts on this issue and has indicated to me, and
25 presumably the Chairman, their willingness to testify at a

1 later hearing if, in fact, one is to occur.

2 But let me just outline their thoughts.

3 MAJORITY CHAIRMAN METCALFE: Thank you,
4 Representative Vitali. Representative Vitali, just suspend
5 for a moment before you move on to your question, which I
6 hope you're going to get to here.

7 But the DEP has not extended the same information
8 to me that they are willing to testify. In fact, as I laid
9 out in the beginning when you asked me to invite them last
10 Friday, the last workday prior to this meeting, on that day
11 they had already declined to testify.

12 So whatever they communicated since your
13 uninformed request to me to ask them to come when they
14 already declined, they haven't further explained to me that
15 they would be willing to come in the future after they took
16 a month and a half to send a letter back to my initial
17 letter about permit revisions that should be going to the
18 regulatory process instead of just going through their own
19 process internally.

20 Now, if you could get to your question, sir.

21 Thank you.

22 MINORITY CHAIRMAN VITALI: Got it. Thank you.

23 With regard to PFAS, which is a very important
24 issue because it causes a significant threat to human
25 health, they say in their extensive letter -- they make the

1 point that PFAS in wastewater, that enters wastewater
2 treatment facilities, may partition to the biosolids and the
3 wastewater effluent. And so we want to reduce the danger of
4 biosolids in the crops we grow.

5 And they acknowledge that, you know, PFAS is not
6 an insignificant concentration to date. But they state that
7 in order to better understand how land applications of
8 biosolids affect concentrations of PFAS in the groundwater,
9 DEP believes that biosolids must be monitored for PFAS.
10 Such monitoring will begin to allow us to better understand
11 the --

12 MAJORITY CHAIRMAN METCALFE: Representative
13 Vitali, we have another member that has a question. If you
14 could please pose your question to the gentleman because
15 we're going to run out of time for this testifier. If you
16 could get to the question pretty soon.

17 MINORITY CHAIRMAN VITALI: Got it.

18 The main point I'm trying to make here is -- I
19 mean, I think they agree with you to the extent that we have
20 to better understand this. But I think that by monitoring
21 it in the permit process with regard to biosolids will allow
22 them to better understand. I think that's the point they're
23 trying to make.

24 MR. WILLIAM TOFFEY: So DEP is proposing to make
25 a monthly requirement to do testing. The states that have

1 been tracking down sources of high PFAS have been able to do
2 it through a single study across all the wastewater
3 agencies. DEP is only proposing to do it for the couple
4 hundred that have general permits, not the full sweep of
5 wastewater agencies.

6 So we'd have a better result if we were able to
7 do a one-time test of all wastewater effluent and then apply
8 that information to specific targeted corrections,
9 track-downs within the wastewater sheds.

10 MINORITY CHAIRMAN VITALI: Good input to give to
11 DEP.

12 MAJORITY CHAIRMAN METCALFE: He is giving his
13 input currently before this official hearing, before the
14 House ERE Committee. And I'm sure the DEP has somebody
15 here. If they don't, then they're negligent once again.

16 Representative Herrin for a quick question.

17 REPRESENTATIVE HERRIN: Thank you, Mr. Chairman.

18 So biosolids wastewater can contain antibiotic
19 metabolites, heavy metals, and, of course, the PFAS that
20 we've been talking about. And it's my understanding that
21 currently Pennsylvania allows PFAS that's like six times
22 higher than surrounding states.

23 But my question to you is, you suggest instead of
24 monitoring everything that we first find a way to identify
25 hotspots and then address those.

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MR. WILLIAM TOFFEY: Um-hmm.

REPRESENTATIVE HERRIN: So my question is, without the monitoring, then how do you identify the hot spots when it comes to PFAS in the biosolids?

MR. WILLIAM TOFFEY: Well, the states like Maine and Michigan and California actually had a team from their state, run by their state environmental agency, go out and test the biosolids effluent at each of the wastewater plants. So they got a snapshot across all of the plants in their state. And from that, they were able to identify those that had hotspots.

It didn't leave it up to each individual agency to select their own laboratory and select their own sampler. There's a lot of potential for introducing contaminants that would jeopardize the quality of data if you didn't use a common lab and a common sampling protocol. So that's why it has to be sort of run by the state level.

REPRESENTATIVE HERRIN: Okay. So you are not objecting to the monitoring?

MR. WILLIAM TOFFEY: Oh, no.

REPRESENTATIVE HERRIN: It's just the method that's been proposed that you're questioning?

MR. WILLIAM TOFFEY: They are proposing to do monthly sampling. These could be a couple thousand dollars each and oppose them on monthly or quarterly sampling just

1 to gather information. You'd probably end up with data that
2 you could not rely upon.

3 REPRESENTATIVE HERRIN: Understood. Thank you
4 very much.

5 MAJORITY CHAIRMAN METCALFE: Thank you, sir.

6 I thought your testimony was very informative and
7 educational for the members when they listen. And we'll
8 look forward to the future testifier and following up with
9 you, sir. You might be able to answer questions that come
10 out of this hearing in the future.

11 MR. WILLIAM TOFFEY: I'd be happy to. Thank you.

12 MAJORITY CHAIRMAN METCALFE: Thank you very much
13 for sharing your expertise today.

14 MR. WILLIAM TOFFEY: Thank you.

15 MAJORITY CHAIRMAN METCALFE: And I appreciate
16 your passion from just coming from the conference and
17 sharing some of that up-to-date information. It was
18 excellent.

19 MR. WILLIAM TOFFEY: Thank you.

20 MAJORITY CHAIRMAN METCALFE: Thank you.

21 Our next testifier will be Christine
22 Volkay-Hilditch, the Deputy Director of Public Works
23 Utilities, city of Lancaster.

24 MS. CHRISTINE VOLKAY-HILDITCH: Good morning.

25 MAJORITY CHAIRMAN METCALFE: Thank you, ma'am,

1 for joining us. First we have to swear you in.

2 (Witness sworn in)

3 MAJORITY CHAIRMAN METCALFE: Thank you, ma'am.

4 You can begin when you're ready, ma'am.

5 MS. CHRISTINE VOLKAY-HILDITCH: Thank you.

6 Good morning. Thank you for this opportunity to
7 testify before the Committee.

8 My name is Christine Volkay-Hilditch. I'm
9 employed by the City of Lancaster as the Deputy Director of
10 Public Works for Utilities. I'm a professional engineer
11 registered in the Commonwealth, a diplomate of the
12 Environmental Engineering Academy, and a licensed water and
13 wastewater operator.

14 I'm here today to respectfully request that the
15 DEP continue to allow hauled waste into digesters, continue
16 to allow storage of biosolids at farms, determine if there
17 is sufficient local landfill capacity if land application of
18 biosolids is in any way constrained, and most importantly
19 conduct a cost benefit analysis of the proposed permit
20 changes for the land application of wastewater treatment
21 plant biosolids.

22 Lancaster operates a 32 million gallons per day
23 advanced wastewater treatment plant. It serves the city as
24 well as 11 surrounding municipalities through intermunicipal
25 agreements, including the townships of Manheim, East and

1 West Lampeter, Manor, East Hempfield, Upper Leacock, Pequea,
2 Lancaster, West Earl, and Strasburg Borough. In 2020, the
3 plant generated over 23,000 tons of biosolids from the
4 treatment process. Of that amount, approximately 66 percent
5 was land applied.

6 The city has a long-term capital plan to maintain
7 and update its assets over the next 30 years. New anaerobic
8 digesters and dryers were identified as part of that process
9 to reduce the volume of biosolids that the wastewater plant
10 generates.

11 More recently, the city started work to reduce
12 the amount of energy it uses to treat water and wastewater.
13 Like other municipalities and authorities, the city uses a
14 considerable amount of energy to treat water.

15 In May of 2021, the City requested proposals for
16 an energy service company to evaluate energy savings
17 measures at its water and wastewater plants. An ESCO is a
18 company that delivers energy services or other energy
19 efficiency improvements.

20 The ESCO proposals that the City received
21 identified various programs to reduce energy consumption,
22 including solar power, LED light replacements, pumping
23 efficiency measures, and anaerobic digestion to sell methane
24 gas under the Renewable Fuels Program.

25 Anaerobic digestion reduces the amount of

1 biosolids generated in the treatment process. Methane gas
2 is generated in the anaerobic digestion process. Methane
3 can be used as a fuel source to generate electricity or for
4 heating. It can also be sold as a green fuel under the
5 Renewable Fuels Program.

6 To implement the Renewable Fuels Program, EPA
7 tracks production and use of qualifying renewable fuel using
8 renewable identification numbers, or RINs. If methane
9 production is maximized, cost recovery increases with the
10 sale of more gas. One of the ways this can be done is by
11 increasing the food to the digesters in the form of organic
12 material.

13 The proposed changes in the general permit will
14 prohibit the future acceptance of hauled waste, except at
15 the headworks or the start of the liquid side of the
16 wastewater treatment process. However, most hauled waste is
17 best accepted into the digester. Lancaster wants to be able
18 to accept hauled wastes directly into the digester.

19 The City currently has a three-year contract to
20 beneficially reuse or dispose of biosolids. Both landfill
21 and land application are used by the contract hauler. The
22 2019 cost of disposal was \$59.45 per ton and the current
23 disposal cost is \$65 per ton. Costs increase each year
24 under the contract as fuel and labor costs increase. With
25 the proposed changes to the general permit, land application

1 will be jeopardized with the new constraints. The costs
2 that a municipality pays its hauler includes transportation
3 and disposal or tipping fees at the landfill.

4 The farmer that accepts biosolids is not paid by
5 the hauler. The farmer gets fertilizer for free because
6 biosolids is an organic fertilizer that contains nitrogen
7 and phosphorous. If there is less land application because
8 of storage constraints at the farm, the farmer will still
9 need fertilizer. The farmer will pay for commercial
10 fertilizer, and food crops or animal feed costs can
11 increase. Likewise, the fee that the municipality will pay
12 to the hauler will also increase as the biosolids that was
13 land applied must now go to a landfill, and a tipping fee
14 will also increase.

15 These additional costs will be passed on to the
16 ratepayers and I don't know how much they will be. What
17 truly concerns me most is that a landfill is under no
18 obligation to take in more biosolids. Lancaster sends out
19 five tractor-trailer loads of biosolids five days a week.
20 DEP regulates how much biosolids a landfill can accept.
21 However, a landfill can also self-impose how much biosolids
22 it takes. If all, or even a part, of the land applied
23 biosolids must be taken to a landfill, we don't know how
24 much capacity is left or even if the landfills will
25 entertain taking in more biosolids. Biosolids pose special

1 management issues for landfills, so landfills watch how much
2 they take.

3 In the 2018-2019 water year, Pennsylvania had
4 over 60 inches of rain. In a normal year it is
5 approximately 39 to 40 inches depending on where you are in
6 Pennsylvania. In that time, land application was seriously
7 constrained because it was a cold and wet winter. Some
8 landfills did not want to take in the extra biosolids and
9 biosolids were trucked farther where space was available.

10 We all hoped it would get drier. But hope is not
11 an operational plan. Municipalities need to know what the
12 new permit conditions will cost so that they can determine
13 how the wastewater treatment rates will be affected.
14 Storage at a plant site can also be an issue as some plants
15 are landlocked and storage is also expensive to build.
16 Again, how much will the costs increase?

17 Municipalities also need to know where the
18 biosolids can go if it can no longer be land applied.
19 Hauling out of state will not be cost effective as
20 transportation costs will increase and more greenhouse gases
21 will be generated. The city is trying to reduce its energy
22 costs and greenhouse gas emissions with the adoption of a
23 climate plan, yet the future of its biosolids management
24 program is unknown and costs will increase.

25 In conclusion, the City respectfully requests

1 that DEP conduct a cost benefit analysis of the proposed
2 changes to the general permit, continue to allow hauled
3 wastes into digesters, continue to allow farm storage of
4 biosolids, and determine if there is sufficient local
5 landfill capacity if land application is in any way
6 constrained.

7 Thank you again.

8 MAJORITY CHAIRMAN METCALFE: Thank you very much,
9 ma'am, for your testimony today and sharing your expertise
10 with us.

11 Representative Vitali.

12 MINORITY CHAIRMAN VITALI: No.

13 MAJORITY CHAIRMAN METCALFE: Any other members
14 with any questions?

15 Representative Herrin.

16 REPRESENTATIVE HERRIN: Thank you, Mr. Chairman.

17 Thank you for your testimony.

18 I would just like to go back really briefly to
19 the PFAS monitoring. We all know these are called forever
20 chemicals because they just don't degrade and they're
21 associated with potentially very significant health impacts,
22 including cancer and many other things.

23 And so the issue with them is that even if the
24 exposure is minimal they accumulate inside of our bodies and
25 then continue to accumulate because they're forever

1 chemicals.

2 So I would suggest that any cost-benefit analysis
3 includes these health impacts which are often not included
4 in a traditional narrowly defined cost-benefit analysis.
5 They're typically externalized. And it seems to me that
6 it's time that we internalize all of those costs and include
7 that in a cost-benefit analysis.

8 I'm curious to know if you would agree with that.

9 Thank you.

10 MS. CHRISTINE VOLKAY-HILDITCH: It's not
11 something I've studied, so I would reserve comment without
12 further research.

13 REPRESENTATIVE HERRIN: Okay.

14 MAJORITY CHAIRMAN METCALFE: Thank you.

15 Have a good day.

16 MS. CHRISTINE VOLKAY-HILDITCH: Thank you.

17 MAJORITY CHAIRMAN METCALFE: I was just
18 conferring with one of my research analysts. I think it was
19 a couple years back that we were communicating with some of
20 the airport folks about a study that was being done on the
21 PFAS issue by the DEP at the time. And they were testing
22 all the various sites around airports around the state.

23 And my recollection, which was confirmed by my
24 research analyst, was it was very few sites that actually
25 came back with any concerning results on that study that

1 they had done. So it wasn't -- even at airports, which is
2 where they really expected to see more of those chemicals.
3 They've used them in firefighting exercises, especially by
4 the military and in some airports. I think we have had a
5 prime example of that in the southeast where one of the
6 military bases had some extreme contamination of the PFAS
7 due to how they utilize some of that firefighting foam and
8 such that had those chemicals in it on that base.

9 I think what they expected to find they didn't
10 find across the state in other airport situations because
11 they weren't military air bases for the most that were
12 utilizing the same technology to fight fires for training
13 purposes. So PFAS is an issue that is a concern to many.

14 I think the folks that are trying to elevate it
15 to an issue that is of extreme importance now, they don't
16 have the data to back up their arguments to start doing
17 studies that aren't backed up by even Federal information
18 that we were told is forthcoming down the road.

19 But as our previous testifier mentioned -- I
20 don't know who missed it, but they've actually studied --
21 the folks have studied it -- they are now finding the same
22 issue in biosolids with PFAS that they might be finding in
23 some water sources where people are consuming the water.

24 So we'll look forward to more information on
25 that. It's certainly been beat like a dead horse in this

1 meeting already. So hopefully we can move on to the real
2 issue at hand, which is DEP putting forth permit changes
3 that really are further than what has typically been done
4 with permitting.

5 That's what I laid out in my letter to the
6 Secretary earlier in September when I stated in the letter
7 these proposed changes recently distributed to DEP advisory
8 committees and stakeholder groups present a specific set of
9 questions which should be fully understood and factored into
10 any final revisions of the general permit requirements.

11 Now, once again, this isn't something that's just
12 being dreamed up by some people that are concerned about it.
13 But actually this information was distributed already to DEP
14 advisory committees and stakeholder groups.

15 Previously -- I go on in the letter to say,
16 previously revisions to these GEPs have consisted of minor
17 items of an instructional, educational, or advisory
18 function. The new proposed revisions to the GEPs however
19 are written in a manner as to impose significant additional
20 regulatory controls, financial constraints, and an enactment
21 of public policy traditionally reserved for elected members
22 of the Pennsylvania General Assembly.

23 So as you can see, what's being proposed and what
24 we've heard from our two testifiers and the previous
25 testifier that just spoke to us talking about the enormous

1 costs that are going to be borne by Pennsylvanians if these
2 changes are made and in the counter-intuitive measures
3 they're putting in place to what both of these testifiers
4 have been working on with their organizations to actually
5 make the quality of life better and improve the environment.

6 So we don't need these types of revisions being
7 promoted by bureaucrats in the DEP. What we need if they
8 want to make changes, they should go through the regulatory
9 process. And if policy changes are going to be taking
10 place, they take place in the General Assembly, not in the
11 back room of DEP officials.

12 Our next testifier is John Uzupis, Technical
13 Services Director from Synagro.

14 Thank you, sir, for joining us today.

15 (Witness sworn in)

16 MAJORITY CHAIRMAN METCALFE: Thank you, sir.

17 You may be seated and you can begin when you're
18 ready, sir. Thank you for being here today. We appreciate
19 it.

20 MR. JOHN UZUPIS: Good morning.

21 My name is John Uzupis and I'm the Technical
22 Services Director for Synagro Central, LLC, a biosolids
23 management company providing services to municipalities in
24 the Mid-Atlantic states. We presently provide services to
25 over 30 municipalities in Pennsylvania and manage over

1 250,000 tons annually.

2 I thank the Committee today for their time and
3 attention and allowing me the opportunity to speak. I've
4 been in the beneficial reuse of biosolids business for 25
5 years with an additional 10 years working at DEP regulating
6 surface mining, including the use of biosolids for
7 reclamation.

8 Synagro has successfully reclaimed thousands of
9 surface mine acres with biosolids and eliminated the need
10 for these sites to be reclaimed under the state's abandoned
11 mine land funds. We have also provided biosolids to
12 hundreds of farmers utilizing the material to improve their
13 soils and lower their fertilizer costs. Some extra benefits
14 along the way have occurred, too, such as when we were able
15 to help a farmer control his endophyte outbreak. In another
16 incident we were able to rescue cows from starvation on a
17 site where the farmer passed away unexpectedly.

18 In these COVID-19 impacted times we are looking
19 at unprecedented shortages in truck drivers, rising fuel
20 costs, and shortages of supplies, including parts to repair
21 trucks and other equipment. Additionally, farmers are
22 looking at significant fertilizer cost increases and
23 availability issues. In a recent price quote for nitrogen
24 fertilizer, for spring planting season 2022, the price
25 increase is approaching 300 percent compared to the previous

1 year. And diesel fuel is up nearly 50 percent year to date.

2 Our industry has continued to provide
3 uninterrupted service during these COVID-19 times and hope
4 to continue to be able to do so but wonder if this is the
5 best time to be drastically increasing trucking distances
6 and limiting farmers' fertilizer choices through changing
7 the general permits.

8 The fast-track and sweeping permit changes
9 proposed in the general permits for the beneficial reuse of
10 biosolids, while these COVID-19 issues are still evolving,
11 will further exacerbate these issues. Recovering the
12 general permit costs will be in addition to the rising costs
13 already mentioned.

14 Before I discuss the proposed changes, I want to
15 thank DEP. I appreciate their efforts and thank them for
16 their training programs which helps Synagro instill a
17 culture of compliance and their compliance assistance which
18 helps us to develop compliance-based operating procedures.
19 Their regular inspection program also builds confidence in
20 the public that the rules are being followed.

21 I have concerns DEP does not have the staffing to
22 continue providing the same level of training, oversight,
23 and permit reviews to facilitate the increased workload
24 created by the proposed changes.

25 Presently new pre-draft general permits for land

1 application of biosolids are the most sweeping changes to
2 the program since the passage of 25 PA Code 271, Subchapter
3 J, in 1997. The sheer breadth of the changes presents
4 challenges in determining all of the concerns and price
5 impacts as one change feeds off of another. I estimate the
6 costs increases to range from 30 to over 300 percent to the
7 municipalities depending on their location and their
8 situation.

9 The fast-tracked time frame with the release of
10 the pre-draft general permits in July to completion by
11 December leaves no time for a fair shake-out of the costs
12 and the benefits.

13 Earlier I mentioned the culture of compliance and
14 compliance-based operating systems. The resulting framework
15 of requirements for the changes in the pre-draft general
16 permits will be a confusing blend of regulation, permit
17 conditions, and guidance documents. Some regulations are
18 revised, new requirements are added, and new permits are not
19 yet developed.

20 The definition for digesters receiving trucked-in
21 waste and even being administered under a separate program,
22 creating more uncertainty and consistency issues, this will
23 be challenging to explain the legal construct to employees
24 responsible for ensuring day-to-day compliance where there
25 is so much deviation between regulations and permit

1 conditions. Some of the major changes -- and previous
2 speakers have alluded to all of these -- are for PFAS
3 monitoring, the digester utilization of trucked-in waste,
4 the phosphorus index and covered storage. PFAS are not used
5 in the wastewater treatment process and communities do not
6 have an expectation to pay for PFAS treatment as proposed.

7 At this point in time while important research to
8 understand the risk is underway, priority should be given to
9 reducing known areas with high concentrations and
10 eliminating use of PFAS and products and establishing
11 industrial pretreatment regulations, not singling out
12 wastewater treatment plants that employ beneficial reuse.

13 The phosphorus index is a snapshot in time.
14 Calculations have to be updated regularly. The unknown
15 lifetime of the site due to phosphorus will hinder
16 investments in the site for improved storages. Current
17 regulatory requirements already cost Synagro twenty-five to
18 fifty thousand dollars per improved storage facility.

19 Meanwhile most of the best management practices
20 associated with phosphorus control are already incorporated
21 into the biosolids regulations. For example, current
22 regulations require an implemented conservation plan,
23 property line and water setbacks, and groundwater separation
24 distances.

25 Smaller wastewater treatment plants receive price

1 efficiencies from the pooling of their materials to shared
2 farms. The extensive P-Index documentation required will
3 make the paperwork voluminous to these wastewater plants and
4 will limit the ability to continue allowing shared farms to
5 gain efficient pricing.

6 Significant research is underway throughout the
7 world to extract phosphorus from biosolids and is ultimately
8 the solution. High phosphorus soils take decades, with no
9 additional application to the soil, to lower. Biosolids
10 remain far less likely to be environmentally available
11 compared to other phosphorus materials including
12 commercially mined phosphorus products.

13 However, the P-Index encourages commercial
14 phosphorus use over biosolids use. And all the commercial
15 phosphorus originates outside of Pennsylvania watersheds
16 with each pound representing new threats to the waters.
17 Overall, the combined changes will discourage, if not
18 eliminate, beneficial reuse in certain areas. The
19 alternatives to beneficial reuse are incineration and
20 landfilling. It is physically impossible to add any new
21 incineration capacity in Pennsylvania in the near term. It
22 just takes so long to site a facility and construct one.

23 Remaining available landfill capacity is also
24 unknown. We do know in the extraordinary precipitation
25 events occurring over 2018 and 2019 left Synagro about a

1 week away from utilizing landfills as far away as Georgia
2 and Ohio to manage part of the biosolids that typically went
3 for land application. We know there is not enough landfill
4 capacity in Pennsylvania for all the biosolids produced, not
5 to mention the increased cost in emission from increased
6 trucking distances.

7 Landfilling is not without environmental issue.
8 Large greenhouse gas emissions occur when biosolids are
9 disposed in landfills. The emissions occur before landfill
10 gas capture systems can be deployed. Additionally,
11 landfilling becomes more difficult during precipitation
12 events and is not a seamless replacement for biosolids
13 storage on farms. Landfills often reject biosolids first if
14 odor issues arise at the landfill. This can occur on any
15 given day without notice and further limits operational
16 options for biosolids.

17 In summary, adequate time and consideration is
18 needed to determine the cost benefits of the proposed
19 general permits. I support Representative Rigby's House
20 Resolution 149 to require this be studied before changes are
21 made to the general permits.

22 I thank you for your consideration of my comments
23 and welcome any questions.

24 MAJORITY CHAIRMAN METCALFE: Thank you, sir, for
25 your testimony today. We appreciate it.

1 Before we start with the questions, could you
2 just give a quick thumbnail sketch of who your company is?
3 You talked about some of the things they've done and what
4 they've helped with in the front end about helping to use
5 biosolids with the reclamation of mining areas and such.
6 But would you just give a thumbnail sketch just so everybody
7 is aware.

8 MR. JOHN UZUPIS: So Synagro is a nationwide
9 company. We operate facilities such as incinerators,
10 composters, pelletizers, dryers, lime stabilization
11 facilities, to providing services to municipalities,
12 transportation, and utilization of beneficial use sites or
13 transportation and disposal at landfills. We also provide
14 other services to municipalities such as digester cleaning,
15 tank cleanings, and emergency centrifuge and dewatering
16 operations.

17 MAJORITY CHAIRMAN METCALFE: Thank you. You did
18 a good job with an on-the-spot question for a quick review.

19 Thank you.

20 Representative Vitali for our first question.

21 MINORITY CHAIRMAN VITALI: Thank you, Mr.
22 Chairman.

23 Let me just ask you to respond to comments that
24 the DEP made with regard to the letter they sent this
25 Committee. The first point they make is that nutrient

1 pollution, including phosphorus pollution, is one of the
2 major causes of impairment to Pennsylvania's creeks,
3 streams, and rivers as well as the Chesapeake Bay.

4 And they also made the point that it's important
5 for the biosolids permits to incorporate conditions that
6 prevent and mitigate phosphorus pollution. And they talk
7 about the fact that some farms are already saturated with
8 phosphorus. So if you apply more phosphorus to them in the
9 form of biosolids, that will result in increased runoff into
10 the streams.

11 They also made the point that with regard to the
12 measures we are undertaking to address the Chesapeake Bay,
13 the Watershed Implementation Plan Phase 3 that specifically
14 considers phosphorus in biosolids, quote, DEP will -- this
15 is what the report said. DEP will explore the expansion of
16 required management and planning and implementation for
17 biosolids also to include the management of phosphorus.

18 And they say that the agricultural work group
19 recommended this plan to review, consider, and potentially
20 incorporate revised phosphorus index into the planning
21 requirements for land application of biosolids. So people
22 are concerned about biosolids with phosphorus being put on
23 farms because of the effect it may have on Pennsylvania's
24 waterways and the Chesapeake Bay.

25 MR. JOHN UZUPIS: So in my testimony, as I made

1 reference to the fact that biosolids regulations already
2 contain many of these requirements, these are requirements
3 that were not required for use of commercial fertilizer or
4 for many of the animal operations. Phosphorus is a complex
5 element chemically speaking. It's chemistry. It is not
6 simple throughout the environment. Biosolids phosphorus is
7 actually inorganic in nature and is very tightly bound,
8 meaning it is not very environmentally available.

9 And the requirements to have implemented
10 conservation plans, which is to control the erosion of the
11 site, which in Pennsylvania is by far and above the largest
12 loss of phosphorus from fields, is through the erosion
13 process. I have in the conservation plans those already
14 addressed.

15 The other issues, such as water setback
16 distances, isolation distances, are already in the
17 regulations as well as a requirement to have separation from
18 seasonal high water tables and groundwater tables, which is
19 a minor or secondary route of phosphorus loss in
20 Pennsylvania. So the rules are already there.

21 You also reference -- and I am aware that DEP did
22 make a recommendation, and there were three, that they would
23 do a consideration of biosolids phosphorus. But to date,
24 they have not studied the phosphorus in biosolids. They
25 have not provided information from that. What they have

1 provided was an assessment of phosphorus from animal
2 manures. And we are just in a totally different boat. And
3 what we're asking for is that we consider the cost benefit
4 of this because the alternative comes with a price as well.

5 MINORITY CHAIRMAN VITALI: Thank you.

6 MAJORITY CHAIRMAN METCALFE: Thank you.

7 Representative Rapp.

8 REPRESENTATIVE RAPP: Thank you, Mr. Chairman.

9 Thank you, sir, for your testimony today. I have
10 a small farm. And my major crop is just hay for myself.
11 But we all know besides clean water we all need food to
12 survive. So I appreciate all of your comments regarding
13 agriculture. We are already seeing the increased cost to
14 food on our grocery shelves. Some people are very fortunate
15 and raising their own beef and whatever, you know, protein
16 they would like to consume.

17 From what I am understanding from you, this
18 permit change could increase the cost to the average
19 consumer of food, not just consuming water, but the food on
20 our grocery shelves even if we do everything we can as
21 consumers to buy Pennsylvania products or Pennsylvania grown
22 products or products made in the U.S.A. and not from China
23 because it doesn't seem like we're going to get a lot of
24 those products for a while because they are all sitting out
25 in the ocean.

1 Am I correct in believing and thinking from your
2 testimony that with this permit change, it could increase
3 the price of food on our shelves even more if this permit
4 change would go into effect? It would have a huge negative
5 impact to our farmers in the state of Pennsylvania.

6 MR. JOHN UZUPIS: It has a potential to increase
7 costs. It would be one option that would not be available
8 for a farmer, and certain farmers may not be able to survive
9 that transition from biosolids over to commercial
10 fertilizers.

11 I lost my train of thought here for a second. I
12 also wanted to say, as you increase regulations on a
13 material, you discourage its use. And I believe that we
14 should have a recycle-first message, because even again you
15 have the cost impact, you have the viability of certain
16 farms without biosolids-use issues, you have the issue of
17 encouraging the use of commercial phosphorus fertilizers.

18 There's nothing in the phosphorus index that
19 would stop you from putting additional commercial phosphorus
20 down. And the concerns about phosphorus runoff, as I
21 understand it, will be decades of farming on these soils
22 without additional phosphorus application before they go
23 down to, I'll say, background levels or below threshold
24 levels of concern.

25 So your commercial fertilizer, you're bringing

1 your phosphorus in. It is going to end up as either runoff
2 or it's going to be taken up in plants. It's going to be
3 growing. It is going to be eaten. It's going to be
4 consumed. And it's going to end up as an organic waste
5 somewhere as food waste or as in biosolids.

6 So if we keep discouraging the reuse of these
7 materials over the importation of more phosphorus -- and
8 phosphorus does not occur naturally within Pennsylvania; it
9 is all imported into the state -- we are adding to the
10 problem rather than ultimately addressing the issue.

11 REPRESENTATIVE RAPP: I guess my bottom-line
12 question was, could this impact the price of food on our
13 shelves, just in your opinion?

14 MR. JOHN UZUPIS: It has the potential to do
15 that, yes.

16 REPRESENTATIVE RAPP: Thank you.

17 Thank you, Mr. Chairman.

18 MAJORITY CHAIRMAN METCALFE: Thank you,
19 Representative Rapp.

20 I appreciate you bringing up the costs that will
21 go up as a result of these changes. You speculated in your
22 testimony, I believe for the various organizations that
23 would have to comply with the regs, that it could range from
24 30 percent to 300 percent.

25 MR. JOHN UZUPIS: Correct. One example would be

1 if a municipality had to go away from land application and
2 go to landfilling, where we were back at the end of 2019 in
3 the wet period we were -- we sought approvals for
4 Pennsylvania biosolids sources in Ohio and in Georgia
5 because there simply was no landfill capacity remaining in
6 Pennsylvania.

7 So when you're looking at trucking material from
8 southeastern Pennsylvania to Ohio, you are going to change
9 things dramatically. One, it's not going to be a round-trip
10 truck. It's got to be an overnight trip. That's going to
11 be huge. And secondly, you're looking at four or five
12 hundred miles one way. Yes, the cost impacts can be
13 dramatic.

14 MAJORITY CHAIRMAN METCALFE: And we had raised
15 that issue. One of the questions that I posed to the DEP
16 was, what are the associated costs to the permittees and
17 their ratepayers resulting from implementation of these new
18 GP requirements, including but not limited to personnel and
19 training, disposal, equipment, and tipping fees?

20 And in their letter that Representative Vitali
21 has been so kind to reference -- and I intended to read the
22 whole letter but he's read parts of it for me so I
23 appreciate that -- they wrote back to me, your letter poses
24 several questions on the economic impact of the proposed
25 changes. Generally we understand that there may be an

1 additional cost to the permittee and ratepayers associated
2 with the changes as they are currently proposed.

3 However, we need input from stakeholders to
4 better understand the full extent of the financial impact.
5 As previously noted, these permits are currently in
6 pre-draft status. And there is time to solicit additional
7 input and consider the available information to inform
8 updates to these permits before they are published as draft
9 permits.

10 So they acknowledge that there will be increased
11 costs. What they are not coming to the reality of is that
12 what they're proposing is a significant change, something
13 that would be reviewed more extensively with a proposed
14 regulatory change, instead of attempting to use changes to a
15 permit, as they're doing in this process, that's totally
16 internal to DEP to bypass the regulatory process that's been
17 put in law for this type of policy change, this type of
18 change that's going to have such a significant financial
19 impact.

20 So I do appreciate you joining us today. Thank
21 you for sharing your expertise. Have a good day. Thank
22 you.

23 MR. JOHN UZUPIS: Thank you.

24 MAJORITY CHAIRMAN METCALFE: And I appreciate
25 Representative Rapp bringing up the fact that this is a cost

1 that will be ultimately borne by people who have to deal
2 with implementing the changes and the people that are
3 affected by those changes such as the farmers that were
4 referenced that might not be able to find the same products
5 to use that they currently are using that produce with
6 minimal cost but ultimately they'd have to go to something
7 that would cost more which would translate to higher costs
8 of production and raising the animals that feed the state
9 and nation.

10 We have a huge problem with inflation right now
11 in our nation. And we don't need changes by government
12 bureaucrats that's going to add additional inflationary
13 costs that are created by bureaucrats instead of created by
14 reality of life.

15 Our next testifier is Mr. Ned Lang. And I
16 believe he is going to be joined by Mr. Bruce Fox. And
17 Mr. Lang is the President of the Pennsylvania Septage
18 Management Association.

19 Thank you both for joining us.

20 (Witnesses sworn in)

21 MAJORITY CHAIRMAN METCALFE: Thank you, both.

22 You can be seated. And you can begin when you
23 are ready. We look forward to your testimony and to our Q&A
24 time with you.

25 Thank you, both.

1 MR. NED LANG: Thank you, Representative Metcalfe
2 and the Committee, for allowing us this time and your
3 interest in this very, very important topic.

4 My name is Ned Lang. I'm the President of the
5 Pennsylvania Septage Management Association. To my left is
6 Mr. Bruce Fox. He's past President of the Pennsylvania
7 Septage Management Association.

8 The comments that we've put together today are a
9 culmination of a number of meetings. There's two individual
10 groups in the industry that bring academia, the practical
11 side from the applicators, people out in the field, and also
12 some of the consultants that work with us to help ensure
13 that these biosolids and septage are handled in a way that's
14 appropriate and lawful.

15 The comments I'm going to give you today, I'm
16 going to cherry-pick a little bit because, you know, time is
17 of the essence and to respect your time, I don't want to go
18 into a, you know, long review here. But the comments we've
19 submitted in whole are a culmination of many of these
20 meetings and these groups' thoughts and folks that are
21 really engaged in this process.

22 Bruce and I are both on a select committee for
23 the DEP for the final draft of the proposed regulations.
24 And so with that, I'd like to start.

25 On behalf of the P.S.M.A., I would like to thank

1 you all for allowing us the opportunity to present the
2 issues we feel need to be addressed concerning the DEP's
3 initiative to make numerous changes to Pennsylvania's
4 General Permits 7, 8, and 9. The general permits
5 specifically regulate the land application of Class A EQ
6 biosolids, Permit 7; then the land application of Class B
7 biosolids, General Permit 8; and the land application of
8 septage in Pennsylvania, General Permit 9.

9 The P.S.M.A. is very concerned about the proposed
10 changes to these permits. Our membership serves the entire
11 onsite septic system management industry in the
12 Commonwealth, which represents 43 percent of the homes and
13 families in the Commonwealth.

14 Additionally, our membership manages the
15 biosolids produced at approximately 50 percent of the
16 wastewater treatment plants in the Commonwealth. It is
17 important to know that biosolids management represents 50
18 percent of the operations and maintenance costs of a
19 wastewater treatment plant.

20 The potential financial impact that the proposed
21 changes to the general permits will be far-reaching,
22 touching the lives of every taxpayer in the Commonwealth.
23 It is asked that the following comments are considered when
24 your Committee makes a determination concerning any changes
25 to the general permits.

1 Requirement for covered farm field storage of
2 biosolids. The pre-draft revisions to the general permits
3 for exceptional and non-exceptional quality biosolids
4 proposes that field storage of biosolids must be covered.
5 This is not feasible and would restrict biosolids recycling
6 for most of the year. Biosolids field storage is already
7 subject to very protective regulations to avoid adverse
8 environmental impacts.

9 The publication, Guide to Field Storage of
10 Biosolids, developed by the UDEPA, USDA, and the
11 Pennsylvania DEP Biosolids Sampling Manual does not
12 recommend the use of tarps on biosolids storage areas. It
13 is not safe for the workers and tarps are often damaged or
14 blown away by the wind. Land appliers who have tried this
15 agree and point out that rainwater puddles at various points
16 on the tarp and it becomes so heavy that the tarp cannot be
17 lifted. In addition, the tarp can only be used once. Then
18 it must be landfilled.

19 Moving on to PFAO and PFAS. The pre-draft
20 versions of the general permits for land application of
21 biosolids 8 and 7 propose a sampling and analyzing biosolids
22 for PFAO and PFOS at the same frequency. As it turns out,
23 the USEPA announced in October, on October 18th, that it has
24 launched a comprehensive program, a roadmap, if you will, to
25 investigate PFAS contamination.

1 Their goal is that between now and 2024, the EPA
2 will increase investments in research, take action to
3 restrict PFAS chemicals from being released into the
4 environment and accelerate the cleanup of PFAS
5 contamination. The EPA expects to complete a risk
6 assessment of PFOA and PFOS in biosolids by the winter of
7 2024 to determine if regulations are needed.

8 These studies will be done at the expense of the
9 Federal Government. The proposed DEP changes to 7, 8, and 9
10 will force Pennsylvania State biosolids programs to monitor
11 their biosolids now at their own expense. It has estimated
12 that this monitoring requirement will cost over \$22 million
13 over the next 10 years.

14 The cost to analyze PFOS and PFOA is \$700 per
15 sample using the modified 537 method. When you add in the
16 staff time or contractor charges to properly collect the
17 samples and transport the samples, the total cost for each
18 testing event is at least \$1,700.

19 There are 328 land application general permits
20 issued under 7 and 8. If they monitor an average of four
21 times a year, that would be 1,312 monitoring events per
22 year. The estimated cost is \$2,230,400 per year. And
23 that's \$22,304,000 over the ten-year term of the permit.
24 That cost will have to be passed on to sewer users, which is
25 basically every household that flushes.

1 This doesn't make sense when you consider the
2 following: As of now, there are no standards or guidelines
3 for how laboratories measure PFAS. The EPA has yet to issue
4 guidelines on how testing is to be done. At this point,
5 different labs can use different methods and will
6 potentially report vastly different results.

7 As of now, there are no labs accredited in
8 Pennsylvania to perform PFAS testing. The PADEP has not
9 issued guidance on equipment and procedures for wastewater
10 treatment plants to use when sampling PFAS.

11 Now we'll move on to trucked-in waste, please.
12 Another proposed change mentioned in the DEP pre-draft would
13 affect wastewater treatment plants' ability to land apply
14 biosolids if they accept trucked-in waste.

15 The following is an excerpt from the DEP
16 executive summary: The permit proposes to clarify that the
17 land application of exceptional quality biosolids mixed with
18 solid wastes not generated by the preparer of the biosolids
19 is prohibited by the permit unless those hauled-in wastes
20 are first processed through the sewage treatment plant prior
21 to the exceptional quality biosolids treatment process.
22 This ensures that the material will be properly classified
23 as sewage sludge.

24 This means that wastewater treatment plants with
25 trucked-in waste programs, where the waste is not put in at

1 the head of the plant, would not qualify for coverage under
2 Pennsylvania General Permit 7 or 8. They could still land
3 apply but would need either an individual permit or a
4 general permit under Section 271, Subchapter 1.

5 Both of these alternative permitting scenarios
6 are very time-consuming and/or more restrictive than our
7 current system. This would place a tremendous burden on an
8 already woefully understaffed DEP. Before the existing
9 general permitting system for biosolids was in place, it
10 could take five years or more to get an individual permit.

11 More recently, an individual permit for an
12 exceptional quality product produced in Schuylkill County
13 took 12 years. The conditions of that individual permit are
14 much more stringent than the existing general permits for
15 exceptional quality and non-exceptional quality biosolids.

16 There is no evident benefit to this permit
17 condition. The permit condition will double or triple costs
18 for septage pumpers, food processors, restaurants, and small
19 wastewater treatment plants. It will also rob the larger
20 wastewater treatment plants of the opportunity to generate
21 revenues, produce their own heat and electricity, and make
22 the most of their waste processing capacity. It will cost
23 more to everybody who buys food, eats at restaurants, and/or
24 flushes. It will be one more necessity that will increase
25 in cost for citizens of the Commonwealth.

1 Now we'll move on to the P-index, please. The
2 pre-draft permits require that for every farm field that
3 receives biosolids, the phosphorus P-index must be prepared
4 and submitted. Requiring a phosphorus index for every farm
5 and field that receives biosolids would have a profound
6 effect on biosolids programs.

7 The P-index was developed by studying soil
8 treated with manure. The research used showed that when
9 soil treated with manure, not biosolids, reached 200 parts
10 per million, there was an increase in soluble phosphorus in
11 the nearby surface water.

12 Penn State's Dr. Jennifer Weld has stated
13 consistently that more research is needed on phosphorus loss
14 on fields treated with manure and/or biosolids. There was
15 one more study of P loss from fields treated with biosolids
16 but that was nearly 20 years ago and the researchers are now
17 retired. The standard for manure should not be applied to
18 biosolids without further study.

19 In a presentation to the Mid-Atlantic Biosolids
20 Association on July 20, 2021, Dr. Jennifer Weld, Penn State
21 University, who developed the P-index, said that more field
22 work on P loss from fields was needed. DEP should not be
23 imposing unfunded mandates and causing increases in sewer
24 bills to everyone who flushes if they don't know for sure
25 that these burdens will have the desired effect.

1 And I want the Committee to know that
2 Dr. Jennifer Weld's P-index is what they are basing the new
3 phosphorus standards on.

4 Depending on the details, companies like Denali
5 and Synagro -- Mr. Uzupis just testified -- said costs will
6 go up by 35 percent as a result of the P-index alone,
7 assuming they can find additional suitable farms with low P
8 concentrations in the soil. It is possible that in some
9 cases, land application may no longer be feasible.

10 It is probable that less biosolids will be
11 recycled and more will be disposed in landfills if they're
12 available. If biosolids cannot be land applied and must be
13 disposed in a landfill, the costs are likely to double or
14 triple. This is what happened in some New England states.

15 In closing, the Pennsylvania Septage Management
16 Association would like to thank the Pennsylvania DEP for
17 engaging the industry, the scientific community, and other
18 gatekeepers prior to finalizing the proposed changes to the
19 PA general permits. The conversations and interaction I
20 believe are proven to be very enlightening and helpful for
21 all parties to understand the complexities and realities of
22 the proposed changes.

23 It is our hope that the Pennsylvania House of
24 Representatives will also play an integral part in the
25 process of determining what changes will eventually be

1 contained in the final draft of the permit, as this body and
2 the Senate represent the voice and will of the people of the
3 Commonwealth. And that reality requires that all parties
4 involved ensure that new general permits are workable,
5 protective of the people and the environment of the
6 Commonwealth, and allow the sustainability of the land
7 application of biosolids and septage throughout the
8 Commonwealth.

9 Respectfully submitted.

10 MAJORITY CHAIRMAN METCALFE: Thank you, sir.

11 We appreciate you sharing your expertise with us
12 this morning.

13 MR. NED LANG: Thank you. You're welcome.

14 MAJORITY CHAIRMAN METCALFE: We've lost some
15 members through the process but we are being broadcast over
16 the Internet or streamed over the Internet, I guess is the
17 right term. Some members have other competing meetings
18 throughout the morning. That's why we kind of have an ebb
19 and flow of members. The closer we get to the start of
20 session today, the more members we'll see kind of
21 fluctuating out of the meeting, it appears.

22 We still have a few members here. We appreciate
23 you being here, and your information is going to be taken
24 into consideration by the Committee as we move forward with
25 this issue.

1 I like the way that you stated that this is going
2 to impact everybody that flushes. So I think it's something
3 a lot of people would like to do with some of what happens
4 in D.C. and here, they like to flush it. That's kind of
5 where the drain the swamp theme came from. And we need to
6 flush more down here probably than most places in Harrisburg
7 with what happens down here.

8 But I think that when you relate it like that to
9 people and they can understand that this is going to impact
10 them, there's associated costs with this that are going to
11 impact their homes, that are going to impact their
12 refrigerators, that are going to impact them across the
13 board with the issues that are being generated by this
14 change in a permit that are going to increase costs, they're
15 going to add to the rate of inflation that we're already
16 seeing through the roof currently.

17 So the way to deescalate the inflation is to
18 ensure that you're not having these types of decisions made
19 that impact people in their pocketbook and wallets, as we're
20 going to see this issue impacting them when there's no sound
21 science that it is being based upon.

22 And it really surprises me that they would be
23 grabbing ahold of a study with manure. I know -- the home I
24 grew up in in the countryside at certain times they take the
25 honey wagon across the street and spread what they needed to

1 from one of the local farms. I never understood why it was
2 called the honey wagon. I guess I need to research where
3 that came from originally. But the smell certainly isn't
4 sweet, but pretty rank certain times of the day. Especially
5 growing up as a kid, we didn't have air conditioning in the
6 house so on a hot summer night, the windows would be open
7 and they still had to spread that manure in the summer as
8 they do in the winter.

9 It's surprising when you're dealing with the
10 biosolids that have went through a process that you're
11 dealing with in a different manner than manure is that
12 somebody that's supposed to be a scientist would promote a
13 study that didn't include that, but then the DEP would
14 utilize it to advance a policy change.

15 It should only be advanced, as you stated, by
16 members of the General Assembly and the Legislature. That's
17 our purview, not the bureaucrats in some back-room office or
18 most likely they've been in their bedrooms or their living
19 rooms working for the last year and a half for the most
20 part. And I think many of them still are coming up with
21 these crazy schemes.

22 Representative Vitali.

23 MINORITY CHAIRMAN VITALI: Thank you, Mr.
24 Chairman.

25 And first, I want to thank you for acknowledging

1 that the DEP is woefully understaffed, as the previous
2 speaker did. I've been trying to make this point for well
3 over a decade.

4 I wanted to talk about costs, because there's no
5 doubt that imposing permit requirements has a cost. But at
6 the same time, not imposing permit requirements has a cost,
7 too. So the question really is, who pays those costs? With
8 regard to PFAS, for example, you know, the cost of checking
9 to make sure you're not putting PFAS on soil has a cost.

10 But what about the cost of people who contract
11 cancer because they have been exposed to PFAS? And what
12 about the cost of other treatment measures that have to take
13 it out of the water once it gets in there?

14 And regarding the cost of, you know, checking for
15 phosphorus, there's no doubt there's a cost there, but what
16 about the cost of the streams polluted by phosphorus which
17 lose their aquatic life? And what about the cost of when
18 you have oyster fishermen in the Chesapeake Bay who can't
19 ply their trade because it is dead because of these nutrient
20 overabundance?

21 I think there's a \$3 million per year cost
22 associated with Pennsylvania meeting the requirement. So I
23 just wanted to sort of put that out there for you to respond
24 to. Isn't it best that the people who use the biosolids pay
25 for the costs as opposed -- you know, let the polluter pay

1 as opposed to, you know, people who may contract cancer and
2 the medical costs associated with that or cleaning up the
3 Chesapeake Bay?

4 I mean, isn't it fair that if there is an
5 incremental cost associated with this, it is reflected in
6 the product that is being used, the biosolids product?
7 Isn't it fair that the cost be reflected in that as opposed
8 to the public generally?

9 MR. NED LANG: Thank you, sir. Great question.

10 And as it turns out, I just attended a couple
11 weeks ago a face-to-face meeting with the DEP. They are
12 holding four such meetings about all the issues that we
13 talked about today. The first meeting that we talked about
14 was the issue about covering the biosolids for storage. But
15 the bulk of the meeting was about PFOS and PFAS.

16 We learned a lot. We learned that in all the
17 makeup that our wives and girlfriends use and their lipstick
18 contains PFOS and PFAS. Every person -- there's a
19 gentleman, he's a scientist, and they just formed a 501(c)3
20 to study this. They're getting grants from the EPA and so
21 they made a great presentation.

22 The pizza boxes that you use so that the oil from
23 the pizza doesn't come through the box, that's a PFOS
24 coating. The same thing with your popcorn bags. He stated
25 that every person walking in this world right now has that

1 in their systems already. So to blame this on biosolids is
2 not fair.

3 Mr. Toffey made a great, great presentation. And
4 he said, let's -- you know, first of all, you have to
5 understand that we have a regulatory limit in drinking water
6 but we do not have it in biosolids. What is okay exposure,
7 if you will? Now, the EPA is doing a study. They're not
8 coming out with that study until 2024.

9 As I stated before, these requirements would cost
10 the industry -- and my company samples every quarter. A big
11 facility will sample every month. You're talking much more
12 than \$22 million borne by the industry over the course of
13 their permitting process, permitting dates.

14 And we don't really know again what the limits
15 are that are okay or not okay in biosolids. So you're
16 asking the industry to do this huge -- bear this huge cost,
17 do all of these tests. And to do the test, also, you can't
18 put deodorant on that day. If you're a lady, you can't put
19 perfume on. You can't put makeup on. To contaminate the
20 sample is so simple and so easy. You almost need a
21 certified person to do it because it's so comprehensive. So
22 there are huge issues with even the sampling process.

23 But again, we don't have any clue as to what the
24 ultimate exposure in biosolids is until the EPA does its
25 test. So why don't we, like Mr. Toffey explained, do just

1 one sample at every wastewater treatment plant throughout
2 the Commonwealth. You'll find where your hotspots are. And
3 those hotspots are what need to be dealt with. Okay.

4 As far as your second question, phosphorus. Yes.
5 So that's a great question also. I've been in the business
6 -- I came out of the service in '83 and took over my
7 family's business in '86. In the '90s, Dr. Robert Brant and
8 Dr. Chip Elliott, both from Penn State, put together a great
9 phosphorus index.

10 And phosphorus is an interesting molecule because
11 you have organic phosphorus and inorganic phosphorus. The
12 organic phosphorus is tied up to the soil. Organic
13 phosphorus does not leach. If you look at a soil sample and
14 just look at the total solid phosphorus in that soil, that
15 doesn't really quantitate to what moves through the soil.
16 If you have organic phosphorus, they found that it's a
17 three-year uptake. And organic phosphorus does not leach
18 nearly as easily as the other phosphorus.

19 So you need a phosphorus index that really looks
20 at the organic phosphorus versus total phosphorus and then
21 base your index based upon that because that's the science.
22 And that shows what does leach and will not leach out of the
23 soil so that you can look at soils and fields and you will
24 have much more fields based upon science that you can
25 continue to land apply on based upon a true organic

1 phosphorus index, which I've mentioned, it's 20 years old,
2 but that's the index that should be looked at.

3 MINORITY CHAIRMAN VITALI: Thank you.

4 MAJORITY CHAIRMAN METCALFE: Thank you.

5 So, Representative Vitali, thank you for
6 referencing the DEP's staffing. The previous testifier had
7 mentioned the staffing also.

8 MINORITY CHAIRMAN VITALI: Woefully understaffed.
9 Woefully understaffed.

10 MAJORITY CHAIRMAN METCALFE: Thank you for that
11 quote. I'm sure that will be reflected in the official
12 record, Representative Vitali.

13 But it's kind of a joke when you look at the
14 regulations that are being promulgated week after week, year
15 after year, out of the DEP. You know, this Committee has
16 been really absorbed by the RGGI scheme that the DEP is
17 leading on for the Wolf Administration to try to put us into
18 something that's unconstitutional and illegal to enter into
19 without our approval.

20 And they spent plenty of staff time on those
21 illegal, unconstitutional regulations they want to promote.
22 At the same time, they have had staff squirrelled away
23 somewhere in their homes or maybe in one of those corner
24 offices that you see a light on occasionally and they've
25 been working on these new permit revisions that are far

1 beyond anything that was just going to be educational or
2 advisory, but are policy changes to a permit that's not been
3 made because of a statutory change by the General Assembly
4 or by even a regulation that's been proposed and went
5 through the proper regulatory process and ultimately has
6 passed through all the process that that has to, as the RGGI
7 scheme is falling through right now, which we're working to
8 advance a resolution in the House and Senate to stop that, a
9 joint resolution.

10 But to add to staff responsibilities is counter
11 -- to say that you are short-staffed, but to add to their
12 responsibilities with trying to create new regulations
13 currently, is counterintuitive that you're really
14 short-staffed. They're not short-staffed if they have got
15 time for their staff to pursue all these other projects that
16 are illegal and unconstitutional and should be going through
17 a different process. So it's just counterintuitive to say
18 that they are currently short-staffed based on their actions
19 and the work they do.

20 So I think you have to judge people by their
21 actions, not just based on the continual rhetoric that you
22 hear that they are short-staffed. They're short-staffed.
23 Well, the work they're doing isn't what they legitimately
24 should be doing under the duties that they have at the DEP.
25 They're doing things to try and create more work, which

1 would create a heavier workload for their staff just to make
2 arguments that they need more staff to grow their little
3 empire over there at the DEP.

4 But thank you for sharing with us today. We
5 appreciate the facts that you brought to us from your
6 expertise and the fact that they have acknowledged it's
7 going to increase costs. And this needs to be studied more
8 and it should be something flowing through the legislative
9 process and regulatory process, not through a bureaucratic
10 process in the back rooms of DEP or in somebody's back
11 bedroom.

12 Thank you.

13 MR. NED LANG: Thank you again.

14 MAJORITY CHAIRMAN METCALFE: Our next and last
15 testifier for this morning's hearing is Mr. Michael Kyle,
16 Executive Director with the Lancaster Area Sewer Authority.

17 There he is. Sir, if you can remain standing as
18 the other guests have caught on to.

19 (Witness sworn in)

20 MAJORITY CHAIRMAN METCALFE: Thank you, sir.

21 You can have a seat. You can begin when you're
22 ready. We look forward to the Q&A time with you.

23 Thank you.

24 MR. MICHAEL KYLE: Thank you. Good late morning.

25 Thank you, Chairman Metcalfe, Minority Chairman

1 Vitali, and the Committee, for allowing me to present
2 testimony on the Commonwealth's proposed revisions to the
3 general permits.

4 My name is Mike Kyle. I am the Executive
5 Director of the Lancaster Area Sewer Authority in Lancaster,
6 Pennsylvania. We are a regional Sewer Authority serving
7 nine municipalities, including nearly 40,000 customers, and
8 that represents about 120,000 residents. We do hold permits
9 for both Class A, that's the PAG-7, and Class B, that's the
10 PAG-8.

11 We are proud of our 50-year history of reliable
12 service to what represents now a quarter of the population
13 of Lancaster County. We serve the community by processing
14 hauled waste at our treatment plant, including
15 cost-effective service to smaller treatment plants who send
16 us their treatment plant sludges. Our growth in waste,
17 hauled waste services, are essential for controlling rate
18 increases for our residents and commercial customers.

19 For years we land applied undigested biosolids
20 but began receiving odor complaints and increasing and
21 justified scrutiny from DEP. As a result, in 2014, we
22 abandoned our land application program and began to landfill
23 100 percent of our biosolids. And that was for a period of
24 about seven years, totaling over 81,000 tons of material
25 that was forever lost to the landfill.

1 The LASA Board recognized the downside of
2 landfilling and in 2015 invested \$26 million to upgrade our
3 biosolids operation to include anaerobic digestion, thermal
4 drying, and covered onsite storage. The purpose of the
5 upgrade, one of the costliest in LASA's history, was to get
6 out of the landfill, avoid a tipping fee of over \$100,000
7 per year, and generate a Class A product for beneficial
8 reuse under a general permit, providing the farming
9 community with low-cost or free fertilizer.

10 In addition, we have budgeted many more millions
11 for a high-strength hauled waste receiving facility to
12 augment our digesters to produce more gas to offset power at
13 the treatment plant.

14 The proposed revisions to the general permits
15 would adversely affect both of these projects and result in
16 increased costs to our community and offset our gains in
17 recycling and beneficial use, with little environmental
18 benefit.

19 I would like to address just two of the issues in
20 the proposed revisions, the PFAS testing and the limitations
21 on hauled waste. So the pre-draft versions of both the
22 PAG-7 and PAG-8 propose sampling and analyzing of biosolids
23 for PFAS at the same frequency as metals and PCBs. And that
24 would be over the ten-year term of the permit.

25 For LASA that would mean six PFAS tests per year

1 and, as you heard in previous testimony, at an estimated
2 cost of about \$1,700 per sample for collection and testing,
3 that would result in an additional cost to our customers of
4 about \$100,000 over the ten-year life of a permit. While we
5 support action to reduce PFAS in the environment, the
6 proposed changes run counter to the important polluter pays
7 principle. Although we would need to pass these testing
8 costs on to the customers, each of our customers, our
9 treatment plant is not the source of PFAS.

10 We recommend, however, that the approach for
11 addressing PFAS in biosolids be more holistic to include
12 sources of PFAS into the wastewater systems and to control
13 or eliminate them at the source through industrial
14 pretreatment requirements and not pass the cost of
15 remediation to everyone who flushes.

16 PFAS sampling and testing is technically
17 difficult, as you've already heard, and producers in some
18 cases are just being developed and approved. There are no
19 DEP accredited labs to run these very expensive tests. In
20 addition, existing general permits require permittees to
21 follow guidance in the DEP Biosolids Sampling Manual and at
22 this time there is no information there whatsoever about
23 sampling equipment and procedures for PFAS testing or
24 analysis.

25 PFAS monitoring requirements for treatment plants

1 should be subject to a complete cost-benefit analysis,
2 encompassing economic, environmental, and societal impacts.
3 For example, PFAS monitoring would likely lead to less land
4 application and more landfill disposal and incineration,
5 which would result in more greenhouse gas generation.

6 When biosolids are incinerated, PFAS are not
7 destroyed and could be released to the atmosphere. And as
8 you've heard before, can current landfills and incinerators
9 even handle the additional biosolids? In the end, any
10 regulatory limits for PFAS should consider background PFAS
11 levels in the environment and exposure to PFAS from sources
12 other than biosolids.

13 On trucked waste or hauled waste, the proposed
14 general permit would require that hauled waste be discharged
15 to the plant headworks, not directly to the sludge handling
16 process.

17 LASA, for nearly 20 years, has accepted and
18 treated millions and millions of gallons of hauled waste per
19 year at our treatment plant, some of which is taken directly
20 to sludge handling for processing. Our continued acceptance
21 of these wastes is critical to the livelihood of about 30
22 haulers in our region, many industries that have no
23 pretreatment onsite and smaller treatment plants with no
24 onsite handling capabilities.

25 We use approximately \$500,000 per year that we

1 generate in tipping fees to maintain and improve the
2 treatment facility, helping keep rates down for our
3 customers. To put that number into context, a loss of
4 \$500,000 per year would result in about a 2 and a half
5 percent rate increase for our customers, for 40,000
6 customers, across the board.

7 I also need to note that currently a little over
8 25 percent of our waste is taken directly to the headworks.
9 However, in our current plans to upgrade the facilities,
10 that number will increase significantly and we are planning
11 to bring in food waste and high-strength grease and oil
12 waste that would increase that percentage.

13 We are not aware of any information that supports
14 an increased level of treatment or protection of the
15 environment by sending all wastes through the headworks of
16 the plant. While blanket permit conditions for all wastes
17 sounds good in theory, it really isn't feasible in the real
18 world.

19 Wastewater treatment processes ahead of sludge
20 handling, like screens, grit removal, and primary
21 clarification, are not designed to treat certain hauled
22 wastes such as food processing waste or treatment plant
23 sludges. Taking these wastes through the headworks would
24 result not only in higher O/M costs but could actually harm
25 those processes.

1 Where would these wastes go if they were declined
2 for acceptance at treatment plants? We, and many others,
3 would lose the benefits of accepting hauled waste, not only
4 the revenue stream, but also accelerated digester
5 performance and increased gas production for heat and power.
6 Instead, these wastes would be diverted to landfills where
7 they would create fugitive greenhouse gases, or worse, they
8 would be illegally dumped.

9 Again, we request that a full analysis of costs
10 and benefits be conducted and that if these changes are
11 still considered to be necessary, that they not be
12 implemented until such an analysis is completed and adequate
13 processing and disposal alternatives are available. And we
14 also support House Resolution 149, which would hold off any
15 changes in the general permit until an economic-impact study
16 was completed.

17 Thank you for the opportunity to testify on this
18 very important matter. And, of course, I'm glad to answer
19 any questions.

20 **MAJORITY CHAIRMAN METCALFE:** Thank you, sir.

21 Representative Vitali.

22 **MINORITY CHAIRMAN VITALI:** I just want to make
23 sure I understand this. So you're the Lancaster Area Sewer
24 Authority so you get wastes that's flushed and comes through
25 the system and you treat it and then you in turn give some

1 of that biproduct to the biosolids companies who in turn
2 sell it to farmers?

3 MR. MICHAEL KYLE: We currently -- you are
4 correct.

5 MINORITY CHAIRMAN VITALI: What I'm trying --
6 I'll just ask the whole question. So my question is -- I
7 just wanted to make clear, where in this process do you
8 think the PFAS testing should be? Where is it now? And is
9 it -- are they -- is it necessarily mutually exclusive that
10 it is tested the way it is now and it's also being tested by
11 the people who manufacture the biosolids? So where do you
12 think -- where is PFAS being tested? Where should it be
13 tested? And is this mutually exclusive with having the
14 biosolids processors test it, too?

15 MR. MICHAEL KYLE: Currently there is very little
16 PFAS testing being done. The reasons being there are no
17 limits. There are issues with sample collection testing
18 procedures, both on the source side and the biosolids side
19 or the sites that land application is occurring.

20 We recommend this holistic approach that was
21 suggested at one of the DEP work group meetings whereby all
22 the sources are categorized and identified to be potential
23 sources on the pretreatment side and focus on eliminating
24 the sources of PFAS to treatment plants.

25 We also agree with Mr. Toffey and others that

1 from a biosolids standpoint, the more reasonable approach
2 would be to monitor multiple facilities of biosolids in the
3 region to identify hotspots to focus that PFAS testing in
4 areas that we suspect there are issues as opposed to the
5 approach of requiring every general permit holder to just
6 blindly be testing its own biosolids for a period of ten
7 years.

8 MINORITY CHAIRMAN VITALI: Okay.

9 MAJORITY CHAIRMAN METCALFE: Thank you.

10 It seems like several other questions today have
11 focused on the PFAS issue which, as you've mentioned and
12 other testifiers mentioned, the Federal -- the EPA is
13 studying that issue and having it studied. The DEP has been
14 talking about it for some time. Since I've been Chairman of
15 the ERE Committee, we have been discussing it.

16 But there is no scientific data from studies that
17 actually even now have been utilized by even the EPA to set
18 a source water standard for a limit on the PFAS. That's my
19 understanding what it is currently with what's being
20 studied. So to extrapolate what they have still been
21 studying on the front end in source water and try and deal
22 with now the PFAS issue and try and create more costs in the
23 biosolids is really beyond I think a lot of people's
24 comprehension as to why that jump would be made by people
25 who claim they're short-staffed and have a job to do

1 currently under the current law.

2 So I know this Committee will deal with the PFAS
3 issue in the future. The DEP is working and they are in the
4 early staging of, I think, working on their own regulations
5 that they want to promulgate to a source water standard for
6 PFAS.

7 But as was said earlier, and what I've learned
8 several years back when I was first becoming the Chairman,
9 was every -- I was told everybody in the United States has
10 some level in their bloodstream because of all the products
11 we've used. It was said earlier some of those products,
12 pizza boxes and if you're using one of those Teflon pans to
13 fry your eggs up in the morning or the baby sleepers for
14 fire retardant material that's used in baby's sleepers. I
15 mean, it's throughout the products that we use in our nation
16 and around the world.

17 So it's certainly something that should be
18 studied but something that wasn't the main focus of this
19 meeting today. Certainly it's part of what they're
20 proposing in this permit. I think what people should take
21 away from this hearing today is, one, there's permit changes
22 that are being pursued by the DEP that are so extensive and
23 will have such economic impact and are such a policy change
24 that they're something that shouldn't come through a
25 bureaucratic change to a permit but they should come through

1 the General Assembly actually changing a statute and then
2 regulations being promulgated by the appropriate agency as a
3 result of that statutory change, which has not taken place.
4 We have not made a change to the law so there is no reason
5 that this permit should be changed in this extensive way
6 that's going to have such a huge economic impact.

7 I think the second thing that people should take
8 away from this hearing today is with all the issues that are
9 out there, I think the last thing anybody expected us to be
10 holding a meeting on today was biosolids. It's not
11 something people generally think about, about biosolids.
12 You flush the toilet, as was said over and over, you're a
13 flusher.

14 Representative Vitali, if he really thinks about
15 this meeting after the fact, I think he'll recognize that
16 he's one of those polluters that he keeps referencing.
17 Every time he goes to the restroom, he's a polluter, like
18 everybody that he's been referencing here today.

19 So I think a biproduct of life is pollution.
20 That's reality. We have to work to minimize that and be
21 good stewards of our environment to minimize the impacts of
22 that pollution. And sometimes we can reuse that pollution
23 as we see through honey wagons and other biosolids-type
24 ventures.

25 This is an important issue because everybody

1 flushes. And I think even more important than being a
2 flusher, you're going to be a payer for the result in cost
3 increases they are going to add to our additional
4 inflationary issues that we're currently having with the
5 Biden Administration.

6 That's all we have for today's hearing. We do
7 have a voting meeting that will be called off the Floor at
8 the very first break today. We should be back in this room,
9 G-50, for that voting meeting to consider a resolution
10 that's been proposed. We'll look forward to that.

11 In the meantime, this hearing is adjourned.
12 Thank you to our testifiers. Thank you to all that
13 participated today. We appreciate you being here and
14 appreciate your testimony.

15 Thank you, sir.

16 MR. MICHAEL KYLE: Thank you.

17 MAJORITY CHAIRMAN METCALFE: Thank you for being
18 with us.

19 (Whereupon, the hearing concluded.)
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I hereby certify that the proceedings and
evidence are contained fully and accurately in the notes
taken by me on the within proceedings and that this is a
correct transcript of the same.

Jean M. Davis
Notary Public