

HOUSE BILL 1153

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4r2015
CF SB 956

By: **Delegates Love and Ivey**

Introduced and read first time: February 7, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Water Pollution Control – Protecting State Waters From PFAS**
3 **Pollution**
4 **(Protecting State Waters From PFAS Pollution Act)**

5 FOR the purpose of establishing a certain discharge limit for PFAS chemicals in any water,
6 including stormwater, discharged from a certain significant industrial user;
7 requiring a certain significant industrial user to reduce PFAS chemicals from the
8 water it discharges to a publicly owned treatment works in a certain manner;
9 requiring a certain significant industrial user to store, reuse, and dispose of certain
10 PFAS chemicals in a certain manner; requiring a certain significant industrial user
11 to measure levels of organic fluorine in industrial wastewater by a certain date and
12 to report those levels to the Department of the Environment; and generally relating
13 to State waters and PFAS pollution.

14 BY repealing and reenacting, without amendments,
15 Article – Environment
16 Section 9–101(a) through (c), (g), and (i)
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2023 Supplement)

19 BY adding to
20 Article – Environment
21 Section 9–353 through 9–356 to be under the new part “Part VII. Protecting State
22 Waters From PFAS Pollution”
23 Annotated Code of Maryland
24 (2014 Replacement Volume and 2023 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That the Laws of Maryland read as follows:

27 **Article – Environment**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 9–101.

2 (a) In this title the following words have the meanings indicated.

3 (b) “Discharge” means:

4 (1) The addition, introduction, leaking, spilling, or emitting of a pollutant
5 into the waters of this State; or

6 (2) The placing of a pollutant in a location where the pollutant is likely to
7 pollute.

8 (c) (1) “Disposal system” means a system for disposing of wastes by surface,
9 above surface, or underground methods.

10 (2) “Disposal system” includes a treatment works and a disposal well.

11 (g) “Pollutant” means:

12 (1) Any waste or wastewater that is discharged from:

13 (i) A publicly owned treatment works; or

14 (ii) An industrial source; or

15 (2) Any other liquid, gaseous, solid, or other substance that will pollute any
16 waters of this State.

17 (i) “Publicly owned treatment works” means a facility that is:

18 (1) Owned by this State or a political subdivision, municipal corporation,
19 or other public entity; and

20 (2) Used for the treatment of pollutants.

21 **9–351. RESERVED.**

22 **9–352. RESERVED.**

23 **PART VII. PROTECTING STATE WATERS FROM PFAS POLLUTION.**

24 **9–353.**

25 **(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS**
26 **INDICATED.**

1 (B) "INDUSTRIAL USER" MEANS:

2 (1) A PERSON WHO IS ENGAGED IN MANUFACTURING, FABRICATING,
3 OR ASSEMBLING GOODS; OR

4 (2) A MEMBER OF ANY CLASS OF SIGNIFICANT PRODUCERS OF
5 POLLUTANTS IDENTIFIED UNDER REGULATIONS ADOPTED BY:

6 (I) THE SECRETARY; OR

7 (II) THE ADMINISTRATOR OF THE U.S. ENVIRONMENTAL
8 PROTECTION AGENCY.

9 (C) "PFAS CHEMICALS" MEANS A CLASS OF FLUORINATED ORGANIC
10 CHEMICALS THAT CONTAIN AT LEAST ONE FULLY FLUORINATED CARBON ATOM,
11 INCLUDING PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

12 (D) "PRETREATMENT PERMIT" MEANS A DOCUMENT ISSUED BY THE
13 DEPARTMENT THAT AUTHORIZES A SIGNIFICANT INDUSTRIAL USER TO INTRODUCE
14 INDUSTRIAL WASTES INTO A PUBLICLY OWNED TREATMENT WORKS IN COMPLIANCE
15 WITH THE PRETREATMENT REQUIREMENTS UNDER COMAR 26.08.01.01A(69).

16 (E) "SIGNIFICANT INDUSTRIAL USER" MEANS AN INDUSTRIAL USER THAT:

17 (1) IS SUBJECT TO CATEGORICAL PRETREATMENT STANDARDS
18 UNDER 40 C.F.R. PART 403.6;

19 (2) DISCHARGES AN AVERAGE OF 25,000 GALLONS PER DAY OR MORE
20 OF PROCESSED WASTEWATER TO A PUBLICLY OWNED TREATMENT WORKS, NOT
21 INCLUDING SANITARY, NONCONTACT COOLING, AND BOILER BLOWDOWN
22 WASTEWATER;

23 (3) CONTRIBUTES PROCESSED WASTEWATER THAT MAKES UP 5% OR
24 MORE OF THE AVERAGE DRY-WEATHER HYDRAULIC OR ORGANIC CAPACITY OF THE
25 PUBLICLY OWNED TREATMENT WORKS; OR

26 (4) IS DESIGNATED AS A SIGNIFICANT INDUSTRIAL USER BY THE
27 PUBLICLY OWNED TREATMENT WORKS ON THE BASIS THAT THE INDUSTRIAL USER
28 HAS:

29 (I) A REASONABLE POTENTIAL FOR ADVERSELY AFFECTING
30 THE WASTEWATER TREATMENT PLANT'S OPERATIONS AND SEWER SYSTEM; OR

1 (II) VIOLATED A PRETREATMENT STANDARD OR
2 REQUIREMENT.

3 (F) "WATERS OF THE STATE" INCLUDE:

4 (1) BOTH SURFACE AND UNDERGROUND WATERS WITHIN THE
5 BOUNDARIES OF THE STATE SUBJECT TO ITS JURISDICTION;

6 (2) THAT PORTION OF THE ATLANTIC OCEAN WITHIN THE
7 BOUNDARIES OF THE STATE;

8 (3) THE CHESAPEAKE BAY AND ITS TRIBUTARIES;

9 (4) ALL PONDS, LAKES, RIVERS, STREAMS, PUBLIC DITCHES, TAX
10 DITCHES, AND PUBLIC DRAINAGE SYSTEMS WITHIN THE STATE, OTHER THAN THOSE
11 DESIGNED AND USED TO COLLECT, CONVEY, OR DISPOSE OF SANITARY SEWAGE; AND

12 (5) THE FLOODPLAIN OF FREE-FLOWING WATERS DETERMINED BY
13 THE DEPARTMENT ON THE BASIS OF THE 100-YEAR FLOOD FREQUENCY.

14 9-354.

15 (A) THIS SECTION APPLIES TO A SIGNIFICANT INDUSTRIAL USER THAT:

16 (1) HAS A PRETREATMENT PERMIT; AND

17 (2) (I) IS CURRENTLY AND INTENTIONALLY USING PFAS
18 CHEMICALS; OR

19 (II) OPERATES ON A SITE WHERE A PRIOR HISTORY OF PFAS
20 CHEMICAL USE IS KNOWN OR REASONABLY KNOWN.

21 (B) A SIGNIFICANT INDUSTRIAL USER SHALL ELIMINATE THE PRESENCE OF
22 PFAS CHEMICALS IN THE WATER THAT IT DISCHARGES TO A PUBLICLY OWNED
23 TREATMENT WORKS IN ACCORDANCE WITH THIS SECTION.

24 (C) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE U.S.
25 ENVIRONMENTAL PROTECTION AGENCY REGARDING THE ELIMINATION OF PFAS
26 CHEMICALS IN WATER, THE DISCHARGE LIMIT FOR PFAS CHEMICALS IN ANY
27 WATER, INCLUDING STORMWATER, DISCHARGED FROM ANY SIGNIFICANT
28 INDUSTRIAL USER IS 4 PARTS PER TRILLION.

1 (D) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE U.S.
2 ENVIRONMENTAL PROTECTION AGENCY REGARDING THE ELIMINATION OF PFAS
3 CHEMICALS IN WATER, A SIGNIFICANT INDUSTRIAL USER SHALL REDUCE PFAS
4 CHEMICALS FROM THE WATER THAT IT DISCHARGES TO A PUBLICLY OWNED
5 TREATMENT WORKS TO A CONCENTRATION OF NOT MORE THAN 4 PARTS PER
6 TRILLION, INCLUDING BY:

7 (1) SUBSTITUTING OR ELIMINATING PRODUCTS CONTAINING PFAS
8 CHEMICALS;

9 (2) TAKING PRECAUTIONS TO AVOID ACCIDENTAL DISCHARGES;

10 (3) DECONTAMINATING OR REPLACING EQUIPMENT CONTAMINATED
11 WITH PFAS CHEMICALS; OR

12 (4) USING ANY OTHER METHOD THE U.S. ENVIRONMENTAL
13 PROTECTION AGENCY DETERMINES IS NECESSARY FOR THE ELIMINATION OF PFAS
14 CHEMICALS IN WATER.

15 (E) (1) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE U.S.
16 ENVIRONMENTAL PROTECTION AGENCY REGARDING THE STORAGE OF PFAS
17 CHEMICALS, A SIGNIFICANT INDUSTRIAL USER SHALL SAFELY STORE PFAS
18 CHEMICALS THAT WERE CAPTURED AFTER REDUCING PFAS CHEMICALS FROM
19 WATER IN ACCORDANCE WITH THIS SECTION.

20 (2) IN ACCORDANCE WITH ANY FEDERAL, STATE, OR LOCAL LAW,
21 REGULATION, OR POLICY, A SIGNIFICANT INDUSTRIAL USER MAY REUSE STORED
22 PFAS CHEMICALS IN ITS FACILITY OPERATIONS.

23 (F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A
24 SIGNIFICANT INDUSTRIAL USER MAY DISPOSE OF STORED PFAS CHEMICALS USING
25 SAFE DISPOSAL SYSTEMS OR TECHNOLOGIES APPROVED BY THE DEPARTMENT OR
26 IN ANOTHER MANNER APPROVED BY THE DEPARTMENT BY REGULATION.

27 (2) A SIGNIFICANT INDUSTRIAL USER MAY NOT DISPOSE OF STORED
28 PFAS CHEMICALS IN ANY MANNER INVOLVING:

29 (I) DISPOSAL AT A SOLID WASTE LANDFILL;

30 (II) INCINERATION; OR

31 (III) LAND APPLICATION.

1 **(G) A SIGNIFICANT INDUSTRIAL USER SHALL:**

2 **(1) (I) BY APRIL 1, 2025, MEASURE THE LEVELS OF ORGANIC**
3 **FLUORINE CHEMICALS IN ITS INDUSTRIAL WASTEWATER USING METHODS**
4 **APPROVED BY THE DEPARTMENT; AND**

5 **(II) REPORT THE LEVELS OF ORGANIC FLUORINE CHEMICALS**
6 **IN THE INDUSTRIAL WASTEWATER IN A MANNER APPROVED BY THE DEPARTMENT;**

7 **(2) BY OCTOBER 1, 2025, AND IN ACCORDANCE WITH THIS SECTION,**
8 **IMPLEMENT MEASURES TO REDUCE PFAS CHEMICALS FROM WATER DISCHARGED**
9 **TO A PUBLICLY OWNED TREATMENT WORKS;**

10 **(3) PROVIDE DOCUMENTATION OF PFAS STORAGE OR REUSE ON**
11 **REQUEST TO:**

12 **(I) THE ATTORNEY GENERAL;**

13 **(II) THE DEPARTMENT;**

14 **(III) A COUNTY COUNCIL;**

15 **(IV) A STATE'S ATTORNEY;**

16 **(V) A CITY ATTORNEY; OR**

17 **(VI) ANY OTHER STATE OR LOCAL GOVERNMENTAL ENTITY; AND**

18 **(4) REPORT THE STORAGE OR DISPOSAL OF PFAS CHEMICALS**
19 **UNDER 40 C.F.R. PART 372 (TOXIC CHEMICAL RELEASE REPORTING).**

20 **(H) THE DEPARTMENT SHALL CONSIDER THE MEMORANDUM ADDRESSING**
21 **PFAS DISCHARGES IN NPDES PERMITS AND THROUGH THE PRETREATMENT**
22 **PROGRAM AND MONITORING PROGRAMS ISSUED BY THE U.S. ENVIRONMENTAL**
23 **PROTECTION AGENCY ON DECEMBER 5, 2022, WHEN DETERMINING PERMISSIBLE**
24 **LEVELS OF ORGANIC FLUORINE CHEMICALS IN INDUSTRIAL WASTEWATER UNDER**
25 **SUBSECTION (G)(1) OF THIS SECTION.**

26 **(I) ANY CONTRACT OR AGREEMENT BETWEEN A SIGNIFICANT INDUSTRIAL**
27 **USER AND A PUBLICLY OWNED TREATMENT WORKS THAT AUTHORIZES A DISCHARGE**
28 **OF WATER INTO THE WATERS OF THE STATE THAT EXCEEDS THE DISCHARGE LIMIT**
29 **FOR PFAS CHEMICALS UNDER SUBSECTION (C) OF THIS SECTION SHALL BE**
30 **SUPERSEDED BY THIS SECTION.**

1 **9-355.**

2 **ON OR BEFORE DECEMBER 1, 2024, THE DEPARTMENT SHALL ADOPT**
3 **REGULATIONS TO INCLUDE THE DISCHARGE LIMIT FOR PFAS CHEMICALS**
4 **ESTABLISHED UNDER § 9-354(C) OF THIS SUBTITLE AS A CONDITION FOR ISSUING A**
5 **PRETREATMENT PERMIT TO A SIGNIFICANT INDUSTRIAL USER.**

6 **9-356.**

7 **(A) THE PRESENCE OF TOTAL ORGANIC FLUORINE OR PFAS CHEMICALS**
8 **EXCEEDING 4 PARTS PER TRILLION IN ANY DISCHARGE INTO THE WATERS OF THE**
9 **STATE IS A VIOLATION OF THE TERMS OF A PRETREATMENT PERMIT.**

10 **(B) IN ADDITION TO A VIOLATION UNDER SUBSECTION (A) OF THIS SECTION,**
11 **THE DEPARTMENT MAY ENFORCE A VIOLATION OF THIS PART IN ACCORDANCE WITH**
12 **REGULATIONS ADOPTED BY THE DEPARTMENT.**

13 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
14 **October 1, 2024.**