Biosolids Recycling in New York State: Interim Strategy to Address PFAS in Biosolids Products



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The New York State Department of Environmental Conservation ("NYDEC") issued a document titled:

DMM- Draft 7A / Biosolids Recycling in New York State - Interim Strategy to Address PFAS in Biosolids Products ("Interim Strategy").

The Interim Strategy is described as a NYDEC program policy and is issued by its Deputy Commissioner for Environmental Remediation and Materials Management.

The Interim Strategy is stated to expand on the requirements of DMM-7/biosolids recycling in New York State – Interim Strategy for the Control of PFAS Compounds which was issued on September 7, 2023.

The DMM-7 previously issued requires all permitted 361-2 and 361-3 facilities that accept biosolids to sample each biosolids source (water resource recovery facility) and report the results to NYDEC and also set interim concentration values for PFOA and PFOS.

The Interim Strategy (i.e., DMM-Draft 7A) requires sampling and analysis of soil products produced from biosolids, which is stated to include:

- Compost.
- Heat dried products.

NYDEC states that the Interim Strategy along with DMM-7 will provide data for it to use in the development of a future rulemaking. Specifically, the data is stated to assist in determining the impact the proposed PFAS standards rulemaking will have on New York State facilities.

Section V (Procedure) requires that:

… within 90 days of the issuance of this policy, all currently permitted 361-3 facilities that accept biosolids, as well as facilities with approvals under Subpart 361-3.8 to distribute biosolids products from out of state sources, must sample the biosolids product for PFAS compounds and provide the samples to a New York State Department of Health (NYSDOH) certified laboratory.

Upon receipt from the laboratory, they are required to be submitted to NYDEC.

Sampling protocols are outlined in the Interim Strategy.

A copy of the Interim Strategy can be found here.