

STATE OF NEW YORK

6192--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 26, 2025

Introduced by M. of A. KELLES, ROMERO, GALLAGHER, ROSENTHAL, SIMON, FORREST, GRIFFIN, OTIS -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to the management of PFAS in biosolids and establishing the New York state biosolids task force; to amend the agriculture and markets law and the state finance law, in relation to establishing the PFAS agricultural response program and the agricultural PFAS response fund; and providing for the repeal of certain provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Article 27 of the environmental conservation law is amended
2 by adding a new title 8 to read as follows:

3 TITLE 8

4 MANAGEMENT OF PFAS IN BIOSOLIDS

5 Section 27-0801. Definitions.

6 27-0803. Moratorium on land application of biosolids.

7 27-0805. Testing and reporting.

8 § 27-0801. Definitions.

9 As used in this title:

10 1. "Biosolids" means the accumulated semi-solids, solids or liquids
11 resulting from treatment of wastewaters from publicly or privately owned
12 or operated sewage treatment plants.

13 2. "Enterprise budget" means an estimation of the revenue, costs, and
14 profits for a farm.

15 3. "Monitoring" means sampling of biosolids from wastewater treatment
16 facilities, soil samples and/or water samples from agricultural land to
17 determine the concentration of PFAS present.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD10313-05-5

1 4. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a
2 class of fluorinated organic chemicals containing at least one fully
3 fluorinated carbon atom.

4 5. "Permit holder" means a farmer or other landowner authorized to
5 spread biosolids under a permit granted pursuant to NYCRR 361-2.4.

6 6. "Previous permit holder" means a permit holder who has a permit
7 that has expired within the five years previous to the effective date of
8 this title.

9 7. "Wastewater treatment facility" means any facility that treats
10 wastewater, including but not limited to municipal sewage treatment
11 plants, industrial wastewater treatment plants, and septage treatment
12 facilities.

13 § 27-0803. Moratorium on land application of biosolids.

14 1. For the period commencing on the effective date of this title and
15 ending five years after such date, a moratorium shall be established on
16 the land application of:

17 (a) biosolids generated from a publicly or privately owned or operated
18 wastewater treatment plant;

19 (b) compost material that included in its production biosolids gener-
20 ated from a publicly or privately owned or operated wastewater treatment
21 plant;

22 (c) any other product or material that is intended for use as a ferti-
23 lizer, soil amendment, topsoil replacement or mulch, or for other simi-
24 lar agricultural purposes including parks, golf courses, or other non-
25 crop land applications, that is derived from or contains biosolids
26 generated from a publicly or privately owned or operated wastewater
27 treatment plant.

28 2. The moratorium shall apply to all existing permits, renewals, and
29 new applications.

30 3. The moratorium shall not apply to:

31 (a) the disposal or placement at a solid waste landfill of any of the
32 materials that are prohibited from application, spreading, sale or
33 distribution by this section; or

34 (b) the land application of or the sale or distribution of compost
35 materials or other agricultural products or materials derived from or
36 containing residuals generated as a result of the processing or culti-
37 vation of food, food waste, crops or vegetative material, or any other
38 product or material that is not derived from or does not contain bioso-
39 lids.

40 § 27-0805. Testing and reporting.

41 1. The department shall promulgate rules and regulations which add
42 perfluoroalkyl and polyfluoroalkyl substances as a parameter of concern
43 for analysis within NYCRR Part 361.2.4.

44 (a) Within one year of the effective date of this title, the depart-
45 ment shall promulgate regulations establishing a perfluoroalkyl and
46 polyfluoroalkyl substances biosolids testing and reporting program that
47 shall, at a minimum, do the following:

48 (i) establish protocols for soil testing, requiring all permit holders
49 and previous permit holders to test lands where biosolids have been
50 applied at least quarterly for one year;

51 (ii) establish protocols for testing drinking water wells at least
52 quarterly for one year where such wells are within one half mile of
53 lands where biosolids have been applied;

54 (iii) establish protocols for testing surface water at least quarterly
55 for one year where such surface water is within one mile of lands where
56 biosolids have been applied;

1 (b) Regulations promulgated pursuant to this title regarding testing
2 protocols and the timing of sampling for testing of well water and
3 surface water shall take into account the effects of rainfall events
4 and precipitation patterns, as well as weather and temperature changes
5 in determining the timing of sampling.

6 (c) Permit holders shall submit the results of such monitoring to the
7 department quarterly; provided, however, that permit holders shall
8 submit their first monitoring results within six months from the effec-
9 tive date of this title.

10 2. The department shall require all wastewater treatment facilities to
11 test biosolids for PFAS chemicals quarterly for five years and report
12 the results to the department.

13 3. Testing and evaluation of permitted sites shall be conducted using
14 a PFAS testing method or methods authorized by the department. The
15 department shall immediately authorize EPA Method 1633A as an approved
16 testing method. The department shall authorize additional methods that
17 detect more PFAS as such methods become available and shall require that
18 the method that detects the largest number of PFAS (at equal or lower
19 detection limits than EPA Method 1633A) shall be used.

20 4. The department shall promulgate rules and regulations to establish
21 regulatory threshold levels for all individual PFAS chemicals for which
22 testing and assessment methods are available. These threshold levels
23 shall ensure maximum protection of human health and that of wildlife.
24 Final regulations shall not be less protective than those prescribed in
25 subdivision five of this section.

26 5. Until regulations are promulgated pursuant to this section, thresh-
27 old levels of PFAS contamination within water and soils above which PFAS
28 shall be considered an unacceptable threat to health shall be as
29 follows:

30 (a) within water, either current New York state department of health
31 standards or United States environmental protection agency standards for
32 drinking water shall apply, whichever are more protective to health;

33 (b) within soil, threshold levels for perfluorooctanoic acid (PFOA)
34 shall be 0.00066 parts per million (ppm) and for perfluorooctane sulfo-
35 nate (PFOS) shall be 0.00088 parts per million (ppm).

36 6. The department shall establish and maintain a publicly accessible
37 database of disaggregated soil, biosolid (differentiating biosolid data
38 sourced from wastewater treatment facility and from permit holders), and
39 water testing results within six months of the effective date of this
40 title. Such database shall use best practices standards for data
41 collection and dissemination, including standardization and cleaning of
42 data, and shall make such data available to the public in commonly used
43 data formats. Data collected from soil or water samples taken from
44 private lands and wells shall be aggregated by department of environ-
45 mental conservation region, in a form which excludes specific addresses,
46 locations, or other personally identifying information. The database
47 shall also include records for all previously conducted testing of
48 biosolids for PFAS funded with public monies with New York state.

49 § 2. The agriculture and markets law is amended by adding a new arti-
50 cle 11-C to read as follows:

51 ARTICLE 11-C

52 SOIL HEALTH AND PFAS AGRICULTURE RESPONSE PROGRAM

53 § 151-p. PFAS agricultural response program.

54 § 151-p. PFAS agricultural response program. 1. For the purposes of
55 this article:

1 (a) "Biosolids" means the accumulated semi-solids or solids resulting
2 from treatment of wastewaters from publicly or privately owned or oper-
3 ated sewage treatment plants.

4 (b) "Enterprise budget" means an estimation of the revenue, costs and
5 profits for a farm.

6 (c) "Monitoring" means sampling of biosolids from soil samples and/or
7 water samples from agricultural land to determine the concentration of
8 PFAS present.

9 (d) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a
10 class of fluorinated organic chemicals containing at least one fully
11 fluorinated carbon atom.

12 2. Within one year of the effective date of this article, the depart-
13 ment, in consultation with the department of environmental conservation,
14 shall establish a PFAS agricultural response program to assist farms
15 found to have levels of PFAS contamination which exceed regulatory stan-
16 dards established pursuant to title eight of article twenty-seven of the
17 environmental conservation law.

18 3. The program shall, at a minimum:

19 (a) pursuant to an appropriation therefor, provide grants to farmers
20 and other landowners with land found to exceed the thresholds for PFAS
21 established pursuant to title eight of article twenty-seven of the envi-
22 ronmental conservation law for the purpose of short-term income supple-
23 mentation or replacement, including but not limited to, reimbursing
24 farmers for the value of crops lost as a result of PFAS contamination;

25 (b) assist farmers and other landowners with planning and the develop-
26 ment of enterprise budgets to address land or water found to be contam-
27 inated by PFAS. Such enterprise budgets may include, but need not be
28 limited to, costs associated with the implementation of:

29 (i) alternative cropping systems;

30 (ii) remediation strategies;

31 (iii) technological adaptations;

32 (iv) transitioning to alternative revenue streams, including but not
33 limited to transitioning to alternative land use systems; and

34 (v) locating alternative viable farmland;

35 (c) pursuant to an appropriation therefor, provide grants for the
36 purchase of transitional equipment and infrastructure for farmers and
37 other landowners to: (i) support a transition to an alternative cropping
38 system; and (ii) implement remediation strategies, technological adapta-
39 tions, or other modifications to the farmer or other landowner's oper-
40 ations in response to PFAS contamination;

41 (d) develop best practices to mitigate further PFAS contamination,
42 including but not limited to, alternative cropping systems; and

43 (e) provide for testing of agricultural products, livestock, soil and
44 water of adjacent properties where it is suspected there may be contam-
45 ination related to the spreading of biosolids, and feedstock produced on
46 lands where biosolids were spread. During the five-year moratorium on
47 land application of biosolids pursuant to section 27-0803 of the envi-
48 ronmental conservation law, the department shall provide notice of such
49 monitoring and testing to the public, including to adjacent impacted
50 communities, through public outreach to community members and by posting
51 information on the department's website.

52 § 3. The state finance law is amended by adding a new section 95-1 to
53 read as follows:

54 § 95-1. Agricultural PFAS response fund. 1. There is hereby estab-
55 lished in the joint custody of the comptroller and the commissioner of

1 taxation and finance a special fund to be known as the "agricultural
2 PFAS response fund".

3 2. Such fund shall consist of monies appropriated, credited, or trans-
4 ferred thereto from any other fund or source pursuant to law.

5 3. All monies deposited in the agricultural PFAS response fund shall
6 be available for the purposes of the PFAS agricultural response program
7 pursuant to article eleven-C of the agriculture and markets law.

8 4. Monies shall be payable from the fund on the audit and warrant of
9 the comptroller on vouchers approved and certified by the commissioner
10 of the department of agriculture and markets.

11 § 4. Article 27 of the environmental conservation law is amended by
12 adding a new title 6 to read as follows:

13 TITLE 6

14 NEW YORK STATE BIOSOLIDS TASK FORCE

15 Section 27-0601. New York State biosolids task force.

16 27-0603. Definitions.

17 27-0605. Task force composition.

18 27-0607. Powers and duties.

19 § 27-0601. New York State biosolids task force.

20 There is hereby established within the department the New York state
21 biosolids task force to evaluate the risks and benefits of various meth-
22 ods of biosolids disposal within the state with respect to the risks
23 posed by PFAS chemicals and to investigate a path forward for New York
24 state biosolid disposal that is maximally protective of human and
25 ecosystem health.

26 § 27-0603. Definitions.

27 As used in this title:

28 1. "Biosolids" means the accumulated semi-solids or solids resulting
29 from treatment of wastewaters from publicly or privately owned or oper-
30 ated sewage treatment plants.

31 2. "Enterprise budget" means an estimation of the planning and esti-
32 mation of revenue, costs, and profits for a farm.

33 3. "Monitoring" means sampling of biosolids from wastewater treatment
34 facilities, soil samples and/or groundwater samples from agricultural
35 land to determine the concentration of PFAS present.

36 4. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a
37 class of fluorinated organic chemicals containing at least one fully
38 fluorinated carbon atom.

39 5. "Previous permit holder" means a permit holder who has a permit
40 that has expired within the five years previous to the effective date of
41 this article.

42 6. "Wastewater treatment facility" means any facility that treats
43 wastewater, including but not limited to municipal sewage treatment
44 plants, industrial wastewater treatment plants, and septage treatment
45 facilities.

46 § 27-0605. Task force composition.

47 1. The task force shall be composed of thirteen members as follows:

48 (a) the commissioner, or the commissioner's designee, who shall be the
49 chair of the task force;

50 (b) one member from the department;

51 (c) one member from the department of health;

52 (d) one member from the department of agriculture and markets;

53 (e) three members appointed by the governor as follows:

54 (i) one of whom shall represent wastewater treatment utilities;

55 (ii) one of whom shall have a background or expertise in solid waste
56 and organics recycling; and

1 (iii) one of whom shall have a background or expertise in soil and
2 crop health and toxic contamination;

3 (f) two members appointed by the temporary president of the senate,
4 one of whom shall represent the public and shall have a background or
5 expertise in PFAS contamination and/or toxicology and health risk
6 assessment;

7 (g) two members appointed by the speaker of the assembly, one of whom
8 shall represent the public and shall have a background or expertise in
9 PFAS contamination and/or toxicology and health risk assessment;

10 (h) one member appointed by the minority leader of the senate; and

11 (i) one member appointed by the minority leader of the assembly.

12 2. The members of the task force shall receive no compensation for
13 their services but shall be allowed their actual and necessary expenses
14 incurred in the performance of their duties pursuant to this title.

15 3. The task force shall meet at such times and places as may be deter-
16 mined by its chair; provided, however, that the task force shall meet at
17 a minimum of six times per year.

18 4. A majority of the members of the task force shall constitute a
19 quorum for the transaction of business. Action may be taken, and motions
20 and resolutions adopted, at any meeting by the affirmative vote of a
21 majority of the full membership of the task force.

22 § 27-0607. Powers and duties.

23 1. The task force shall:

24 (a) Review the draft "Sewage Sludge Risk Assessment for Perfluoroocta-
25 noic Acid (PFOA) CASRN 335-67-1 and Perfluorooctane Sulfonic Acid (PFOS)
26 CASRN 1763-23-1", dated January two thousand twenty-five, and monitor
27 comments provided to the United States environmental protection agency
28 and any revisions to the risk analysis;

29 (b) Analyze the pathways of human exposure to PFAS and how biosolids
30 applied to land contribute to such exposure;

31 (c) Support the department in any regulatory processes related to PFAS
32 in biosolids, prioritizing efficient processes and applying the best
33 available science;

34 (d) Evaluate mitigation strategies to reduce the risk of human,
35 ecosystem, and wildlife exposure from land application of biosolids;

36 (e) Review and summarize, including but not limited to the actions of
37 other states and regional and federal agencies to understand the risks
38 and consequences of such actions, the use and effects of PFAS and bioso-
39 lids, including, but not limited to:

40 (i) Continued land application;

41 (ii) Allowances for and use of biosolid derived fertilizer products;

42 (iii) Land application bans;

43 (iv) Landfilling;

44 (v) Incineration; and

45 (vi) Mitigation of PFAS through industrial pretreatment programs and
46 source identification;

47 (f) Work with the department to summarize current data and provide
48 recommendations, including recommendations for where more data may be
49 required;

50 (g) Review existing standards for PFAS contamination within soil,
51 water, air, and biosolids, both in New York and at the federal level;

52 (h) Review possible PFAS remediation strategies for PFAS contamination
53 within soil, water, air, and biosolids;

54 (i) Review and summarize the remaining capacity of landfills and
55 incineration facilities to accept biosolids. Such review shall consider
56 the impact across the different regions within the state and environ-

1 mental justice areas, including the impact of PFAS-rich landfill leac-
2 hate disposal via wastewater treatment plants;

3 (j) Review and evaluate alternative methods of and emergent technolo-
4 gies for managing contaminated biosolids;

5 (k) Review and evaluate PFAS destroying technologies, including the
6 risks to human and environmental health, and the current state of
7 deployment and barriers to the deployment of such technologies;

8 (l) Determine financial, environmental, and health impacts of differ-
9 ent pathways for managing biosolids;

10 (m) Evaluate the risks, implications, and levels of PFAS in food
11 products grown on land where biosolids have been applied or livestock
12 fed crops grown on land where biosolids have been applied;

13 (n) Where possible, work with other regional authorities to understand
14 their intent of biosolids management in their jurisdictions to determine
15 impacts of the limitations of biosolids disposal and end uses;

16 (o) Conduct a minimum of two public hearings for input annually;

17 (p) Issue an interim progress report at the end of the first year. The
18 interim report shall be delivered to the department and the legislature
19 and be posted publicly on the department's website; and

20 (q) Issue a final report at the end of the second year. The final
21 report shall be delivered to the department and the legislature and be
22 posted publicly on the department's website.

23 2. The task force shall have the power to:

24 (a) contract for professional and technical assistance and advice;

25 (b) conduct scientific and environmental studies.

26 3. The department, the department of agriculture and markets, and the
27 department of health shall provide the task force with such facilities,
28 assistance and data as will enable the task force to carry out its
29 powers and duties. Additionally, all other agencies of the state or
30 subdivisions thereof shall, at the request of the chair, provide the
31 task force with such facilities, assistance, and data as will enable the
32 task force to carry out its powers and duties.

33 § 5. This act shall take effect immediately; provided, however, that
34 sections 27-0801 and 27-0805 of the environmental conservation law as
35 added by section one of this act and sections two, three, and four of
36 this act shall take effect on the one hundred eightieth day after it
37 shall have become a law; provided further, however, that section 27-0803
38 of the environmental conservation law as added by section one of this
39 act shall expire five years after such effective date when upon such
40 date the provisions of such section shall be deemed repealed; provided
41 further, however, that section four of this act shall expire and be
42 deemed repealed one hundred twenty days after the New York State bioso-
43 lids task force has submitted its final report pursuant to section
44 27-0607 of the environmental conservation law as added by section four
45 of this act; provided further, however, that the commissioner of envi-
46 ronmental conservation shall notify the legislative bill drafting
47 commission upon the submission of the final report pursuant to section
48 27-0607 of the environmental conservation law as added by section four
49 of this act in order that the commission may maintain an accurate and
50 timely effective data base of the official text of the laws of the state
51 of New York in furtherance of effectuating the provisions of section 44
52 of the legislative law and section 70-b of the public officers law.