

Recent Lawsuit Highlights Potential Liabilities Related to PFAS in Sewage Sludge

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A recently filed [lawsuit](#) filed in Maryland highlights the potential liabilities of wastewater treatment plants and sewage sludge processors related to the presence of per and polyfluoroalkyl substances (PFAS) in sewage sludge and biosolids. It also puts a spotlight on farmers and other landowners who apply fertilizers made from sewage sludge. The legal action was brought by several Texas residents against Synagro, which manufactures fertilizers using residual material from wastewater treatment plants. The lawsuit alleges that PFAS tainted fertilizers manufactured by Synagro contaminated drinking water wells, soil, and surface water on their properties. Synagro is headquartered in Baltimore County, MD and has denied the allegations raised in the lawsuit.

PFAS are a class of synthetic chemicals used since the 1940s to make water, heat and stain resistant products such as cookware, carpets, clothing, furniture fabrics, paper packaging for food, and other resistant materials. These chemicals are persistent in the human body and throughout the environment. Certain PFAS are believed to cause adverse health effects but are classified by scientists as emerging chemicals because the risks they pose to human health and the environment are not completely understood.

PFAS enter the wastewater stream into sewage treatment plants from industrial settings, households, and stormwater. Most sewage treatment plants are not equipped to treat PFAS, resulting in the presence PFAS contamination in the sewage sludge. Treated sewage sludge is routinely applied to agricultural cropland as fertilizer, or bagged with other material and marketed as "biosolid compost" for use in agriculture and landscaping.

While this particular lawsuit has targeted Synagro, the owners of wastewater treatment plants, including numerous municipal authorities in Pennsylvania, potentially face similar actions in the future. Alleged damages in these actions could be immense. Sewage plant owners, especially those that arrange for the land application of their sewage sludge, should already be assessing how to address these potential PFAS-related liabilities. In addition, these facilities will likely face strict federal or state treatment standards for PFAS in the future. Finally, it is possible that some jurisdictions may place a moratorium on the land application of biosolids, thereby forcing sewage plant owners to seek alternative disposal options for their sewage sludge.

The potential presence of PFAS also raises issues related to real estate transactions. For example, potential purchasers of commercial real estate may want to inquire about the potential presence of PFAS and assess their possible liabilities as part of their due diligence.

If you have any questions regarding how PFAS may impact your wastewater treatment system or business, please [contact me](#) or anyone in the [Barley Snyder Environment & Energy Industry Group](#).

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