# DMM- 7A / Biosolids Recycling in New York State – Interim Strategy to Address PFAS in Biosolids Products

New York State Department of Environmental Conservation

DEC Program Policy

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| **Issuing Authority**: Patrick Foster | **Title:** Deputy Commissioner for Sustainable Development |
| **Date Issued:** June 10, 2026 | **Last Date Revised: NEW** |

## I. Summary

On September 7, 2023, the Department of Environmental Conservation (DEC) issued Program Policy DMM-7/Biosolids Recycling in New York State – Interim Strategy for the Control of PFAS Compounds (DMM-7). DMM-7 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 DEC. DMM-7 also sets interim concentration values for PFOA (perfluorooctanoic acid) and PFOS (perflurooctane sulfonic acid).

This Program Policy expands on the requirements of DMM-7 to **require sampling and analysis of soil products produced from biosolids** (biosolids products), such as compost and heat dried products. Biosolids products may be produced by in-state facilities permitted under 6 NYCRR Subpart 361-3; NYSDEC may also approve in-state distribution of biosolids products that are generated outside the state.

This policy and DMM-7 will provide data for DEC to use in the development of a future rulemaking. The data will help DEC determine the impact the proposed PFAS standards in the rulemaking will have on New York State facilities.

## II. Policy

The technical standards applicable to the recycling of biosolids into products are found in 6 NYCRR Part 360, and Subpart 361-3. Control of the amount of PFAS in biosolids and biosolids products regulated under Part 361 is needed to limit the potential for the leachate generated from biosolids from impacting groundwater, the potential for crop uptake, and to protect human health and the environment. DEC is developing a rulemaking that will amend Part 361 to address PFAS in biosolids products. The data obtained under DMM-7 and this Program Policy will assist DEC in the development of

that rulemaking. The data will also help DEC determine if certain biosolids sources or products have PFAS concentrations that would indicate the need to address industrial sources in rulemaking.

This Program Policy will require the sampling and analysis of all **biosolids products** (e.g., compost, heat dried pellets, digestates, other Class A soil amendments, etc.) for PFAS compounds, for products generated in New York State or imported for use in the State. The analyses must be submitted to DEC and will be made available to the public.

## III. Purpose and Background

During treatment at a wastewater treatment plant, liquids are separated from solids. Those solids are then treated physically and chemically to produce a semisolid, nutrient-rich product known as biosolids. Biosolids that are to be beneficially used must meet federal and state requirements. Examples of beneficial use of biosolids include application to agricultural land and the production and use of compost or other products. Biosolids provide several benefits including nutrient addition, improved soil structure, and water reuse. Diverting organics, such as biosolids, from disposal at landfills also reduces climate impacts associated with methane emissions from landfills.

Biosolids can contain pollutants of concern if not properly controlled. Both federal and State standards are in place to address these concerns. EPA develops the pollutant standards used by New York State. In some cases, New York State may choose to impose standards that are stricter than those issued by EPA. EPA does not currently have any finalized risk assessments or regulations governing PFAS in recycled biosolids.

## IV. Responsibility:

DEC's Division of Materials Management (DMM) staff in central and regional offices are responsible for implementing the procedures established in this program policy, and for the review and update of this policy. Owners or operators of facilities that produce biosolids products and entities that bring biosolids products into New York State are responsible for the sampling and analysis requirements to meet the criteria in this Program Policy.

## V. Procedure

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. The results must be submitted to DEC upon receipt from the laboratory. DEC will publish the data received.
Note: Biosolids products are final Class A soil amendment products that are derived from biosolids. This policy does not apply to incoming biosolids sources, which is covered under DMM-7.

All samples must be collected in accordance with the sampling protocols outlined in Appendix B of the DEC guide "Sampling, Analysis, and Assessment of Per- and Polyfluoroalkyl Substances (PFAS), April 2023" (https://www.dec.ny.gov/docs/remediation_hudson_pdf/pfassampanaly.pdf). The required test method is EPA Method 1633A. The samples must be analyzed for all the PFAS compounds provided by the test method. Analytical results obtained in accordance with the protocol in this Program Policy dated within the 6 months before the issuance of this Policy can be submitted to DEC to fulfill the requirements of this Policy for the first annual reporting period. The number of analyses required is as follows:

| Average Product Generated (cubic yards per day) | Number of Analyses |
|---|---|
| >50 | 4 |
| 5-50 | 3 |
| <5 | 2 |
| Out of State Generated Products | 3 |

After the initial sampling event, all permitted 361-3 facilities that accept biosolids and out of state biosolids products must sample the product annually at the frequency outlined above and must provide those results to DEC.

This Program Policy shall remain in effect until it is rescinded.

## VII. Related References

6 NYCRR Part 360 Series, July 22, 2023

https://www.dec.ny.gov/regs/2491.html