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BY EMAIL ONLY

Morrighan O'Connell  
Land Application Program  
IDEM, Office of Land Quality  
100 North Senate Ave., IGCN 1154  
Indianapolis, IN 46404-2251  
[moconnel@idem.IN.gov](mailto:moconnel@idem.IN.gov)

Re: Sanitary District of Hammond Application to Renew Permit for Land Application of Biosolids (IN LA 000089)

Dear Ms. O'Connell:

The Conservation Law Center, the Hoosier Environmental Council, and Indiana Conservation Voters (collectively, "Commenters") submit the following comments regarding the application of the Sanitary District of Hammond ("Sanitary District") to annually apply up to 12,000 dry tons of biosolids generated by its wastewater treatment facility to farmland in Jasper, Lake, Newton, and Porter Counties. Commenters are Indiana-based organizations dedicated to securing clean air and water and protecting natural lands.

Commenters appreciate the opportunity to submit these comments, which are summarized below. While some comments relate to concerns that the Sanitary District has failed to meet current expectations regarding land application permits, others request that IDEM and the Sanitary District go further to protect the health of the people and environment in the areas where biosolids are to be applied. These changes would bring the permitting process more in line with evolving scientific understanding and with the requirements and purposes of the statutory and regulatory scheme for the land application of biosolids.

Commenters recommend that the Sanitary District:

- I. Assess and submit analyses of the concentration of PFAS in its biosolids;
- II. Provide information to demonstrate it will comply with annual and cumulative inorganic pollutant loading rates;
- III. Address gaps in site-specific information, by correcting contradictions in the application, and by identifying wells located both on *and* adjacent to application sites; and
- IV. Provide other missing information, including its PCB analysis and relevant management plans.

## Comments

### **I. The Sanitary District Should Assess and Submit Analyses of the Concentration of PFAS in Its Biosolids**

IDEM recognizes that per- and poly-fluoroalkyl substances (“PFAS”) are “commonly present” in biosolids.<sup>1</sup> U.S. EPA’s draft Risk Assessment of two of the most well-studied PFAS cautions that “under certain scenarios and conditions, land-applying or disposing of sewage sludge containing a detectable level (i.e., 1 ppb or more) of PFOA or PFOS could result in human health risks exceeding the agency’s acceptable thresholds for cancer and non-cancer effects” for individuals who live near biosolids land application sites.<sup>2</sup> Yet IDEM does not impose limits on, or even require tracking of, the quantity of PFAS in biosolids applied to land.

The Sanitary District’s proposed practices exemplify the need to address PFAS risks. It treats wastewater from a wide variety of residential, commercial, and industrial customers, including 26 industries that are part of a pretreatment program, which increases the likelihood of PFAS contamination (though a growing body of research demonstrates that household waste also significantly contributes to PFAS in biosolids).<sup>3</sup> The total quantity and cumulative impact of PFAS presents additional cause for concern: many of the proposed sites also appeared in the Sanitary District’s 2016 Land Application permit request, so they may receive biosolids for consecutive decades, and many recipients indicate they receive biosolids from multiple sources. Furthermore, the specified sites are in areas where communities generally rely on groundwater to meet drinking water demands.<sup>4</sup>

The Indiana General Assembly instructed IDEM to establish standards for the issuance of land application permits and the approval of sites for land application.<sup>5</sup> It also recognized that information changes, and allowed for the revocation or modification of a permit based on “[c]hanges in circumstances relating to the permit or approval that require either a temporary or

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<sup>1</sup> IDEM, *Per- and Polyfluoroalkyl Substances (PFAS): PFAS Activities in Indiana*, <https://www.in.gov/idem/resources/per-and-polyfluoroalkyl-substances-pfas/> (last visited June 13, 2026).

<sup>2</sup> U.S. EPA, Pub. No. 820-P-25-001, Draft Sewage Sludge Risk Assessment for Perfluorooctanoic Acid (PFOA) CASRN 335-67-1 and Perfluorooctane Sulfonic Acid (PFOS) CASRN 1763-23-1 (Jan 2025), Executive Summary at v, available at <https://www.epa.gov/system/files/documents/2025-01/draft-sewage-sludge-risk-assessment-pfoa-pfos.pdf>.

<sup>3</sup> See Juhe Liu and Joseph Charbonnet, *A Critical Review of PFAS Analysis, Occurrence, and Fate in Wastewater Treatment Plants*, 59 Environ. Sci. Technol. 25492, 25497 (2025); Diana Lin et al., *Residential Wastewater as a Major Source of Per- and Polyfluoroalkyl Substances to Municipal Wastewater*, 4 ACS ES&T Water 4847 (2024).

<sup>4</sup> Northwestern Indiana Regional Planning Commission, *Water Use and Availability in Northwest Indiana*, <https://www.in.gov/nirpc/files/wateruse.pdf>.

<sup>5</sup> See IC 13-18-12 (“The board shall... adopt rules to establish... standards for... the issuance of permits for... land application of authorized septage, solid waste, and industrial waste products” and “[p]rocedures and standards for approval of sites for land application.”).

permanent reduction in the discharge of contaminants.”<sup>6</sup> U.S. EPA also realized its biosolids regulations were “necessarily constrained by the adequacy of information on sewage sludge pollutants and means of use or disposal[.]”<sup>7</sup> States are increasingly reckoning with this limitation and have begun regulating PFAS in biosolids, imposing PFAS monitoring requirements, concentration limits, or total bans on land application.<sup>8</sup>

Commenters recommend that IDEM seek additional information from the Sanitary District, and from all applicants for biosolids permits, about the concentration of PFAS in their biosolids, and establish a ceiling and cumulative limits for land application. While testing for PFAS may impose some additional burden, IDEM has employed protocols for PFAS testing in other contexts, and the Sanitary District already samples for 11 other contaminants. Furthermore, costs would be minimal in light of the examples nationwide demonstrating the potential costs of failing to act.<sup>9</sup> Including testing for PFAS would, at a minimum, inform the public and recipients of biosolids about the levels being applied until further regulatory action can be taken.

## **II. The Sanitary District Should Provide Information to Demonstrate It Will Comply with Annual and Cumulative Inorganic Pollutant Loading Rates**

The Sanitary District must comply with annual and cumulative pollutant loading rates, which limit the quantity of inorganic pollutant that can be applied to land each year and in total, respectively. While the Sanitary District provides data from February 2026 showing its biosolids fall within inorganic pollutant concentration limits, it does not address whether the repeated application of biosolids at either the specified or unspecified sites will exceed annual or cumulative limits. Inorganic pollutants present in acceptable but significant quantities, including Zinc, Arsenic, and Lead, could persist over time and accumulate after repeated applications.

The information within the application, even if combined with the monthly reports, does not allow for an estimate of annual or cumulative rates. While monthly reports include total quantities of biosolids applied, they do not indicate acreage or specify which acres received or will receive which quantities of biosolids. Several sites indicate in their Application Site Information Forms that they accept biosolids from other sources, which would further complicate such an estimate.

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<sup>6</sup> IC 13-18-12-6.5.

<sup>7</sup> Standards for the Use or Disposal of Sewage Sludge, 58 Fed. Reg. 9248, 9252 (Feb. 19, 1993); U.S. EPA, Pub. No. 832-R-93-003, A Plain Language Guide to the EPA Part 503 Biosolids Rule 2 (Sept. 1994), available at <https://www.epa.gov/sites/default/files/2018-12/documents/plain-english-guide-part503-biosolids-rule.pdf>.

<sup>8</sup> Sarah Grace Hughes and Julia Henderson, *ECOS Compendium of State PFAS Actions* (April 2025), 21-22, available at <https://www.ecos.org/wp-content/uploads/2026/03/ECOS-PFAS-Compendium-FINAL.pdf>.

<sup>9</sup> Jacob Wallace, *Biosolids and PFAS Questions are Rippling to Other States After Maine’s Land Application Ban*, WasteDive (Nov. 4, 2024) (discussing Maine buyback program for contaminated farmland, PFAS litigation nationwide).

A complete permit application must “include any other information as may be required by the commissioner to ensure compliance with [327 IAC 6.1].”<sup>10</sup> Commenters recommend that IDEM require additional information from the Sanitary District to demonstrate that its intended practices will not violate annual or cumulative pollutant limits. In addition, Commenters recommend that IDEM adjust the permit’s recordkeeping requirements to ensure they will allow the Sanitary District and IDEM to track and confirm compliance with the limits, even if a site receives biosolids from multiple sources.

### **III. The Sanitary District Should Address Gaps in Its Site-Specific Information Regarding the Location of Wells and Other Sensitive Features**

Indiana regulations protect water sources by requiring buffer zones in which biosolids cannot be applied, but the Sanitary District has not provided clear or sufficient information to ensure compliance with those site restrictions.<sup>11</sup>

First, the application’s site-specific information includes errors and contradictions. Several Application Site Information Forms indicate that a given site does not include any type of well, while also indicating that an on-site well is used for irrigation.<sup>12</sup> The Indiana Department of Natural Resources’ Online Water Well Record Database suggests many of these sites do have wells. One Form responds both “Yes” and “No” to yes-or-no questions about the site’s proximity to residences, surface waters, and surface conduits to subsurface features.<sup>13</sup>

Second, IDEM’s application form does not require important information about proximity to wells. 327 IAC 6.1-4-6 imposes site restrictions related to *any* wells, yet the application form requires information only about “on-site wells.”<sup>14</sup> A complete permit application must “include any other information as may be required by the commissioner to ensure compliance with [327 IAC 6.1].”<sup>15</sup> IDEM should require, and the Sanitary District should provide, information about *all* potentially affected wells, not merely the ones on-site.

### **IV. The Sanitary District Should Provide Missing Information, Including Its PCB Analysis and Relevant Management Plans**

Commenters have two additional concerns about the completeness of the Sanitary District’s application:

First, IDEM’s application form requires an “[a]nalysis of biosolids for PCBs and total solids” to demonstrate compliance with the 2mg/kg limit on PCB concentration. The Sanitary District checked the box to indicate it had included this analysis, but Commenters could not locate it within the application packet. The Sanitary District must submit its application “on

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<sup>10</sup> 327 IAC 6.1-4-5.5(c).

<sup>11</sup> See 327 IAC 6.1-4-6.

<sup>12</sup> See Sanitary District of Hammond Permit Application for the Land Application of Biosolids, Application Site Information Forms (VFC No. 83968207), 154, 178, 182, 202, 206.

<sup>13</sup> See *id.* at 148.

<sup>14</sup> See 327 IAC 6.1-4.-6 (imposing setback requirements for “any well” and for a “potable well or drinking water spring”).

<sup>15</sup> 327 IAC 6.1-4-5.5(c).

forms and in a format prescribed by the commissioner and include applicable accompanying documentation as described on the forms.”<sup>16</sup> IDEM should ensure it receives this analysis before proceeding with the Sanitary District’s application.

Second, the Sanitary District must include management plans for the stockpiling of material and the application of biosolids to frozen or snow-covered land.<sup>17</sup> The Sanitary District does not appear to have submitted either plan, but instead refers to its previous permit, which in turn references earlier submittals. Even apart from the technical requirements of the permit application, including these plans helps to make the application process more accessible to the public. Furthermore, ten years have passed since the Sanitary District submitted its last application, and changes in present conditions and scientific understanding may necessitate updates to the plans.

### **Conclusion**

Thank you for your consideration of these comments. They are not intended to contradict U.S. EPA’s determination that biosolids “can and should be safely used” or to undermine the Sanitary District’s efforts to find a productive and beneficial use of sewage sludge.<sup>18</sup> Rather, they reflect the Commenters’ concern that the information submitted so far is insufficient to demonstrate the use will be safe for the surrounding residents and environment.

Very truly yours,



Rachel Schwartz  
Public Service Law Fellow  
Conservation Law Center

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<sup>16</sup> 327 IAC 6.1-3-1.

<sup>17</sup> 327 IAC 6.1-3-1 (“A management plan must be submitted to the commissioner with the permit application if any of the following are applicable: (1) The management practice in 327 IAC 6.1-4-7(1) ... (2) The stockpiling requirement 327 IAC 6.1-4-8(e).”).

<sup>18</sup> U.S. EPA, Pub. No. 832-R-93-003, A Plain Language Guide to the EPA Part 503 Biosolids Rule 2 (Sept. 1994).