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No. 188

S.P. 92

In Senate, January 13, 2023

An Act to Require the Department of Environmental Protection to Pay for Certain Water Tests for Perfluoroalkyl and Polyfluoroalkyl Substances

(EMERGENCY)

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

DAREK M. GRANT Secretary of the Senate

Presented by Senator LIBBY of Cumberland. Cosponsored by Representative POMERLEAU of Standish. **Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Public Law 2021, chapter 641 authorized the Department of Environmental Protection to require a person licensed to discharge wastewater to sample effluent discharged for perfluoroalkyl and polyfluoroalkyl substances, also known as PFAS; and

Whereas, pursuant to that law, the department may require that the costs of such sampling and testing, which can be substantial, are to be paid by the person licensed to discharge wastewater; and

Whereas, to reduce the economic burden on these licensees while continuing to prevent further contamination of the soils and waters of the State from PFAS, it is necessary for the State to pay for the cost of such testing when the department requires it; and

Whereas, this legislation must take effect before the expiration of the 90-day period to immediately protect these licensees from that economic burden; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

- **Sec. 1. 38 MRSA §413, sub-§12,** as enacted by PL 2021, c. 641, §1, is amended to read:
- 12. Sampling for perfluoroalkyl and polyfluoroalkyl substances. Notwithstanding section 414-A or any other provision of law to the contrary, the department by written notification may require a person licensed by the department to discharge wastewater to groundwater or any waters of the State to sample the effluent discharged for perfluoroalkyl and polyfluoroalkyl substances and to report the sample data to the department. Upon receipt of the written notification and as directed by the department, the person shall conduct the required sampling of the effluent for perfluoroalkyl and polyfluoroalkyl substances and report the sample data to the department. If the department requires a person to conduct effluent sampling in accordance with this subsection, all costs associated with the sampling and testing of samples must be paid by the department.

As used in this subsection, "perfluoroalkyl and polyfluoroalkyl substances" has the same meaning as in Title 32, section 1732, subsection 5-A.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

35 SUMMARY

This bill amends the waste discharge licensing laws to provide that, if the Department of Environmental Protection requires a person licensed to discharge wastewater to sample the effluent discharged for perfluoroalkyl and polyfluoroalkyl substances, all costs associated with the sampling and testing of samples must be paid by the department.