**An Act To Investigate Perfluoroalkyl and Polyfluoroalkyl Substance Contamination of Land and Groundwater**

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

**Sec.** **1. 38 MRSA §1304, sub-§20** is enacted to read:

**20.** **Land Application Contaminant Monitoring Fund.**  The board shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A to administer the Land Application Contaminant Monitoring Fund under section 1310-B-1 and any underlying program or purpose under or funded by the fund.

**Sec.** **2. 38 MRSA §1310-B-1** is enacted to read:

**§****1310-B-1.** **Land Application Contaminant Monitoring Fund**

**1.** **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Fund" means the Land Application Contaminant Monitoring Fund under subsection 2.

B. "Perfluoroalkyl and polyfluoroalkyl substances" has the same meaning as in Title 32, section 1732, subsection 5-A.

C. "Residual" has the same meaning as in Title 7, section 4201, subsection 7.

**2.** **Land Application Contaminant Monitoring Fund.** The Land Application Contaminant Monitoring Fund is established to be used by the department as a nonlapsing, revolving fund to test and monitor soil and groundwater for perfluoroalkyl and polyfluoroalkyl substances and other contaminants and for other related activities. The fund is funded by the fee under subsection 3 and any public or private funds that may be available for carrying out the purposes of the fund. The department shall deposit with the Treasurer of State to the credit of the fund money in the fund not currently needed by the department to carry out the purposes of the fund, which may be invested as provided by law. Interest earned on investment of money under this subsection must be credited to the fund. The department shall transfer money in the fund not used within 5 years of the receipt of the money to the Uncontrolled Sites Fund under section 1364, subsection 6 for the purposes of testing, monitoring or treating farmland contaminated by perfluoroalkyl and polyfluoroalkyl substances. The department shall report annually to the Legislature on the uses of the fund and a summary of contamination identified.

**3.** **Disposal fee.** In addition to any other fee or charge required by statute or rule, the department shall assess a fee of $10 per ton on any disposal of septage, industrial sludge, municipal sludge, bioash, wood ash or other residual. The department shall deposit a fee collected under this subsection into the fund.

**Sec.** **3.** **Testing of locations with land applications of residuals for** **contamination of perfluoroalkyl and polyfluoroalkyl substances.** The Department of Environmental Protection shall develop and implement a program to test soil and groundwater at locations historically licensed or permitted to apply residuals for perfluoroalkyl and polyfluoroalkyl substances and other contaminants identified by the department. Testing under this section must include measurement of all perfluoroalkyl and polyfluoroalkyl substances that reasonably may be quantified by a commercial laboratory. The department shall prioritize locations that received industrial residuals prior to 2015 and complete testing of these locations by July 31, 2022. The department shall complete testing of the remaining locations licensed or permitted to receive residuals prior to 2019 by July 31, 2023. If the testing indicates an elevated level of contamination on land that is currently being used for the production of an agricultural product, the department shall inform the Department of Agriculture, Conservation and Forestry of the findings of contamination. Testing under this section must be paid for by funds from the Land Application Contaminant Monitoring Fund under the Maine Revised Statutes, Title 38, section 1310‑B‑1. For purposes of this section, "perfluoroalkyl and polyfluoroalkyl substances" has the same meaning as in Title 32, section 1732, subsection 5-A and "residual" has the same meaning as in Title 7, section 4201, subsection 7.

**SUMMARY**

This bill creates the Land Application Contaminant Monitoring Fund to be used by the Department of Environmental Protection to test and monitor soil and groundwater for perfluoroalkyl and polyfluoroalkyl substances and other contaminants and for other related activities. The fund is funded by a $10 per ton fee assessed on any disposal of septage, industrial sludge, municipal sludge, bioash, wood ash or other residual, which is material generated as a by-product of a nonagricultural production or treatment process that has value as a source of crop nutrients or soil amendment. This bill also requires the department to test land that has received residuals for perfluoroalkyl and polyfluoroalkyl substances and other contaminants and to notify the Department of Agriculture, Conservation and Forestry of the findings of any contamination of land currently being used for the production of agricultural products.