



130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1911

H.P. 1417

House of Representatives, January 5, 2022

An Act To Prohibit the Contamination of Clean Soils with So-called Forever Chemicals

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PLUECKER of Warren.
Cosponsored by Senator BRENNER of Cumberland and
Representatives: FAY of Raymond, Speaker FECTEAU of Biddeford, GRAMLICH of Old
Orchard Beach, RUDNICKI of Fairfield, Senators: BENNETT of Oxford, HICKMAN of
Kennebec, MAXMIN of Lincoln.

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

2 **Sec. 1. 38 MRSA §1304, sub-§13-E** is enacted to read:

3 **13-E. Sludge and sludge-derived compost; perfluoroalkyl and polyfluoroalkyl**
4 **substances testing.** The department may not license the land application or distribution of
5 sludge or sludge-derived compost unless:

6 A. The sludge or sludge-derived compost is tested for all perfluoroalkyl and
7 polyfluoroalkyl substances that may reasonably be quantified by a laboratory certified
8 under the program established under Title 22, section 567; and

9 B. The screening level for a perfluoroalkyl and polyfluoroalkyl substance that is in the
10 sludge or sludge-derived compost and for which the department has established by rule
11 a screening level for beneficial use does not exceed the screening level for beneficial
12 use established by the department.

13 The board shall adopt rules to implement this subsection that include, but are not limited
14 to, a requirement that sludge and sludge-derived compost intended for land application or
15 distribution be tested at least annually. Rules adopted pursuant to this subsection are
16 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. For the purposes
17 of this subsection, "perfluoroalkyl and polyfluoroalkyl substance" means any member of
18 the class of fluorinated organic chemicals containing at least one fully fluorinated carbon
19 atom and "sludge-derived compost" means compost material that included sludge in its
20 production.

21 **Sec. 2. Rulemaking; Appendix A screening levels for perfluoroalkyl and**
22 **polyfluoroalkyl substances.** By January 1, 2023, the Board of Environmental
23 Protection shall amend Appendix A in Department of Environmental Protection rule
24 Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes to:

25 **1. Update established screening levels.** Update the screening levels for beneficial
26 use for all perfluoroalkyl and polyfluoroalkyl substances for which a screening level for
27 beneficial use is established in Appendix A taking into consideration the requirements in
28 Resolve 2021, chapter 82, section 2; and

29 **2. Establish screening levels for additional perfluoroalkyl and polyfluoroalkyl**
30 **substances.** Establish screening levels for beneficial use for perfluorohexane sulfonic acid,
31 perfluorononanoic acid, perfluoroheptanoic acid and perfluorodecanoic acid.

32 SUMMARY

33 This bill prohibits the land application or distribution of sludge or sludge-derived
34 compost unless it is tested for all perfluoroalkyl and polyfluoroalkyl substances that may
35 reasonably be quantified by a laboratory and the screening level for a perfluoroalkyl and
36 polyfluoroalkyl substance that is in the sludge or sludge-derived compost and for which the
37 Department of Environmental Protection has established a screening level for beneficial
38 use in rule does not exceed the screening level for beneficial use established by the
39 department. It requires the department to adopt rules to implement the requirements of the
40 law including a requirement that sludge and sludge-derived compost intended for land
41 application or distribution be tested at least annually. The bill also requires the department
42 to amend Appendix A in Department of Environmental Protection rule Chapter 418: Maine

- 1 Solid Waste Management Rules: Beneficial Use of Solid Wastes to update and establish
- 2 screening levels for beneficial use for perfluoroalkyl and polyfluoroalkyl substances.