



Solutions for a  
Toxic-Free Tomorrow

Testimony of Sarah Woodbury, Director of Advocacy, Defend Our Health  
In SUPPORT of LD 1875, "An Act To Address Perfluoroalkyl and Polyfluoroalkyl Substances  
Pollution from State-owned Solid Waste Disposal Facilities"  
Before the Environment and Natural Resources Committee  
January 24, 2022

Senator Brenner, Representative Tucker and members of the Environment and Natural Resources Committee: My name is Sarah Woodbury, and I am the director of advocacy for Defend Our Health. Defend works to create a world where all people are healthy and thriving, with equal access to safe food and drinking water, healthy homes, and products that are toxic-free and climate-friendly. Please accept this testimony in support of LD 1875 which would require that leachate from Juniper Ridge Landfill be treated for PFAS before it is sent to a waste water treatment facility.

We continue to see stories about PFAS contamination across the state. Studies continue to show links between PFAS and negative health impacts, including certain cancers, fertility issues and decreased immune response. Contamination of our farmland, drinking water, and the latest issue, deer, have all been highlighted in the news or talked about in this committee. And we know that other species are also impacted. We know that there are fish in the Penobscot and other rivers across Maine that are showing concerning levels of PFAS.<sup>1</sup> We need to continue to test and provide resources to those impacted by PFAS but we also need to do everything we can to stop contamination at the source.

While it is not the only source, one source of PFAS contamination entering the environment that we can and need to address is from landfill leachate. Landfill leachate is essentially the liquids and rainwater that passes through the garbage at the landfill and collect at the bottom. It must be pumped out and sent to a wastewater treatment facility. Because PFAS has been in products for decades, and those products end up in landfills, the trash in our landfills is loaded with PFAS. Some of this PFAS rinses off into the leachate. Multiple studies nationally and internationally have thoroughly documented in that there are high levels of PFAS in landfill leachate.<sup>2</sup> The first known test of PFAS in the leachate from Juniper Ridge reported earlier this

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<sup>1</sup> See both the Federal study specific to the Penobscot: U.S. Department of Health and Human Services. "Health Consultation: Review of Anadromous Fish: Penobscot River." 2021.

[https://www.atsdr.cdc.gov/hac/pha/PenobscotRiver/Penobscot\\_Indian\\_Nation\\_HC-508.pdf](https://www.atsdr.cdc.gov/hac/pha/PenobscotRiver/Penobscot_Indian_Nation_HC-508.pdf)

As well as the broader state collected data from the SWAT program:

<https://www.maine.gov/dep/water/monitoring/toxics/swat/2019-2020/SWAT-19-20-Report.pdf> which is also summarized starting on slide 34: <https://www.maine.gov/dep/spills/topics/pfas/PFAS-BEPpresentation.pdf>

<sup>2</sup> Multiple studies are summarized at: TURI SAB Meeting (May 19, 2020)

[https://www.turi.org/content/download/13133/202707/file/PFAS\\_in\\_Landfill\\_Leachate%20Summary%20.pdf](https://www.turi.org/content/download/13133/202707/file/PFAS_in_Landfill_Leachate%20Summary%20.pdf)

month confirmed it is no exception to this rule, with levels twenty times the Maine standard for drinking water.<sup>3</sup>

A typical wastewater treatment facility is not equipped to remove chemical contaminants, including PFAS that are present in the leachate. This means that the PFAS introduced from the leachate will end up in both the sludge and the effluent being discharged into rivers. Both are harmful to our environment. But, while a typical wastewater treatment facility cannot remove the PFAS from the leachate, there are options available to do so. The leachate can either be filtered on site at the landfill before sending it to a traditional wastewater treatment plant, or it can be sent to a wastewater treatment facility that has been outfitted with more advanced treatment capabilities. While there is not currently a wastewater treatment facility equipped to deal with PFAS in Maine, the Anson-Madison wastewater treatment facility has been awarded federal and state funds to develop specialized treatment for PFAS waste and could potentially meet this need within a year or two.<sup>4</sup> We believe that our state-owned landfills must follow best practices for disposing of their leachate, and that means ensuring it is appropriately treated for PFAS, either onsite, or at a specialized facility.

Additionally, and most importantly, the current way of dealing with the disposal of leachate from Juniper Ridge raises serious concerns about impacts on Maine's tribal communities since this leachate is currently being processed by the Nine Dragons facility which releases its effluent into the Penobscot River. The Penobscot River is of particular cultural and historic importance to the Penobscot Nation. The impact of PFAS ending up in the river and its fish has been of significant concern to the Penobscot Nation who have pleaded for action to help protect them from disproportionate exposure to the chemicals. Toxic chemicals like PFAS threaten the tribe's traditional use of the river and their ability to utilize it for sustenance fishing. We need to do all that we can to end this ongoing pollution which is having a disparate impact on native communities.

As we noted at the outset, the landfill leachate is only one source of PFAS entering the Penobscot and other waterways. Maine is unfortunately lagging behind other states in addressing PFAS discharges to waterways. Colorado, for example, has determined that all dischargers to waterways utilize a 70 ppt standard for multiple PFAS (including potential precursors).<sup>5</sup> Michigan requires various actions – including implementing pre-treatment efforts – for wastewater treatment facilities, and has started to include firm limits on permits issued or renewed after October 2021. Michigan generally seeks to keep levels under 50 ppt.<sup>6</sup> Pennsylvania has applied the 70 ppt EPA drinking water advisory to multiple recent discharge

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<sup>3</sup> Email from Susan Parmelee, Landfill Licensing & Compliance Specialist, Maine DEP sent to stakeholders on January 6, 2022. A copy of the lab results have been posted at:

<https://drive.google.com/file/d/1bT7k5fuDyyqcwmmolVuEazHIPjWk4tfN/view?usp=sharing>

<sup>4</sup> Senator Susan Collins. (2021, October 19). "Senator Collins Secures \$1.6 Million for PFAS Treatment Facility in Funding Bill." Retrieved January 20, 2022, from <https://www.collins.senate.gov/newsroom/senator-collins-secures-16-million-pfas-treatment-facility-funding-bill>

<sup>5</sup> Colorado Department of Public Health & Environment. "Water Quality Control Commission Policy 20-1: Policy for Interpreting the Narrative Water Quality Standards for Per- and Polyfluoroalkyl Substances (PFAS)." (2020). Available at [https://drive.google.com/file/d/119FjO4GZVaJtw7YFvFqs9pmlwDhDO\\_eG/view](https://drive.google.com/file/d/119FjO4GZVaJtw7YFvFqs9pmlwDhDO_eG/view)

<sup>6</sup> >50 ppt being the highest category of dischargers with the most action required to reduce levels. Michigan Department of Environment, Great Lakes, and Energy. "Municipal NPDES Permitting Strategy For PFOS And PFOA: Water Resources Guidance." May 2021. [https://www.michigan.gov/documents/egle/wrd-pfas-npdes-permitting-strategy\\_669197\\_7.pdf](https://www.michigan.gov/documents/egle/wrd-pfas-npdes-permitting-strategy_669197_7.pdf)

permits.<sup>7</sup> And the USEPA, although it has yet to set discharge standards, has instructed its own permit writers, who are charged with regulating federal facilities and facilities in states without delegated authority, to consider the potential for PFAS discharge and to “...incorporate best management practices when appropriate to control or abate the discharge of PFAS.”<sup>8</sup>

Some will argue that rather than address leachate from Juniper Ridge and state owned waste facilities, the state should either wait for the USEPA or just focus on adding PFAS to discharge permits. We hope that this committee will agree that waiting on the USEPA to address PFAS should be a nonstarter in our state given our unusually severe challenges to address widespread land and drinking water contamination and the lackadaisical approach the federal government has taken to addressing PFAS. And, of course, we strongly believe that Maine needs to catch up with other states and even EPA guidance by stepping-up and addressing discharge of PFAS from all wastewater treatment facilities and other permitted dischargers. However, that will be a long and likely arduous process, and should not be a reason to avoid taking immediate action on PFAS discharges resulting from state-owned facilities for which the state is directly responsible. It would be especially tragically ironic if after investing significant federal and state dollars in a solution to treat this very waste product at the Anson-Madison facility, the state’s own leachate waste stream continues to go untreated to facilities that allow the PFAS to pass into the Penobscot River.

Finally, we would like to support the proposed amendment to LD 1875 offered this morning by its sponsor, Rep. Zeigler. In conversations with DEP regarding this bill, it became clear that they felt as currently presented, LD 1875 would require them to expend significant effort to develop rules to define appropriate technology or effluent standards. The proposed amendment removes the need for the DEP to undertake a complicated and resource consuming rulemaking by having the legislature set clear and direct goal posts. While using drinking water standards as the basis for discharge standards is stringent, as we previously noted, this is not outside of the mainstream on how other states have addressed the challenges associated with PFAS. It is also our understanding from conversations with DEP that the design goal of the Anson-Madison project will be to achieve the drinking water standards for PFAS discharges.

The issue of PFAS contamination can seem overwhelming but we can take steps to help lessen exposure. Pretreatment of leachate from the state-run landfill is one necessary step. We urge the committee to vote unanimously ought to pass on LD 1875 as amended by Rep. Zeigler’s proposal. Thank you.

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<sup>7</sup> See, for example, PA Dept. Environmental Protection. “DEP Issues Discharge Permit with PFAS Limits to Montgomery County Air National Guard Base.” March 2021.

[https://www.media.pa.gov/Pages/DEP\\_details.aspx?newsid=1432](https://www.media.pa.gov/Pages/DEP_details.aspx?newsid=1432)

<sup>8</sup> U.S. EPA. “Recommendations from the PFAS NPDES Regional Coordinators Committee: Interim Strategy for Per- and Polyfluoroalkyl Substances in Federally Issued National Pollutant Discharge Elimination System Permits.” November 2020.

[https://www.epa.gov/sites/default/files/2020-11/documents/pfas\\_npdes\\_interim\\_strategy\\_november\\_2020\\_signed.pdf](https://www.epa.gov/sites/default/files/2020-11/documents/pfas_npdes_interim_strategy_november_2020_signed.pdf)