



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

April 28, 2023

Senator Joseph Baldacci, Chair
Representative Michele Meyer, Chair
131st Legislature
Joint Standing Committee on Health and Human Services
100 State House Station
Augusta, ME 04333

Re: LD 75, An Act to Establish Maximum Contaminant Levels Under the State's Drinking Water Rules to Prohibit Certain Perfluoroalkyl and Polyfluoroalkyl Substances

Dear Senator Baldacci, Representative Meyer, and Members of the Committee:

I am writing to express the Department of Environmental Protection's (DEP) position regarding LD 75, An Act to Establish Maximum Contaminant Levels Under the State's Drinking Water Rules to Prohibit Certain Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS). The Department is neither for nor against this bill.

L.D. 75 amends Resolve 2021, Chapter 82 which became effective on June 21, 2021, and requires that the Department of Health and Human Services to establish a maximum contaminant level (MCL). This bill requires the MCL to be set equivalent to zero nanograms per liter for certain perfluoroalkyl and polyfluoroalkyl substances (PFAS). Resolve 2021, Chapter 82 established an interim drinking water standard of 20 nanograms per liter for the Sum of 6 PFAS (PFOA, PFOS, PFNA, PFHxS, PFHpA, and PFDA).

The DEP is currently investigating soil and groundwater at sites licensed by DEP for the land application of sludge and septage in Maine. As of April 14, 2023, the DEP has sampled over 2,100 wells and has initiated or completed the installation of approximately 400 filtration systems. The DEP coordinates and pays for the installation and maintenance of a filtration system when water supplies exceed Maine's interim drinking water standard for the Sum of 6 PFAS. The average cost for a typical carbon filter system is approximately \$3,400. This cost does not include additional costs for the installation of a pre-treatment system, such as a softener, if it is needed to ensure the effectiveness of the carbon filter system nor does it include the cost of housing the system in a shed if one is needed due to space constraints. If an MCL were to be established at a non-detect (ND) level, the DEP estimates that at least an additional 360 filter systems would need to be installed. This number is based only on the number of wells that have been sampled to date and have not exceeded the ND level. Because laboratories cannot detect to true

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Letter to Joint Committee on Health and Human Services
LD 75, An Act to Establish Maximum Contaminant Levels Under the State's Drinking Water Rules to Prohibit Certain Perfluoroalkyl and Polyfluoroalkyl Substances

zero, there could be more wells impacted that might need systems that we are not aware of at this time. Also, this number of additional filter systems does not include all future systems that may need to be installed at wells that have not yet been sampled.

The installation of an additional 360 filter systems would cost the State approximately \$1.2 million dollars. Monitoring and maintenance of these systems would cost about \$1.8 million dollars annually if the rate of filter media changeout and sampling is assumed to be once per year. It is important to keep in mind that there may be as many as 370,000 private drinking water wells in Maine and depending on what value is established for the MCL at both the federal and state levels, DEP may need to install many more filter systems. For frame of reference, using the average costs spent on private well sampling and filter systems so far, if all 370,000 private drinking water wells were to be sampled and need filtration systems, the costs could exceed \$1.5 billion dollars.

The DEP shares CDC's concern with the practical challenges and abilities of analytical equipment to effectively and accurately achieve a detection limit of zero nanograms per liter. Proposing such a limit may unintentionally cause data quality issues and make it difficult to provide data driven decisions and solutions.

Thank you for the opportunity to provide this information. I am available to answer questions of the Committee, both now and at work session.

Sincerely,



Susanne Miller
Director, Bureau of Remediation and Waste Management