



April 24, 2025

Honorable Denise Tepler, Senate Chair
Honorable Victoria Doudera, House Chair
Joint Legislative Committee on Environment & Natural Resources
100 State House Station
Augusta, ME 04333

Re: LD 1604, An Act to Protect Groundwater and Surface Waters from Perfluoroalkyl and Polyfluoroalkyl Substances from Landfill Leachate

Senator Tepler, Representative Doudera, and members of the ENR Committee:

The Lewiston Auburn Clean Water Authority (LACWA) appreciates the opportunity to provide comments in respectful Opposition to LD 1604.

About LACWA - The Lewiston Auburn Clean Water Authority was created by an act of the Maine Legislature in 1967 to provide wastewater treatment services to the Cities of Lewiston and Auburn. The plant started operation in 1974. Our mission is to serve the public by protecting public health and enhancing the Androscoggin River water quality.

LACWA, like every other wastewater treatment facility in the state, is not designed to treat PFAS, nor uses these chemicals in our processes. PFAS is an unintended consequence of societal choices. We simply receive these chemicals from every source connected directly, or indirectly, to our facility. As stewards of the environment, we are as concerned about PFAS as anyone; however, we are also concerned with the unintended consequences that this bill, if approved, would have on utilities such as ours.

Discussion about the bill - In short, most treatment plants in Maine, including ours, are left with only landfills to dispose of our biosolids due to PFAS concerns. These biosolids are typically 20% solids, and 80% water, thus create a significant volume of landfill leachate. The leachate we produce by sending our material to landfill does not return here for treatment, but we do receive leachate from landfills in both Lewiston and Auburn, as well as leachate from our own closed sludge landfill in Lewiston. While we do support efforts to reduce all forms of pollution, which is what this bill generally appears intended to accomplish, this bill appears to be targeting relatively low concentrations of compounds, with significantly high cost to treat, while only providing marginal environmental benefit. As a facility that continues to be unintentionally impacted by policies directed at PFAS, I would like to offer our perspective and concerns with this bill:

- Our facility has no reasonable alternatives other than landfilling. We have already experienced 2-3x cost increase over the past 5 years due to this. If this legislation is approved, our utility would likely be subject to additional annual expenses to cover the cost of constructing and operating PFAS treatment at these landfills that we are forced to utilize, and those costs will be ultimately borne by our ratepayers who are already strained by a lack of funding for other urgent and essential infrastructure needs.
- There are significant legislative efforts already in place to address source control of PFAS, along with federal phase out of these compounds. Requiring significant infrastructure, to treat low levels of compounds that are documented to be steadily declining, while not allowing time for these source control efforts to take effect, does not seem like a reasonable or cost-effective step for the State at this time.
- This bill does not define exactly which of the estimated 7,000-10,000's of PFAS compounds would need to be treated, to what level of treatment, nor does it seem to consider the availability, reliability, or cost of the technology to do such treatment. Having well intended legislation to address a very complex problem that has many more questions than answers is very concerning to folks like us who will likely bear the burden and cost of such treatment.
- Because PFAS are so ubiquitous, and testing is both costly and requires stringent sampling protocol, providing testing of abutting private water supplies upon written request without boundaries on what exactly it is being tested for, how often the testing can be requested, and with the presumption that the landfill is the only contributing source, is very concerning.
- Although landfill leachate reporting seems like a benign request, we have no flow measurement devices on any of the 3 landfill sources entering our collection system. To install flow metering devices, and then pay for the on-going cost associated with operating, calibrating, and maintaining flow devices, adds more cost to our already stressed budget and workforce. We have collaborated with the DEP on testing of these landfill sources, and have found their contribution of PFAS to our facility, given the relatively low volumes, to be incidental. The vast majority of the PFAS we receive is from residential users, not commercial, industrial, or landfill sources.
- If landfill testing for PFAS would be of value to the State, then a quarterly testing frequency is likely excessive. For the landfill leachates that we receive, the characteristics don't change much, and certainly don't change enough in a quarterly period to warrant the additional testing. Any request for testing should consider the value of the data being received, what decisions would be made with that data, and the effort and cost associated with such testing. Additionally, the DEP has developed a sampling protocol and approves sampling and analytical plans that should be utilized in lieu of mandatory independent 3rd party testing.

- If we were to receive effluent limits on our discharge to the Androscoggin River, we would be forced to implement source control measures, prior to evaluating and paying for any form of treatment. Because sources of PFAS are primarily residential, we likely would be forced to take actions on the things that we control such as: stop accepting septage (the State has no alternative management options outside of facilities like ours), force pre- treatment at landfills (extremely expensive and not proven), and do the same for some of our industrial users. All noted source control efforts will need to be paid for by Maine citizens, and will provide very little overall impact given that most of the PFAS are coming from the houses of individuals like you and I.
- Asking the DEP to establish effluent discharge limits on facilities like ours, especially in the timeframe established in this bill, is simply not realistic. The science to address PFAS is painstakingly slow, yet the regulatory decisions that have already been made regarding PFAS have far exceeded any pragmatic solutions. There is still much to be understood about these compounds, and there is a wide divergence of opinions within the U.S. and international toxicology professionals that is currently being debated. Without a clear understanding of which compounds and levels are safe, trying to set regulations and provide treatment at a moving target seems fruitless. Approving legislation such as this now will only complicate the current State solid waste situation and could cause significant financial harm to the individual and business ratepayers served by these wastewater treatment plants that are being asked to provide solutions to problems, we aren't clear about. The EPA understands the nuances and complexities of this issue, and should be the entity setting standards, which the ME DEP would then enforce. If through the federal process of risk assessment, and risk management (considering the cost: benefit, having proven technology solutions, etc.), it is determined that PFAS limits are necessary, and that source control is not effective, then that would be an appropriate time to consider treatment at facilities such as ours. Even then, our facility would be allowed to go through a planning and compliance implementation period, which doesn't seem to be considered with this legislation.
- This bill appears to take a state-wide penalty swipe at wastewater treatment facilities for problems they have no responsibility for. As proud environmental stewards and recyclers, we have played by the rules and followed all State and Federal requirements imposed on our programs. Despite on-going aggressive efforts by the State, collecting the necessary volume of data and digging deep to fully understand the problem takes time; however, should result in sound scientific decisions not influenced by emotion or conjecture. We ask that this committee consider the complexity of the issue, and not unintentionally penalize the hard-working wastewater facilities throughout our State who are now challenged with managing these chemicals that society asked for, manufactured and benefited from.

Conclusion. Thank you for your time and attention in considering our testimony. We are in the business of cleaning water and improving the environment as a whole and are not advocating for

more pollution; however, we have great concern for the potential this legislation has to inadvertently cause significant financial impact to our ratepayers, so we respectfully request that you vote LD 1604 "ought not to pass" and allow PFAS source elimination efforts to prove beneficial while also allowing our industry, the EPA, and DEP the time to develop sustainable and environmentally sound solutions to the problems this legislation is attempting to address.

Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink, appearing to read 'TP', is positioned above the typed name.

Travis Peaslee, P.E.
General Manager
Lewiston Auburn Clean Water Authority