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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

TESTIMONY OF

**MELANIE LOYZIM
COMMISSIONER**

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING NEITHER FOR NOR AGAINST:

L.D. 222

An Act to Establish a Take-back and Disposal Program for Firefighting and Fire-suppressing Foam to Which Perfluoroalkyl and Polyfluoroalkyl Substances Have Been Added

L.D. 400

Resolve, Directing the Department of Public Safety, Office of the State Fire Marshal to Compile a Statewide Inventory of Aqueous Film-forming Foam Concentrate

L.D. 407

An Act to Prohibit the Use of Aqueous Film-forming Foam at the Former Brunswick Naval Air Station

SPONSORED BY REP. ANKELES AND PRESIDENT DAUGHTRY

**BEFORE THE JOINT STANDING COMMITTEE
ON
ENVIRONMENT AND NATURAL RESOURCES**

DATE OF HEARING:

FEBRUARY 26, 2025

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Senator Tepler, Representative Doudera, and members of the Committee, I am Melanie Loyzim, Commissioner of the Department of Environmental Protection, speaking neither for nor against L.D.s 222, 400, and 407 regarding aqueous film-forming fire fighting foam (AFFF). Although these bills are inter-related, I will address each bill separately from an implementation perspective.

L.D. 222 would require the Department to implement a take-back and disposal program for AFFF from persons who voluntarily request collection of their AFFF. In 2019, the Department and Maine Emergency Management Agency conducted a survey of fire departments and industrial facilities to estimate the quantity of AFFF in Maine. Out of 305 fire departments in the State, only 61 responses were received and out of 20 industry partners, only 8 were received. Detail regarding this effort is available in the January 2020 *Final Report from the Maine PFAS Task Force*¹. Using survey responses and extrapolating across nonrespondents, the Department estimates approximately 50,000 gallons of AFFF could be available for collection from Maine's fire departments and industrial facilities. The Department has consulted with Connecticut and New Hampshire to obtain information about their AFFF collection efforts, and has obtained additional detail from the companies that provided collection and disposal services for New Hampshire for approximately \$100 per gallon. The Department estimates that collection, consolidation, and disposal of unused AFFF stocks (not including rinseate from equipment) would cost at least \$5 million.

L.D. 400 would provide the State with an updated and more accurate estimate of the quantity of AFFF still in Maine. This inventory would be useful not only for determining potential statewide costs for a collection and disposal program, but also for emergency planning. It would enable the State Fire Marshal to provide guidance regarding safe storage and use of AFFF to entities who have this material, and to identify and prepare to respond to any locations where a release of AFFF could contaminate drinking water supplies.

¹ <https://www.maine.gov/pfastaskforce/materials/report/PFAS-Task-Force-Report-FINAL-Jan2020.pdf>

L.D. 407 creates a very narrow and specific prohibition that would apply only to the Midcoast Redevelopment Authority's (MRRA) activities. The scope of MRRA's authority is currently limited by 5 M.R.S. §13083-G to properties within the geographic boundaries of Brunswick Naval Air Station. MRRA's use of properties on the former Air Station are subject to a variety of restrictions, including those established by the U.S. Environmental Protection Agency's Superfund program. The Department assists the U.S. EPA with oversight of remedial measures implemented at the site. Because L.D. 407 would prohibit storage of AFFF by MRRA beginning January 1, 2026, the Department expects there would be no AFFF remaining on site that could be discharged, tested, or otherwise used after that date. Although L.D. 407 would create additional enforcement responsibilities for the Department at the former Air Station, they are very limited both in time and geographic extent at a location where the Department already has a role.

Thank you for the opportunity to provide testimony on L.D.s 222, 400 and 407. I am available to answer questions of the Committee, both now and at work session.