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**TESTIMONY OF**  
**SUSANNE MILLER, DIRECTOR, BUREAU OF REMEDIATION & WASTE**  
**MANAGEMENT**

**MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**SPEAKING IN OPPOSITION TO L.D 451**

**AN ACT TO REQUIRE TESTING OF SOLAR AND WIND ENERGY DEVELOPMENTS**  
**FOR PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES**  
**CONTAMINATION**

**SPONSORED BY REPRESENTATIVE PAUL**

**BEFORE THE JOINT STANDING COMMITTEE**  
**ON**  
**ENERGY, UTILITIES AND TECHNOLOGY**

**DATE OF HEARING:**

**MARCH 6, 2025**

Senator Lawrence, Representative Sachs, and members of the Energy, Utilities and Technology Committee, I am Susanne Miller, Director of the Bureau of Remediation and Waste Management at the Department of Environmental Protection, speaking in opposition to L.D. 451.

LD 451 requires that operators of solar and wind developments sample for PFAS prior to development, after the first year of operation, and every 5 years thereafter. If any PFAS contamination is found, a third party is then required to determine whether or not

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the source of the contamination is from the development and submit this information to the Department. The Department must then analyze the third-party determinations and any other applicable information and issue a final written determination as to whether the PFAS contamination was reasonably caused by the construction, operation, or components of the development.

While well intentioned, this proposed legislation is not as simple to implement as it may sound. Key takeaways from the Department's most recent (January 2025) report to the legislature on the statewide PFAS soil and groundwater investigation relating to the land application of sludge and septage are that PFAS investigations are expensive; they require significant time and resources to implement; sampling must be conducted consistently with clear protocols; and PFAS in the environment may come from multiple sources – some of which are not known due to the prevalence of these compounds in the environment and in consumer products. Further, it is difficult to discern where any given PFAS contamination actually comes from – meaning contamination may come from multiple sources affecting one location and it is a significant effort to try to determine all sources and which source is the primary contributor to contamination.

In context with this bill, this means that renewable energy sites are not the only sites that could result in some level of PFAS contamination. For example, in looking at comparative acreage, other sites may also create some level of PFAS contamination such as commercial and industrial buildings, residential housing developments and their individual septic systems, as well as impacts from air dispersion from certain manufacturing facilities. The USEPA has determined that even precipitation can add to an individual location's source of PFAS contamination. Solar and wind sites are not at substantially greater risk in generating PFAS contamination than some of these other sites, especially if waste materials such as damaged equipment are properly managed.

The proposed legislation also puts a significant burden on the Department in terms of implementation. Through this bill, the Department would be required to:

- Engage in rulemaking.
- Identify the scope, extent, and content of sampling to be required at these locations.
- Develop a definition of contamination based on best available science.
- Determine the quality of the submitted data and what results will constitute PFAS contamination.
- Analyze third party determinations submitted to the Department.
- Issue a final written determination as to whether the PFAS contamination was reasonably caused by the construction, operation or components of the development.
- Enforce against any development that does not engage in testing required above.

These activities are not insignificant and would require added resources for establishing this new program. The analysis of samples, collection of data, making determinations, and making new rules falls on the State.

One final aspect I'd like you to consider is what exactly would constitute being contaminated with PFAS. At this time Maine has an interim drinking water standard which is enforceable for regulated public water systems, and the Maine Drinking Water Program is required to adopt a final drinking water standard for PFAS that must be at least as stringent as any federal standard. Aside from drinking water, there are no other enforceable standards for PFAS in soil, surface water, or biota in Maine or at the Federal level. This means that in order to create rules and guidelines for this program the Department would need to identify how to define PFAS contamination for anything beyond drinking water, which would require coordination with multiple other state agencies to establish standards that consider both public health and ecological risks.

LD 451 – An Act to Require Testing of Solar and Wind Energy Developments for PFAS Substances  
Contamination

Testimony of: Susanne Miller/ DEP

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Thank you for the opportunity to provide testimony. I am available to answer questions of the Committee, either now or at work session.