DEFEND OUR HEALTH

Solutions for a Toxic-Free Tomorrow

Testimony of Sarah Woodbury, Vice President of Policy and Advocacy
In SUPPORT of LD 1604, "An Act to Protect Groundwater and Surface Waters from Perfluoroalkyl and Polyfluoroalkyl Substances from Landfill Leachate"
Before the Environment and Natural Resources Committee
April 28th, 2025

Senator Tepler, Representative Doudera and members of the Environment and Natural Resources Committee: My name is Sarah Woodbury, and I am the vice president of policy and 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 1604 "An Act to Protect Groundwater and Surface Waters from Perfluoroalkyl and Polyfluoroalkyl Substances from Landfill Leachate."

LD 1604 will take significant steps to remedy the ongoing issues surrounding untreated landfill leachate and PFAS laden wastewater effluent. This bill requires wastewater treatment facilities to report the quantity and origin of any leachate they receive. It requires landfill operators to regularly test their leachate and disclose the degree of contamination. It requires landfill operators to pay for periodic tests to ensure the safety of neighboring drinking water wells. And tt directs Maine DEP to set effluent limitations to protect our rivers, our fish and wildlife and Mainers who rely on them.

Maine has made enormous strides in the fight against PFAS contamination over the past six years, and the work of this committee has been central to virtually all of the ways we have prevented ongoing community exposures to these chemicals. We have have helped impacted community members by investigating groundwater contamination and providing free water filters. We have prevented new farmland contamination by banning the land application of sludge. We have worked to turn off the tap all the way upstream by phasing out non-essential uses of PFAS in close coordination with other states and on a schedule that allows industry to transition to safer technologies. Maine is now widely recognized as a national leader in the PFAS Crisis. But we have so far failed to address the way that the PFAS in our landfills is impacting our surface waters, our aquatic ecosystems, and the many Mainers who rely on these natural resources for their sustenance and cultural traditions.

We know that that there are fish in the Penobscot and other rivers across Maine that are showing dangerous levels of PFAS,[1] with PFOS levels in Penobscot river fish as high as 12.3 parts per billion PFOS, more than three times beyond Maine' CDC's action level. At least two

[1] See 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

DEFEND OUR HEALTH

landfills directly contribute to the contamination of Maine's longest river and its aquatic life. According to Maine DEP's 2024 legislative report on PFAS in landfill leachate, The Dolby Landfill produces almost 53 million gallons of leachate yearly, containing 1,362 parts per trillion (ppt) PFAS. The leachate gets sent to the East Millinocket Wastewater Treatment District and contributes to elevated PFAS levels entering the Penobscot in wastewater effluent. The state-owned landfill, Juniper Ridge Landfill (JRL) in Old Town produces about 17.5 million gallons of leachate a year containing 9,074 ppt PFAS, which gets sent to the wastewater treatment plant at the idle Nine Dragons Paper Mill in Old Town[2].

Neither the East Millenocket Wastewater Treatment Plant nor the Nine Dragons facility have processes in place to remove PFAS from its effluent. Other states employ industrial pretreatment standards to require large PFAS wastewater contributors to reduce the pollution they send down the drain. For example, Casella Waste Systems has employed state of the art technology to remove PFAS from leachate at the Coventry Landfill in its home state of Vermont, but has so far declined to address PFAS in leachate at JRL, for which it is also the commercial operator. It's worth noting that Casella's treatment operation at the Coventry Landfill was located under a tent, and the company's maintenance and monitoring failed to prevent a 3,000-gallon leachate spill in March of 2024.[3] Still, the company's activities demonstrate that it does have the technology and resources to pretreat their leachate in Maine.

At least one wastewater treatment plant in Maine has moved aggressively to remove PFAS from its wastewater. The Anson Madison Wastewater Treatment facility has partnered with engineering firms ECT2 and Dirigo Engineering to pilot a combination of technologies that – scaled up and fully funded – have the potential to treat wastewater effluent to Maine's drinking water standard ot even lower.[4] 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.

The current failure to address the contaminants in landfill 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.

---

[2] Report on the Testing of Landfill Leachate for Perfluoroalkyl and Polyfluoroalkyl Substance Contamination, Maine DEP 2024. https://www.maine.gov/tools/whatsnew/attach.php?id=12270236&an=1

[3] Spill of landfill leachate into stormwater pond leaves Coventry locals concerned, Vermont Public Media. March 8, 2024. https://www.vermontpublic.org/local-news/2024-03-08/spill-of-landfill-leachate-into-stormwater-pond-leaves-coventry-locals-concerned.

[4] Bangor Daily News. (2023, April 26). "Wastewater treatment plant seeks $59 million to stop PFAS from flowing into Maine Rivers" Retrieved January 20, 2022, from https://www.bangordailynews.com/2023/04/26/mainefocus/maine-wastewater-pfas-treatement-funding/

DEFEND OUR HEALTH

While Maine contemplates taking action on PFAS in wastewater effluent, other states have already taken decisive action. According to a recent publication by the Environmental Council of States, 18 US States have established guidance on PFAS in surface water, nine of which have regulatory limits on surface water emissions[5]. Colorado, for example, has determined that all dischargers to waterways utilize a 70 ppt standard for multiple PFAS (including potential pre-cursors).[6] 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.[7] Pennsylvania has applied the 70 ppt EPA drinking water advisory to multiple recent discharge permits.[8] While we don't think these standards are necessarily health protective, it is a step in the right direction.

The Environmental Protection Agency (EPA) has released aquatic life creteria for PFOS and PFOA based on acute and and was in the process of developing effluent limitations under the Clear Water Act, but the current administration has rolled back those efforts. At this point we can't wait for the Federal government. Its going to take state action to reign in the contamination of our rivers. We hope that this committee will agree that waiting on the EPA 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 wastewater treatment facilities and other permitted dischargers. 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.

It is important the state continues to do all it can to protect the health and environment of all Mainers from PFAS contamination. LD 1604 is an important step to do just that. We urge the committee to vote "ought to pass" on LD 1604.

---

[5] Environmental Council of States. Ecos Compendium of State Actions on PFAS. April 2025. https://www.ecos.org/wp-content/uploads/2025/04/ECOS-PFAS-Compendium-FINAL.pdf

[6] 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/119FjO4GZVaJtw7YFvFgs9pmlwDhDO_eG/view

[7] >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

[8] 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