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April 28, 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 distinguished members of the ENR Committee:

The Maine Water Environment Association (MeWEA) appreciates the opportunity to provide the following testimony neither for nor against LD 1604, but with the intention of providing concerns from affected parties.

About MeWEA. The Maine Water Environment Association is a non-profit, all volunteer association of over 650 members. MEWEA represents a diverse group of water quality professionals throughout Maine including wastewater treatment plant operators, sewer collection system operators, utility system administrators, consulting engineers, suppliers, contractors, public works officials, stormwater system operators, and regulatory officials. The mission of MeWEA is to support and enhance Maine's water environment community through promoting training opportunities; supporting balanced environmental policy and practice; promoting education and collaboration with the public to protect and enhance Maine's water resources.

Discussion. MeWEA fully supports science-based environmental regulations that provide achievable limits and are fiscally reasonable. On the surface, LD 1604 seeks to provide additional environmental protections against PFAS contamination and place the burden of that protection on the landfill operators and the treatment processes connected to the leachate collection. Unfortunately, the language of this bill is ambiguous and does not provide clarity that Publicly Owned Treatment Works (POTWs) would need to be supportive. Our membership is concerned about the unintended consequences this bill could have on their facilities by imposing stricter discharge limits due to existing connection(s) with landfill leachate collection systems while also causing additional biosolids disposal cost increases.

The EPA has drafted limits for Aquatic life and Human Health criteria. The Maine DEP has conducted 10 months of testing and are in the process of creating limits using their own, historically successful, process. Using this process, and science-based fact-finding, MeWEA believes that achievable limits can be put in place, and a process can be developed for specifically targeted testing to mitigate being wasteful of resources.

It is also worth noting that there are multiple defunct landfills in Maine that are now managed by the State. It is likely that limits conveyed to the POTWs would be passed along to the landfill operators through our Industrial Pretreatment permits and rules. This would have a direct and large impact on the landfill operator, in some cases being the State of Maine. The installation and operation of costly PFAS treatment infrastructure would be borne by the State, likely requiring this bill to include a fiscal note.



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The ambiguity in the language of this bill leaves room for speculation of an unfunded mandate with no cap on spending. Without clear guidance on limits or language that specifies the responsible parties for treatment and testing, as well as the lack of detail regarding the well water samples (frequency of requests, spectrum of analytes to be tested for) we are left with a lot of concern of the financial impacts this bill could produce.

Conclusion. Individual MeWEA members will be submitting testimony in opposition to LD 1604 as this bill will have financial impacts for biosolids disposal costs for their individual facilities. Other members will be far less impacted. As a state-wide organization, MeWEA sees benefit to the intent of this bill, but suggests the legislative body works with the Maine Department of Environmental Protection to make sure their concerns are heard and addressed through the normal Department rule making process.

Thank you for your time and attention, affording us this opportunity to testify.

Sincerely,

Sincerely,

Theresa L Tucker

Theresa Tucker, President