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Testimony of Newell Augur,
On behalf of Casella Waste Systems, Inc.

Presented to the Joint Standing Committee on Environment and Natural Resources

Neither For Nor Against LD 1604, An Act to Protect Groundwater and Surface Waters
from Perfluoroalkyl and Polyfluoroalkyl Substances from Landfill Leachate

Sponsored by Senator Mike Tipping

April 28, 2025

Senator Tepler, Representative Doudera and members of the Joint Standing Committee on Environment and Natural Resources, my name is Newell Augur. I am a resident of Yarmouth, a native of Portland, and a lawyer with Pierce Atwood. On behalf of Casella Waste Systems, Inc., I am here to testify neither for nor against LD 1604, An Act to Protect Groundwater and Surface Waters from Perfluoroalkyl and Polyfluoroalkyl Substances from Landfill Leachate.

Section 2

We support efforts that advance the removal and mitigation of PFAS in all respects. As part of the public benefit determination process, which precedes the approval of an application to expand the Juniper Ridge Landfill, DEP has required and Casella has agreed to the installation of a system for the treatment of PFAS in leachate. We will not have this system installed by June 2026 as proposed in this bill, but we are nonetheless committed to fulfilling this process as part of any landfill expansion. The appropriate size and scope of the PFAS treatment system that Casella builds will depend upon whether Casella is the operator at JRL for the full extent of the approved expansion.

Casella has been at the forefront of efforts to address the removal of PFAS in landfill leachate. Our landfill in Coventry, VT has one of the first on-site PFAS pretreatment systems at a landfill in the country. The technology employed is "foam fractionation," a process that has been used in industrial applications for decades, but which recently has emerged as a potential pretreatment technology for landfill leachate. The results of our experience have shown that the system can consistently remove more than 95% of five of the six PFAS compounds that Maine monitors for drinking water and wastewater effluent, and while the sixth has proven to be more difficult, it has been successfully removed at similar levels, although less consistently.

At the same time, we are concerned about that aspect of Section 2 which targets regulation of PFAS in discharges containing landfill leachate and ignores potentially higher levels of PFAS in other discharges. PFAS is a society-wide problem, not a solid waste problem. The State of Maine has taken a leading role concerning the management of PFAS and State regulators have been working on this complex subject.



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The DEP needs the opportunity continue their work and establish science-based common-sense recommendations.

Section 3

The definition of PFAS in Section 1614, the PFAS in products law adopted in 2021, would include as many as 12,000 different compounds. It is not possible to test for this many compounds. Testing would be in accordance with the approved EPA method, which includes 40 compounds. This 40-compound list includes all of the compounds that are currently regulated either by the EPA or the state of Maine.

Section 4

We currently engage a third party to conduct water quality testing for JRL's landfill leachate three times a year. The tests cover heavy metals, such as arsenic and magnesium, and inorganic compounds, such as ammonia and bromide, that can be found in leachate. We conduct these tests to ensure that the leachate meets established thresholds for discharge.

Following passage of LD 1875 in 2022, we also hired a third party to conduct independent PFAS testing for leachate, as directed by DEP. There is extra expense for PFAS tests, and it is more economically feasible to do so as part of an existing test. If the Committee were to move forward with this requirement, we would propose that testing for PFAS be done on an annual basis in the fall.

Section 5

Requiring PFAS testing for private water systems for all abutters to a landfill will come at a significant cost. Further, those tests will not be able to definitively establish landfills as the source of the contamination. Given the ubiquity of PFAS in our environment, there are multiple other local sources that could be responsible for the presence of PFAS in a private water supply, such as a septic system.

Not all landfills are the same. JRL is lined and can manage and monitor its leachate effectively. This was confirmed in a recent water quality evaluation conducted by an independent third party. With respect to JRL, the auditor concluded that "site groundwater, surface water and underdrain quality data do not show adverse effects from the performance of the landfill cells or leachate collection and transport systems." Section 5 adds an unnecessary burden on landfills and improperly targets them as a sole source of PFAS contamination.

Thank you for the opportunity to testify. I'd be pleased to answer any questions and will be present for the work session.