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DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
COMMISSIONER

TESTIMONY OF  
SUSANNE MILLER, DIRECTOR  
BUREAU OF REMEDIATION AND WASTE MANAGEMENT  
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING NEITHER FOR NOR AGAINST L.D. 1786  
AN ACT TO ENSURE THE PUBLIC KNOWS ABOUT PERFLUOROALKYL AND  
POLYFLUOROALKYL SUBSTANCES LEVELS IN DRINKING WATER,  
CONTAMINATION SOURCES, TESTING AND REMEDIATION

SPONSORED BY REP. ARFORD  
BEFORE THE JOINT STANDING COMMITTEE  
ON  
ENVIRONMENT AND NATURAL RESOURCES

DATE OF HEARING:

**MAY 5, 2025**

Senator Tepler, Representative Doudera, and members of the Committee, my name is Susanne Miller and I am the Director of the Bureau of Remediation and Waste Management, at the Department of Environmental Protection, speaking neither for nor against L.D. 1786.

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The Department is speaking neither for nor against this bill because there are provisions the Department opposes and there are provisions the Department supports. Also, many provisions are already being implemented. Attached to this testimony is a crosswalk showing information that the Department already provides to the public and to individual homeowners, as required by this bill.

To keep this brief, I'd like to focus on a few key items the Department opposes as well as a few items the Department supports.

Portions of the Bill the Department opposes:

1. In Section 2 of the bill, when referring to providing public notice about federal and state drinking water standards, the bill suggests that in addition to posting information on the Department's publicly available website, that the Department also provide information "in any other manner considered necessary to inform the public". The Department strongly opposes this language as it is subjective, vague and therefore impossible to implement.
2. In Section 3 of the bill, similar language is used when describing the Department's sending test results to homeowners. It states information must be "in an easy to read, easy to understand format." This again is subjective and open to interpretation. What is easy to understand for one person may be really difficult to understand for another. The Department does its best to provide information in a way that is understandable, but sometimes the nature of the information precludes an easy understanding. That's why in each letter provided to homeowners there's a phone number and e-mail so that homeowners can reach out and talk directly to knowledgeable program staff. Moreover, each homeowner receiving results from the Department showing results exceeding the state standard receives a follow-up phone call to discuss the results, temporary provision of bottled water, and scheduling for filtration system installation.

3. In Section 3 of the bill, it is unclear if the information to be provided in this section is intended to be provided at the time sampling is taking place (meaning a packet of information is left with each resident where sampling is taking place), or if the information is intended to be provided with homeowner results when there is an exceedance of either federal or state standards. The Department requests a clarification of intent and prefers the latter option – where this information is sent when an exceedance occurs.

Portions of the bill the Department supports that it is not already being implemented includes:

1. Updating the website regularly to ensure information is current. We know certain sections are out-of-date and are working diligently to make improvements.
2. Providing a comparison of test results to both federal and state standards when test results are submitted to homeowners.
3. Providing information along with test results to include a copy of guidance documents such as:
  - a. “How to Read and Interpret my PFAS Laboratory Data Report”
  - b. “Information for PFAS Self-testers”
  - c. “PFAS Water Sampling for Homeowners”
4. Developing new guidance to be posted on the website, and to be provided with homeowner test results, containing information that includes a list of companies located or doing business in Maine that mitigate or treat PFAS in drinking water in instances other than when the Department will take the lead on filter installation. This list would not be intended to constitute an endorsement of any kind but would just list companies that the Department is aware of that offers these services.

Finally, the Department strongly encourages anyone in Maine with questions about PFAS contamination and private drinking water wells to contact us through our PFAS e-

mail. We welcome feedback as to how to better communicate and present information. As you know there's a lot of complex and detailed information about PFAS in Maine, and ideas on how to better communicate is welcome at any time.

Thank you for the opportunity to testify and I would be happy to answer any questions.

Sponsor: Representative Poppy Arford

**22 MRSA 2660-Z. Information provided to owner of private drinking water well**

<p><b>Section 2. Required public information regarding PFAS level.</b></p> <p>Post on website current federal EPA standards or the state MCL for PFAS in drinking water, measured in parts per trillion, whichever is more stringent.</p>	<p>On the Department website click on the section that says PFAS and EPA: <u>PFOA and PFOS, Maine Department of Environmental Protection</u>. This section provides a narrative that includes both the state's current interim drinking water standard and the new Federal MCL.</p> <p>Note that the State has not yet adopted the new Federal MCL and it is only enforceable in public water systems.</p>
<p><b>Section 3. Required information to owner of private drinking water well.</b></p> <ul style="list-style-type: none"> <li>- Mail and e-mail when the Department suspects there may be PFAS private well contamination or when homeowner requests to know if there's contamination by phone/e-mail/mail</li> <li>- Information at the time of sampling to include: <ul style="list-style-type: none"> <li>o Current federal and state drinking water standards.</li> <li>o Test results of PFAS levels of a private drinking water well compared to the EPA MCL or the state MCL measured in ppt whichever is more stringent.</li> <li>o A list of resources to private drinking water well owners affected by PFAS with remediation strategies, information about entities that test for PFAS, and financial assistance if available</li> <li>o A list of resources available for the mitigation of PFAS in drinking water from a private drinking water well and financial assistance if available</li> </ul> </li> </ul>	<p>When the Department suspects there may be wells contaminated with PFAS, the Department contacts the homeowner to discuss sampling and scheduling for sampling. Homeowners who give the Department permission to sample their private water supply are provided analytical results, with an explanation if the results exceed applicable standards (Interim Drinking Water Standard of 20 ppt Sum of 6, or DEP Soil Remedial Action Guidelines).</p> <p><b>Because the State of Maine has not adopted the Federal Primary Drinking Water Regulation (MCL), the MCL is not included with the analytical results.</b></p> <p>Many homeowners already contact the Department with questions or concerns about PFAS in their private wells. Anyone in Maine may contact the Department through its PFAS inquiry e-mail <a href="mailto:pfas.dep@maine.gov">pfas.dep@maine.gov</a>, or by phone to our PFAS Coordinator Tracy Kelly.</p> <p>The Department provides information about how homeowners can conduct their own sampling, including a list of accredited labs that do this work '<u><i>PFAS Water Sampling for Homeowners.</i></u>'</p> <p>The Department also provides information either by phone or in documents on its website for understanding lab reports. See in the Quick Links Box on the right: '<u><i>How do I understand my lab report.</i></u>'</p>

Information crosswalk from DEP regarding L.D. 1786: *An Act to Require the Department of Environmental Protection to Provide Certain Information Regarding Perfluoroalkyl and Polyfluoroalkyl Substances to the Public and Private Drinking Water Well Owners*

Sponsor: Representative Poppy Arford

	<p>The Department provides information about treatment technologies on its website: <a href="#">PFOA and PFOS, Maine Department of Environmental Protection</a>.</p> <p>The Department also provides financial assistance when a well is contaminated as a result of the land application of sludge or septage, or is associated with a known remediation-type site. Not every contaminated well in Maine is eligible for assistance or treatment by the Department. In addition, the type of treatment that will be provided is at the discretion of the Department. For more information about financial assistance, click here: <a href="#">"Information for PFAS Self-testers."</a></p>
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