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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

TESTIMONY OF

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

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING NEITHER FOR NOR AGAINST L.D. 2115

AN ACT TO PROTECT PRIVATE WELLS FROM HAZARDOUS SUBSTANCES

SPONSORED BY REPRESENTATIVE ANKELES

**BEFORE THE JOINT STANDING COMMITTEE
ON
ENVIRONMENT AND NATURAL RESOURCES**

DATE OF HEARING:

January 28, 2026

Good afternoon, Senator Tepler, Representative Doudera, and members of the Environment and Natural Resources Committee. I am Susanne Miller, Director of the Bureau of Remediation and Waste Management at the Department of Environmental Protection, speaking neither for nor against L.D. 2115.

L.D. 2115 would make several changes to 38 M.R.S. §1310-B-1, which was enacted in 2021 then amended in 2022 with passage of the prohibition on land application of sludge (Public Law 2021, Chapter 641). An overview of the more substantive changes to the law as proposed include the following:

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1. Modification to how the Department is authorized to use funds for PFAS investigations under the former Land Application Contaminant Monitoring Fund (renamed by this bill as the Well Contaminant Response Fund).
2. Clarify who is eligible for use of the Fund through Department rulemaking.

The Department is neither for nor against this bill because the Department supports further legislative direction about how to utilize limited funding for PFAS investigation moving forward. Last year, the Department requested guidance on how it should spend remaining funds when it reported on the *Status of Maine's PFAS Soil and Groundwater Investigation at Sludge and Septage Land Application Sites* ("2025 PFAS Report") to this Committee. L.D. 2115 would require the Department to address those difficult questions about who should benefit from limited state funds through rulemaking. The Department would support amending the bill to address those questions now, in a way that enables citizens that live near sources of PFAS and who have higher levels of PFAS in their wells to more quickly benefit from this legislation.

The Department is concerned that the bill as printed would create unrealistic expectations from members of the public regarding eligibility for funding and/or reimbursement for PFAS found in drinking water wells. The bill would broaden how the Fund may be used to include more than just land application sites (to include other remediation type sites), it would expand funding eligibility to all other potential well contaminants, and it would emphasize proximity to particular sources rather than the risk-based approach currently used by the Department for determining eligibility.

The Department recommends amending the printed bill to set limitations on uses of the Fund that reflect the fact that funding is limited. Other sections of Maine law give the Department authority and funding to investigate and treat contamination related to oil and hazardous substances. The Department recommends limiting applicability of this

section of statute to PFAS, rather than including all potential contaminants, and authorizing the funding to cover associated potability sampling when PFAS samples are collected. This would help the Department select appropriate treatment systems when needed, and would give residents information about other common contaminants in their wells such as arsenic.

L.D. 2115 as printed proposes to make the Department responsible, through a rulemaking process, for deciding which wells, under what circumstances, could qualify for limited available funding. As identified in the 2025 PFAS Report, there is not enough money or resources to test all wells in Maine, nor to install treatment for all wells that exceed the federal drinking water standard for PFAS. Rulemaking on eligibility for reimbursement would be controversial and likely take years to finalize. As currently staffed, the Department's ability to readily conduct sampling or install filtration systems in a time-efficient manner could be impacted if the Department's program experts must be diverted to focus on rulemaking. Members of the public with concerns about their wells would not be served by having to wait for the formal rulemaking process to play out. The Department therefore recommends amending L.D. 2115 to more clearly identify limitations on uses of the fund and establish guidelines for eligibility for reimbursement. If this is included in statute, there would be no need for rulemaking as the language in statute could directly address and clarify those concerns in the short term.

The Department believes that the most efficient, timely, and cost-effective way to address concerns about the scope of PFAS investigation programs and use of state funds is for the Legislature to provide specific guidance to the Department as to how it should be prioritizing expenditures from the limited funding it has. Narrowing L.D. 2115 could provide that guidance.

Thank you for the opportunity to provide this testimony. I am available to answer any questions.

Appendix B

Table B-1: Program Options and Costs

Option	Projected Total Cost of Implementation	Projected Cost of Annual Filter Monitoring and Maintenance
1 – Continue Using Maine Interim Drinking Water Standard	\$24.4M	\$2.5 - \$3.3M
2 – Integrate Federal MCL	\$39.6M	\$4 - 5.3M
3 – Filter All Private Wells in Maine	\$1.3B	\$1.8B

Figure B-1: Projected Option 1&2 Program Costs

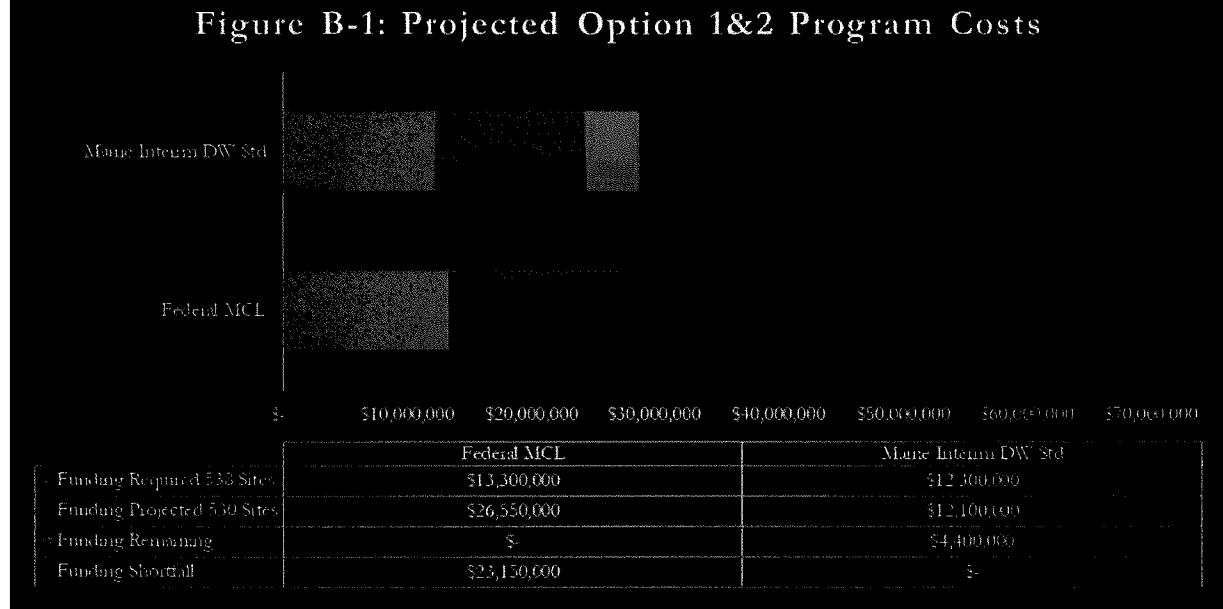


Table B-2: Opportunities for Cost Savings and Increases

Possible Cost Savings	Possible Cost Increases
Eliminate or reduce Tier IV and Class A sites	Pinpoint all Class A sites
Install/maintain POU vs. POET systems	Expand universe of residents to receive bottled water and filter systems (also install sheds or pretreatment systems)
Cap/terminate ongoing monitoring/maintenance of filter systems or transfer responsibility to residents	Expand program to include more than sludge/septage sites
Extend water lines (case by case)	Extend water lines (case by case)