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**Testimony in Support of LD 2070, An Act to Prohibit Landfill Expansion into Wetlands  
Before the Committee on Environment and Natural Resources**

**Luke Frankel, Staff Scientist**

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Senator Tepler, Representative Doudera, and members of the Environment and Natural Resources Committee, my name is Luke Frankel, and I am the Staff Scientist at the Natural Resources Council of Maine (NRCM). NRCM is Maine's leading nonprofit, nonpartisan membership organization dedicated to protecting the environment on behalf of our nearly 20,000 supporters statewide and beyond. I am here today to testify in support of LD 2070, An Act to Prohibit Landfill Expansion into Wetlands.

Wetlands provide a whole host of ecosystem services that benefit both people and wildlife. These include buffering against extreme flooding and drought, sequestering carbon, providing high-quality habitat for amphibians, fish, and migratory birds, and improving water quality by filtering out pollutants, to name a few. As a result of these many benefits, wetlands are among our most protected natural resources, with relevant laws within the Natural Resources Protection Act (NRPA), the Mandatory Shoreland Zoning Act, and Section 404 of the Clean Water Act (CWA).

Similar to how the many benefits of wetlands are well understood, the many risks associated with landfills are also well known. In addition to methane pollution in the air, landfills also pollute nearby soil, groundwater, and surface waters through the water that leaches through them, called leachate, that often contains high concentrations of heavy metals (e.g., lead, mercury, arsenic, and zinc), volatile organic compounds (VOCs), pharmaceutical drugs, microplastics, and PFAS.

Landfills try to mitigate this contamination by installing underground liners to trap leachate, capping closed landfills to reduce leachate formation, and engineering systems to collect, store, and/or treat leachate. Like all built structures, these systems have lifespans, with even the best designs inevitably failing over time.<sup>1,2</sup> It is for this reason that landfills install groundwater monitoring wells and implement regular monitoring programs to detect leaks early on before they spread.<sup>3</sup>

I'm familiar with this work, having conducted groundwater monitoring at several landfills across Maine in my previous career as an environmental consultant. I'm also familiar with the human

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<sup>1</sup> Xiao-chen Sun et al., *Evolution of Geomembrane Degradation and Defects in a Landfill: Impacts on Long-Term Leachate Leakage and Groundwater Quality*, 224 J. Cleaner Production 335 (2019).

<sup>2</sup> Banu Sizirici & Berrin Tansel, *Parametric Fate and Transport Profiling for Selective Groundwater Monitoring at Closed Landfills: A Case Study*, 38 Waste Mgmt. 263 (2015).

<sup>3</sup> Yulong Lu et al., *Determination of Leachate Leakage Around a Valley Type Landfill and Its Pollution and Risk on Groundwater*, 15 Sci. Rep. 9465 (2025).

health impacts of leachate, having monitored the effectiveness of PFAS filtration systems that had to be installed in homes surrounding these same landfills because their wells had become contaminated.

Once toxic contaminants escape a landfill, their fate becomes subject to the underlying hydrogeological conditions at the site. It's intuitive that contaminants generally travel further and faster in saturated soils, like those found in wetlands, compared to unsaturated soils found in upland areas. This fact is also well supported by science.<sup>4</sup> Wetlands are also highly connected systems that often span many miles to interface with other surface waters and groundwater. As a result, having landfills located in wetland areas poses a significant risk to human health as any contaminants that leak out will be on a fast track to polluting other water resources.

LD 2070 before you here today proposes a commonsense solution to mitigate this risk by prohibiting the Maine Department of Environmental Protection (DEP) from issuing a permit under NRPA or a license under the state's waste management laws for projects that expand a solid waste facility into a freshwater wetland. Although provisions already exist in statute that require applicants to prove that their solid waste facility will not cause an unreasonable threat to surface waters (38 MRS §1310-N, sub-§1-A) or aquifers (38 MRS §1310-N, sub-§2-A), when the risk to public health is high, it is important that our laws are black and white.

For this reason, and to better protect our vital wetland resources, we strongly encourage the Committee to vote Ought to Pass on LD 2070. Thank you for your time and consideration.

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<sup>4</sup> <https://www.epa.gov/sites/default/files/2015-08/documents/mgwc-gwc1.pdf>