



Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

Testimony of the Maine Municipal Association

Neither For Nor Against

LD 780 – *An Act Regarding Uncontrolled Hazardous Substance Sites*
April 5, 2021

Senator Brenner, Representative Tucker and members of the Environment and Natural Resource Committee, my name is Neal Goldberg, and I am providing testimony neither for nor against LD 780 on behalf of MMA's Legislative Policy Committee.

As drafted, the bill leaves too much uncertain for municipalities. There is concern this bill could create a loophole for industries who might escape responsibility as contaminated properties transfer to municipalities. There is also municipal concern for who covers the cost of identifying PFAS contamination. Routine tests for water quality in public systems are expensive and time consuming. Without state support, municipalities do not have the staffing or financial capacity to detect PFAS contamination at every site.

However, the group of chemicals collectively referred to as PFAS are harmful to Maine's water quality and the extent of PFAS contamination in public water systems needs to be known. PFAS leeches into water systems and contamination at one site easily spreads to the surrounding area. The state and all of its government jurisdictions should be identifying sites where PFAS contamination exists. For this reason, the Association agrees that the state amend the definition of "hazardous substances" to include PFAS pollutants and contaminants as defined under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

The Association sees a benefit to providing limited exemption from liability for publically owned treatment works or public water systems. Through tax foreclosure local governments acquire these types of contaminated properties and should not be responsible for the negligent actions of prior owners or operators.

This bill would also identify new hazardous sites that were permissible until the state decreased the allowable amount of PFAS contamination in water systems. Municipalities may suddenly be in possession of new hazardous sites and will be saddled with large financial obligations unless they are exempt from liability.

Thank you for your time and consideration on this important environmental issue.