

Testimony of Mark Hyland
In SUPPORT of LD 780, “An Act Regarding Uncontrolled Hazardous Substance Sites”
Environment and Natural Resources Committee
April 5, 2021

Senator Brenner, Representative Tucker and members of the Environment and Natural Resources Committee: My name is Mark Hyland. I am the Chair of the Board of Directors for Defend Our Health. I’m also the retired, former Director of the Bureau of Remediation and Waste Management for Maine DEP. Please accept this testimony in support of LD 780, “An Act Regarding Uncontrolled Hazardous Substance Sites”

Flexibility Needed to Access Resources to Address Emerging Contaminants

We are all well aware of the story of Fred Stone and his dairy farm and how his livelihood ruined by PFAS contamination. As a result of state-sanctioned spreading of industrial and municipal sludge, Fred Stone’s land is now practically worthless. In addition, Maine DEP has discovered additional sites in the Fairfield area where farmland and adjoining properties now have contaminated water supplies. Adding insult to injury, DEP is unable to access existing state resources to address the contamination found on Fred’s land since PFAS are not amongst the chemicals listed as eligible under the uncontrolled sites program. As a result, the chemicals from Fred’s land continue to leach into the aquifer and likely into the Kennebunk River that flows next to his farm with no plan from the state to control it.

In my years at DEP, I’ve sat in the living rooms of people whose drinking water was contaminated by hazardous substances. They are fearful, angry, and wonder how this could have happened to them. They are concerned about their family’s health and safety and they want answers. They also need our assistance. Imagine having a DEP staff member tell you that your drinking water is contaminated and can’t be used, and in the same breath explain they can’t help because the hazard substance isn’t listed in Maine law. Try doing your daily tasks without using the water in your faucet and not knowing how to fix it.

LD 780 is necessary to provide DEP with the flexibility to address not only the Stoneridge Farm situation, but others such as Fairfield that will surely arise. DEP has identified approximately 500 other sites across the state that received sludge similar to Fred. Only a handful have been tested. Given the ubiquity of PFAS use, it is likely more sites will be found. This will also allow DEP to tackle the next PFAS or other emerging chemical threat that will inevitably arise.

Mainers deserve to have a DEP that is empowered to quickly identify and respond to hazardous substances found, both to limit further contamination and to begin the process of holding responsible parties accountable for their actions. Under the current Maine statute, we have to wait for the federal government to identify hazardous substances. As Governor Mills said in her State of the State “We are not Washington. We are Maine”. We should not have to wait for Washington to act to protect our communities from hazardous substances. LD 780 would allow DEP to make these determinations using the same definitions the Federal Government does without waiting for Washington.

We Need Transparency That This Authority is Used to Identify Problematic Sites

While I fully support the goal of the bill to give DEP the authorities it needs to take action, we also want to see that this authority is used to address the problems it is intended to help address. With approximately 500 sites that received material similar to Stoneridge Farm and only a handful having been assessed, there are likely many more uncontrolled sites awaiting identification. I was encouraged that the bill includes a report back to the committee as had been discussed last year, and I urge the Department to continue to expand its testing activities.

Thank you for your time, and I urge you to vote “ought to pass” on LD 780.