

To: Senator Brenner, Representative Tucker, and Members of the Joint Committee for Environment and Natural Resources

From: Bradley Sawyer, Director of Government Affairs

Date: April 5, 2021

Re: Testimony Neither For Nor Against L.D. 780, An Act Regarding Uncontrolled Hazardous Substance Sites

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Senator Brenner, Representative Tucker, and Members of the Joint Committee for Environment and Natural Resources, thank you for the opportunity to speak with you today. My name is Brad Sawyer, and I am the Director of Government Affairs for the Maine Rural Water Association.

Rural Water recognizes the role water and wastewater utilities will play in the battle against PFAS and we look forward to playing a role in these conversations today and in the future. L.D. 780 represents an increased list of items that the State may consider when initiating remediation activities. We recognize that this is similar legislation to L.D. 1923 that was presented in the 129<sup>th</sup> Legislature and was likely on track to pass before the Covid-19 pandemic. While broadly expanding that list concerns some of our members we feel that the language included in sections 1-A and 1-B are sufficient to protect utilities acting in good faith in the water and wastewater industries.

As an industry we appreciate that this legislation includes limited exemptions for water and wastewater treatment facilities and appreciates that the Department added this language after issues raised last year. We would like to clarify the “best management practices for disposal” language on Page 1, Line 34-35 and Page 2, Line 4-5. We believe this is reasonable language and support its inclusion provided it is referring to best management practices for disposal at the time of action and not based on new standards applied retroactively. As we learn more about pollutants and contaminants there will undoubtedly be things that could have been carried out in a different manner but penalizing a utility due to information that did not exist at the time seems like a potential for never ending litigation.

There seems to be agreement that utility ratepayers and taxpayers should not be responsible for PFAS remediation costs. They do not create PFAS compounds and in many cases were unknowingly using them for decades. We support the idea that producers and intentional users of these compounds be responsible for remediation and believe L.D. 780 can play a role in that goal. If you have any questions or concerns, please do not hesitate to reach out to me at [Bradley.Sawyer@MaineRWA.org](mailto:Bradley.Sawyer@MaineRWA.org) or 207-737-9014.