



## Maine Water Environment Association Protecting Maine's Water Resources

April 5, 2021

Honorable Stacy Brenner, Senate Chair  
Honorable Ralph Tucker, House Chair  
Joint Legislative Committee on Environment & Natural Resources  
100 State House Station  
Augusta, ME 04333

**Re: LD 780, An Act Regarding Uncontrolled Hazardous Substance Sites**

Senator Brenner, Representative Tucker, and members of the ENR Committee:

The Maine Water Environment Association (MeWEA) appreciates the opportunity to provide the following testimony neither for nor against LD 780.

**About MeWEA.** The Maine Water Environment Association is a non-profit, all volunteer association of over 650 members. MEWEA represents a diverse group of water quality professionals throughout Maine including wastewater treatment plant operators, sewer collection system operators, utility system administrators, consulting engineers, suppliers, contractors, public works officials, stormwater system operators, and regulatory officials. The mission of MeWEA is to support and enhance Maine's water environment community through promoting training opportunities; supporting balanced environmental policy and practice; promoting education and collaboration with the public to protect and enhance Maine's water resources.

**Discussion.** MEWEA fully supports the comprehensive cleanup of sites contaminated with hazardous materials. In the past, we have provided testimony expressing concerns related to the potential liability of our members that operate POTWs (publicly owned treatment works), more commonly referred to as wastewater treatment plants or, under current branding, resource recovery facilities.

Contaminants find their way to our facilities through the collection of sanitary wastes from residences and businesses, and stormwater, from which the contaminants are largely removed through the removal of solids from the liquid stream. These solids, referred to as sludge, are then either disposed of at landfills or further treated for pathogen and odor reduction so that they may be used beneficially in agriculture and horticulture. These treated sludges are called biosolids. POTWs employ pretreatment programs with their industrial dischargers that minimize the potential for hazardous substances from entering the wastestreams that will be collected by the facilities. Still, not all hazardous materials are eliminated, so there is some potential for them to be found in biosolids. Because POTWs are receivers of these contaminants and not users of hazardous substances, we believe those POTWs that responsibly manage their biosolids, strictly adhering to State and Federal management requirements, should not be considered Potentially Liable Parties (PLP) under State and Federal cleanup regulations. That position was acknowledged and addressed in this bill and its predecessor. We sincerely appreciate that consideration.

**Letter of MeWEA re LD 780**

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We do have a continuing concern about the breadth of scope of what constitutes a contaminant or a pollutant under this proposed legislation. As long as the focus remains on truly hazardous or toxic materials, we are fully supportive. Understanding that there are many rules and regulations that define contaminants and pollutants, we see the potential for many more things being considered under this law, if attempts are made to include pollutants and contaminants identified in **any** State or Federal rule or regulation. That expansion of scope could severely undermine the program's ability to effectively clean up true hazardous substance sites.

**Conclusion.** MeWEA largely supports the intent of LD 780 and hopes that its focus remains on the cleanup of sites that have been contaminated by identified hazardous or toxic substances.

Thank you for your time and attention, affording us this opportunity to testify.

Sincerely,

A handwritten signature in black ink that reads "Tim Wade". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Tim Wade  
Chair, MeWEA Government Affairs Committee  
Operations Manager Greater Augusta Utilities District

cc: Phil Tucker, President MeWEA  
James I. Cohen, Verrill Dana, LLP, Legislative Counsel