To Members of the Committee on Environment and Natural Resources;

I am writing in support of LD 1600, "An Act To Investigate Perfluoroalkyl and Polyfluoroalkyl Substance Contamination of Land and Groundwater."

Maine's laws need to be strengthened to ensure that landfill leachate is tested for PFAS/PFOS before the leachate is delivered wastewater treatment facilities.

The State currently has no requirements that landfill leachate be tested for PFAS prior to being discharged into rivers through wastewater treatment facilities.

As State regulatory agencies have restricted the landspreading of biosolids contaminated with PFAS/PFOS on farmland, the alternative method of disposal has become landfilling.
According to the Maine PFAS Task Force report, Maine municipalities spent hundreds of thousands of dollars more than they had budgeted for in 2019 to send PFAS-contaminated wastewater sludge to landfills instead of using it as a soil amendment.

Many northeast states, including NH, MA, NY, CT, VT, and NJ, have enacted bans on disposing of organics (variously septage, municipal and industrial waste water sludge, compostable materials, liquid waste, and biosolids) in their landfills. These materials are often the most likely to include contamination by PFOS and PFAS.

In the past, biosolids were often imported to Maine for agricultural landspreading. Now the PFAS-contaminated biosolids are filling up landfills in Maine, and generating pressure for new landfills to be licensed in this state.

During the past two years, the State of Maine licensed a major expansion at the State-owned JRL landfill in Old Town, approved a new sludge landfill in Hartland, and issued draft approval for a new 48 acre landfill authorized to accept out-of-state sludge and "special waste" in Norridgewock.
The millions of gallons of leachate generated by these landfills is approved for discharge through wastewater facilities into the Penobscot, Sebasticook, and Kennebec Rivers (respectively), without testing or treatment for PFAS.

The DEP tested fish for PFAS levels at six locations along the Kennebec River, along with several locations on the Androscoggin and Kennebunk rivers, in 2019. The highest levels of PFAS in the study were found in Kennebec fish caught at the testing location below the Shawmut Dam.

The Kennebec testing site is located not far downstream from the wastewater facility that is licensed to take up to 400,000 gallons per day of leachate from Waste Management's Crossroads landfill in Norridgewock. The PFAS levels of fish tested below the landfill leachate discharge site were more than double the highest levels of PFAS in fish tested from any other location in the 2019 DEP study.

Disparity between regulations in Maine and neighboring states was highlighted when the Boston Globe reported in November 2019 that more than 250,000 gallons of PFAS-contaminated landfill leachate from New Hampshire ended up discharged to the Kennebec River in 2018 and 2019.
("Lowell water treatment plant to stop accepting toxic water from N.H. landfill," November 7, 2019
www.bostonglobe.com/metro/2019/11/07/lowell-water-treatment-plant-stop-accepting-toxic-water-from-landfill/tmXpsDYlCI6Bow0rovemkJ/story.html )

Tests on the leachate sent to Maine, which originated from Waste Management's Turnkey landfill in Rochester, NH, found levels of 9,700 parts per trillion of some types of PFAS, exceeding federal health advisory levels for drinking water by more than 100 times.

The contaminated leachate had previously been sent to the Lowell, Massachusetts wastewater treatment facility, where it was discharged into the Merrimack River. Lowell officials suspended the contract to accept the landfill leachate following efforts by Massachusetts lawmakers to work with the EPA to prevent discharge of PFAS-contaminated leachate into the River.

As a result of rejection of the PFAS-laden leachate by Lowell, the leachate was sent to the Anson-Madison Sanitary District. At the Anson-Madison wastewater facility, the leachate was discharged into the Kennebec River, directly upstream from the confluence with the Sandy River. Much of the Kennebec headwaters are excellent habitat for salmon spawning, especially the Sandy River, where significant investments have been made by the state to rebuild the endangered Atlantic Salmon population. Allowing large-scale discharged of these toxins places this habitat at risk.

While it was reported in the 2019 Boston Globe article that there were no plans to continue bringing out-of-state landfill leachate to the Anson-Madison wastewater facility, there is still significant risk to the river from discharge of landfill leachate generated in Maine. The Anson-Madison Sanitary District is currently permitted to take up to 56,000 gallons per day of leachate from the Waste Management landfill in Norridgewock, with no requirements for PFAS testing or treatment of the leachate.

New Hampshire has enacted regulations requiring landfill operators to monitor leachate for PFAS. Landfill operators with elevated levels are required to test neighboring private drinking water wells for PFAS, and may be held responsible for providing alternate sources of drinking water. NH landfill operators may also be required to install PFAS treatment systems.

As landfills in Maine become the disposal sites for increasing quantities of PFAS-contaminated sludge, the amount of landfill leachate containing PFAS is also likely to increase.

While neighboring states are taking action to track and control PFAS-containing landfill leachate, the State of Maine has no requirements to test landfill leachate for PFAS compounds.

If lawmakers don't take action soon develop requirements for the testing of PFAS levels in landfill leachate, the burden of this contaminant will be placed on river communities where toxic leachate is discharged in Maine.

Thank you for taking the time to work on this matter.

Sincerely,
Hillary Lister
Athens, ME

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Athens

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