



May 6, 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 1600, An Act to Investigate Perfluoroalkyl and Polyfluoroalkyl Substance Contamination of Land and Groundwater

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

The Lewiston Auburn Water Pollution Control Authority (LAWPCA) appreciates the opportunity to provide comments in respectful opposition to LD 1600.

About LAWPCA- The Lewiston Auburn Water Pollution Control Authority was created by an act of the Maine Legislature in 1967 to provide wastewater treatment services to the Cities of Lewiston and Auburn. The plant started operation in 1974 and was one of the first secondary wastewater treatment facilities in the State of Maine. Our mission is to serve the public by protecting and enhancing the Androscoggin River water quality. We have also proudly been a leader in biosolids beneficial reuse with utilization of land application since the early 1980's, operation of composting facility since 1992, and installation of the only public anaerobic digestion and energy recovery facility in the State in 2013.

LAWPCA, like every other wastewater treatment facility in the state, is not designed to treat PFAS, nor uses these chemicals in our processes. PFAS is an unintended consequence of societal choices. We simply receive these chemicals from every source connected directly, or indirectly, to our facility. As stewards of the environment, we are as concerned about PFAS as anyone.

Our facility, and particularly our beneficial reuse programs, have been significantly impacted financially over the past couple years due to PFAS contamination. In 2019, in order to respond to the enforcement of PFAS screening standards, the Authority spent over \$100,000 in unbudgeted funds on program response, sampling, and testing for PFAS. The impacts realized on our land application program have resulted in an additional \$300,000/ year expense to landfill the material. Additionally, we are in the process of designing solids drying technology to minimize PFAS impacts on our program, which may cost as much as \$10 million. If this legislation is approved, our utility would incur an additional \$62,250 annual expense that will be ultimately borne by our ratepayers who are already strained by a lack of funding for other urgent and essential infrastructure needs.

Discussion about the bill-We are strong proponents for the soil and groundwater testing and monitoring actions proposed in this bill, however, do not agree with the proposed mechanism to fund, perform the actions outlined, nor manage and allocate such funds.

This bill appears to take a state-wide penalty swipe at wastewater treatment facilities for problems they have no responsibility for. As proud environmental stewards and recyclers, we have played by the rules and followed all State and Federal requirements imposed on our programs. We have tremendous relationships with our land application owners and operators, as well as our compost customers, and are committed to the pursuit of the information needed to make informed educated decisions on how to best handle any issues caused by us towards them. We feel strongly that our land application or composting programs have not contaminated soils beyond background levels, nor groundwater beyond health advisory levels, and in no way want to circumvent the process to gather the data to prove this. However, we feel it would be most appropriate for those holding or having held land application licenses to fund and work with the recipient farm owners to obtain the necessary soil and groundwater data to determine whether or not a site is industrially impacted and/or above regulated drinking water levels. In cooperation with the DEP, such an approach could result in timelier obtaining of these data, and if necessary, response to those impacted.

Despite on-going aggressive efforts, collecting the necessary volume of data takes time, however should result in sound scientific decisions not influenced by emotion or conjecture. The timeline for DEP gathering the information outlined does not seem reasonable without cooperation from entities such as ours. We ask that this committee consider the complexity of the issue, and not unintentionally penalize the hard-working wastewater facilities throughout our State who are now challenged with managing these chemicals that society manufactured and benefited from, and instead we ask that you use us as a resource

It is imperative that the DEP be prepared to assimilate such large volumes of data and be prepared to develop criteria to distinguish highly contaminated industrially impacted sites from those with background levels. Despite the two high profile cases within the state, there is information to support reasoning that these are anomalies and are not representative of facilities such as ours. By requiring those who currently hold, or have previously held, land application licenses, to test their individual sites at approved locations and over approved periods seems like a logical way to prove there is a distinction between these high-profile contamination sites and all other sites such as ours. Asking us to pay for problems caused by others, arguably not even PFAS related when funds are directed to the uncontrolled sites fund does not seem like a fair and equitable approach.

Conclusion. Thank you for your time and attention in considering our testimony. We are in the business of cleaning water and improving the environment as a whole and own any responsibility related to our activities, so we will continue to do whatever is required of us, however we respectfully request that you vote LD 1600 “ought not to pass” and allow our industry to work

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collaboratively with the DEP through non-legislative means to test, monitor, and respond to any soil or groundwater PFAS contamination.

Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink, appearing to read 'TP', is positioned above the typed name.

Travis Peaslee, P.E.
General Manager
Lewiston Auburn Water Pollution Control Authority