



Maine Water Environment Association

Protecting Maine's Water Resources

April 28, 2021

Honorable Stacy Brenner, Senate Chair
Honorable Ralph Tucker, House Chair
Joint Legislative Committee on Environment and 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 Maine Water Environment Association (MeWEA) appreciates the opportunity to provide comments in respectful opposition to LD 1600, and in particular, the funding mechanism proposed in the bill.

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.

About the bill. While we fully support the soil and groundwater testing and monitoring actions proposed in this legislation, we are strongly against the proposed funding mechanism contained in the bill. In particular, we are concerned about how this bill will impact our members' ability to manage biosolids. For responsible recyclers such as our members who have followed and continue to follow all state and federal requirements for managing biosolids, this bill has the effect of punishing wastewater systems for past problems for which they may have no connection or responsibility.

Focusing solely on sludges derived from public water and wastewater systems, we estimate that there are over 100,000 tons of potentially affected material annually. At the \$10 per ton noted in the bill, the bill would generate more than \$1,000,000 per year from these sources alone. Moreover, because "disposal" is not defined in the bill, we must liberally interpret the disposal fee to include all forms of biosolids and sludge management including beneficial reuse. The magnitude of the proposed fee is excessive, being twice as high as the surcharge currently imposed on sludge found in statute (Title 38 Chapter 24 Subchapter 7 Article 2 Section 2203-A Waste handling fees).

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As we read the bill, it appears that this disposal fee would be the primary, and possibly only, funding source to support this program, as there are no details regarding "...any public or private funds that may be available...". Regardless of the amount of surcharge assessed to the disposal of biosolids and sludges, those costs will be ultimately borne by the ratepayers and the taxpayers, as municipal and quasi-municipal utilities' budgets are already strained by a lack of funding for urgent and essential infrastructure maintenance. For consumers of processed biosolids products (composts, fertilizer pellets, etc.), they would potentially see sharp increases in the cost of purchasing these widely used products. The results could be chilling to farms that are already struggling financially.

Further concerning is the ability under the bill to move any unexpended funds from the Land Application Contaminant Monitoring Fund to the Uncontrolled Sites Fund. It is unclear why this provision is necessary, as there is no specificity in the opening language of 1310-B-1.2 that would preclude farmland from being part of the program. In fact, 1310-B-3 implies that farmland is included since farms receiving Class B biosolids materials are required to have site-specific licenses. It is also not clear that the Uncontrolled Sites Fund is structured such that funds can be earmarked for specific remediations, opening the door for use of these funds in remediating impacted sites that may be completely unrelated to the operations and activities of our member utilities and/or may not even involve PFAS contamination. Is it fair to the public water and wastewater systems and other residuals generators that they will now be subsidizing the cleanup of Holtrachem-like sites for which they are not even remotely a Responsible Party? The language in the Uncontrolled Sites Fund law (section 1364 subsection 6) does not appear to address earmarking funds, and given that the earmark suggested in 1310-B-1.2 is already captured by Section 3, this transfer recommendation does not appear to be necessary; i.e. it doesn't add anything programmatically that isn't already permitted in the proposed program. If that is not the intent, then language indicating what necessitates this proposed transfer of funds from the Land Application Contaminant Monitoring Fund should be added for clarity.

Conclusion. Thank you for your time and attention in considering our testimony. We respectfully request that you vote LD 1600 "ought not to pass."

Sincerely,



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