

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1600

H.P. 1189

House of Representatives, April 27, 2021

An Act To Investigate Perfluoroalkyl and Polyfluoroalkyl Substance Contamination of Land and Groundwater

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.
Cosponsored by Senator BENNETT of Oxford and
Representatives: DUNPHY of Old Town, GROHOSKI of Ellsworth, O'NEIL of Saco, OSHER of Orono, TALBOT ROSS of Portland, Senator: HICKMAN of Kennebec.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 38 MRSA §1304, sub-§20** is enacted to read:

3 **20. Land Application Contaminant Monitoring Fund.** The board shall adopt
4 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A to administer the
5 Land Application Contaminant Monitoring Fund under section 1310-B-1 and any
6 underlying program or purpose under or funded by the fund.

7 **Sec. 2. 38 MRSA §1310-B-1** is enacted to read:

8 **§1310-B-1. Land Application Contaminant Monitoring Fund**

9 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
10 following terms have the following meanings.

11 A. "Fund" means the Land Application Contaminant Monitoring Fund under
12 subsection 2.

13 B. "Perfluoroalkyl and polyfluoroalkyl substances" has the same meaning as in Title
14 32, section 1732, subsection 5-A.

15 C. "Residual" has the same meaning as in Title 7, section 4201, subsection 7.

16 **2. Land Application Contaminant Monitoring Fund.** The Land Application
17 Contaminant Monitoring Fund is established to be used by the department as a nonlapsing,
18 revolving fund to test and monitor soil and groundwater for perfluoroalkyl and
19 polyfluoroalkyl substances and other contaminants and for other related activities. The
20 fund is funded by the fee under subsection 3 and any public or private funds that may be
21 available for carrying out the purposes of the fund. The department shall deposit with the
22 Treasurer of State to the credit of the fund money in the fund not currently needed by the
23 department to carry out the purposes of the fund, which may be invested as provided by
24 law. Interest earned on investment of money under this subsection must be credited to the
25 fund. The department shall transfer money in the fund not used within 5 years of the receipt
26 of the money to the Uncontrolled Sites Fund under section 1364, subsection 6 for the
27 purposes of testing, monitoring or treating farmland contaminated by perfluoroalkyl and
28 polyfluoroalkyl substances. The department shall report annually to the Legislature on the
29 uses of the fund and a summary of contamination identified.

30 **3. Disposal fee.** In addition to any other fee or charge required by statute or rule, the
31 department shall assess a fee of \$10 per ton on any disposal of septage, industrial sludge,
32 municipal sludge, bioash, wood ash or other residual. The department shall deposit a fee
33 collected under this subsection into the fund.

34 **Sec. 3. Testing of locations with land applications of residuals for**
35 **contamination of perfluoroalkyl and polyfluoroalkyl substances.** The
36 Department of Environmental Protection shall develop and implement a program to test
37 soil and groundwater at locations historically licensed or permitted to apply residuals for
38 perfluoroalkyl and polyfluoroalkyl substances and other contaminants identified by the
39 department. Testing under this section must include measurement of all perfluoroalkyl and
40 polyfluoroalkyl substances that reasonably may be quantified by a commercial laboratory.
41 The department shall prioritize locations that received industrial residuals prior to 2015 and
42 complete testing of these locations by July 31, 2022. The department shall complete testing

1 of the remaining locations licensed or permitted to receive residuals prior to 2019 by July
2 31, 2023. If the testing indicates an elevated level of contamination on land that is currently
3 being used for the production of an agricultural product, the department shall inform the
4 Department of Agriculture, Conservation and Forestry of the findings of contamination.
5 Testing under this section must be paid for by funds from the Land Application
6 Contaminant Monitoring Fund under the Maine Revised Statutes, Title 38, section
7 1310-B-1. For purposes of this section, "perfluoroalkyl and polyfluoroalkyl substances"
8 has the same meaning as in Title 32, section 1732, subsection 5-A and "residual" has the
9 same meaning as in Title 7, section 4201, subsection 7.

10

SUMMARY

11 This bill creates the Land Application Contaminant Monitoring Fund to be used by the
12 Department of Environmental Protection to test and monitor soil and groundwater for
13 perfluoroalkyl and polyfluoroalkyl substances and other contaminants and for other related
14 activities. The fund is funded by a \$10 per ton fee assessed on any disposal of septage,
15 industrial sludge, municipal sludge, bioash, wood ash or other residual, which is material
16 generated as a by-product of a nonagricultural production or treatment process that has
17 value as a source of crop nutrients or soil amendment. This bill also requires the department
18 to test land that has received residuals for perfluoroalkyl and polyfluoroalkyl substances
19 and other contaminants and to notify the Department of Agriculture, Conservation and
20 Forestry of the findings of any contamination of land currently being used for the
21 production of agricultural products.