



Janet T. Mills
GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
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AUGUSTA, MAINE
04333-0001

April 23, 2024

The 131st Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 131st Legislature:

By the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing L.D. 2135, *Resolve, Regarding the Operation and Future Capacity of State-owned Landfills*.

L.D. 2135 requires the Bureau of General Services within the Department of Administrative and Financial Services to initiate negotiations of an amendment to the operating services agreement (OSA) of February 5, 2004 with Casella, the operator of the state-owned Juniper Ridge Landfill (JRL) in Old Town. L.D. 2135 further stipulates that execution of any amendment require the operator by January 1, 2027 to treat landfill leachate such that the concentration of regulated PFAS contaminants does not exceed the drinking water standards established by the Maine Department of Health and Human Services.

On the same day this bill was enacted in the Maine Legislature, the U.S. Environmental Protection Agency (EPA) announced the first-ever national drinking water standards for PFAS. The new Federal standard is more stringent than the temporary, interim standard that Maine adopted in 2021. Maine CDC's Drinking Water Program is evaluating the new Federal standard and will propose final State standards through the rulemaking process that align with the Federal standard.

My Administration appreciates this new national drinking water standard, which builds on our nation-leading work to address PFAS contamination, as part of the critical effort to protect the health of Maine people. The new Federal standard includes a five-year implementation timeline and applies only to public drinking water systems.

Leachate, on the other hand, is different, which means that we should not legislate the control of leachate contaminants in the same way we do drinking water. Importantly, the best available technologies for treating landfill leachate are not currently capable of meeting the more stringent federal drinking water standards, and prospective advanced technology could not be developed and fully operational to meet those standards in the timeframe that would be required by the bill. This makes the terms of the contract unattainable.



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Advancements are being made in the treatment of PFAS in landfill leachate. A pilot project by the Anson-Madison Sanitary District is showing promising results separating PFAS from wastewater flows that include landfill leachate. In fact, JRL's operator, Casella, has implemented an on-site PFAS pre-treatment system pilot program utilizing foam fractionation at its landfill in Coventry, Vermont. As applied, the system consistently removes more than 95 percent of four out of five regulated compounds and is successful but less consistent in removing the fifth compound. I also noted that consulting firm Brown and Caldwell has been hired to study options for treating PFAS in the landfill leachate from JRL.

Landfill leachate and drinking water present very different considerations from the standpoint of public health and environmental regulation. There is no question that PFAS contamination poses a threat to the health of our people, our wildlife, and our environment, but applying drinking water standards to the treatment of landfill leachate is not appropriate. The EPA is developing guidelines for effluent and pretreatment standards for landfills to address PFAS and is expected to release human health criteria for discharge licensing in Fall 2024. Enforceable limits on PFAS in discharges of treated landfill leachate should be established through science-based regulatory and licensing processes. My Administration is committed to working closely with the Legislature and continuing to spearhead one of the strongest efforts in the nation to address PFAS.

For these reasons I am returning L.D. 2135 unsigned and vetoed, and I urge the Legislature to sustain this veto.

Sincerely,



Janet T. Mills
Governor



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