

Maine is first in the nation to ban spreading of PFAS sludge and compost

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May 1, 2022



AUGUSTA — Maine is the first state in the U.S. to ban the use of industrial and municipal sewage sludge as fertilizer. The Legislature passed LD 1911 April 15 and Gov. Janet Mills signed it into law April 20.

Spread as a soil amendment on Maine farmland over a period of many years, the sludge was the source of widespread contamination from PFAS (per- and polyfluoroalkyl substances), known as “forever chemicals.” The presence of PFAS has forced family farms to shut down and poisoned drinking water wells. Waldo County farms are among those impacted.

In a February press conference to rally support for the legislation, Adrienne Lee of New Beat Farm in Knox spoke alongside her husband, Ken Lamson, and their daughter about the impacts PFAS is having on their farm and their family. Their well water tested positive for the

substances at a level 100 times above safe drinking water standards, Lee said.

The federal EPA has set 70 parts per trillion as the upper threshold for PFAS in drinking water, while in June 2021 the Maine Legislature established an interim state drinking water standard of 20 nanograms per liter for the combined sum of six different PFAS substances: PFOA, PFOS, PFHpA, PFNA, PFDA and PFHxS, according to maine.gov.

New Beat Farm had been growing organic vegetables, cut flowers and pasture-raised lamb until Lee and Lamson received the PFAS results on their property. Once they learned their well was polluted with the chemicals, they pulled all of their products from the market and started drinking bottled water. The state began working with the family to put a filtration system in their well.

Other Waldo County farms have since discovered PFAS in their soil, crops and water. The forever chemicals are also turning up in local milk, harvested deer and freshwater fish.

“We cannot afford to ignore this contamination in the vain hope it will just go away. We cannot pass along the mistakes of past generations to our children for them to deal with,” Rep. Bill Pluecker, I-Warren, the lead sponsor of the bill, said when he introduced it. “Passing LD 1911 is vital to the prevention of further contamination. This legislation enables us to take decisive action to help future farmers and give our children safe land, capable of growing healthy food that will feed Mainers for generations to come.”

While the Maine Department of Environmental Protection began limiting some uses of contaminated sludge in 2019, significant loopholes remained. Contaminated sludge was still allowed to be composted, and the resulting material was allowed to be sold to farmers, landscapers and home gardeners. The new law ends all use of sludge for amending soil and mixing with compost.

LD 1911 faced opposition from Casella Waste Systems, which operates the Hawk Ridge compost facility that generated PFAS-contaminated compost for use in Maine from predominantly out-of-state municipal sludge.

Other bills to address PFAS contamination

Another PFAS bill that became law this session is LD 2019, which strengthens the state’s plan to phase out PFAS pesticides.

In addition, the Legislature on April 25 passed LD 1875, sponsored by Rep. Stanley Paige Zeigler, D-Montville, which is a plan to treat PFAS effluent in state-owned landfills. Zeigler aimed the bill particularly at the Juniper Ridge Landfill in Old Town, where leachate from the state-owned facility is contributing to PFAS contamination of the Penobscot River.

LD 1875 requires state-owned waste disposal facilities to treat leachate, liquid that has passed through matter and contains soluble or suspended solids, to reduce the concentration of PFAS to the extent possible. The bill requires treatment to occur prior to its shipment to a wastewater treatment facility or for the leachate to be sent to a facility that has the necessary technology to reduce the concentration of PFAS.

The bill further requires the Maine Department of Environmental Protection to adopt rules to establish technology requirements, ensuring the implementation of those requirements within three years and for the monitoring of the efficacy of the installed system.

“The impact of leachate from Juniper Ridge entering the Penobscot River is of significant concern, especially since the Penobscot Nation depends on the fish in the river,” Zeigler said. “We know from the dairy farm in Arundel, the private wells in Fairfield and the ‘do not eat’ advisory on deer harvested in the communities surrounding Fairfield that PFAS has a lasting impact on both the environment and the human body.”

Yet another bill this session, LD 2013, called for relief for affected farmers. In its April 28 bulletin, Maine Organic Farmers and Gardeners wrote, “Perhaps the most extraordinary bipartisan support for taking action on PFAS is LD 2013, which calls for \$100 million in direct support for farmers affected by contamination and established a committee to ensure appropriate allocation of funding.”

MOFGA praised Mills’ signing of the supplemental budget, “which includes \$60 million in PFAS emergency relief — not all that LD 2013 requested, but still a very important start to the fund.”

Information and support for farmers affected by PFAS, as well as links to related state government websites, can be found at MOFGA.org.

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