

Landfilling PFAS is Not the Solution

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You may have gone much of your life without knowing what PFAS are (per- and polyfluoroalkyl substances), but here in Maine it has become an important topic of conversation. Mainers have made managing PFAS levels a priority out of concern that high levels of PFAS may have harmful health effects.

Unfortunately, instead of working to find common sense solutions, and learning from other states, the Maine Legislature is advancing a PFAS proposal that will have drastic impacts and impose significant new costs for communities without necessarily reducing PFAS throughout the state. If their proposed bill, LD 1911, An Act to Prohibit the Contamination of Clean Soils and Clean Water with So-Called Forever Chemicals, passes, Mainers may have a new costly public waste management problem.

PFAS have been manufactured for over 50 years and are found in an endless array of consumer products. Our carpets, cosmetics, paper and food packaging, non-stick cookware, and clothing—just to name a few—contain some form and concentration of the nearly 5,000 types of PFAS chemicals. PFAS are present in most Americans' bodies in some concentration.

Even where PFAS is found, scientists still don't fully understand at what levels PFAS pose risks to human health.

In Maine, attention has focused on the potential for PFAS to be present in municipal biosolids or in certain industrial sludges, both of which may be applied to land. This frenzied attention fails to recognize that industrial and commercial sludges—which often contain much higher levels of PFAS—are subject to less regulatory oversight than regulated municipal biosolids.

Municipal biosolids are derived from treating wastewater. Under strict federal and state laws, treated municipal biosolids can be applied by landowners to reuse their valuable nutrients rather than bury them. Not surprisingly, given the prevalence of PFAS in our homes and elsewhere, municipal wastewater that gets treated at wastewater treatment facilities and turned into biosolids can contain low levels of PFAS. Mandatory testing of biosolids for PFAS is not currently required by law, although all beneficial reuse programs must undergo stringent testing for microbial and chemical pollutants. [This is confusing. It says the biosolids are not tested for PFAS, but they are stringently tested – it doesn't seem too stringent if it doesn't include PFAS. I'd suggest wording this another way.] Voluntary sampling results are typically showing very low levels of PFAS.

Maine could implement a monitoring program to better understand PFAS levels in biosolids and sludges. Coupled with health risk assessments, which are underway, this information would allow the state and local communities to make informed decisions to protect public health and the environment.

Unfortunately, the latest iteration of LD 1911 would create an immediate prohibition on land application of municipal biosolids—without having the knowledge of what levels of PFAS are present or how these levels compare to health risk thresholds, and without taking steps first to reduce inputs to municipal systems. The legislation would require municipalities to use Maine’s only other legal disposal method— landfilling.

This direct to landfill approach has enormous consequences—while also failing to consider current and future landfill capacity constraints and the likelihood of ever-rising costs to Maine residents to bury tons and tons of municipal biosolids.

Modern landfills collect percolating liquids, known as leachate, to eliminate the possibility of these liquids from potentially migrating to groundwater resources. That leachate is often delivered to municipal wastewater plants for treatment, meaning that the PFAS is simply being cycled between these facilities but not being removed from the environment.

Maine needs a nuanced, science-based solution to PFAS, not to just bury it in the ground.

Michigan, faced with similar concerns over PFAS in biosolids, chose to implement an interim strategy. Recognizing the benefits of land application of biosolids, this approach allows Michigan to gather data and cautiously move forward with land application with sufficient regulatory oversight. Maine should follow suit instead of passing legislation like LD 1911.

Public clean water utilities protect public health and the environment every day, and they are ready to do their part as Maine addresses this critical issue. But they can only truly do that if Maine’s policy makers work with utilities to make the problem better—not worse.