



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

**TESTIMONY OF
CARLA HOPKINS, DIRECTOR, DIVISION OF MATERIALS MANAGEMENT
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

SPEAKING NEITHER IN SUPPORT OF NOR IN OPPOSITION TO L.D. 1660

**AN ACT TO PROVIDE THAT ADVANCED RECYCLING FACILITIES ARE SUBJECT
TO SOLID WASTE REGULATION AND THAT ADVANCED RECYCLING DOES NOT
CONSITITUE RECYCLING**

SPONSORED BY SEN. CARNEY

**BEFORE THE JOINT STANDING COMMITTEE
ON
ENVIRONMENT AND NATURAL RESOURCES**

DATE OF HEARING:

MAY 8, 2023

Senator Brenner, Representative Gramlich, and members of the Committee, I am Carla Hopkins, Director of the Division of Materials Management within the Bureau of Remediation and Waste Management at the Department of Environmental Protection, speaking neither for nor against L.D. 1660.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

Currently, definitions of recycling in Maine do not include the production of any type of fuel, or the generation of heat, steam, energy, or electricity as “recycling.”

For example, statutes 38 M.R.S. § 1771(7), 38 M.R.S. § 1303-C(22), and the Department rule, 06-096 CMR Chapter 400 § 1(Qq) all specifically exclude any type of incineration, combustion, or use as a fuel, including: “energy recovery or energy generation by means of combusting unwanted products, components and by-products with or without other waste,” and “as a fuel for the generation of electricity.”

This bill aligns with the existing precedent of excluding the use of materials as a fuel or for the generation of energy from the definition of “recycling.” However, the Department is concerned that the broad language contained in the definition of “advanced recycling” in Section 1 of the proposed bill, could have the unintended consequence of encompassing all recycling activities, including existing mechanical recycling technologies.

Currently, most plastics-to-plastics recycling happens through mechanical recycling processes. While non-mechanical recycling processes for plastics vary greatly and many are still in the early stages of development, the language in this bill fails to differentiate between any existing or future “chemical,” “molecular,” or “advanced” recycling processes in which the plastic is chemically processed at the molecular level into a recycled resin or monomer with the material going back into a feedstock for use in new products, rather than as a fuel source. We therefore advocate for more specific language in the bill that clearly differentiates use of waste plastics for fuel or energy creation, which result in the permanent consumption of a resource, from *material-to-material* recycling processes, which conserve resources for continued use, whether that process be accomplished through “mechanical,” “chemical,” or other “advanced” recycling.

L.D. 1660 – An Act to Provide That Advanced Recycling Facilities Are Subject to Solid Waste Regulation and That Advanced Recycling Does Not Constitute Recycling
Testimony of: Carla Hopkins/DEP
Public Hearing: May 8, 2023
Page 3 of 3

Lastly, it is worth noting that the term, “advanced recycling,” is not widely accepted as an appropriate term for non-mechanical “chemical” or “molecular” recycling processes, as it suggests a process that is more “advanced” technologically than mechanical recycling.

Thank you for the opportunity to provide testimony. I am available to answer questions of the Committee, both now and at work session.