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MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING IN SUPPORT OF L.D. 1721
AN ACT TO AMEND THE LAWS GOVERNING COMMINGLING OF BEVERAGE
CONTAINERS

SPONSORED BY REP. HEPLER

BEFORE THE JOINT STANDING COMMITTEE
ON
ENVIRONMENT AND NATURAL RESOURCES

DATE OF HEARING:

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Senator Tepler, Representative Doudera, and members of the Committee, my name is Brian Beneski, and I am the Supervisor of Recycling Programs in the Division of Materials Management, in the Bureau of Remediation and Waste Management, at the Department of Environmental Protection, speaking in support of L.D. 1721.

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The Beverage Container Redemption Program, also commonly referred to as the “Bottle Bill,” reduces litter and facilitates the recycling and reuse of beverage containers by placing a deposit on each container sold. Consumers return containers and collect their deposits at redemption centers. Redemption centers sort containers for pickup by the brand owners or distributors that initiated the deposits on those containers. Each initiator of deposit (“IOD”) is responsible for its containers. Because sorting and processing the containers of each IOD separately is inefficient, provisions were added to the law in the early 2000s that incentivized IODs to join commingling groups to allow the containers of those groups to be sorted together. With the passage of L.D. 1909, An Act to Modernize Maine’s Beverage Container Redemption Law (P.L. 2023, ch. 482), by the 131st Legislature, joining a commingling group is now a requirement for IODs. Redemption centers now sort commingled containers by deposit value, product group, material, and size; there is no sorting by IOD within a commingling group. Going forward, a cooperative will effectively merge all commingling groups for sorting purposes, resulting in additional efficiencies.

L.D. 1721 would align the statute with current practice in two important and practical ways:

1. First, changes to 38 M.R.S. §.3107(2) increase the number of allowable material sorts for commingled containers. In reality, redemption centers that hand sort materials are already doing these sorts, and it makes sense for them to do so. A “plastic” sort would have to undergo further sorting to be recycled as different plastic resins are incompatible with one another; it doesn’t make sense to throw an HDPE container into a box with a PET container because they will just need to be separated later. Mixing colors doesn’t preclude recycling but limits end uses of the material. The addition of subsection 2(K) in 38 M.R.S. § 3107, which allows the Department to identify other materials that are necessary to carry out

the purposes of the Beverage Container Redemption Program would allow for additional plastic sorts¹ or separate sorting of reusable containers, if necessary.

Reverse vending machines do not currently perform these extra sorts unless multiple machines are used such that certain plastics or certain colors of glass are placed in one machine while other plastics or glass colors are placed in another. As a result, the simple addition of material types leaves the operators of reverse vending machines vulnerable to having their material rejected under 38 M.R.S. § 3106(6), *Obligation to preserve container value*. The proposed changes to 38 M.R.S. § 3106(6) make the section applicable to all redemption centers, not just those using reverse vending machines. They take away an IOD's ability to refuse to accept material and instead require payment for any reduction in container value and prohibit sortation or processing that precludes recycling or reuse. In addition to providing assurance to operators of reverse vending machines, this change is helpful because it keeps material moving through the recycling process. In the recycling business, material keeps coming in, so it is important that it keeps moving out.

2. The second change is the addition of deposit value as a sorting criterion for sorts by commingling group and under the cooperative in 38 M.R.S. § 3107(1) and 38 M.R.S. § 3107(3-B)(B)(1), respectively. It is current practice, and a practical reality, that beverage containers be sorted by deposit amount. Hand-sorted containers are placed with containers of similar size in standardized bags such that each bag has a relatively known and consistent number of containers. As a result, each bag has a certain value, which is equal to the number of containers multiplied by the deposit value and the six-cent handling fee. If containers worth

¹ A polypropylene ("PP") sort for juice containers has not been required in the past, likely because sorting by product type does an acceptable job of separating out the PP juice containers and where it hasn't, commingling groups have excluded those beverages. Full commingling under the co-op, which won't allow for sorting by beverage type, may require new PP sorts.

15 cents were sorted with containers worth five cents, it would be unclear how much IODs would need to reimburse redemption centers for these mixed bags.

Before finishing, I would like to reiterate that the effect of the suggested changes is to harmonize statute with some practical realities of current program operation. Thank you for the opportunity to testify before you today. I would be happy to answer any questions from the Committee, both now and at the work session.