

MAINE STATE LEGISLATURE

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SJK
RUFFS

MAJORITY

L.D. 1660

Date: 1/26/24

(Filing No. S514)

ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE

SENATE

131ST LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 665, 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"

Amend the bill by striking out the title and substituting the following:

'An Act to Ensure Proper Regulation of Chemical Plastic Processing'

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 38 MRSA §1303-C, sub-§2-C is enacted to read:

2-C. Chemical plastic processing. "Chemical plastic processing" means the processing of plastic waste using chemical or molecular methods into basic raw materials, feedstock chemicals, fuel for combustion, waxes or lubricants. "Chemical plastic processing" does not include plastic-to-plastic recycling.

Sec. 2. 38 MRSA §1303-C, sub-§19-D is enacted to read:

19-D. Plastic. "Plastic" means a synthetic material made from linking monomers through a chemical reaction to create a polymer chain, including material derived from either petroleum or a biologically based polymer, such as corn or other plant sources.

Sec. 3. 38 MRSA §1303-C, sub-§19-E is enacted to read:

19-E. Plastic-to-plastic recycling. "Plastic-to-plastic recycling" means the production from plastic waste of new plastic material, designed to be used as industrial feedstock in place of raw material for the manufacture of new products made of or containing plastic, by processing the plastic waste in a manner that, in producing the new plastic material:

A. Retains the chemical structure of the plastic waste; or

B. Deconstructs the plastic waste into molecular precursors or intermediates and then reconstitutes the precursors or intermediates into plastic polymers using methods that result exclusively in the production of new plastic material.

COMMITTEE AMENDMENT

ROFS

1 "Plastic-to-plastic recycling" does not include chemical plastic processing.

2 **Sec. 4. 38 MRSA §1303-C, sub-§32-A**, as enacted by PL 2007, c. 583, §1, is
3 amended to read:

4 **32-A. Solid waste processing facility.** "Solid waste processing facility" means a land
5 area, structure, equipment, machine, device, system or combination thereof, other than an
6 incineration facility, that is operated to reduce the volume or change the chemical or
7 physical characteristics of solid waste. "Solid waste processing facility" includes but is not
8 limited to a facility that processes plastic waste through chemical plastic processing and a
9 facility that employs shredding, baling, mechanical and magnetic separation or composting
10 or other stabilization technique to reduce or otherwise change the nature of solid waste.

11 **Sec. 5. 38 MRSA §1310-N, sub-§5-A, ¶B**, as amended by PL 2023, c. 283, §1, is
12 further amended by amending subparagraph (2) to read:

13 (2) A solid waste processing facility that generates residue requiring disposal shall
14 recycle or process into fuel for combustion through methods other than chemical
15 plastic processing all waste accepted at the facility to the maximum extent
16 practicable, but in no case at a rate less than 50%. For purposes of this subsection,
17 "recycle" ~~includes~~ does not include chemical plastic processing and does include,
18 but is not limited to, plastic-to-plastic recycling; the reuse of waste generated
19 within the State as defined in section 1303-C, subsection 40-A, paragraph C; the
20 recovery of metals from waste; the use of waste or waste-derived product as
21 material substitutes in construction; and the use of waste as boiler fuel substitutes.

22 At least 50% of the waste that a solid waste processing facility characterizes as
23 recycled under this subparagraph must have been reused or recycled by the facility
24 through methods other than placement of the waste in a solid waste landfill, except
25 that a solid waste processing facility that was in operation during calendar year
26 2018, that accepts exclusively construction and demolition debris and that accepted
27 more than 200,000 tons of such debris in calendar year 2018 shall:

- 28 (a) Reuse or recycle at least 15% of such debris through methods other than
29 placement in a solid waste landfill by July 1, 2024;
- 30 (b) Reuse or recycle at least 20% of such debris through methods other than
31 placement in a solid waste landfill by July 1, 2025;
- 32 (c) Reuse or recycle at least 30% of such debris through methods other than
33 placement in a solid waste landfill by July 1, 2026;
- 34 (d) Reuse or recycle at least 40% of such debris through methods other than
35 placement in a solid waste landfill by July 1, 2027; and
- 36 (e) Reuse or recycle at least 50% of such debris through methods other than
37 placement in a solid waste landfill by July 1, 2028.

38 **Sec. 6. 38 MRSA §1310-N, sub-§5-A**, as amended by PL 2023, c. 283, §1, is
39 further amended by enacting at the end a new first blocked paragraph to read:

40 For the purposes of this subsection, a solid waste processing facility that processes plastic
41 waste through chemical plastic processing is deemed to generate residue requiring disposal.

ROFS

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Sec. 7. 38 MRSA §1310-Y, first ¶, as amended by PL 2001, c. 575, §1, is further amended to read:

An owner or operator of a solid waste processing facility that processes plastic waste through chemical plastic processing that is licensed under section 1310-N or of a solid waste disposal facility that is licensed under section 1310-N shall provide the department assurance of its financial ability to satisfy the estimated cost of corrective action for known releases from the facility and its financial capacity to satisfy the estimated cost of closure and postclosure care and maintenance at the facility for a period of at least 30 years after closure. The board may adopt rules that increase or decrease that postclosure care period, as long as those rules are consistent with applicable federal rules. The department may consider the use of more than one acceptable form of financial assurance per facility to satisfy the financial assurance requirement of this section. This section applies to all privately owned solid waste disposal facilities licensed by the department, including facilities licensed by the department before June 16, 1993, and to all solid waste processing facilities that process plastic waste through chemical plastic processing. This section does not apply to a municipally owned or operated solid waste disposal facility that accepts exclusively special waste, construction and demolition debris, land-clearing debris or any combination of those types of waste or to a municipally owned or operated solid waste disposal facility licensed before June 16, 1993.

Sec. 8. 38 MRSA §1310-Y, sub-§2, as enacted by PL 1993, c. 378, §9, is amended to read:

2. Report. An owner or operator of a solid waste processing facility that processes plastic waste through chemical plastic processing or of a solid waste disposal facility shall annually prepare a report containing a sworn statement providing the year-end balance of any escrow, trust or reserve account established under this section. That report must be submitted to the commissioner by March 31st of each year or such other date as the commissioner may designate.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the majority report of the committee, replaces the bill and changes the title. It amends the solid waste laws to define "chemical plastic processing," "plastic" and "plastic-to-plastic recycling" and clarifies that a facility that processes plastic waste through chemical plastic processing is a solid waste processing facility. "Chemical plastic processing" is defined as the processing of plastic waste using chemical or molecular methods into basic raw materials, feedstock chemicals, fuel for combustion, waxes or lubricants and does not include plastic-to-plastic recycling. The amendment also provides that, for the purposes of the recycling and source reduction determination requirement generally applicable to solid waste processing facilities, a solid waste processing facility may not count as recycled any plastic waste processed through chemical plastic processing. Finally, the amendment requires a solid waste processing facility that processes plastic

R.O.F.S

COMMITTEE AMENDMENT "A" to S.P. 665, L.D. 1660 (S. 514)

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waste through chemical plastic processing to satisfy financial assurance requirements currently applicable to solid waste disposal facilities.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



131st MAINE LEGISLATURE

LD 1660

LR 1000(02)

An Act to Provide That Advanced Recycling Facilities Are Subject to Solid Waste Regulation and That Advanced Recycling Does Not Constitute Recycling

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-514)
Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Department of Environmental Protection from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.