



Comments Regarding: Conceptual Draft Rules for Stewardship Program for Packaging

By: Mark Draper, Solid Waste Director
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Thank you once again for the opportunity to provide comments during this informal rule development process. There is much to consider with these comprehensive and unique rules, but I have just a few very brief, specific comments, which are provided below.

PART 1

Section 1. Definitions:

- a definition of “municipality” should be added. I note that the EPR page from the Department’s website includes the following: *“a municipality – defined as a city, town, county, township, village or plantation; a refuse disposal district, or a regional association,”* and would suggest a similar definition be added to the rule. Otherwise, subsequent sections of the rule where the term “municipality” is used may be confusing.
- In light of the proposed definition of municipality above, the definition of “Similar municipalities” should be clarified. If a regional association providing services to multiple communities is defined as a “municipality,” do the population thresholds in the definition of “similar municipalities” apply to the individual communities, or to the association as a whole? What if some communities being served fall below the thresholds, and some above? Perhaps an average population of the communities served would work.

Section 3. Defining Municipal Reimbursement:

- Again, related to the definitions noted above; municipal reimbursements are defined based on the population of “participating municipalities,” so it is important to make sure these definitions are consistent and not contradictory.

Section 4. Determining Municipal Reimbursement:

- Section 4.A(2); Annual Reporting: rather than referring to three (3) other sections, the information required to be submitted annually by participating municipalities should be listed specifically in this section. The annual reporting requirements should be clear, concise, and limited to the extent possible. Burdensome reporting requirements may discourage staff-strapped municipalities from participating in the program, thus negating the potential positive impacts from the statute and rules.

PART 2

Section 5. Program Goals

- While goal-setting is definitely a worthwhile process, I am not sure including “goals” in a rule is wise. Rules are intended to be complied-with; and entities are to be held responsible when rules are broken. Who will be held responsible if goals are not met? Perhaps these rules are the appropriate mechanism for documenting the goals, but I just question that.
- Section 5.F; Participation: if the municipal participation goal is not met, then in addition to the actions listed in this section, I would add that the Department will undertake a process to determine why municipalities decline to participate.

Thank you again for the opportunity to comment on these draft rules. I look forward to participating further as the rule-making process continues.

Regards,



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