



March 15, 2024

Board Members of Environmental Protection
17 State House Station
Augusta, ME 04333

RE: Extended Producer Responsibility (EPR) Draft Rules

Dear Members of the Board of Environmental Protection:

I am writing on behalf of the Municipal Review Committee (MRC) to provide feedback on the proposed rule for Chapter 428, Extended Producer Responsibility (EPR), proposed by the Maine Department of Environmental Protection (DEP). Ideally, these rules would support a long-term plan for a forward-thinking approach beyond a municipal transfer station to recycling and solid waste management. MRC fully endorses the DEP's commitment to EPR and commends the collaboration with the DEP's EPR team. We appreciate the entire team, including those from MRC, for their active participation in discussions and for addressing our concerns during the process.

The MRC is deeply committed to EPR and recognizes the potential for MRC and the Hampden processing facility, operated by Municipal Waste Solutions (MWS), to serve as invaluable assets to the EPR program and our members. Larger facilities like MWS, of which MRC owns a stake, should be utilized to benefit the EPR program. Streamlining the process by having the SO work directly with MRC rather than individual municipalities in our region could simplify the program's administration.

Although anaerobic digestion is recognized in the EPR draft rule to produce renewable natural gas from fibrous packaging materials that could not be baled, we have some concerns about the following sections of the EPR draft rules.

Page 2 # 2 Definitions A

- Alternative Management. “Alternative management” means methods of managing old waste that are prioritized above land disposal of waste and below composting of biodegradable waste according to the State’s Solid Waste Management Hierarchy.



Page 42 # 13 Defining Municipal Reimbursement D

- For a packaging material type that is not readily recyclable and managed through alternative management, a participating municipality must be reimbursed for each ton managed using alternative management at the median per ton cost realized by similar municipalities during the previous calendar year

Page 50 # 16 Determining the Tons of a Commodity Sent to a Market or the Tons of an Alternative Management Stream Sent for Alternative Management by a Participating Municipality. B

- In cases where a participating municipality sends a commodity or commodity stream to a market or an alternative management stream for alternative management, the tons assigned to the participating municipality are equal to the tons sent.

We strongly believe that the above areas need more clarity. MRC wants its members to be reassured when reviewing EPR that fiber coming to MWS that is not baled due to contamination or non-recyclable and then gets processed through anaerobic digestion counts as reuse/recycle. MRC does agree that putting fiber in the ground to extract gas at a landfill should not count.

We appreciate the opportunity to provide these comments and ask that the Members of the Board of Environmental Protection carefully consider these concerns and suggestions during the rulemaking process. We aim to ensure that the EPR rules are clear, comprehensive, fair, and effective in achieving their intended environmental and waste management objectives.

Thank you for your attention to these important matters. We look forward to continued collaboration and dialogue as we work towards an even more sustainable and efficient waste management system in Maine.

Sincerely,

Michael Carroll
Executive Director Municipal Review Committee