



STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION

Susan M. Lessard, Chair

JANET T. MILLS
GOVERNOR

William F. Hinkel
Executive Analyst

Ruth Ann Burke
Board Clerk

**BOARD OF ENVIRONMENTAL PROTECTION
Hearing and Meeting Minutes**

December 4, 2025

I. PUBLIC HEARING

1. Chapter 426, *Responsibilities Under the Returnable Beverage Container Law*

The Board of Environmental Protection held a public hearing on December 4, 2025, beginning at approximately 9:00 a.m. at the Public Safety Building in Augusta for the purpose of receiving testimony from members of the public regarding proposed revisions to Chapter 426, *Responsibilities Under the Returnable Beverage Container Law*.

Following an introduction by Department staff, Board Chair Susan Lessard, serving as the Presiding Officer for the hearing, invited testimony from members of the public. A copy of the hearing sign-in sheets of persons who testified is attached. Presiding Officer Lessard announced that written comment on the proposed rule may be submitted until 11:59 p.m. on December 15, 2025, and then closed the hearing at approximately 11:27 a.m. An audio and video stream of the hearing was provided via Zoom, and an audio recording of the hearing was made pursuant to 38 M.R.S. § 341-E(2). A written transcript of the hearing was made by Dostie Reporting Services.

The following individuals were in attendance:

Board: Robert Duchesne, Betsy Fitzgerald, Susan Lessard, Robert Marvinney, Steven Pelletier, Robert Sanford, and Barbara Vickery were present.

Staff: Brian Beneski and Elena Bertocci, Bureau of Remediation and Waste Management

Others: Melanie Loyzim, Commissioner
William Hinkel, Board Executive Analyst
Ruth Ann Burke, Board Clerk
Valerie Wright, Assistant Attorney General
Robin Dostie, Dostie Reporting Services

Following the Board hearing on December 4, 2025, a meeting of the Board of Environmental Protection was held at the Public Safety Building in Augusta, beginning at approximately 11:40 a.m. An audio and video stream of the meeting was provided via Zoom, and an audio recording of the meeting was made pursuant to 38 M.R.S. § 341-E(2). Chair Susan Lessard called the meeting to order with the following individuals in attendance.

Board: Robert Duchesne, Betsy Fitzgerald, Susan Lessard, Robert Marvinney, Steven Pelletier, Robert Sanford, and Barbara Vickery were present.

Others: Melanie Loyzim, Commissioner
William Hinkel, Board Executive Analyst
Ruth Ann Burke, Board Clerk
Jeffrey Skakalski, Assistant Attorney General

II. ADMINISTRATIVE MATTERS, COMMENTS, AND NOTES

1. **Commissioner's Comments:** No comments.
2. **Chair's Comments:** No comments.
3. **Executive Analyst's Comments:** Mr. Hinkel informed Board members that he would soon circulate to them a draft of the Board's 2025 Report to the Legislature for discussion at the Board meeting to be held on December 18, 2025.
4. **Board Calendar:** The next regular Board meeting is tentatively scheduled for December 18, 2025, at the Augusta Civic Center.
5. **Departmental Orders / Applications Accepted for Processing:** No comments.

(Note: Votes are recorded in the following order: number voting in favor of a motion – number voting against a motion – number abstaining – number absent)

III. APPROVAL OF BOARD MINUTES

1. BEP Meeting Minutes, November 6, 2025

The Board voted (7-0-0-0) on a motion by Barbara Vickery and seconded by Robert Duchesne to approve the minutes of November 6, 2025, as presented. The vote was taken pursuant to 38 M.R.S. § 341-D(8) and 5 M.R.S. § 12014(1)(A).

IV. CURRENT ITEMS FOR BOARD CONSIDERATION

1. Hazardous Waste Management Rules (Informational session)

Staff: Cherrie Plummer, Bureau of Remediation and Waste Management

Department staff provided a background informational briefing regarding the Department's Hazardous Waste Management Rules, 06-096 C.M.R. ch. 850 through 858.

No votes of the Board were made related to this agenda item.

V. ADJOURNMENT

The Board voted (7-0-0-0) on a motion by Robert Duchesne and seconded by Steven Pelletier to adjourn the meeting at approximately 12:03 p.m.

TESTIMONY IN OPPOSITION TO

CHAPTER 426, RESPONSIBILITIES UNDER THE RETURNABLE BEVERAGE CONTAINER LAW

THURSDAY, DECEMBER 4, 2025, STATE OFFICE BUILDING PUBLIC SAFETY, 45 COMMERCE DRIVE, AUGUSTA

PLEASE READ: The Maine Administrative Procedure Act, 5 M.R.S. § 8052(5), requires the Department to obtain the names of persons whose comments were received, including through testimony at hearings, the organizations the persons represent and summaries of their comments. Please **CLEARLY PRINT** your name and organization affiliation. Testimony and comments submitted to the Department are public records pursuant to the Freedom of Access Act, 1 M.R.S. § 402(3), and will be made available for public inspection pursuant to 1 M.R.S. § 408-A and may be posted on the Department's website.

PRINTED NAME	ORGANIZATION OR AFFILIATION REPRESENTED, IF ANY
✓ Joanna Tourangeau	DWM
✓ Mike Barrault	Central, MBDA, MBRG
✓ Mike Runser	Valley Beverage, MBRG
✓ CHRIS BIAA BLACK	NAPPE DISTRIBUTION MBRG
✓ Jasper Walsh	Maine Distributors
✓ SAN MICHAEL	MAINE DISTRIBUTION
✓ Newell Anger	MBD
✓ Cheryll Timberlake	MBDA/MBWCO

TESTIMONY NEITHER FOR NOR AGAINST

CHAPTER 426, RESPONSIBILITIES UNDER THE RETURNABLE BEVERAGE CONTAINER LAW

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PRINTED NAME	ORGANIZATION OR AFFILIATION REPRESENTED, IF ANY
✓ Mike Noel	TOMRA