

Manager's Office
 Municipal Building
 93 Cottage Street
 Bar Harbor, ME 04069



Laura H. Berry
 Sustainability Coordinator
sustainability@barharbormaine.gov

OFFICIAL TESTIMONY

To: Maine Department of Environmental Protection
 From: Laura Berry, Sustainability Coordinator, Town of Bar Harbor
 Date: January 10, 2023

Re: Extended Producer Responsibility (EPR) for Packaging Rulemaking – Municipal Reimbursements Stakeholder Meeting #1

On behalf of the residents of Bar Harbor and the Town Council, thank you for the opportunity to provide comments on ongoing rulemaking process for the Stewardship Program for Packaging Law, 38 M.R.S. § 2146 regarding municipal reimbursement.

The Town of Bar Harbor would like to emphasize that achieving the goals of this law – reducing the volume and toxicity of packaging material, increasing the recycling of packaging material, and removing the burden of managing packaging material from municipalities and consumers and placing it onto producers – will depend entirely on the ability of communities across Maine to voluntarily participate in the municipal reimbursement program.

As such, requirements for municipal participation in reimbursement should be as simple as possible in order to maximize widespread participation in the program, and recognize the integrated nature of waste management and related costs to municipalities. One such simple vision for the municipal reimbursement program could include requirements for participating municipalities to conduct an annual (or quarterly) waste audit to determine the percentage of waste generated that could be classified as readily recyclable packaging – something that many towns, including Bar Harbor, have already begun to do in order to better understand and manage costs related to MSW. This percentage could then be multiplied by the total annual costs related to waste management (an auditable number already included in annual municipal budgets) to determine the total costs eligible for reimbursement.

In response to specific questions posed by the DEP in the background information provided for today's stakeholder meeting, Town staff have also prepared feedback related to the reimbursement process, data collection and reporting, and current challenges we face in managing packaging materials in Bar Harbor that we hope will be addressed and integrated into the development of the municipal reimbursement program and wider implementation of EPR for packaging across the state.

How should municipalities get reimbursed for packaging not readily recyclable and is disposed? Should reimbursements reflect differing costs for different disposal outcomes, and if so, how? How can reimbursements incentivize movement of material up the waste hierarchy while acknowledging the fact that some packaging is not readily recyclable?

If a key goal of the EPR for packaging program is to reduce the volume of packaging material and increase recycling, use of packaging materials by that are not readily recyclable by producers (and are thus currently disposed of) should be more heavily penalized than those that are readily recyclable. However, municipalities should be reimbursed for costs associated with the management and recycling of **all** packaging materials, whether “readily recyclable” or not. In Bar Harbor, single stream recycling represents a significantly higher per/ton cost to

the taxpayer than MSW, in part due to the lack of available recycling facilities and opportunities for revenue generation from recyclable materials. It would be reasonable to argue that due to the lack of market demand for the majority of packaging materials, higher costs/ton for recycling than MSW, and lack of infrastructure, equipment, and accessible recycling facilities for many Maine communities, most packaging is not “readily recyclable.”

Should reimbursements reflect differing costs for different recycling outcomes, and if so, how?

Municipal reimbursements should be based on direct costs incurred to municipalities to provide recycling facilities to their residents, rather than recycling outcomes. If municipalities outside of Southern Maine are more highly incentivized to haul their recycling to a higher-capacity facility that is multiple hours away in order to receive a higher level of reimbursement, it would place an undue cost and staffing burden on those communities to do so. Rather than place the burden of recycling outcomes on municipalities, funds from the EPR program should be used to improve the accessibility of centralized recycling facilities with better outcomes.

Might there be an instance when a municipality is making loan payments on equipment or storage at a facility? How might this be included when calculating costs?

All costs, including for leased or purchased equipment, incurred related to the management of packaging should be included in calculating annual per-ton costs and subsequent reimbursement for municipalities through the EPR fund. The construction of the transfer station in Bar Harbor, which accepts MSW as well as single-sort recycling, was funded by a bond on which we continue to make payments, and the Town does not own some of the equipment used to accept single-sort recycling. Depending on the requirements for data collection and reporting, it is highly likely that many communities (including Bar Harbor) will be required to purchase or lease new or additional equipment in order to fully participate in the municipal reimbursement program, both with regarding to data collection and management of recycling.

At what time of year would submitting another annual report, possibly requiring data from 3rd parties such as haulers and brokers, be practicable?

It would not be practicable to require that communities submit another annual report in order to participate in EPR municipal reimbursement. Bar Harbor already submits an annual solid waste management report as well as a biannual recycling report – any data reporting requirements related to municipal reimbursement should be amended onto an existing required report.

Thank you again for your consideration and the opportunity to share feedback on this important topic, and we look forward to continue to working with representatives from the DEP and other communities over the coming months to develop an effective and equitable EPR municipal reimbursement program.