



March 8, 2024

Maine Board of Environmental Protection  
c/o Brian Beneski  
17 State House Station  
Augusta ME 04333

**Re: Comments on proposed rule 06-096 CMR Chapter 28:Stewardship Program for Packaging**

To whom it may  
concern:

The city of Gardiner is a municipality of approximately 6,000 people in central Maine. We depend on a private hauler system for curbside collection and disposition of municipal solid waste (MSW) and household recycling. We are contracted to the Hatch Hill Landfill in Augusta for disposal of our MSW by our licensed haulers (and by individuals and businesses in our community who have permits to use the facility directly). We do not have a transfer station or other facility in Gardiner (or one nearby to which our haulers have access) for collection of recycling, so haulers are left to their own devices as to where to take the recycling that they collect. Although we have an ordinance that requires licensed haulers to offer recycling services, there is currently no economical way for our smaller haulers to do that. As a result, much of what could be recycled ends up in the landfill, unnecessarily taking up valuable and increasingly scarce landfill space.

According to Augusta officials, there is space in the current landfill for only three to four years' worth of MSW, at the rate it is filling up. Though Augusta is in the process of preparing an application to DEP for a vertical increase at the landfill, that will not happen anytime soon. In addition, we understand that it is Augusta's intention, once the vertical increase happens, to decrease the amount of MSW it will take from outside communities to conserve space for its own MSW for as long as possible. A private entity has applied to DEP for a permit to build an MSW transfer station in Gardiner, but again that option is not

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going to happen overnight. Even then, the MSW taken to that new facility must go somewhere for ultimate disposal. We are headed for a crisis.

As a result of the facts outlined above, Gardiner is very much aware of the need for its residents and businesses to decrease the amount of MSW that they generate. There are two major ways for that to happen: 1) for the city to provide better options for recycling; and 2) for producers to reduce the amount of packaging that they create and use for their products and for them to use more readily recyclable packaging when it cannot be eliminated. The proposed rule implementing the Stewardship Program for Packaging pursuant to 38 M.R.S. § 2146, has the stated goals of 1) reducing the burden on municipalities of managing packaging material and 2) improving the design and management of packaging material in the first place.

#### Providing better recycling options

Because of the city's need to help solve the problem of increasing scarce MSW disposal options, last Fall our Solid Waste and Recycling Advisory Committee conducted a recycling survey to find out what recycling barriers our residents and businesses face and what they would like to see happen in the future. One of the things that stood out to the committee was that there is a desire for recycling options other than private hauler curbside collection. People **WANT** to recycle. (It was also clear from the survey that there is much recycling education that needs to happen.)

More recently, the committee has begun very informal discussions with representatives of four other communities that use Hatch Hill to see whether a regional recycling transfer station might be possible. (It has also begun looking into ways to remove food waste from the waste stream.) The single biggest barrier to building and running a recycling transfer station, regional or otherwise, is cost – costs of equipment, labor, transportation, etc. The proposed rule seeks to reduce this burden by laying out procedures for determining reimbursement to municipalities for the costs associated with handling packaging.

We cannot stress enough how important this aspect of the law (and implementing rule) is. While our immediate need is for funds to pay for the infrastructure needed for a recycling facility, the costs to run such a facility over the long run are simply not sustainable – as evidenced by the number of municipalities across the state that are abandoning the recycling programs they already have. Municipalities badly need the reimbursements outlined in the law and rule to change that. The state cannot afford to fail to address its waste problems any longer. The law and proposed implementing rule

for EPR for packaging are a huge step in the right direction. The sooner the reimbursement aspect of the law is implemented, the better.

#### Education

As mentioned above, Gardiner's recent recycling survey showed the need for recycling education. With the widespread variety of recyclable materials collected by haulers and/or accepted by current recycling programs, any in-depth education is virtually impossible. The establishment of a baseline list of "readily recyclable" materials, as outlined in the proposed rule, will make statewide and local education efforts easier and much more successful.

#### EPR for packaging

We do not intend to make comments on the details regarding the producer aspects of the law and rule such as procedures for payment by manufacturers for the costs of managing the packaging, or the incentives in the law and rule for producers to make less packaging waste for municipalities to manage in the first place. Suffice it to say that as outlined above, municipalities are in dire need of financial assistance to manage this packaging, and it is only reasonable that the entities causing the problem pay to help solve it.

Thank you in advance for your consideration of Gardiner's comments. We look forward to implementation of the EPR for Packaging law and the assistance that it will provide for communities looking to do the right thing.

Sincerely,

*Andrew R Carlton*

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On behalf of the Gardiner City Council  
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