

To: Brian Beneski, Maine DEP
From: Carole Cifrino
Date: March 16, 2024
Re: Comments on Chapter 428 - Stewardship Program for Packaging

Thank you for tackling the complex challenge of developing this new model for a stewardship program. You have done an excellent job of ensuring this program incentivizes the reduction in use and toxicity of packaging, and the overall recycling of packaging.

I am currently serving on my Town's Solid Waste and Recycling Committee, and have the following questions and comments as I seek to understand what a town will need to do to participate in this program.

1. Section 2. Definitions. 38 M.R.S. § 2146 lacks a definition of "Stewardship Organization". Please add a definition of "Stewardship Organization" to this rule to clarify who is responsible for implementing many of its provisions.
2. Section 2, subsection S - The definition of "New infrastructure" appears to preclude adding buildings or equipment to existing facilities. Does this mean that the SO is prohibited from funding the addition of processing equipment and storage facilities at existing solid waste management facilities? There are existing facilities that currently may not have the processing and/or storage capacity needed to manage all readily recyclable materials, and capital investment needed to do so is a likely barrier to participation in the program.
3. Paragraph 3.B(4) - The annual reporting requirement on program performance should reference reporting on assessments performed to demonstrate progress in meeting the program goals delineated in Section 3.A.
4. Sub-paragraph 3.C(2)(a) and paragraph 3.C(4) both specify that municipalities may only consider developing infrastructure to handle single or dual-stream recycling. Many municipalities operate facilities that source-separate more than 2 streams of recycling. Please change "dual-stream" in both these paragraphs to "multi-stream" to allow municipalities to determine whether single-, dual-, or multi-stream recycling works best for them.
5. Section 12. Requirements for Participating Municipalities - Must each individual municipality submit an annual report, or will an entity representing a group of municipalities that operate a joint recycling program be allowed to report on behalf of its participating municipalities?

Again, many thanks to you and your staff for the hard work and innumerable hours spent to develop this new packaging stewardship program.