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August 23, 2024

Mr. Brian Beneski,
Bureau of Remediation and Waste Management
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

Re: Written comments regarding Chapter 428: Stewardship Program for Packaging

Submitted electronically via: rulecomments.dep@maine.gov

Dear Mr. Beneski:

Thank you for once again accepting comments regarding the proposed rule as referenced above. I will reiterate that AWS is generally very supportive of the overall effort by the Legislature and the Department to bolster municipal recycling through this proposed program, and we are looking forward to (hopefully) working through the implementation phase to come.

Our only comment(s) is similar to that which we submitted in March – and that is regarding the level of reimbursement for disposal of not readily recyclable packaging material, which should be the same regardless of the method of disposal (landfill or “alternative management”). More specifically:

Definition of “Alternative Management:” this definition (found on page 2 of the proposed regulation) continues to include only incineration or processing facilities, and specifically excludes disposal at a landfill. Therefore, according to this definition and how it is applied in the proposed regulation, municipalities would be reimbursed at a higher rate for the cost of *incinerating* their packaging waste, and municipalities that *landfill* their packaging waste would be reimbursed at a lower rate for that cost.

Section 13.D(1) and (2); Municipal Reimbursements: these sections define the level of municipal reimbursement for managing packaging material that is not readily recyclable. If that packaging is sent for “Alternative Management” at an incinerator, the municipality is reimbursed at a rate of 2/3 the cost of recycling readily recyclable packaging. If a municipality sends that

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packaging to a landfill that is closer than the nearest incinerator, the municipality is reimbursed at a rate of 1/3 the cost of recycling readily recyclable packaging. While we appreciate the effort to recognize the limitations many municipalities find themselves due to geographic location, it still creates an unequal tier of reimbursements for circumstances that municipalities have no control over. In fact, there are several Maine municipalities that may not be eligible for *any* reimbursement if they must send their waste to a landfill that is further away than the nearest incinerator. That could occur for a number of reasons, not the least of which is a lack of capacity at the incinerator. To be fair, the reimbursement levels should be equal - and preferably at the "2/3 level" regardless of disposal method.

The very first goal listed in the Department's summary of the proposed rule is to "*reduce the burden to municipalities of managing packaging material.*" If that burden is to incur the cost of landfilling the packaging material, then the goal should be to reduce that burden through reimbursement of that cost at the same level as other disposal methods.

Furthermore, given the ambitious municipal participation goals set in the rules, it would seem counter-productive to disenchant the many Maine municipalities that use landfilling as their (only) disposal option. Only through robust municipal participation will the program be successful.

Thank you for your consideration of my comments. I look forward to the Department's response.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark Draper', is written over a horizontal line.

Mark Draper
Solid Waste Director