

**LD 2104 (Extended Producer Responsibility) in MDI Towns  
sending Municipal Solid Waste (MSW) to Coastal Resources Maine**  
(unofficial summary for SWH Select Board, 25 February 2020 — Dick Atlee)

The basic idea of Extended Producer Responsibility (EPR) is that requiring municipalities to bear the cost of disposing of (and recycling) MSW — when they have no ability to affect the nature of that waste — is unfair, and that manufacturers of packaging should return a significant portion of that cost to the municipalities. The more manufacturers shift to readily recyclable packaging (which can be sold to recoup costs), the less they will have to pay.

1. Definitions
  - a. Readily-recyclable packaging material — can be sorted by recycling firms in the State, and there is as a consistent market from processors willing to purchase **full bales** of that type of fully sorted packaging material.
  - b. Not readily-recyclable packaging material — possible to be recycled, but doesn't fit the criteria in 1a.
  - c. With respect to CRM
    1. DEP: Processing of anything into fuel (e.g. CRM's "briquettes" or biogas) is not considered recycling.
    2. CRM believes the remainder of the material which is not residual (landfilled) is "readily recyclable;" DEP's view has not yet been clearly defined.
2. Town responsibility to provide information
  - a. Recyclable material: the town's costs for collection (NEH only?), processing on-site, and transportation; and
  - b. MSW: the town's costs for disposing of MSW, including tipping fees paid, the tons of such waste disposed of, and the costs of collection (NEH only?), processing on-site and transportation.
3. Reimbursement for **readily-recyclable** packaging

Sec.11.C: "With respect to the recycling of a type of packaging material that is **readily recyclable**, [reimbursement involves:]"

  - a. "cost incurred...in **collecting...and in processing**...packaging material"
  - b. "cost incurred...in **transporting**...collected and processed...packaging material"
4. Sec.11.D: "With respect to the recycling of a type of packaging material that is **not readily recyclable**":
  - a. "per ton cost paid by producers"
  - b. "tons of that type of packaging material that is **not readily recyclable**"  
Municipality is not eligible... if it does not actually recycle packaging material that is **not readily recyclable**"
5. Reimbursement for **non-readily-recyclable** packaging

Sec.11.E: "payment to offset the municipality's costs incurred in **collecting**, transporting and disposing of types of packaging material that are **not readily recyclable**."

  - a. This seems focused on municipalities that landfill, and no CRM municipality does that directly, so it's not clear how this will apply.