



NEWSLETTER

Municipal Review Committee | 20 Godfrey Dr., Ste 300 | Orono, ME 04473 | www.MRCMaine.org

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Negotiations Continue with Revere Capital Advisors

We continue to move forward with a partnership with Revere Capital Advisors, LLC. Revere is just at the finishing line and waiting for the beneficial use permit to transfer to the Municipal Waste Solutions. We are working closely with the DEP and are hopeful that this will occur shortly so we can move forward with a closing. As noted during our Annual Meeting last month, in the four months that we have owned Municipal Waste Solutions—the branded identity of the Hampden facility—we have made progress toward reopening.

Our goal is to reopen MWS with the private sector partnership. We have executed a term sheet that outlines a joint partnership in Municipal Waste Solutions, LLC. As a reminder the proposed terms with the Revere group, the Revere provides funds for the following purposes:

We have executed a term sheet that outlines a joint partnership in Municipal Waste Solutions, LLC:

- **Reopening the Hampden Facility** (e.g., costs of labor, professional services and outside services; equipment maintenance, repairs and refurbishment; rentals and license fees; restoring inventories of materials and supplies; capital improvements; and other costs incurred during the period before the Facility returns to operation and becomes self-sustaining);
- **Paying for carrying costs** of the Hampden Facility prior to commercial operation (e.g., insurance, utilities, etc.);
- **Paying MRC** a management fee;
- **Paying rent to MRC** under the Site Lease; and
- **Paying for cash flow needs**, and covering certain cash losses that MWS might incur, in order to meet obligations to provide for disposal of Joining Member MSW at bypass disposal facilities.

It is important to note that the Tip Fee calculation will not change under the Master Waste Supply Agreement.

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UPCOMING MEETINGS

2023 Finance Committee and Quarterly Board of Directors Meetings

**Note that the new start time for the Finance Committee meeting will be 9:30 AM. The Quarterly Board of Directors Meeting will start at 10 AM.*

All 2023 meetings are scheduled to be hybrid so members can listen remotely.

Board Meeting / Finance Committee: Wednesday, January 25, 2023

Please register for the virtual through this link: https://us02web.zoom.us/webinar/register/WN_SRI6Xrd1SPO1vDnVpZMjQ

Board Meeting / Finance Committee: Wednesday, April 26, 2023

Wednesday, July 26, 2023

Wednesday, October 25, 2023

Special Board of Directors Meeting: Friday, January 20 11 AM

Available to watch on Facebook and later on YouTube except for the Executive Session

ARE YOU ON SOCIAL MEDIA?



MRC regularly sends updates and announcements by email to those who have signed up for our alerts. We have active Facebook and Twitter accounts where we share articles and post about events and interact with members. Make sure to “like” or follow us through your town’s accounts too! **Also, we’re on YouTube!** Please subscribe and hit that notification bell so that you don’t miss any of our uploads!

DEP's (EPR) Program for Packaging

The MRC has been closely watching and actively participating in the DEP's Extended Producer Responsibility (EPR) Program for Packaging law implementation and rulemaking process. Long-time member of the Board of Directors and Vice President Tony Smith and fellow Board members of the MRC Waste Flow Committee have taken the lead for the MRC in this process. They have conducted meetings with representatives of the DEP in Bangor and participated in the Producer Exemptions and Municipal Reimbursement stakeholder meetings. The schedule for future stakeholder meetings, video recordings and transcripts of previous meetings and much more information can be found at the EPR website by clicking:



Extended Producer Responsibility for Packaging, Waste Management, Maine Department of Environmental Protection

We encourage those interested to access the website and watch or read the information from the previous meetings. To the non-attorney, this is a complicated law with many details to be worked out prior to, and for its successful implementation.

As described in the information on the EPR website, in July 2021, the Maine legislature passed a law establishing a **stewardship program for packaging**. The law shifts the cost of managing packaging waste from municipalities and citizens to producers of the products we buy. It places a fee on producers based on their packaging choices. Payments by producers will be based on the net amount of packaging sold into the state and will consider toxicity and whether the packaging is readily recyclable. This will provide incentives for producers to choose more readily recyclable packaging and use less packaging. The program's purpose is to reduce the volume and toxicity and increase the recycling of packaging material. Producers of products will pay into a fund based on the amount and the recyclability of packaging associated with their products. These funds will be used to reimburse municipalities, on a voluntary basis, for eligible recycling and waste management costs, make investments in recycling infrastructure, and help Maine citizens understand how to recycle.

The program's purpose is to reduce the volume and toxicity and increase the recycling of packaging material.

After the creation of the law, the process moved into the rulemaking phase of the EPR program that we are presently in. Rulemaking provides the details that are required to implement the program described in the law that is not actually outlined in the law itself. The rulemaking process is designed to ensure the consideration of all input provided by "interested parties" of which the MRC and our members are. The DEP further defines the "interested parties" as "stakeholders." The DEP collaborates with stakeholders to develop a draft rule that takes into account comments and concerns from the stakeholders. The draft rule is then published for public comment. After a comment period, the department must consider all comments and make changes as appropriate; if substantive changes are made, a new comment period follows. The rule must then be adopted by the Board of Environmental Protection, a citizen board that oversees several DEP activities. Major substantive rules, which may be developed to allow for additional packaging exemptions, also require the approval of Maine's legislature.

Elements that will be defined through rulemaking include:

- a process for determining producer payments;
- producer reporting requirements;
- a process for determining which types of packaging are considered readily recyclable;
- a process for determining which municipalities are similar municipalities;
- a process for determining municipal reimbursements;
- municipal reporting requirements;
- requirements for the assessment for program performance;
- methods for performing audits of recycling, solid waste, and litter;
- a schedule for reporting by the stewardship organization; and
- a process for reviewing proposed investments for recycling infrastructure and education.

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...I am very pleased with the efforts made by the DEP to gather stakeholder input and the extent to which they and stakeholders are going through to gather as much information as possible.”

Tony Smith

At the Stakeholder meetings representatives of the MRC have attended, one thing has been abundantly clear and reinforced. The amount of work required by the DEP, stakeholders and all others concerned with the successful implementation of the program will be tremendous. As Tony said “I have never participated in an endeavor like this. That being said, I am very pleased with the efforts made by the DEP to gather stakeholder input and the extent to which they and stakeholders are going through to gather as much information as possible.” One person at a stakeholder meeting stated that this is an important program to implement and we will likely only have one chance to get it right. Tony is new to this process and based on what he is seeing we have some very dedicated individuals working on all our behalf to “get it right.”

2022 Annual Meeting

The MRC hosted a successful annual meeting for members at the Town of Orono and over zoom. In case you missed the Annual Meeting, you can watch it on our YouTube channel. We wanted to welcome back Ella Mik'aella Bowman, Town Manager of Oakland, to the MRC Board of Directors as well as say goodbye to Dana Wrigley and thank him for his service and guidance on behalf of the membership. You can see the full board and contact information on the MRC's website at <https://www.mrcmaine.org/board>.

REMINDER!

2023 Tip Fee

We have sent several communications about the Annual CPI adjustment to the tip fee which is now **\$82.69**. This comes from the annual Department of Labor Statistics CPI Adjustment.

“Negotiations Continue...

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Timeline

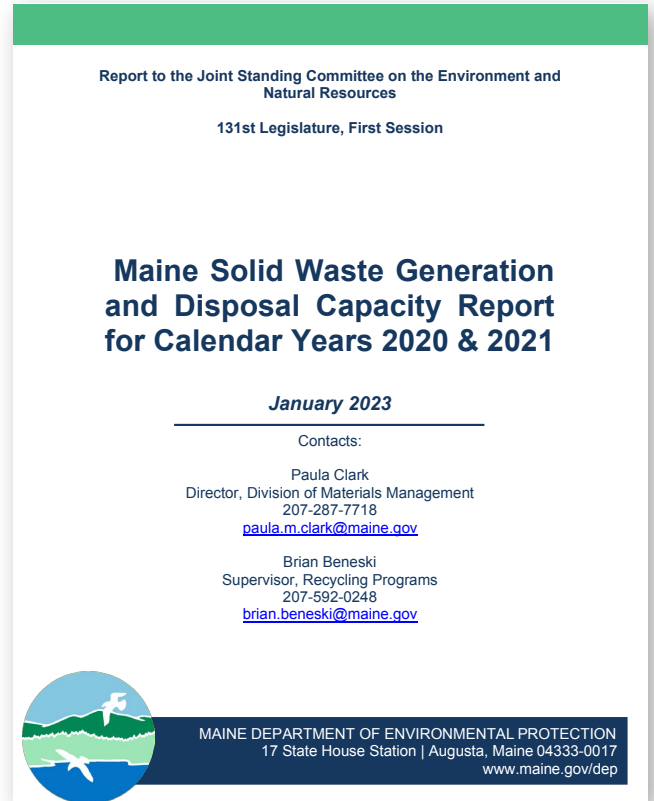
Once the closing occurs, MWS is looking at an 8-12 month process to reopen. The process will happen in stages and focused on the “front end” material recovery facility “MRF” operations to reduce the downtime and enhance reliability, then the “back end” operations through modifications and upgrading of equipment, and finally the equipment installations and upgrades for biogas operations.

Maine Waste Generation and Capacity Report

The Maine Department of Environmental Protection released the 2020 & 2021 Municipal Solid Waste Generation and Disposal Report to the legislature. The report is submitted biannually to the Joint Standing Committee on Environmental and Natural Resources and reviews Maine's solid waste and recycling landscape. We encourage you to review the report on the DEP's website. Some of the larger points that affect the MRC and Municipal Waste Solutions (MWS) are the recycling rate and the disposal capacity.

Predictably, Maine did not meet its goal of a 50% recycling rate for 2020 and 2021 reaching 34% and 33.7% respectively. The report highlights the many factors that affect the recycling rate including global recycling commodity prices. Moving this number to Maine goal is why the MRC is focused on reopening MWS and ensuring that it is fully operational thus reducing the reliance on landfills for disposal. The report highlights that there is enough landfill disposal capacity for the next five years at current Maine generated MSW rates. Additional capacity should become available when the MWS plant is operational.

This report also teased the Maine Materials Management Report (MMMR) to be released in January 2024. It highlighted that it would provide recommendations "to treat waste as a valuable resource to be recovered rather than as a liability". This is what the Hampden Facility is designed to do in accordance with the state's Solid Waste Management Hierarchy. The MMMR will also provide guidance in regard to the EPR implementation following the robust stakeholder input noted in another article.



ABOUT THE MRC

The Municipal Review Committee (MRC) is a non-profit association of Maine communities led by an elected, volunteer board of directors. 115 members have joined together to ensure the affordable, environmentally sound disposal of MSW in the long-term and send their MSW to the facility in Hampden for processing.

Visit www.mrcmaine.org or contact Mike Carroll at 207-664-1700 or execdirector@mrcmaine.org to learn more about the Municipal Review Committee and to add your name to our email contact list.

WASTE SWAP UPDATE

We have helped address temporary bypass costs and have been working with both Waste Management and Casella on behalf of our members.