

THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF ENERGY
AND ENVIRONMENTAL AFFAIRS
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Massachusetts Executive Office of Energy and Environmental Affairs (EEA), under its authority pursuant to M.G.L. c. 94 Section 321 - 326, and in conformance with M.G.L. c.30A, will hold a public hearing on proposed amendments to the Provisions for Recycling of Beverage Containers regulations at *301 CMR 4.00*. The proposed change is a revision to 310 CMR 4.05 (4) proposing to change the handling fee for bottles from 2.25 cents/beverage container to 3.25 cents/beverage container.

A public hearing will be conducted on the following date at the following location to receive comments on the proposed revisions. Testimony may be presented orally or in writing at the hearing.

Wednesday, March 11, 2013, 11:00 – 2:00 PM
100 Cambridge Street
2nd Floor Conference Room
Boston, MA 02114

Written testimony will be accepted from the opening of the comment period on Friday, February 1, 2013 until 5 P.M. Friday, March 22, 2013. Written testimony should be submitted via email to Daniel.Sieger@state.ma.us or mailed to: Dan Sieger, Executive Office of Energy and Environmental Affairs, 100 Cambridge Street, Suite 900, Boston, MA 02114. Copies of the proposed regulations are available on the EEA website at <http://www.mass.gov/eea/> or may be obtained by calling Dan Sieger at 617-626-1172. For special accommodations for this event or to obtain this information in an alternative format, you may contact Barbara Nobles Crawford, Executive Office of Energy and Environmental Affairs, ADA coordinator, at 617-626-1161, 100 Cambridge Street, Suite 900, Boston, MA 02114.

By the order of the Executive Office of Energy and Environmental Affairs
Richard K. Sullivan Jr.

SMALL BUSINESS IMPACT STATEMENT

In order to accurately predict the impact the adoption, amendment, or repeal of a regulation will have on small businesses, the promulgating authority must conduct a thorough analysis that not only considers the potential effects of the action but also quantifies the costs, if any, associated with each. The questions below are designed to aid promulgating authorities in conducting their analysis.

Agency Submitting Regulation: Executive Office of Energy & Environmental Affairs

Subject Matter of Regulation: Bottle Bill Regulations - Redemption Center Handling Fee

Regulation No: 301 CMR 4.00

Statutory Authority: M.G.L. c. 94, §§ 321 through 326

Other Agencies Affected: No other agencies are involved in implementing or overseeing these regulations.

Other Regulations That May Duplicate or Conflict with the Regulation: NA

Describe the Scope and Objectives of the Regulation: The proposed change to 301 CMR 4.00 would raise the handling fee paid to redemption centers from the current 2.25¢ per beverage container to 3.25¢. This fee is paid to redemption centers by distributors for the acceptance and management of deposit containers received from consumers. The fee has not been raised since 1991. The objective of the change is to raise the fee to better reflect current market conditions.

Business Industry(ies) Affected by the Regulation: Redemption Centers, Beverage Manufacturers

Types of Businesses Included in the Industry(ies): Redemption Centers, Beer and Soft Drink Manufacturers/Distributors

Total Number of Small Businesses Included in the Regulated Industry(ies) *Please see the attached guidance documents for assistance determining the total number of small businesses:* 146 Redemption Centers - all Small businesses - This is a combination of stand alone redemption centers(76) and dealers that have also registered as redemption centers (70). 40 Bottlers/Distributors.

Number of Small Businesses Potentially Subject to the Proposed Regulation: 186 - 146 redemption centers will benefit - 40-45 small distributors/bottlers will be required to pay a higher handling fee.

Effective Date Used In Cost Estimate: 2012

Yes	No	<i>*Note: For each question, please answer "yes" or "no" and offer a brief explanation. Please describe any facts, data, views, arguments, or other input from small businesses, organizations or any other sources that were used to quantify the impacts outlined below.</i>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? Administration of the regulation by EOEEA will not change under the proposed amendment. Procedures currently employed by small business will not change as a result of the proposed amendment
Yes	No	Will small businesses have to implement additional recordkeeping procedures?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	Administration of the regulation by EOEEA will not change under the proposed amendment. Procedures currently employed by small business will not change as a result of the proposed amendment
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? Administration of the regulation by EOEEA will not change under the proposed amendment. Procedures and administration currently employed by small business will not change as a result of the proposed amendment
Yes <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? Administration of the regulation by EOEEA will not change under the proposed amendment. More redemption centers may be established as a result of the increase in the handling fee and existing redemption centers may hire more people to address an increase in volume. Procedures currently employed by small bottlers/distributors will not change as a result of the proposed amendment therefore no increase in employees will be necessary
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? Administration of the regulation by EOEEA will not change under the proposed amendment. Procedures currently employed by small business will not change as a result of the proposed amendment. No outside professionals will be necessary.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? Administration of the regulation by EOEEA will not change under the proposed amendment. Procedures currently employed by small business will not change as a result of the proposed amendment, therefore no new capital investments will be necessary.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are performance standards more appropriate than design standards? The proposed change is an amendment to an existing performance standard - the handling fee paid to redemption centers based on each container redeemed.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities? Administration of the regulation by EOEEA will not change under the proposed amendment. Procedures currently employed by small business will not change as a result of the proposed amendment, therefore no new audits, inspections or other enforcement will be necessary.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will the regulation have the effect of creating additional taxes and/or fees for small businesses? A small number of bottlers/distributors (est. 40-45) will be required to pay an increased handling fee to redemption centers. 146 redemption centers will benefit from this increase and the increase may result in the establishment of more redemption centers
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? No, the proposed change does not change administrative aspects of the regulation just the amount of the fee paid by distributors/bottlers to redemption centers.

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?</p> <p>No, the proposed change will likely have the opposite impact and result in start-up of more redemption centers as a result of improve economics connected with the handling fee increase. We donot anticipate the increase in the handling fee will deter distributors/bottlers from selling products in Massachusetts.</p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?</p> <p>Yes the proposed change will likely result in the establishment of more redemption centers in Massachusetts as a result of improved economics for redemption centers connected to the handling fee increase.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Can the regulation provide for less stringent compliance or reporting requirements for small businesses?</p> <p>Administration of the regulation by EOEEA will not change under the proposed amendment. Procedures currently employed by small business will not change as a result of the proposed amendment</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Can the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</p> <p>Administration of the regulation by EOEEA will not change under the proposed amendment. Procedures currently employed by small business will not change as a result of the proposed amendment</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Can the compliance or reporting requirements be consolidated or simplified for small businesses?</p> <p>Administration of the regulation by EOEEA will not change under the proposed amendment. Procedures currently employed by small business will not change as a result of the proposed amendment</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Can performance standards for small businesses replace design or operational standards?</p> <p>The proposed change is an amendment to an existing performance standard - the handling fee paid to redemption centers based on each container redeemed.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Are there alternative regulatory methods that would minimize the adverse impact on small businesses?</p> <p>Administration of the regulation by EOEEA will not change under the proposed amendment. Procedures currently employed by small business will not change as a result of the proposed amendment</p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Were any small businesses or small business organizations contacted during the preparation of this document? If so, please describe.</p> <p>Yes, EOEEA has had extensive conversations with redemption centers, bottlers and beverage distributors with regard to the bottle deposit law and the handling fee.</p>