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Commercial Organic Materials Waste Ban Guidance for Businesses, Institutions, and Haulers

Questions on Business Size/Type that are Covered by the Ban

1. My business is part of a chain with multiple locations. How would the proposed one ton per week threshold apply to me?

A: Application of the one ton per week threshold would be based on the amount disposed per location, rather than for the entire chain. For example, if one location alone disposes of one ton per week or more of commercial organic material, that location would be subject to the ban.

If a location alone disposes of less than one ton per week of food material, that location would not be subject to the ban, even if all locations combined dispose of one ton per week or more.

However, if you are a medium to large size chain with individual locations that each fall under the threshold, it may still be worthwhile to consider diverting organics to realize potential savings in your disposal costs. In addition, a chain may have a centralized food preparation or processing location that prepares food for delivery to retail locations, which would be subject to the ban if it disposes of one ton or more per week.

2. My facility is a campus with multiple buildings with common ownership (e.g., a college or corporate campus) – would the proposed one ton per week threshold apply to my facility?

A: Assuming that the campus is under common ownership, application of the one ton per week threshold would be based on the amount of food material disposed of by non-residential sources, such as cafeterias and catering, for the entire campus combined. If the campus as a whole disposes of more than one ton per week of food material, the ban would apply, even if no one building within the campus disposes of more than one ton per week. If all buildings on the campus do not dispose one ton per week of commercial organic material in total, then the campus would not be subject to the ban.

3. How would the ban apply when a small food service operation within a larger facility or campus disposes of less than one ton of commercial organic material per week, but the entire campus disposes more than the one/ton week threshold?

A: If the campus owner or manager contracts for disposal for the smaller food service operation, then the volume of commercial organic material disposal would be based on the campus or larger facility as a whole. If the disposal of commercial organic material at the entire campus exceeded the threshold, then the facility would be subject to the ban, including the smaller food service operation. [The exception is that this would not apply to residential food waste disposal that is not from a centralized food service operation (e.g., food waste from students eating in dorm rooms.)] If the smaller food service operation contracts for disposal independently from the rest of the campus and they dispose of less than one ton per week, they would not be subject to the ban.

4. My facility is a college (or other business) and we have multiple satellite locations. How would the proposed one ton per week threshold apply to my facility?

A: Similar to a chain business, the application of the one ton per week threshold would be based on the amount disposed per location, not for the multiple locations combined. If each campus or satellite location, including all buildings and activities within that campus or satellite location, disposes one ton per week or more of food material, that location would be subject to the ban.

If the campus or satellite location individually disposes less than one ton per week of food material, then the campus would not be subject to the ban even if collectively the campuses dispose one ton or more per week.

5. I am a building or shopping mall owner with multiple businesses within a central facility. How would the proposed one ton per week threshold apply to my facility?

A: If the property owner or manager contracts for disposal for the entire property, where waste is combined, and one ton per week or more of food material is disposed, the facility would be subject to the ban.

If the businesses at the building or mall manage their waste independently, the ban would be based on how much commercial organic material is disposed by each individual business. If an individual business disposes more than one ton per week or more of commercial organic material, then that specific business would be subject to the ban.

6. My business disposes one ton of food material or more per week, but only seasonally. How would the proposed one ton per week threshold apply to my facility?

A: As proposed, the ban threshold is based on commercial organic material disposal on a weekly basis, so that a business that disposes more than one ton of commercial organic material per week, but only for part of the year, would be subject to the ban. If there are times during the

year when your business disposes minimal amounts of commercial organic material, then the ban would not apply during those periods.

7. Is a one-time event such as a fair subject to the ban?

A: Yes, if at any time throughout the year, the weekly threshold is met at a facility, then the facility will be subject to the ban.

8. Are schools subject to the ban?

A: Yes, if a school disposes one ton or more per week of commercial organic material, then the ban would apply. MassDEP has developed estimates of commercial organic material disposal for schools based on the number of students. See answer to question 12 below.

9. Are caterers subject to the ban?

A: The responsibility depends on who is managing the waste. If the caterer is disposing of one ton per week or more of commercial organic material from its own location, then the ban would apply to that location. If the caterer is disposing of the commercial organic material elsewhere, e.g., where it is serving the food, and is not responsible for contracting for such disposal, then that material would be considered as part of the location where the commercial organic material is managed and contracted for disposal.

10. Does the ban apply to a load of commercial organic material with significant amounts of contamination that gets rejected from a compost or anaerobic digestion facility?

A: Yes, if this material came from a generator subject to the ban, the waste ban would still apply to that generator. In that case, it is the generator's responsibility to separate the commercial organic material from the other materials. If it is not possible to separate the organic material, a generator should seek a waste ban exception under 310 CMR 19.017(5) for this material.

11. Does the ban apply to residuals from a compost facility?

A: Yes, the ban would apply in a similar fashion as it does now for recycling facility residuals. MassDEP recognizes that these residuals may contain some amount of commercial organic material. As part of its permit or certification, a compost facility should address how it will treat residual materials and follow those best management practices.

12. How do I know if my facility disposes of one ton or more of food waste per week?

A: MassDEP has prepared the following calculations to help businesses determine if they dispose one ton or more of food waste per week. If you are a business or institution at or above this size, you should take steps to divert food waste from disposal to ensure that you are in compliance with the proposed ban.

- College or University
 - o Residential – 730 students
 - o Non-residential – 2,750 students
- Secondary School – 4,000 students
- Hospital – 80 beds
- Nursing Home – 160 beds
- Restaurant – 70 or more full time employees
- Resort/conference Property – 475 seats
- Supermarket – 35 or more full time employees

MassDEP will continue to refine these estimates by sector if updated or improved data becomes available.

Questions on Scope of Materials Covered by the Ban

13. How will packaged food waste be treated under the ban?

A: Whenever possible, food waste should be removed from packaging at the point of generation, or be sent to a facility that can remove the packaging from the product. This is done by many generators now. In cases where this is difficult and technology or facilities are not available to remove packaging from the product, then the generator could apply for an exemption from the waste ban for that material.

14. Is pet food included in the definition of commercial organic materials?

A: Yes.

15. Are meat and dairy wastes included in the definition of commercial organic materials?

A: Yes

16. Are biodegradable products (e.g., compostable plates and cups) and compostable paper (e.g., paper towels, napkins, etc.) included in the definition of commercial organic material?

A: No, these materials would not be included within the ban. However, depending on where a business or institution is sending its food waste, it may be possible and beneficial to include these materials as part of the food waste collection. A business should check with its hauler and/or compost facility to determine whether these materials can be accepted.

17. Is wash water from food processors subject to the ban?

A: Liquid food waste is subject to the ban, if sent for solid waste disposal. Prior to sending this material for disposal at a solid waste facility, a facility should determine whether there are other outlets, depending on the concentration and solids content of the wash water. If there are no other alternatives, a generator could seek a waste ban exception under 310 CMR 19.017(5) for

this material. The ban would not apply if there are minimal levels of food material in the wash water.

18. If a business has an on-site system that reduces the weight and volume of commercial organic material from more than one ton per week to less than one ton per week, would the ban apply to that business?

A: No, in this case, the business would be considered to be disposing less than one ton per week and would not be subject to the ban. However, even if the ban were not to apply, MassDEP would still encourage this material to be diverted from disposal, as it may be less expensive to manage it as a compost feedstock rather than sending it for disposal and paying a higher tip fee. This material will tend to be simpler and less problematic to store and transport because of the reduced moisture content.

Questions on How to Comply with the Ban

19: My business or institution currently disposes of one ton or more of food waste per week. What are my options and what steps do I need to take to separate my food waste and comply with the ban?

A: First, note that a business or institution is only subject to the ban if it disposes of one ton or more of food waste per week. However, the more food waste you reduce or divert from disposal, the greater your savings can be.

There are a number of ways that a business or institution can comply with the ban. These can include any combination of the following:

- Reducing food waste generation through more efficient food service operations. Some entities have been able to reduce their food waste by ½ through these efforts;
- Donate servable food to shelters, food pantries, and food rescue operations;
- Use an on-site system to compost or process food waste;
- Work with your hauler or another hauler to send separated food waste for animal feed; and/or
- Work with your hauler or another hauler to send separated food waste to an anaerobic digestion or composting facility.

20. Where can I get help to separate my food waste and comply with the ban?

A: MassDEP provides assistance to businesses and institutions through the RecyclingWorks in Massachusetts program. To get started or improve an existing program, visit the program web site at www.recyclingworksma.com, email info@recyclingworksma.com, or call (888)254-5525. This site includes a searchable service provider database to find a hauler or facility that will take separated food waste.