



Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

**Massachusetts Department of Environmental Protection (MassDEP)
Commercial Organic Materials Waste Ban
Guidance for Businesses, Institutions, and Haulers
January 2022**

Note: For all of the questions and answers below, the current applicable threshold is disposal of one ton or more of commercial organic material per week. Commercial organic material is defined as food material and vegetative material (e.g., cut flowers). Beginning in November 2022, the applicable threshold will be disposal of ½ ton or more of commercial organic material per week.

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

1. My business is part of a chain with multiple locations. How does the commercial organics ban threshold apply to me?

A: Application of the weekly disposal threshold would be based on the amount disposed per location, rather than for the entire chain. If one location alone exceeds the threshold, that location would be subject to the ban. If an individual location alone does not exceed the threshold, that location would not be subject to the ban, even if all locations combined exceed the threshold.

However, if you operate a business with multiple 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. That location would be subject to the ban if it exceeds the threshold.

2. My facility is a campus with multiple buildings with common ownership (e.g., a college or corporate campus) – how does the commercial organics ban apply to my facility?

A: Assuming that the campus is under common ownership, this would be based on the amount of food material disposed of by non-residential sources, such as cafeterias and catering, for the

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

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entire campus combined. (Food waste from dormitories would be excluded for this purpose.) If the campus as a whole exceeds the threshold, the ban would apply, even if no one building within the campus exceeds the threshold on its own. If all buildings on the campus do not exceed the threshold 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 does not exceed the threshold, but the entire campus does?

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. (Food waste from dormitories would be excluded for this purpose.) If the smaller food service operation contracts for disposal independently from the rest of the campus and they do not exceed the threshold, 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 commercial organics ban apply to my facility?

A: Similar to a chain business, the application of the threshold would be based on the amount disposed per location, not for the multiple locations combined. If a specific campus or satellite location, including all buildings and activities within that campus or satellite location, exceeds the threshold, that location would be subject to the ban.

If the campus or satellite location individually does not exceed the threshold, then the campus would not be subject to the ban even if collectively the campuses taken together do exceed the threshold.

5. I am a building or shopping mall owner with multiple businesses within one facility. How would the commercial organics ban apply to my facility?

A: If the property owner or manager contracts for disposal for the entire property, where waste is combined, and commercial organics disposal from the entire property exceeds the threshold, the facility would be subject to the ban. However, note that food waste from residential properties such as apartments or condos is not 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 exceeds the threshold, then that specific business would be subject to the ban.

6. My business exceeds the threshold, but only seasonally. How would the commercial organics ban apply to my facility?

A: The ban threshold is based on commercial organic material disposal on a weekly basis. So if a business exceeds the threshold for any week, even if only for part of the year, it 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 commercial organics ban?

A: Yes, if a school exceeds the threshold, then the ban would apply. However, MassDEP estimates that most public schools will not exceed the reduced ½ ton per week threshold. MassDEP has developed estimates of commercial organic material disposal for schools based on the type of school and 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 exceeds the threshold from its own kitchen 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 that waste 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 properly 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 exceeds the threshold for the commercial organics ban?

A: MassDEP has prepared a food waste estimation tool available through our RecyclingWorks in Massachusetts (RecyclingWorks) program that provides sector-based estimates for food waste generation. Note that this tool does not absolutely determine whether a business is subject to the

ban, as individual businesses may generate more or less food waste than the sector based averages. However use of this tool will help a business to understand how likely it is for a business to be subject to the commercial organics ban. The RecyclingWorks food waste estimation tool is available at <https://tinyurl.com/rwfoodwaste>.

Questions on Scope of Materials Covered by the Ban

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

A: Whenever possible, food material should be removed from packaging and separated at the point of generation. If this cannot be done, then it can be sent to a facility that can remove the packaging from the product. Many businesses manage packaged food material in this way 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 facility where they send their food scraps to determine whether these materials can be accepted. If these materials are accepted, it is important to have systems in place to prevent contamination from similar food service ware that is not compostable.

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

A: Liquid food waste is subject to the ban, but only if sent for solid waste disposal. However, liquids are typically not allowed to be disposed of at solid waste facilities. To the extent that food materials are managed as part of the waste water stream at a business, it is important to ensure that the business complies with all requirements of their local sewer system.

18. If a business has an on-site system that reduces the weight and volume of commercial organic material below the threshold, would the ban apply to that business?

A: No, in this case, the business would be considered to be disposing of less than the applicable threshold 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 separated organic material rather than sending it for solid waste 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 enough food material to be subject to the ban. 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 food waste above the applicable threshold. 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 and systems to track food waste: <https://tinyurl.com/rwfoodwaste1> (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: <https://tinyurl.com/rwfoodwaste2>
- Use an on-site system to process food waste: <https://tinyurl.com/rwfoodwaste3>
- Work with your hauler or another hauler to send separated food waste for animal feed, to an anaerobic digestion, or to a composting facility: <https://tinyurl.com/rwfoodwaste4>

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.