

**Organics Subcommittee Meeting Summary**  
**March 19, 2019 - 1:00 PM – 3:00 PM**  
**MassDEP, One Winter Street, Boston, MA**

John Fischer of MassDEP provided an introductory presentation that summarized food waste reduction progress in MassDEP and framed program strategies looking forward. This presentation is posted along with this meeting summary on the [MassDEP web site](#).

Questions and comments

Q: Why is data from animal feed operations so difficult to track?

A: There is a reporting gap as neither MassDEP nor the Massachusetts Department of Agricultural Resources receive reports on the amount of food material accepted by farms that feed this material to animals.

Q: Does the diversion data include materials going out-of-state?

A: Generally, no. But where we do know that significant amounts of food material go to a particular out of state operation, we do request their tonnage data (e.g., Exeter Agri Energy in Maine.) This reporting trend may be more significant going forward as more food material potentially goes to facilities in other states.

C: The Master Plan should include clear definitions of the different types of facilities and operations that accept food materials.

Q: Where does the Greater Lawrence Sanitary District project fit?

A: Material going to that facility is counted as part of the anaerobic digestion (AD) amount.

Q: What are the wastewater operations?

A: Parallel Products in New Bedford and Recycleworks in Weymouth both engage in product destruction, recycling product packaging and discharging liquid product into the sewer system.

Q: Do anaerobic digestion numbers include both wet and dry AD?

A: At this time the only anaerobic digestion operations taking material from Massachusetts sources are “wet” AD facilities.

Q: How is the packaging managed in a de-packaging operation?

A: This depends on the depackaging facility. Sometimes packaging is disposed of as trash after the de-packaging process, if it becomes contaminated through the process. Other times, packaging can be separated cleanly, in which case the packaging can be sent to a materials

recovery facility (MRF) for recycling or baled to ship for recycling. Loads with the same packaging are easier to recycle because the type of material coming out is more consistent.

Q: Is there any data on how many people are being fed through food rescue?

A: Food donation organizations do typically track this type of data. About 30,000 people a week receive food from Lovin' Spoonfuls, for instance. MassDEP will look to include this type of data in future updates on food donation and rescue.

Q: Would MassDEP consider using the Recycling Loan Fund or Recycling Dividends Program to provide funding for composting equipment, e.g, for equipment to sort overs from a compost pile? The equipment is expensive but only needs to be used once in a while. Composters could come together to form a co-op to buy and share the machine.

A: MassDEP has not traditionally used these programs to support co-op models. However this could work if one entity owned the piece of equipment and worked out an arrangement to share it with other facilities. Compost operations are eligible for loans through the Recycling Loan Fund now and could apply at any time. Food material is not currently a target material for the Recycling Business Development Grant program, however MassDEP establishes target materials for that program on an annual basis and will consider this for an upcoming round.

Q: What drives the selection of target materials for the Recycling Business Development Grant?

A: As opposed to previous grant models which provided smaller amounts for a diverse range of projects, the RBDG program is trying to make a measurable difference by “moving the needle” on the capacity to manage specific materials in the state. Some of the criteria that MassDEP considers are:

- Is there a market need and gap for a particular material?
- Is there an opportunity to address that gap through capital equipment investments?
- Can this material and markets be effectively managed in state?
- Will grants for a target material work synergistically with other MassDEP programs?

Q: From the RecyclingWorks in Massachusetts (RecyclingWorks) perspective, how is the adoption of food waste diversion practices working for businesses? What do they have to say?

A: There is a spectrum. A fair amount of operations are still not aware of waste bans in general, much less the food waste ban, so there is a need for constant awareness and education. Once people begin to understand the implications of the bans, they begin to take action and are often willing to engage in multiple levels of the diversion hierarchy. There have also been a lot of new technologies developed over the past few years to support adoption.

C: The burden of proof should be on generators to prove that they are *not* generating one ton of food waste per week. Thirty-nine is a small number of NONs for food waste over almost five years. MassDEP should be conducting more inspections and issuing more enforcement of the commercial organics ban.

R: The waste ban regulations do not contain a requirement for documentation or reporting. MassDEP has to be able to document an observed violation in order to issue an enforcement action. However, MassDEP does expect to do more direct outreach to businesses that we believe may generate one ton or more of food waste per week and, therefore, be subject to the commercial organics ban.

Q: Why are the number of penalties (three) so low compared to the number of NONs?

A: Penalties are issued only for repeat violations. When a company receives a NON, it must respond stating how they will maintain compliance going forward. In most cases, this response to an NON gets a company in compliance and it is not necessary for MassDEP to issue a penalty. Achieving compliance through an NON as opposed to issuing higher level enforcement with a penalty is a much more efficient use of MassDEP resources, as higher level enforcement is significantly more time consuming than issuing an NON. MassDEP wants to get generators into compliance as effectively as possible through multiple routes including NONs, RecyclingWorks assistance, and outreach, so that penalties are only issued when other routes are not effective.

Q: When you have front- or rear-loader trucks serving a large number of customers, how do you determine whose material is responsible for a failed load?

A: It's hard in these cases. MassDEP has to go back upstream to ask the hauler who is on the route and estimate which entity might fall under the ban based on business characteristics and size.

Q: In terms of outreach on the food waste ban, how did MassDEP determine which 50 businesses to send letters to?

A: MassDEP used existing data to determine which generators appear to be well above the threshold. We then excluded companies whom we know have programs to separate and divert food waste from the trash. MassDEP also focused this list on geographic areas with a high amount of food waste generation where increased diversion could help to maximize collection route density.

Q: How does MassDEP support businesses who want to implement reduction or donation initiatives?

A: MassDEP provides support through RecyclingWorks. Businesses can call or email RecyclingWorks for assistance, and they will provide assistance via phone or email. In many cases, this assistance relies on information resources on the RecyclingWorks web site. In more complex cases, RecyclingWorks can provide on-site assistance to a business.

C: Enforcement has to be increased for large food waste generators. The large generators have had almost five years to comply with the ban, and enforcement numbers are low.

C: There has to be some sort of algorithm that can target franchises/companies with multiple locations that collectively produce one ton of food waste a week. Even if chain locations do not generate one ton or more of food waste per week, there may be opportunities to work with them to implement programs, especially if there is potential to lower the ban threshold in the future.

C: It is time to reduce the ban threshold from one ton to one-half ton, which will target those who used to generate one ton and are now just under the threshold along with those that are currently just under the ton.

Q: How is it fundamentally different to require the generators to report their generation and diversion data to MassDEP, since AD facilities already have to report their metrics to MassDEP? It is difficult to balance capacity and supply if you don't have the data on the supply side.

A: MassDEP requires facilities such as anaerobic digesters and compost operations to submit annual reports as part of a permit requirement. MassDEP doesn't have regulatory authority to require reporting from food waste generators. But we do have factors that can be used to estimate generation for certain business sectors. When the ban was enacted, the business community opposed a state-wide reporting mechanism. We would expect similar opposition if we were to propose that again.

Q: Can MassDEP start the process now to drop the ban threshold to one-half ton per week instead of waiting until 2021? It seems like wasted time if we don't make that change soon.

A: Yes. MassDEP does expect to have more discussions with the Organics Subcommittee this spring on this and other initiatives to further reduce food waste. In fact, there are many cases when MassDEP will actively work on development of a program or policy initiative at the same time as the Master Plan process is proceeding.

C: MassDEP needs to address processing capacity and potential contamination if medium-sized generators are added.

R: Yes, in order to establish a lower ban threshold, we need to ensure that we will have both the collection and processing capacity to manage this amount and type of material being banned.