



Regulatory Update on DEP Organics Waste Ban Effective October 1, 2014

Recent Update to Massachusetts Department of Environmental Protection (DEP) Regulations:

- January 2014 – Revisions to 210 CMR 19.000 finalized (Massachusetts Waste Ban Regulations).
- October 1, 2014 – Organics Waste Ban goes into effect – institutions that generate over one ton per week of organic (compostable) waste will need to have composting programs in place.

Applicability

- This applies to any dining or retail facility that is owned or contracted by Harvard to operate on the Cambridge/Allston Campus, and on the Longwood campus.
- This may apply to the Forest, Arboretum, CFS, and NEPRC, if they generate vegetative or organic material over the one ton per week limit.
- This would also apply to one-time fairs or events (e.g., Commencement, athletic events) that are held on a campus that regularly generates over one ton of organic waste.
- The one ton per week limit does not include waste from food eaten in student rooms.
- The one ton per week limit does not include waste from food from restaurants operated separately from Harvard that are Harvard tenants, but does include operations by vendors that are contracted by Harvard to serve food within the Harvard campuses.

DEP Recommendations for Managing Food Waste

- Reduce food waste generation through more efficient food service operations;
- 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.

University Resources to Assist in Meeting the Requirements

- Campus Services Recycling and Waste Management (can provide bins and other materials, and assistance setting up compost infrastructure): <http://www.energyandfacilities.harvard.edu/facilities-services/recycling-waste-management>
- Office for Sustainability (can provide expertise in implementing zero waste events and composting outreach campaigns): <http://green.harvard.edu/about>
- University-wide waste reduction template signage (including composting): <http://green.harvard.edu/topics/waste/signage>
- EHS Guidance on DEP Waste Bans: <http://www.ehs.harvard.edu/programs/solid-waste>

DEP References

- Regulations: <http://www.mass.gov/eea/docs/dep/service/regulations/wbreg14.pdf>
- Guidance: <http://www.mass.gov/eea/docs/dep/recycle/laws/orgguid.pdf>



DEP Definitions

- Commercial Organic Material means food material and vegetative material from any entity that generates more than one ton of those materials for solid waste disposal per week, but excludes material from residences.
- Food Material means material produced from human or animal food production, preparation, and consumption activities and which consists of, but is not limited to, fruits, vegetables, grains, and fish and animal products and byproducts.
- Residence or Residential means a single, multi-family, or group home, or apartment complex.
- For the purposes of 310 CMR 19.000, a group home means an establishment, usually resembling a private home, for providing a small group of persons with special needs, such as handicapped or elderly persons or children, with lodging and supervised care. ***This type of residence does not include any centralized dining facility.***

Relevant FAQs Copied from DEP Guidance

(Refer to <http://www.mass.gov/eea/docs/dep/recycle/laws/orgguid.pdf> for full list)

Q. 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 of one ton per week of commercial organic material in total, then the campus would not be subject to the ban.

Q. 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.

Q. 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 of less than one ton per week of food material, then the campus would not be subject to the ban even if collectively all campuses dispose one ton or more per week.