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MassDEP Issues Proposed Organic Waste Disposal Ban Regulations

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On July 10, 2013, Massachusetts Department of Environmental Protection (MassDEP) released draft regulations proposing to institute a ban on the disposal, transfer for disposal, and contracting for disposal of commercial and institutional organic waste, similar to existing waste bans that have been in place since 1990 of other hazardous, recyclable, and compostable materials. The ban applies to all commercial entities in Massachusetts, such as hospitals, universities, hotels, supermarkets, and large restaurants, that dispose of more than one ton of organic food waste per week. The draft regulations affect these qualifying entities because the regulations expand the existing ban on disposal items as provided in 310 CMR 19.017. To comply, businesses subject to the ban will need to separate and divert food waste from the trash through various means. The regulations would become effective on July 1, 2014.

The proposed amendments would add “commercial organic material” to the list of material banned from disposal in the state’s solid waste disposal regulations at 310 CMR 19.000, meaning entities that generate and dispose of more than one ton of food material or vegetative material per week are banned from doing so. Organic waste generated by residencies (including multi-family, group homes, and apartment complexes) is not covered by this new regulation. MassDEP estimates that approximately 1,700 businesses and institutions are subject to this waste ban, and believes that at least 1,000 of these entities are already diverting food waste from disposal in some way.

MassDEP has released a [guidance document](#) with the draft regulations that provides some operational help to businesses, institutions, and haulers that may be subject to the regulations. The document explains that the ban applies to the amount of material disposed per location, so businesses with multiple sites will measure waste output at each location. MassDEP also prepared calculations to help businesses determine food waste production on a weekly basis.

MassDEP states that the program is a step in the state’s goal to reduce the current waste stream by 30% by 2020. With a larger supply of organic waste, MassDEP predicts there will be more opportunities for businesses to flourish and the number of disposal facilities will grow with time.

According to the Boston Globe, some business groups are concerned about potential costs. In order to effectively separate food waste, businesses must pay for special containers and compactors to store waste safely. Businesses will also have to utilize a sophisticated transportation network in order to transport the food waste. Currently, there are a lack of digester facilities to take this waste, since there are only two anaerobic digesters located in Massachusetts that accept food waste. MassDEP may be able to offset some of these costs with its grant and low-interest loan programs.