

DRAFT Food Scrap Management Policy

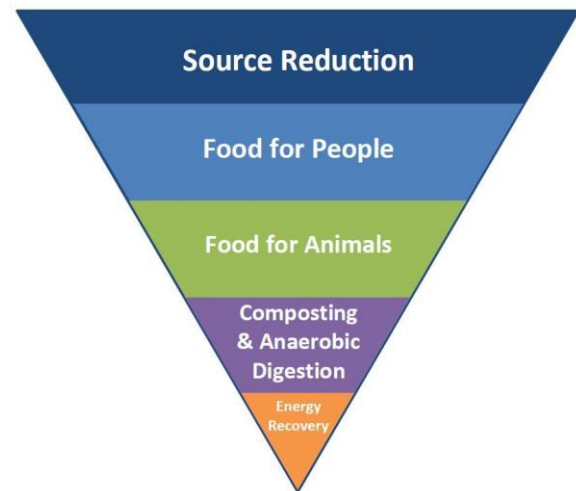
Given the growth of depackagers for food waste and the potential impacts this may have on the Food Recovery Hierarchy, ANR is notifying all parties—food residual generators, organics haulers, and organics management facilities of the following state laws and policy.

10 V.S.A. §6605k “FOOD RESIDUALS MANAGEMENT HIERARCHY

It is the policy of the state that food residuals collected under the requirements of this chapter shall be managed according to the following order of priority uses:

- (1) Reduction of the amount generated at the source;
- (2) Diversion for food consumption by humans;
- (3) Diversion for agricultural use, including consumption by animals;
- (4) Composting, land application, and digestion;
- and
- (5) Energy recovery.”

Vermont Food Recovery Hierarchy



Food residuals - are defined in statute (10 V.S.A. §6602(31)) as:

“source separated and uncontaminated material that is derived from processing or discarding of food and that is recyclable, in a manner consistent with section 6605k of this title. Food residual may include preconsumer and postconsumer food scraps. “Food residual” does not mean meat and meat-related products when the food residuals are composted by a resident on site.”

Source Separated – is defined in statute (10 V.S.A. §6602(32)) as:

“the separation of compostable.... materials from noncompostable....materials at the point of generation.” (sections of this definition applicable to mandated recyclables removed for clarity)

10 V.S.A. §6605k (b) “A person who produces more than an amount identified under subsection (c) of this section in food residuals and is located within 20 miles of a certified organics management facility shall:

- (1) *Separate food residuals from other solid waste, provided that a de minimis amount of food residuals may be disposed of in solid waste when a person has established a program to separate food residuals and the program includes a component for the education of program users regarding the need to separate food residuals; and*
- (2) *Arrange for the transfer of food residuals to a location that manages food residuals in a manner consistent with the priority uses established under subdivisions (a)(2)-(5) of this section or shall manage food residuals on site.*

DRAFT POLICY

Based upon the applicable statutes above, the intent of the Universal Recycling Law (Act 148 of 2012), and the evolving food residuals management strategies being employed across the state, there is need for the Agency to provide some clarification on food scraps management. Depackaging facilities will be necessary to handle large volumes of packaged food residuals to meet the disposal ban on food residuals on July 1, 2020. In order to support depackaging operations and simultaneously support the prioritized uses outlined in the food recovery hierarchy for source separated food residuals, it is the Agency's policy that:

1. **Generator:** in accordance with the statutes listed above are responsible for the following:
 - a. **Food Residuals:** Generators shall source separate food residuals from non-compostable materials (i.e. labels, packaging, etc.) at the point of generation and arrange for the transfer of source separated food residuals to a location that manages food residuals in a manner consistent with the priority uses of the hierarchy. No food residuals may be mixed with trash.
 - b. **Packaged Organics:** In some cases, generators for whom manual source separation of packaged food residuals would represent excessive hardship, may contract with a depackaging facility to process packaged food residuals. Packaged food residuals shall not be comingled with source separated food residuals like produce, dairy, meat, baked goods and other food waste.
2. **Hauler:** A hauler shall not co-mingle source separated food residuals with any non-compostable materials (packaged food residuals, recyclables, trash, etc.). If transporting more than one type of waste stream at a time, haulers shall provide a means to physically keep each stream separate. Haulers should have an established plan for refusing contaminated loads and for communicating with generators who are not compliant with the source separation requirements above.
3. **Facility:** To assure compliance with the Universal Recycling Law requirements, facilities managing source separated food residuals and packaged food residuals shall meet the following standards:
 - a. **Process Quality:** Facilities shall be maintained and operated to maximize mandated recycling and minimize organics in the final depackaging residual.
 - b. **Universal Recycling Law Compliance Plan:** Facilities shall have an Agency approved plan for routinely evaluating and diverting each distinct organic stream to the highest and best use.
 - c. **Processing:** unless otherwise approved by the Secretary, source separated food residuals and packaged organics shall not be mixed in the depackaging process. This assures that no source separated food residuals will be inadvertently lost to the depackaging stream.
 - d. **Communication Plan:** Facilities shall have an established plan for communicating with generators and haulers who are not complying with the separation requirements. If cross-contaminated deliveries continue to be received at the facility on a routine basis, the Agency shall be notified.