



Maryland
Department of
the Environment

Session 3 – Waste Diversion

State Report



Maryland

Department of
the Environment



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Legislative Update



Legislative Updates

- [SB262/HB253](#) - On-Farm Composting Facilities—Permit Exemption
- [COMAR 26.04.11.06](#)
- C. A Composting Facility Permit is not required for an on-farm composting facility, regardless of its size, if:
 - (1) The composting facility complies with the general restrictions in Regulation .04B of this chapter;
 - (2) The composting facility composts only organic materials generated on site or at another farm controlled by the same operator; and
 - (3) The compost is used for personal, household, family, or agricultural purposes at the farm where the composting facility is located or at a farm controlled by the same operator.



Legislative Updates

- D. A Composting Facility Permit is not required for an on-farm composting facility that uses no more than 40,000 square feet of area in support of composting operations if the composting facility:
 - (1) Complies with the general restrictions in Regulation .04B of this chapter;
 - (2) By no later than January 1, 2017 for an existing composting facility, or before commencement of operations for a new composting facility, is constructed and operated in accordance with:
 - (a) A nutrient management plan, if required under COMAR 15.20.07; and



Legislative Updates

- (b) Either:
 - (i) A soil conservation and water quality plan that describes the composting facility components and design, schedule for storage and utilization of the materials, system maintenance, and operational procedures to ensure that the requirements of Regulation .04B of this chapter are met; or
 - (ii) An agricultural waste management system plan that describes the composting facility components and design, schedule for storage and utilization of the materials, system maintenance, and operational procedures to ensure that the requirements of Regulation .04B of this chapter are met; and



Legislative Updates

- (3) Composts only one or more of the following:
 - (a) Organic materials generated on site or at another farm controlled by the same operator;
- E. A Composting Facility Permit is not required for an on-farm composting facility that uses no more than 5,000 square feet of area in support of composting operations if the composting facility:
 - (1) Is a Tier 1 or Tier 2 facility;
 - (2) Complies with the general restrictions in Regulation .04B of this chapter; and
 - (3) Except where a smaller pile size is required by local law:
 - (a) Maintains any raw feedstock storage piles at a height of 9 feet or less; and
 - (b) Maintains any active composting pile, curing, or finished compost piles at a height of 12 feet or less.



Legislative Updates


- [SB262/](#)[HB253](#) - On-Farm Composting Facilities—Permit Exemption
 - Requires the Department of the Environment to adopt regulations to exempt an on-farm composting facility from the requirement to obtain a permit if the on-farm composting facility uses 10,000 square feet of area or less for active food scrap composting
 - composts only certain materials
 - records the amount and source of off-site type 2 organics composted and the date and time the off-site type 2 organics arrived on the farm.
 - The bill also requires that the on-farm composting facility retains the records for 5 years, provides records on request, and meets any other condition for a permit exemption



Food Residual Diversion



Food Diversion Law - Quick Summary

- Requires businesses, with limited exceptions, that generate 1 ton or more of food residuals per week to divert any wasted food from final disposal in a landfill or incinerator **IF** they are within a 30-mile radius of an organics recycling facility that:
 - Has the capacity to
 - Is willing to 
 - Is willing to enter into a contract to

accept and process ALL of the person's food residuals for recycling



Resources

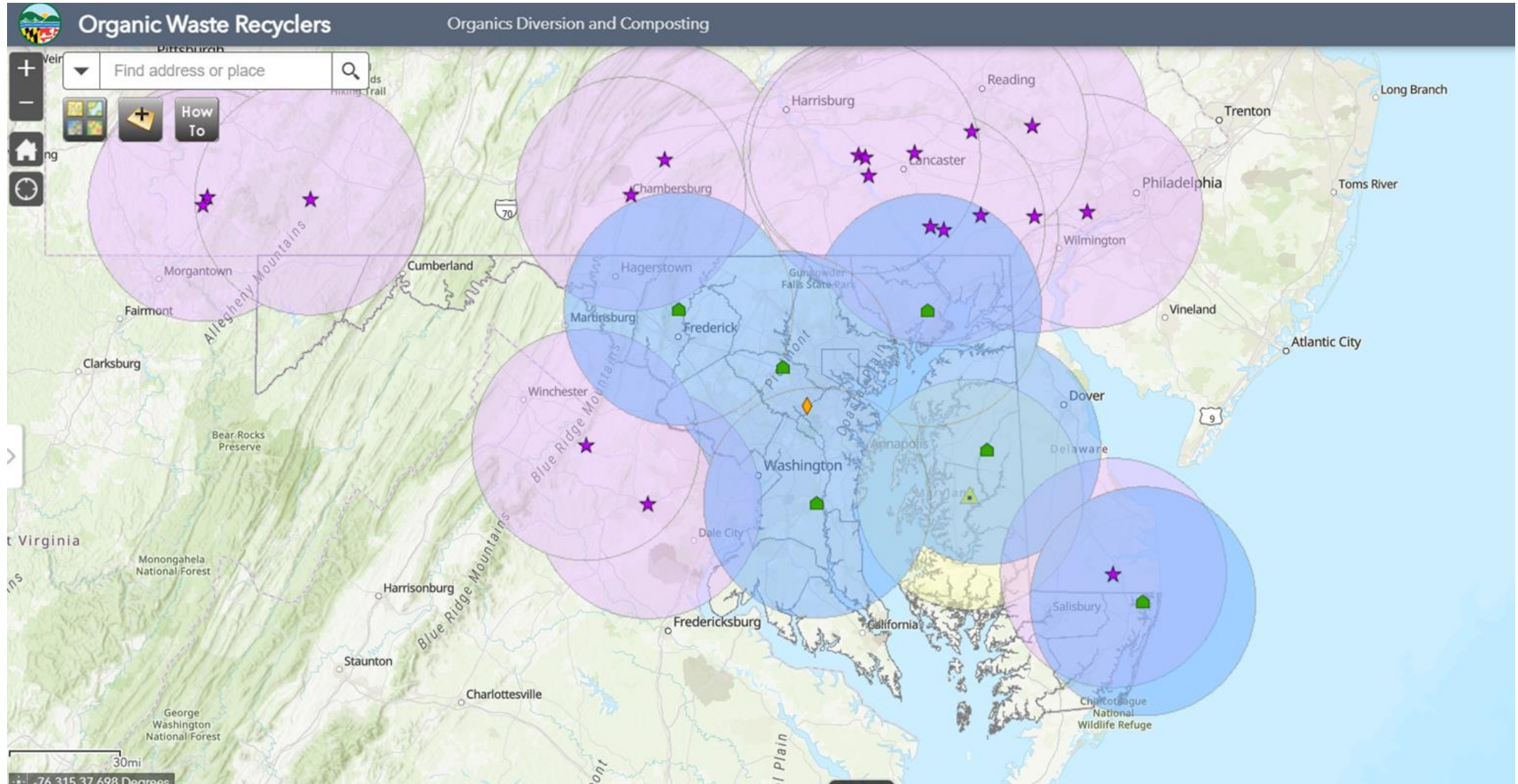
MDE [webpage](#)



or Google “MDE food residuals” - first result



Organics Recyclers* - 30-mile Buffer





Compliance Guide



Maryland
Department of
the Environment

COMPLIANCE GUIDE FOR REGULATIONS Food Residuals - Organics Recycling and Waste Diversion

This compliance guide sets forth how certain schools, institutions, and businesses (including small businesses) that generate food residuals may comply with the Code of Maryland Regulations (COMAR) 26.04.13 Food Residuals – Organics Recycling and Waste Diversion. This document is for informational purposes and **should not** be construed as legal advice. Affected establishments should consult the law (Environment Article, §§9-1701 and 9-1724.1, Annotated Code of Maryland), and the regulations, or consult legal counsel. This document is subject to change.

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Determining Applicability of the Law

- Perform a waste assessment

scale measurement



estimate by container size

estimate by industry sector





Determining Applicability of the Law

Detailed instructions and a sample of a record-keeping form are found on the Food Residuals webpage

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Land and Materials Administration • Resource Management Program
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410-537-3314 • 800-633-6101 x3314 • www.mde.maryland.gov

**Determination of Applicability of the Food Residuals Diversion Requirement
under 2021 House Bill 264/Senate Bill 483**

In 2021, [House Bill 264/Senate Bill 483, Organics Recycling and Waste Diversion – Food Residuals](#) (the law) was passed by the General Assembly. The requirements become effective beginning January 1, 2023. This document is a guide to assist in determining if a facility is considered a “person” under the Food Residuals Diversion [law](#) and if the facility is required to divert food

The definition of food residuals from the [law](#) means materials derived



Waiver from the Law

MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Waiver Application Form - Food Residuals Diversion Law

Beginning January 1, 2023, Maryland law requires certain persons generating food residuals to divert those food residuals from final disposal in a refuse disposal system (i.e., landfill or incinerator). Maryland law also authorizes the Maryland Department of the Environment (the Department) to grant a person a waiver from the food residuals diversion requirement. To apply for a waiver, complete this form and attach supporting documentation as indicated. Learn more about the food residuals diversion law and its requirements by visiting the Department's [website](#).

Waiver Reasons

A person may apply for a waiver for one of the following reasons.

- 1) A person experiences an undue hardship because of the following:
 - a. The cost of diverting food residuals from a refuse disposal system is more than 10 percent more expensive than the cost of disposing the food residuals at a refuse disposal system; or
 - b. For other reasonable circumstances.
- 2) A person generates food residuals identified by a federal or State agency as having a biosecurity or food safety concern.

Application Instructions

Before completing this application, review the legal requirements for submitting a waiver request adopted under Code of Maryland Regulations (COMAR) 26.04.13.04.

Section 1 – Requestor Information. Identify the organization requesting the waiver. The point of contact shall be



Business Recycling Reporting Form

- We encourage ALL businesses to report their recycling amounts to the county where they are located, but businesses that have to divert their food residuals under the law MUST report. ([COMAR 26.04.13.05](#))
- MDE has developed a central online Business Recycling Report that businesses can complete and submit. MDE will distribute the data to individual counties.
- You can access the report, a guide to completing the report, and an instructional video for completing the report on the Food Residuals webpage.



Enforcement - Report of Observation

The first enforcement step is a site visit. The information we will look for is shown below.

Has the facility conducted a waste assessment?	Yes	No
<ul style="list-style-type: none"> If yes, what method was used? 	DM	CV IE
Was the result over 1 ton/week?	Yes	No
Is an organics recycler within 30 miles?	Yes	No
<ul style="list-style-type: none"> If yes, is there documentation of contact? 	Yes	No
Has the facility been granted a waiver?	Yes	No
<ul style="list-style-type: none"> If yes, date waiver expires: 		
<u>Is</u> the facility currently source-separating food residuals?	Yes	No
Is the facility currently engaging in diversion activities?	Yes	No
Are food residuals stored in a manner likely to:		
<ul style="list-style-type: none"> Be conducive to insect/rodent infestation or harborage of animals? 	Yes	No
<ul style="list-style-type: none"> Cause nuisance odors or air pollution? 	Yes	No
<ul style="list-style-type: none"> Cause a discharge of pollutants to the waters of the State? 	Yes	No
<ul style="list-style-type: none"> Impair the quality of the environment? 	Yes	No
<ul style="list-style-type: none"> Create other hazards to public health, safety, welfare, or comfort? 	Yes	No



Enforcement - Site Complaint

If a violation is found, a site complaint will be issued.

The person, company, or entity named above has violated Maryland law and/or regulations regarding Solid Waste Management – Organics Recycling and Waste Diversion – Food Residuals:

- MD. Environmental Code § 9-1724.1
 - Not separating food residuals from other solid waste
 - Not ensuring food residuals are diverted from final disposal in a refuse disposal system
- Code of Maryland Regulations (26.04.13.03(A)(2)a-e) - stores food residuals in a manner that (is):
 - Conducive to insect/rodent infestation or harborage of animals
 - Causes nuisance odors or air pollution
 - Causes discharge of pollutants to the waters of the State
 - Causes impairment of the quality of the environment
 - Causes hazards to public health, safety, welfare, or comfort

Specifically, the person, company, or entity named above has: (Details of Violation)

VIOLATION LEVEL:

de minimis

minor

significant



Enforcement - Notice of Violation

After repeated violations, a fine will be assessed and a Notice of Violation will be sent to the facility.

- MD. Environmental Code § 9-1724.1
 - Not separating food residuals from other solid waste
 - Not ensuring food residuals are diverted from final disposal in a refuse disposal system
- Code of Maryland Regulations (26.04.13.03(A)(2)a-e) - stores food residuals in a manner that (is):
 - a. Conducive to insect/rodent infestation or harborage of animals
 - b. Causes nuisance odors or air pollution
 - c. Causes discharge of pollutants to the waters of the State
 - d. Causes impairment of the quality of the environment
 - e. Causes hazards to public health, safety, welfare, or comfort

This violation is the person's 1st 2nd 3rd 4th or more **violation.**

Prior Complaint Numbers				
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PROUD TO BE A

FOOD WASTE
Prevention
Week

APRIL 1-7, 2024

PARTNER



MDE will be hosting a weeklong webinar lunch-and-learn series with range of topics related to reducing wasted foods and food residual diversion



Solid Waste Infrastructure for Recycling (SWIFR)

State Workplan



Activity 1a - Organics Assessment

Key placement for organics infrastructure

Organic Recycling

Food Recovery *cold storage? food recovery to reprocess?*

Market identification

**FEEDBACK ON DATA
SOURCES AND
CHOICES IS CRITICAL**

Community confidence rating

Environmental Justice

Reduce friction

Identify specific barriers

Community engagement early and throughout

**PUBLIC
CONSUMPTION AND
COMMENTARY**

Training & Outreach

Improved markets and reducing contamination

Sustainable, equitable education and training for workforce

**EQUITABLE AND
SUSTAINABLE
PROGRAMMING**



...starting out

Contents

Search

Drawing Order

- Municipal Solid Waste La...
- Municipal Solid Waste La...
- Municipal Solid Waste La...
- Processing Facility
- Processing Facility & Tran...
- Rubble / Construction &...
- Solid Waste Incinerator
- Special Medical Waste Pr...
- Transfer Station
- Waste to Energy / MSW I...
- Municipal Solid Waste Acc...
- MDE_FoodScrap/OrganicWaste...
- General Composting Facili...
- Commercial Anaerobic Dig...
- Out of State Facilities
- 30 mile buffer (Maryland)
- 30 Mile Buffer (Out of State)
- NWW_tons_XYTableToPoint
- Sheet1_Geocoded
- DEMO_CensusDataTracts_MDP

POP100

- 0.000000 - 1640.000000
- 1640.000001 - 2525.000000

Map

Scale: 1:1,788,496

Coordinates: 78.5258972°W 38.7470903°N

Selected Features: 0

Field: Add Calculate Selection: Select By Attributes Zoom To Switch Clear Delete Copy

OBJECTID	Shape	COUNTY	Al No.	Long	Lat	FACILITY NAME	TYPE	PERMIT NUMBER	EXPIRATION DATE	SITE
1	Point	Allegany	90245	-78.923613	39.600616	Miller Bottom NWWRF-...	General	2022-NWW-GP01	9/30/2027	19.71

0 of 51 selected

Filters: 100%

MARYLAND FOOD BANK

Welcome to the Maryland Hunger Map

How to Use The Hunger Map

Search Partner Agencies

Search by Address

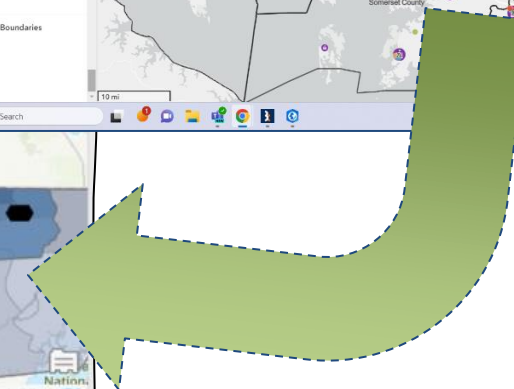
Centers

- Capacity Grant Recipients
- Geographic Boundaries
- Baltimore City CSA Data
- Zip Code Data
- County Data
- Census Tract Data
- Census Place Data

Geographic Boundaries

Countries

Data Sources





Benefits Accessible and Equitable Future

- ❑ Placement - capacity, market, zoning
- ❑ Education - sustainability, alternative opportunities, continuing education
- ❑ Certification - continuing education
- ❑ Cost sharing programs
- ❑ Equipment sharing programs
- ❑ Certified materials - accessible & approved
- ❑ Community inclusion

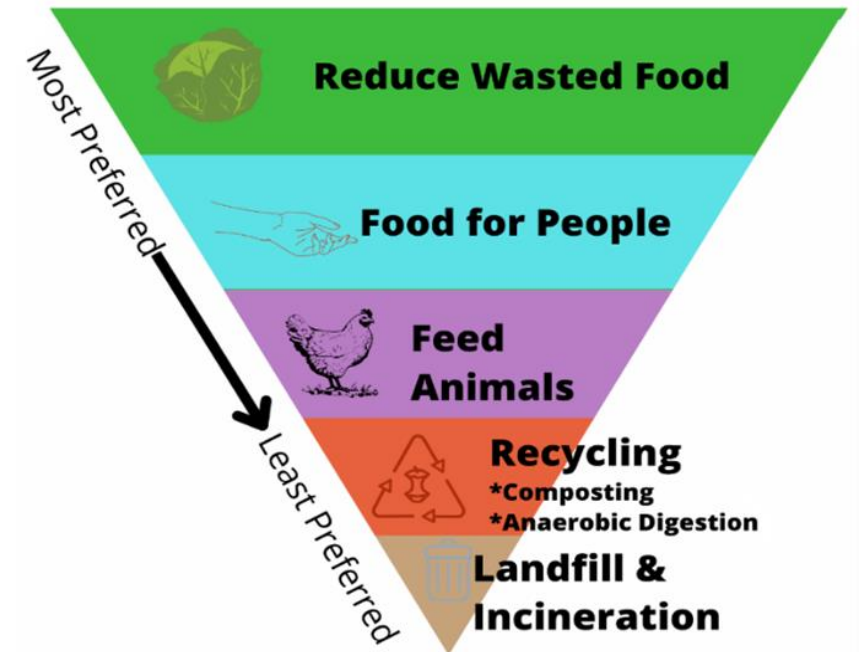
**Maintain a live plan + update with changes
critical to infrastructure and policies**



Outcomes - Activity 1a - Required

- Food Residual Tonnages Generated by Political Jurisdiction
- Weekly number meals served by public schools
- Potential organics recycling infrastructure
 - Ranked potential
 - By Political Jurisdiction
 - By Type
- # disadvantaged communities served
- potential GHGs reduced
- Roadblocks summarized
- Public GIS map identifying potential infrastructure with community ratings
- Recommended strategy on plans and pathways for training and certification programs

Maryland's Food Recovery Hierarchy





Questions?

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