

§2147. Food waste management; diversion

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Designated food waste generator" means a person that:

- (1) Beginning July 1, 2030 and until June 30, 2032, generates at a single location an annual average of 2 or more tons per week of food waste and is located within 20 miles of an organics recycler with available capacity to accept the food waste generated by the person at the location;
- (2) Beginning July 1, 2032, generates at a single location an annual average of one or more tons per week of food waste and is located within 25 miles of an organics recycler with available capacity to accept the food waste generated by the person at the location; and
- (3) Not earlier than July 1, 2035 and subject to the adoption of rules by the department pursuant to subsection 5, paragraph B, generates at a single location the annual average per week of food waste specified by the department by rule subsection 5, paragraph B and is located within the distance specified by the department by rule pursuant to subsection 5, paragraph B from an organics recycler with available capacity to accept the food waste generated by the person at the location. [PL 2025, c. 419, §4 (NEW).]

B. "Organics recycler" means an agricultural operation, composting facility, anaerobic digestion facility or any other facility that diverts food waste from incineration or land disposal. [PL 2025, c. 419, §4 (NEW).]

C. "Single location" means contiguous property under common ownership, which may include one or more buildings. [PL 2025, c. 419, §4 (NEW).]

[PL 2025, c. 419, §4 (NEW).]

2. Designated food waste generators; prohibition. Beginning July 1, 2030, a designated food waste generator may not dispose of or facilitate the disposal of its generated food waste at an incineration facility or solid waste landfill and shall:

A. To the maximum extent practicable, reduce the volume of the food waste it generates; [PL 2025, c. 419, §4 (NEW).]

B. To the maximum extent practicable, separate excess edible food from other food waste and arrange for the donation of the excess edible food to a food rescue organization; and [PL 2025, c. 419, §4 (NEW).]

C. Except as otherwise specified in this paragraph, separate food waste from other types of waste at the point of generation and transfer or facilitate the transfer of the food waste to an organics recycler for management in accordance with the following order of priorities:

- (1) Agricultural use, including consumption by animals;
- (2) Composting or anaerobic digestion, which may include energy recovery, and subsequent soil application; and
- (3) Anaerobic digestion not followed by soil application.

A designated food waste generator may manage the food waste it generates at the point of generation or at a different location through agricultural use, composting or anaerobic digestion as long as the management of the food waste is consistent with the priorities in section 2101-B, subsection 1. A designated food waste generator may commingle food waste with other types of waste at the point of generation if the commingled waste is to be managed by an organics recycler that can process such commingled waste. [PL 2025, c. 419, §4 (NEW).]

[PL 2025, c. 419, §4 (NEW).]

3. Temporary hardship waiver. A designated food waste generator may petition the department for and the department may approve a temporary waiver from some or all of the requirements of this section if the designated food waste generator demonstrates to the department's satisfaction that compliance with the requirements of this section by the designated food waste generator would cause or is causing undue hardship based on specific factors determined by the department by rule. A temporary waiver issued by the department pursuant to this subsection may be effective for a period not to exceed 3 years.

[PL 2025, c. 419, §4 (NEW).]

4. Designated food waste generators; reporting. Except as otherwise provided pursuant to subsection 5, paragraph B, beginning March 1, 2031, and annually thereafter, a designated food waste generator shall submit to the department a report, in a format specified by the department, that includes the following information:

A. The amount, in tons, of excess edible food donated by the designated food waste generator to food rescue organizations during the prior calendar year; [PL 2025, c. 419, §4 (NEW).]

B. The amount, in tons, of food waste transferred by the designated food waste generator to organics recyclers during the prior calendar year; and [PL 2025, c. 419, §4 (NEW).]

C. Any other information required by the department. [PL 2025, c. 419, §4 (NEW).]

[PL 2025, c. 419, §4 (NEW).]

5. Administration; rules; publication of information. The department shall administer the requirements of this section and shall adopt rules as necessary for the implementation, administration and enforcement of this section.

A. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A and must include, at a minimum:

(1) Provisions setting forth the methodology by which the department will determine the persons that qualify as designated food waste generators under this section; and

(2) Requirements for the temporary hardship waiver process under subsection 3. [PL 2025, c. 419, §4 (NEW).]

B. Not earlier than July 1, 2035, the department may adopt rules providing that a designated food waste generator under subsection 1, paragraph A, subparagraph (3) includes a person that generates at a single location an annual average of less than one ton but greater than 100 pounds per week of food waste or that is located farther than 25 miles from an organics recycler with available capacity to accept the food waste generated by the person at the location.

If the department adopts rules pursuant to this paragraph, the department may by rule exempt from otherwise applicable reporting requirements of subsection 4 any designated food waste generator that generates at a single location an annual average of less than one ton but greater than 100 pounds per week of food waste. [PL 2025, c. 419, §4 (NEW).]

C. By July 1, 2029, the department shall publish on its publicly accessible website and maintain and regularly update a list of all organics recyclers in the State known by the department to be authorized to accept food waste and all food rescue organizations in the State known by the department to accept excess edible food. [PL 2025, c. 419, §4 (NEW).]

[PL 2025, c. 419, §4 (NEW).]

SECTION HISTORY

PL 2025, c. 419, §4 (NEW).

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