



Department of
Environmental
Conservation



NYS Food Waste Legislation

Is Your Community Ready?

January 20, 2021





**Department of
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Conservation**



Growing the Composting Industry in New York State

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Organics Reduction and Recycling Section, Division of Materials Management

January 20, 2021

NYS Department of Environmental Conservation **Organics Reduction & Recycling Section**

Regulate and promote the diversion of organics (wasted food, yard waste, biosolids, food processing waste, etc.) from disposal to beneficial uses.

- Regulatory Oversight
- Legislation
- Funding Programs
- Outreach & Education



Where does it come from?

Industrial

- Food processors (dairy, fruit and vegetable processors, breweries, and wine-making operations)

Institutional

- Schools, colleges, universities, correctional facilities, hospitals, nursing homes



Commercial

- Restaurants, groceries, fast food, retail establishments, hotels, hospitality, events centers

Residential

- Homes, apartments, etc.



**Lost food is
generated
throughout the
entire process...**

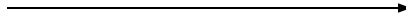
- Farming
- Post-harvest and Packing
- Processing
- Distribution



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Dominantly Linear System

FOOD SCRAPS



LANDFILL



Food Waste in the Landfills

Most significant greenhouse gas produced from waste is methane

Methane is released during the breakdown of organic matter in landfills

Organic matter includes food waste



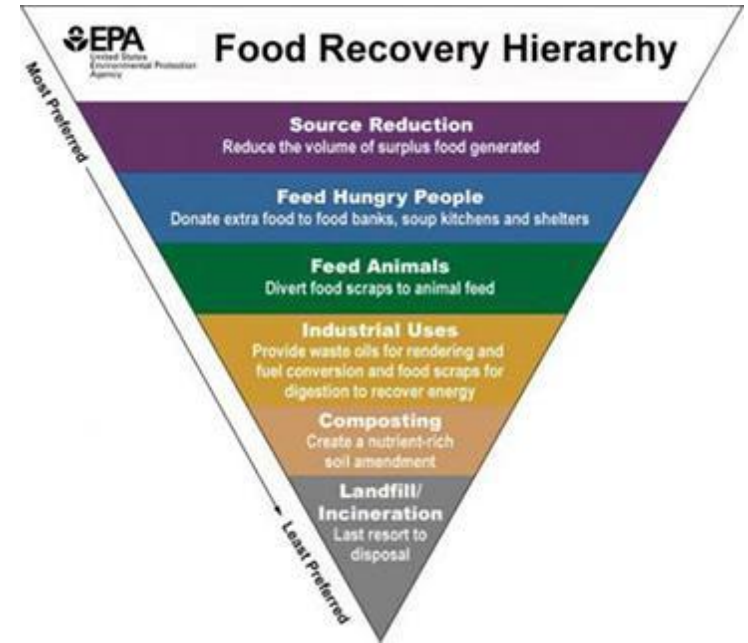
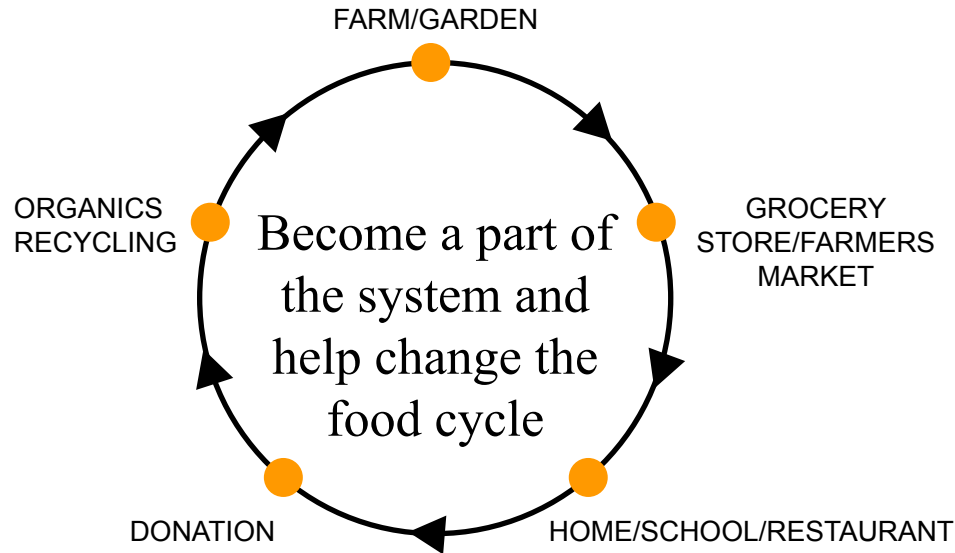
FOOD WASTE



METHANE PRODUCTION



Promotion of Circular Systems



Save the planet! – Feed People, Animals & Soils

Feed animals!

Save resources!

Water, gas, energy, labor,
pesticides, land, fertilizers

Reduce methane in landfills!

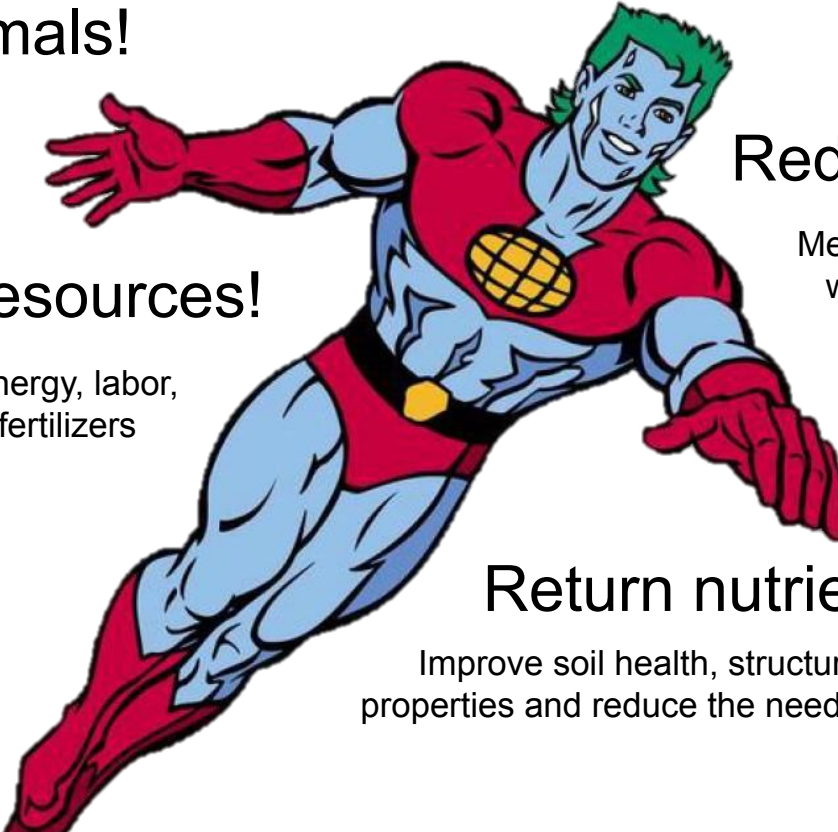
Methane has 25 times the global
warming potential than CO₂!

Feed people!

Improve access to fresh food

Return nutrients to soil!

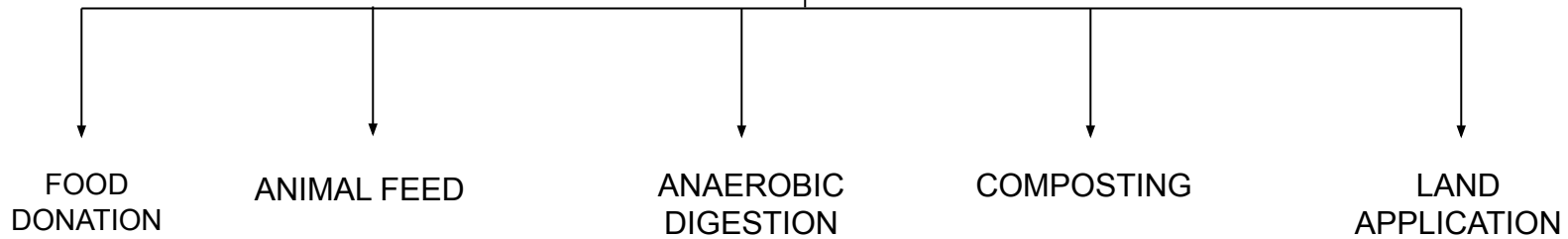
Improve soil health, structure, and water retention
properties and reduce the need for fertilizers and pesticides



FOOD WASTE



LANDFILL



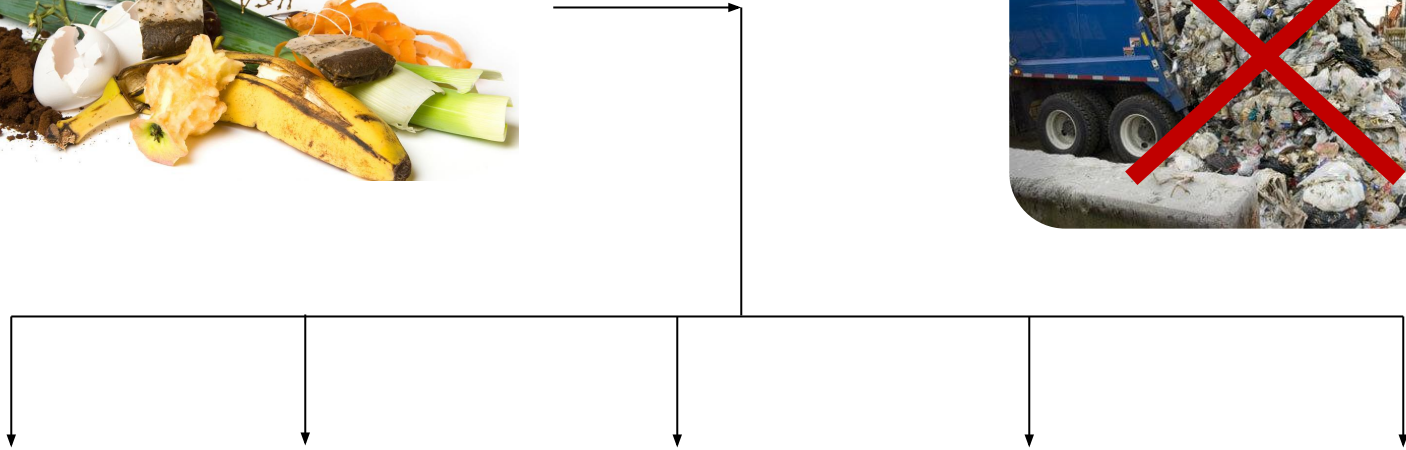
FOOD WASTE



LANDFILL



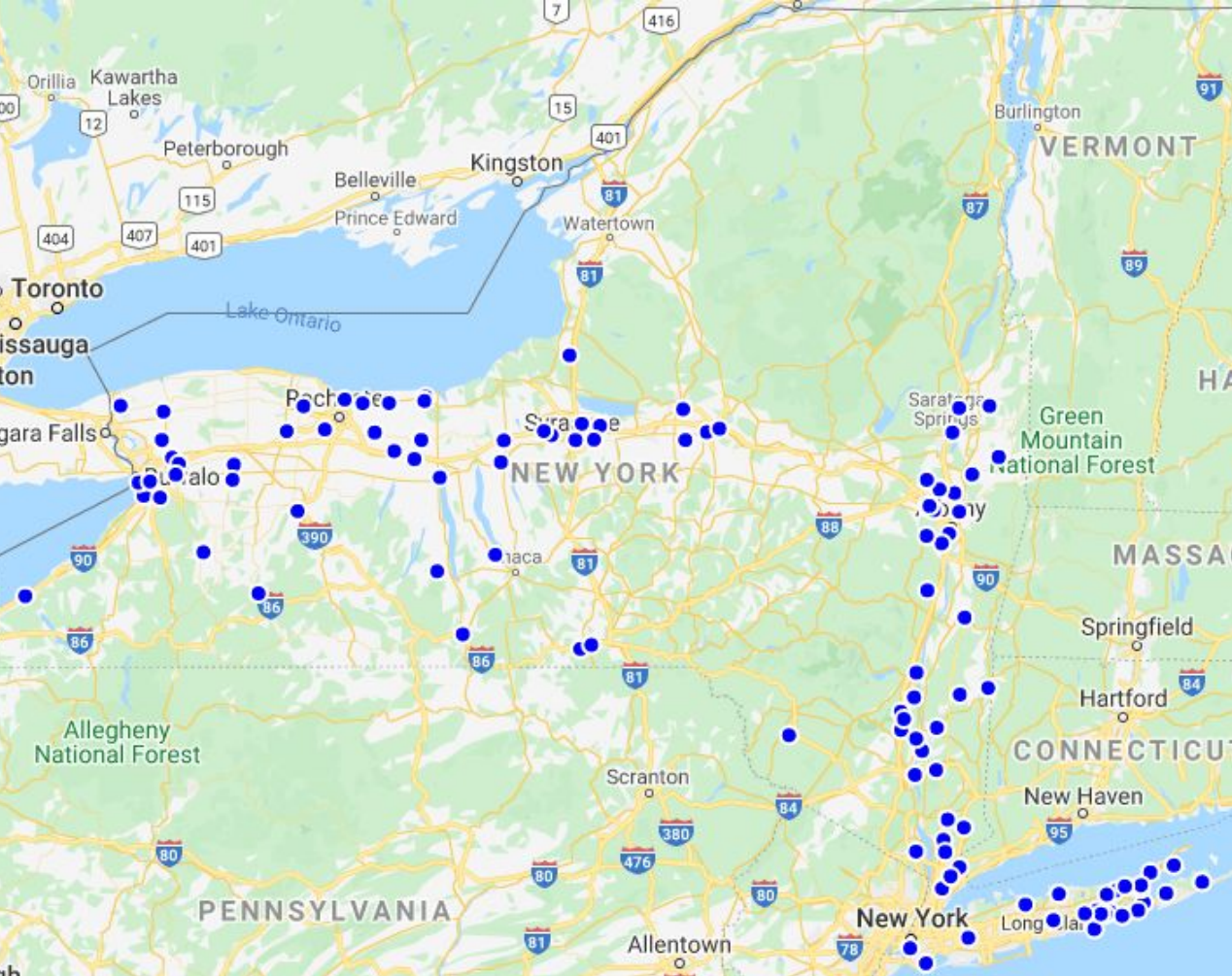
COMPOSTING



What is Composting?

“Controlled” aerobic decomposition of organic materials into a rich soil amendment known as compost.





Composting in NYS

- Regulated by DEC
- Currently ~50 regulated facilities accepting food scraps
- Composting is happening at every level and growing

Composting Regulations

- Summary of Subpart 361-3 Composting Regulations
 - Regulated by the quantity and type of material being processed (food scraps, yard waste, biosolids, etc.)
 - Food Scraps

Regulatory Oversight	
Exempt	<ul style="list-style-type: none">• Onsite (except sludges & animal carcasses)• Home Composting• $\leq 1,000$ lbs or ≤ 1 cubic yard, whichever is greater, of SSO per week
Registration	<ul style="list-style-type: none">• $\leq 5,000$ cubic yards or $\leq 2,500$ wet tons, whichever is less, of SSO per year
Permit	<ul style="list-style-type: none">• $> 5,000$ cubic yards or $> 2,500$ wet tons, whichever is less, of SSOW per year



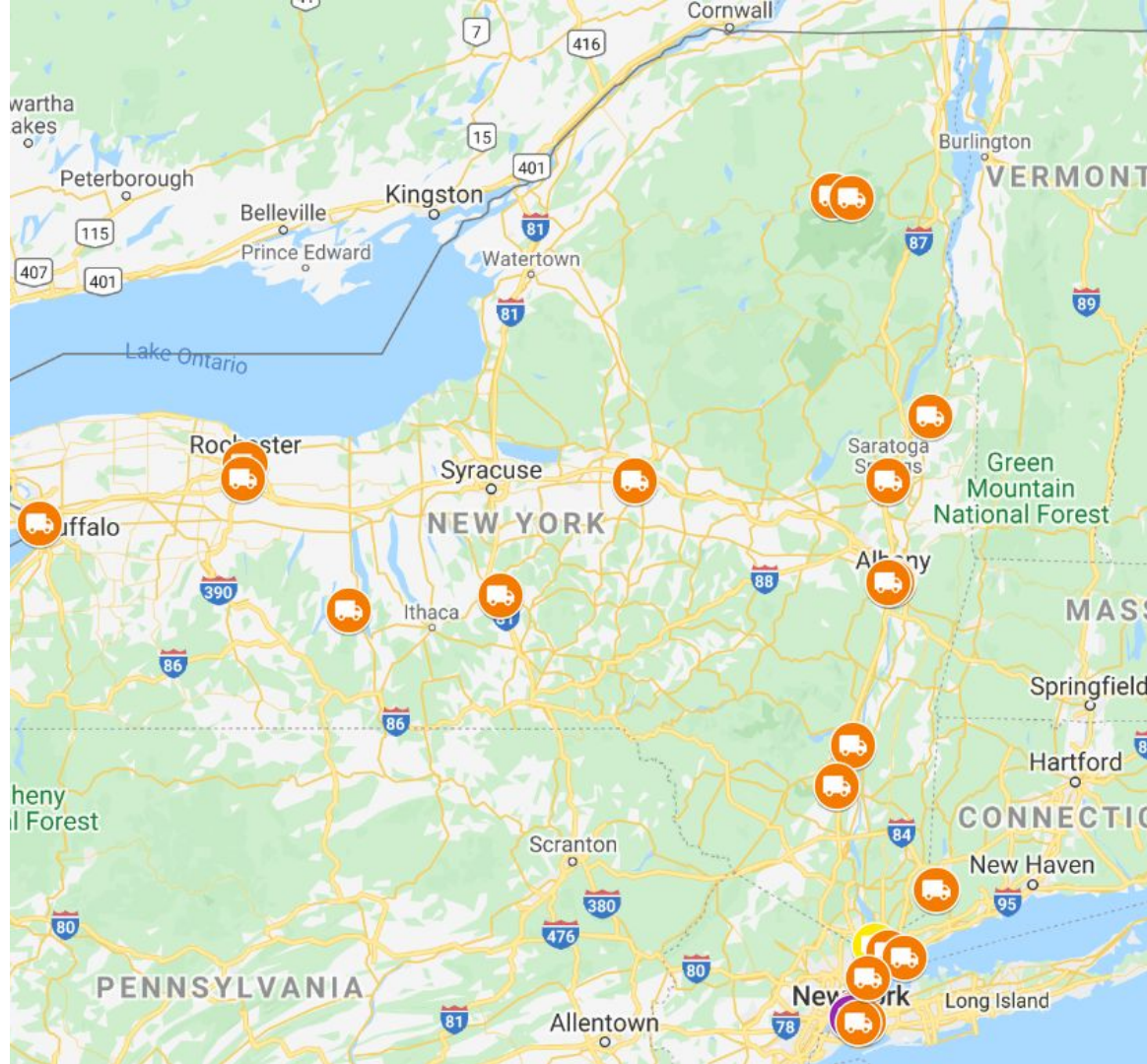
Riding the Organics Wave into the Future

- NYS Food Donation & Food Scraps Recycling law
- Revising NYS Solid Waste Management Plan
- Climate Leadership and Community Protection Act
 - Includes Waste Advisory Panel



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Residential Food Scraps Collection Services in NYS



Ulster County Food Waste Prevention & Recovery Act

- This law will remove food waste generated on an annual basis from the waste stream incrementally from generators producing 2 tons per week (starting on January 1, 2021) to 0.5 tons per week by July 1, 2023. [For more information.](#)

Organics Diversion Legislation, Regulation Timeline, and Regulating Entity (TPW = tons per weeks of food waste generated)							
Effective Date	2021		2022		2023		Notes
	January	July	January	July	January	July	
Ulster County Food Waste Prevention and Recovery Act	>2.0 TPW		>2.0 TPW health care only				UC Legislation includes hospital and schools; No exemption for distance from compost facility
		> 1.0 TPW					
			> 0.75 TPW				
					> 0.5 TPW		
NYS Food Donation and Food Scraps Recycling Law			> 2.0 TPW				NYS regulates generators within 25 miles of a compost facilities. Does NOT include health care or schools



Food Donation and Food Scraps Recycling Law

Effective January 1, 2022, businesses that generate an annual average of two tons of wasted food per week or more must...

1. donate excess edible food; and
2. recycle all remaining food scraps if they are within 25 miles of an organics recycler (composting facility, anaerobic digester, etc.).

DEC webpage on the Food Donation & Food Scraps Recycling Law

- Recording of Sept. 16th presentation available

Sign up to receive announcements on the NYS Food Donation & Food Scraps Recycling law



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What is a Designated Food Scraps Generator (DFSG)?

- Businesses that generate ≥ 2 tons per week (annual average) at a single location.
- For multiple small entities (mall or college campus) – depends on who contracts for waste management.

Exclusions:

- Hospitals
- Nursing Homes
- Adult Care Facilities
- Elementary and secondary schools



Designated Food Scraps Generator Metrics

Food Industry Sector	Minimum # of Employees To Generate A Minimum of 2 tons/week of wasted food
Food Wholesale and Food Distribution	9 employees
Food Retail	69 employees
Supercenters/Big Box Stores	208 employees
Colleges (Residential / Non-Residential)	1,465 students / 5,474 students
Hospitality	105 employees
Correctional Institutes (County Jails / State)	570 inmates / 877 inmates
Restaurant (Full Service / Limited Service)	69 employees / 94 employees

Note: This is not a complete list or the final metrics



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Preparing for 2022 Timeline

- **Winter 2021:** Part 350 regulations public comment period
- **April – July 2021:** Webinar series related to law
- **June 2021:** DEC publishes list of covered entities & other resources
- **June – September 2021:** Waiver submission period for covered entities under the law for 2022
- **January 1, 2022:** Effective date of law



2021 Webinar Series

- **April:** Update on Food Donation & Food Scraps Recycling Law
- **June:** You're a DFSG, now what?
- **July:** Building Food Scraps Recycling Capacity

Note: Additional webinars may be added to this schedule



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DEC Funding

2020/2021 DEC Funding

- \$500,000 Municipal Wasted Food & Food Scraps Grant Program – *Coming Soon*
- \$1.5 million Feeding New York State

Annual DEC Funding Sources

- [MWRR Grants for Recycling Coordination and Education Projects](#) (applications accepted Aug – Oct annually)
- [MWRR Grants for Wasted Reduction/Prevention Projects](#) (rolling basis)
- [Climate Smart Communities](#)



Other Available Funding

[NYSP2I Food Waste Reduction & Diversion Reimbursement Program](#)

- Available to NYS businesses or not-for-profits that produce, haul, or recycle greater than one ton of food waste per week
- Reimbursement covers the purchase and installation of eligible equipment and technologies
- Up to 44% of eligible project costs, in most cases not to exceed \$100,000

[NYSP2I Community Grants Program](#) – *not currently open*

- Annual grant program for community organizations and local government agencies based and operating in New York State.



What role can local entities play?

- General education of wasted food reduction and home composting
 - DEC developing education materials on wasted food minimization
 - DEC revising home composting guide
- Development of food scraps recycling programs (e.g. compost facility, food scraps drop-off program)
 - Expansion of yard waste composting facilities to accept food scraps
- Build resource hub highlighting food scraps recycling opportunities in community, available workshops, food scraps haulers, etc.
- Facilitate conversations between stakeholders
- DEC Webpage: [Organics Management for Municipalities](#)



Benefits to North Country Communities Who Compost

- [Composting combats climate change](#)
- Food is grown, eaten and recycled right in “your backyard”
- Reduce hauling fees associated with disposing of trash outside of Adirondack Park
- Utilizes excess yard and tree debris
- Enhance acidic soils with compost (ph 6-7)
- Development of green business/job opportunities
- Engage community to think about their food



Join the Conversation

[NYS Association for Reduction, Reuse & Recycling \(NYSAR3\)](#)

- Organics Council
- [NYS Organics Summit](#)

[United States Composting Council \(USCC\)](#)

- [USCC Young Professionals Group](#)
- [USCC Annual Compost Conference](#)

[CREF Compost Operations Training Course](#)

[BioCycle Connect](#)

BioCycle Conferences

DEC Delivers: [Solid Waste and Recycling Newsletter](#)





Contact Us!

For questions on the Food Donation & Food Scraps Recycling law email:

FoodScrapsLaw@dec.ny.gov

For other questions about organics management in NYS, please email:

organicrecycling@dec.ny.gov

Learn more about Organics Management in NYS:

<https://www.dec.ny.gov/chemical/8798.html>



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**Climate Smart
Communities**

Climate Smart Communities

Dazzle Ekblad

Jan. 20, 2021



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**Climate Smart
Communities**

State Support for Local Climate Action



Assistance to local gov't leaders to:

- Reduce greenhouse emissions
- Build adaptive capacity

Voluntary. No fees. Sponsored by 7 NYS state agencies.

Comprehensive. Flexible.



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How are CSC & CEC related?

Climate Smart Communities Certification

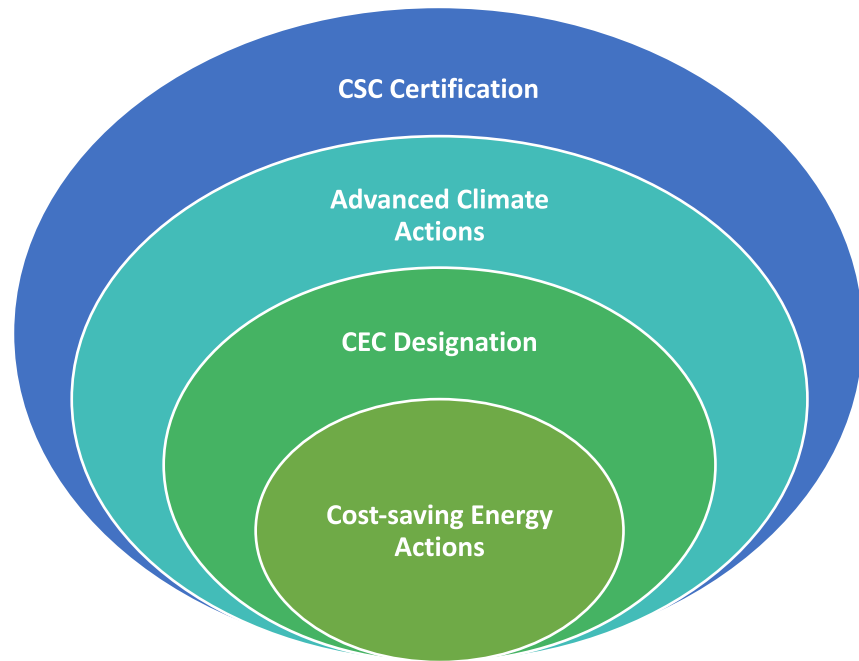
- Comprehensive climate action program
- 100+ unique actions
- Improve score on CSC grant applications

Clean Energy Communities (NYSERDA)

- Focused on energy use
- Short list of high-impact actions
 - Includes becoming a certified CSC
- Complete actions to access CEC grants

❑ **Earn points toward CSC certification by doing CEC actions**

❑ **Do both!**



Climate Smart Pledge Elements

- 1) Build a Climate Smart Community
- 2) Inventory Emissions, Set Goals, & Plan for Climate Action
- 3) Decrease Energy Use
- 4) Shift to Clean, Renewable Energy
- 5) **Use Climate-smart Materials Management**
- 6) Implement Climate-Smart Land Use
- 7) Enhance Community Resilience to Climate Change
- 8) Support a Green Innovation Economy
- 9) Inform & Inspire the Public
- 10) Engage in an Evolving Process of Climate Action

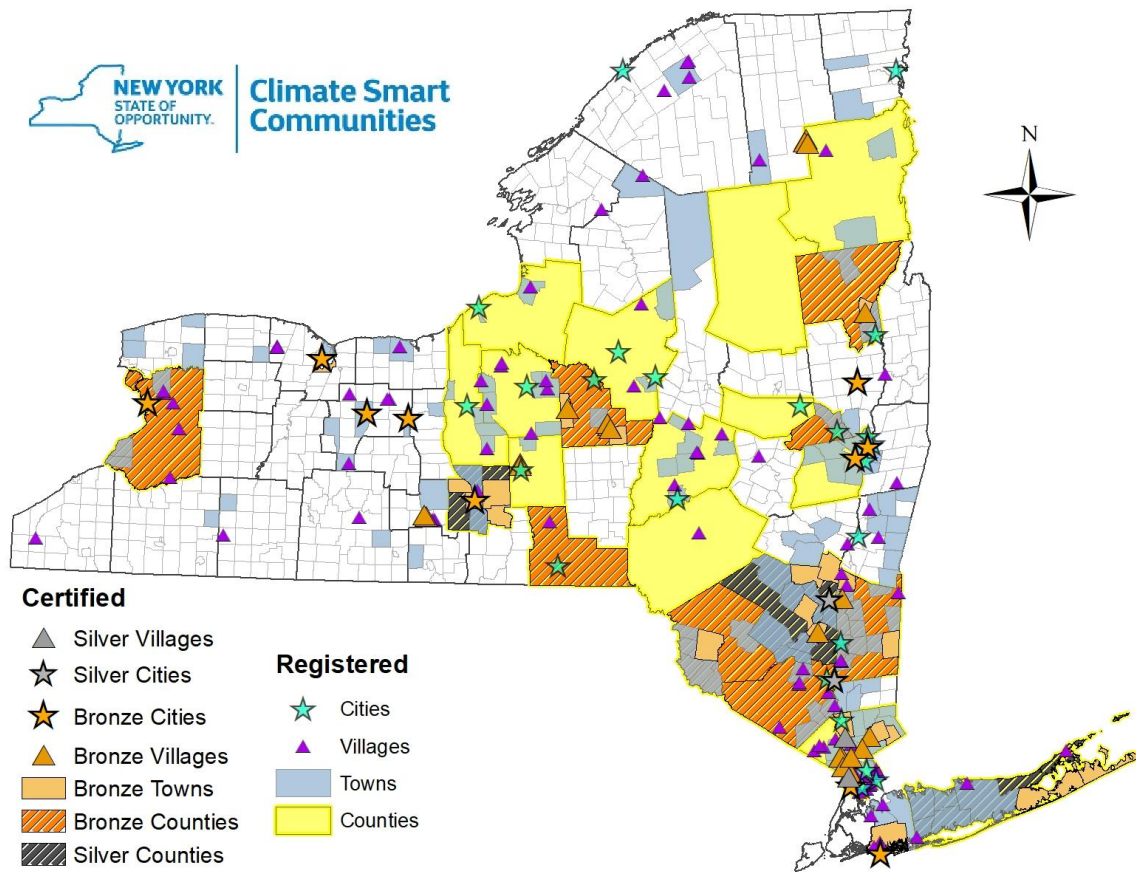
<https://climatesmart.ny.gov/>



**Climate Smart
Communities**



**Climate Smart
Communities**



• 319 Registered

- Pledged to act on climate
- 8.8 M people since 2009
- 46% of NYS population

• 62 Certified

- Leaders who have documented progress
- 2,101 certification actions completed since 2014



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CSC Certification Program

- 1 to 20 points per action, over 100 actions
- 120 points for the bronze level
- Organized by the 10 PE (pledge elements)
- Learn more on the [Getting Started page](#)
- **Organics Mgmt in CSC Certification:**
 - ❑ [PE5 Action: Organics Management Plan](#)
 - ❑ [PE5 Action: Organic Waste Program for Government Buildings](#)
 - ❑ [PE5 Action: Residential Organic Waste Program](#)



CSC Funding (currently closed)

DEC Municipal Zero-emission Vehicle (ZEV) Program

- Rebates for electric vehicles for municipal fleets
- Grants for ZEV charging/fueling stations
- 250 awards totaling ~\$4.8 million since 2016

DEC CSC Grants

- Competitive, 50/50 match, for local governments only
- GHG mitigation outside power sector and climate adaptation
- \$39 million for 130 projects since 2016



CSC Grants - Implementation: GHG Mitigation

Award size: \$10,000 to \$2,000,000

Engineering/design max. of 15%

Mitigation Project Type: **Reduction of organic waste**

From 2019 RFA: Projects include, but are not limited to the following.

- Construction or installation of equipment to facilitate acceptance of food waste at existing anaerobic digesters at wastewater treatment facilities or existing composting facilities.
- Implementation or piloting of a food waste pick-up service for residents and/or commercial establishments, prior to delivery to an organics recycling facility.
- Implementation of food donation and food-waste collection in municipal buildings.
- Implementation of onsite composting or anaerobic digestion at municipal facilities.



Climate Smart
Communities



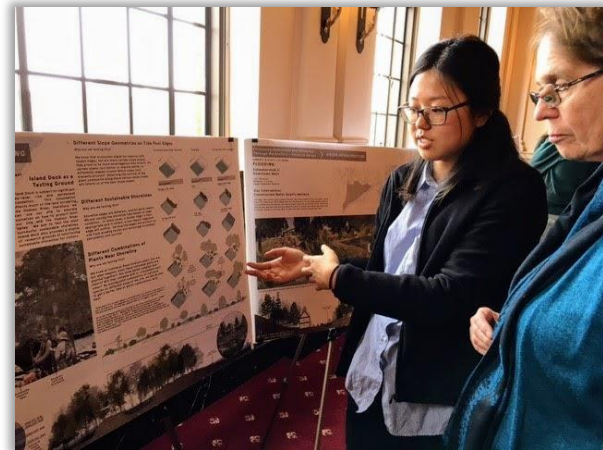
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CSC Grants - Certification

Award size: usually \$10,000 to \$100,000

Certification project types:

- Inventories and assessments
- Planning and strategy development
- In the areas of adaptation, land use, transportation, and **solid waste**



Thank You!

Office of Climate Change

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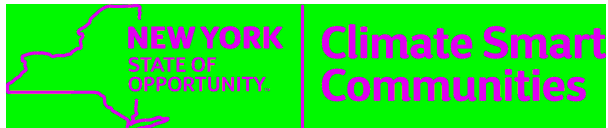
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