

(a) 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.

(b) A person who produces more than an amount identified under subsection (c) of this section in food residuals 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.

(c) The following persons shall be subject to the requirements of subsection (b) of this section:

(1) beginning July 1, 2014, a person whose acts or processes produce more than 104 tons per year of food residuals;

(2) beginning July 1, 2015, a person whose acts or processes produce more than 52 tons per year of food residuals;

(3) beginning July 1, 2016, a person whose acts or processes produce more than 26 tons per year of food residuals;

(4) beginning July 1, 2017, a person whose acts or processes produce more than 18 tons per year of food residuals; and

(5) beginning July 1, 2020, any person who generates any amount of food residuals.

Generators are affected by the ban if they are located within 20 miles of a certified organics recycling facility, but only if the facility has available capacity and is willing to accept such source-separated organic material. According to ANR, the intent of this distance-to-services radius is to encourage the development and expansion of infrastructure and to allow time for haulers to modify their vehicles so that they might collect the material stream with the same convenience as they do trash.