

COUNTY OF ULSTER

DEPARTMENT OF THE ENVIRONMENT

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ULSTER COUNTY FOOD WASTE PREVENTION AND RECOVERY ACT GUIDELINES

Statutory authority: [Code of the County of Ulster, Chapter 305, Article IV](#)

1. PURPOSE AND APPLICABILITY

These guidelines set forth additional criteria for implementation of the Ulster County Food Waste Prevention and Recovery Act and apply to any large food scraps generator regulated by the law.

2. DEFINITIONS

Annual report means the Ulster County Annual Waste & Recycling Report from the Ulster County Resource Recovery Agency. More information is available at the following link: <https://ucrra.org/waste-recycling/annual-recycling-report/>

Category means a classification of person, business, entity or institution for which a discrete proxy data source and food waste estimation factor is available and has been identified in these guidelines.

County means the County of Ulster

Department means the Ulster County Department of the Environment

Food scraps means inedible food, trimmings from the preparation of food, food-soiled paper, and edible food that is not donated. Food scraps shall not include used cooking oil, yellow grease or food from residential sources, or any food identified in regulations promulgated by the department in consultation with the department of agriculture and markets or any food which is subject to a recall or seizure due to the presence of pathogens, including but not limited to: listeria monocytogenes, confirmed clostridium botulinum, e. coli and all salmonella in ready-to-eat foods

Food Waste Estimator means NYSP2I's Food Waste Estimator application, available at NYSP2I's website at the following link: <https://www.rit.edu/affiliate/nysp2i/food-waste-estimator>

Large food scraps generator means a person, business, entity or institution that generates at a single location an annual average of 1/2 ton per week or more of food scraps based on a methodology developed by Ulster County. Large food scraps generators may include but are not limited to, supermarkets, food service businesses, hotels, correctional facilities, sports or entertainment venues, hospitals, nursing homes, schools and universities, caterers and food preparation and processing businesses. For a location with multiple independent food service businesses, such as a mall or college campus, the entity responsible for contracting for solid waste hauling services is responsible for managing food scraps from the independent businesses

Law means the Ulster County Food Waste Prevention and Recovery Act. The full text of the Law is available at the following link: <https://ecode360.com/36623724>

NYSP2I means the New York State Pollution Prevention Institute

Organics recycler means a facility, permitted by the New York State Department of Environmental Conservation, that recycles food scraps through use as animal feed or a feed ingredient, rendering, land application, composting, aerobic digestion, anaerobic digestion, fermentation, or ethanol or biogas production. Animal scraps, food soiled paper, and post-consumer food scraps are prohibited for use as animal feed or as a feed ingredient. The proportion of the product created from food scraps by a composting or digestion facility, including a wastewater treatment plant that operates a digestion facility, or other treatment system, must be used in a beneficial manner as a soil amendment and shall not be disposed of or incinerated.

ORL means the Organic Resource Locator, a publicly available dataset and web-based mapping tool developed and maintained by NYSP2I. The ORL is available at the following link: <https://www.rit.edu/affiliate/nysp2i/organic-resource-locator>

Otherwise beneficially repurposed means managed according to the food waste hierarchy policy described in [Section 304-47](#) of the Ulster County Food Waste Prevention and Recovery Act

Maximum extent practicable means the degree to which the maximum amount of edible food can be donated for human consumption, without jeopardizing human health and the environment, by implementing best management practices, taking into account cost effectiveness and feasibility.

Regulated means subject to the requirements of the Ulster County Food Waste Prevention and Recovery Act

UCRRA means the Ulster County Resource Recovery Agency

3. LARGE FOOD SCRAPS GENERATOR IDENTIFICATION METHODOLOGY

The Department defines the methodology for identifying large food scraps generator that are regulated by the law as described below. The categories, data sources and methodology for identifying large food scraps generators may change at the discretion of the department between years of regulation. However, the methodology will not change for a given calendar year after the list for that calendar year has been published. A description of the identification methodology used by the Department will be available upon request.

3.1 Primary methodology

The Department will primarily use data sources and methodology provided by NYSP2I through its Organic Resource Locator.

NYSP2I uses proxy food waste generation factors and public and private datasets that provide information such as number of employees, college students, inmates, etc per location that equate to food scraps generation, to estimate the amount of food scraps generated from a source. These food waste estimation factors, datasets and calculations are available on NYSP2I's ORL website at the following link: <https://www.rit.edu/affiliate/nysp2i/organic-resource-locator>

The primary methodology applies to the following categories of large food scraps generators:

- Adult Care Facilities
- Caterers
- Colleges and Universities – Non-Residential
- Colleges and Universities - Residential
- Corporate Cafeterias

County Jails and Other Institutions
 Food Processors
 Food Retail
 Food Service
 Food Wholesale and Distribution
 Grocery, Specialty Foods, and Convenience Stores
 Hospitality
 Hospitals
 Lodging and Hotels
 Nursing Homes
 NYS Correctional Facilities
 Restaurants - full service
 Restaurants - limited service
 Supercenters

3.2 Secondary methodology

If estimates are not available from NYSP2I or are not appropriate, the Department will use other information, such as phone interviews and publicized research, to estimate food scraps generation. If more accurate site- specific data, such as weight receipts are available for a certain designated food scraps generator or type of generator (franchise stores, etc.), that data may be used by the Department to estimate the amount of food scraps generated.

The secondary methodology applies to the following categories of large food scraps generators:

- Beverage manufacturing
- Schools - elementary
- Schools - middle
- Schools - high
- Venues and events

Table 1: Secondary food scraps generation methodology (example)

Category	Dataset	Methodology	Input Field
Beverage manufacturing	NYSP2I	TBD	TBD
Schools - elementary	<u>NYS Education Department</u>	NYSP2I Food Waste Estimator	Number of Students
Schools - middle	<u>NYS Education Department</u>	NYSP2I Food Waste Estimator	Number of Students
Schools - high	<u>NYS Education Department</u>	NYSP2I Food Waste Estimator	Number of Students
Venues and events	To be determined by the department	NYSP2I Food Waste Estimator	Number of Visitors or Number of Seats

3.3 Regulation for temporary or seasonal large food scraps generators

The law applies to temporary or seasonal large food scraps generators that produce more than the annual weekly averages specified by the law.

For example: beginning January 1, 2024, any large food scraps generator that produces more than 26 tons in one calendar year is subject to the requirements of the law.

4. PUBLISHED LIST OF REGULATED LARGE FOOD SCRAPS GENERATORS

The Department will generate and maintain a list of all regulated large food scraps generators for each calendar year. The Department will publish the list for each calendar year on its website on or before October 1 of the preceding calendar year.

The list will contain the following information for each large food scraps generator:

- Name
- Mailing address
- City
- Zip Code
- Estimated amount of food scraps generated in tons per week

Regulation under the law shall apply for large food scraps generators only for the calendar years for which they are identified on the Department's published list. The current and historical lists will be published in Adobe pdf format at the following link: <https://ulstercountyny.gov/environment/food-waste-prevention-and-recovery-act/guidelines>

5. ANNUAL NOTIFICATION

The Department will notify all large food scraps generators by October 1 of each year if they are regulated by the law for the following calendar year. The notification will contain reference to the calendar year for which the notification applies and the estimated weekly amount of food scraps generation on which the notice of regulation is based. A large food scraps generator shall comply with the law for the calendar year following notification.

For example: Notification received on October 1st, 2021.

Compliance with the law is required for the period January 1st, 2022 – December 31st, 2022

Notification will occur by mail using address information obtained via the large food scraps generator identification methodology described in Section 3.

6. ANNUAL REPORTING

Large food scraps generators regulated by the Law shall report the amount of food waste they cause to be reused, composted, or otherwise beneficially repurposed on an annual basis.

Large food scraps generators shall utilize the Ulster County Annual Waste & Recycling Report format provided annually by UCRRA to comply with reporting requirements under the Law.

This form will be distributed by mail to all regulated entities by January 1st each year from UCRRA.

More information is available on the UCCRA website at: <https://ucrra.org/waste-recycling/annual-recycling-report/>.

6.1 Report Submission

For entities regulated under the law in a given calendar year, the Annual Report shall be submitted to the UCRRA no later than February 1st of the following year.

The report shall be returned to UCRRA via mail, fax, or e-mail to the following:

P.O. BOX 6219, KINGSTON, NY 12402

APEO@UCRRA.ORG

(FAX) 845-336-4129

6.2 Report Content Requirements

The following sections shall be fully completed when submitting the annual report:

Table 2: Required Reporting Fields in Ulster County Annual Waste and Recycling Report

Section	Item	Description
Section 1	All	Contact Information
Section 3	30	Food Scraps (composting)
Section 3	31	Food Donations
Section 3	41- 44 (as applicable)	Other Wastes Not Listed Above

Food waste that has been otherwise beneficially repurposed should be reported using Section 3, items 41 through 44, as applicable. This applies to food diverted for animal feed.

If additional space is required to describe food scraps diversion activities under the law, the large food scraps generator should submit an attachment with the Annual Report detailing any activities not included within the report.

6.3 Verification

To verify the annual report, the County, the Department, or UCRRA may:

- request additional information from the large food scraps generator by phone or email
- contact organics recyclers to confirm the reported amounts of food waste diversion
- conduct site visits to observe organics recycling on site

7. TEMPORARY WAIVERS

7.1 General

Ulster County may grant a Waiver of the requirements of the law for one or more of the following circumstances:

- If the County determines that compliance with the law would result in extraordinary financial hardship to the large food scraps generator
- If the County determines that a facility is not reasonably able to separate food scraps without contamination
- If the County determines that other unique circumstances justify a Waiver

Any Waiver granted shall be for a minimum of six months or a maximum period of one year and shall include a requirement that the large food scraps generator participate in an education program designed to achieve compliance with the law.

7.2 Waiver Submission and Review

Instructions: A Waiver application maybe submitted to the County using the Waiver form available on the County's website at: <https://ulstercountyny.gov/environment/food-waste-prevention-and-recovery-act/guidelines> or by request via email at foodwastelaw@co.ulster.ny.us.

Fill in all fields in the Waiver form; attach all supporting documentation and email to <mailto:foodwastelaw@co.ulster.ny.us> or mail to:

Ulster County
ATTN: Department of the Environment
17 Pearl Street
P.O. Box 1800
Kingston, NY 12402

Application deadline: Waiver requests must be submitted by the annual application deadline or at least 90 days prior to the expiration date of the current Waiver.

Notification of Waiver status: Waiver applications are subject to County review and approval/denial.

Notification of Waiver status to applicants will be issued via email (unless otherwise requested) within two weeks of confirmed receipt of the Waiver application by the County.

7.3 Documentation Required for Justification

- For financial hardship: large food scraps generator must submit the following:
 - Annual income tax filing for the most recent tax year demonstrating a gross income of under \$300,000, AND
 - Waste hauling contracts and/or bills demonstrating current waste management costs, as well as quotations or other supporting documentation demonstrating the total cost of solid waste management including organics recycling is at least 10 percent greater
- If the facility is not reasonably able to separate food scraps without contamination or other unique circumstances: large food scraps generator must submit the following:
 - Detailed explanation of circumstances, AND
 - Relevant supporting documentation as applicable, listed below:
 - If a food scraps waste hauler/transporter is not available to service the generator:
 - Documentation (email, etc.) from the waste hauler/waste hauler/transporter currently used by the generator indicating that they do not provide food scraps transport.
 - Documentation (email, etc.) from each food scraps waste hauler/transporter available in the generator's area indicating that they cannot provide food scraps transport for the generator during the coming calendar year when the Waiver would be in effect.
 - Documentation (statement from a Food Bank, etc.) that indicates the quantity of food donated for the previous year.
 - Documentation estimating the annual average weekly food scraps generation, such as:
 - Documentation (email, bill, etc.) from the waste hauler/transporter or other verified source that indicates the amount of total waste removed from the generator for the previous year, by weight (volume to weight conversions are available at: <https://ucrra.org/wp-content/uploads/2021/01/Volume-to-Weight-Conversion-Sheet.pdf> or via email request to: foodwastelaw@co.ulster.ny.us).
 - Screen shots from the NYS Pollution Prevention Institute Food Waste Estimator, available at <https://www.rit.edu/affiliate/nysp2i/food-waste-estimator>, to include correct Category, Input Fields and Food Waste Generation Factor for the large food scraps generator.
 - Other relevant information to justify the amount of food scraps generated.
 - Other relevant information

8. DISPUTE OF STATUS

A regulated large food scraps generator may submit a Dispute of Status form at any time indicating that the amount of food scraps that it generates is not sufficient to subject it to the requirements of the law.

The department may grant or approve a dispute of status at its discretion for other justifications that make the large food scraps generator exempt from the law. In this case, the documentation detailed in Section 8.2 may not be required or may be adjusted at the discretion of the department.

8.1 Dispute of Status Submission and Review

Instructions: A Dispute of Status application maybe submitted to the County using the Dispute of Status form available on the County’s website at: <https://ulstercountyny.gov/environment/food-waste-prevention-and-recovery-act/guidelines> or by request via email at foodwastelaw@co.ulster.ny.us.

Fill in all fields in the Dispute of Status form; attach all supporting documentation and email to foodwastelaw@co.ulster.ny.us or mail to:

Ulster County
ATTN: Department of the Environment
17 Pearl Street
P.O. Box 1800
Kingston, NY 12402

Notification of Dispute of Status: Dispute of Status applications are subject to County review and approval/denial. Notification of Dispute of Status to applicants will be issued via email (unless otherwise requested) within two weeks of confirmed receipt of the Dispute of Status application by the County.

8.2 Documentation Required for Justification

The Dispute of Status form must include additional documentation/information outlined below (at a minimum):

- Calculations showing the annual average weekly food scraps generation (waste audit):
 - Completed food waste audit spreadsheet from EPA Found here: https://www.epa.gov/sites/default/files/2017-01/foodwaste_audit_tool.xlsm. **This is a required step to be completed daily for 1 week unless otherwise directed by the County, and/or Department personnel. Do not use the section labeled “Kitchen Packaging Waste” in the Step 3 tab at this time.**
 - Documentation (email, bill, etc.) from the waste hauler/transporter or other verified source that indicates the amount of total waste removed from the generator for the previous year, by weight (volume to weight conversions are available at: <https://ucrra.org/wp-content/uploads/2021/01/Volume-to-Weight-Conversion-Sheet.pdf> or via email request to: foodwastelaw@co.ulster.ny.us).
 - Screen shots from the NYS Pollution Prevention Institute Food Waste Estimator, available at <https://www.rit.edu/affiliate/nysp2i/food-waste-estimator>, to include correct Category, Input Fields and Food Waste Generation Factor for the large food scraps generator.
 - Photographs documenting indoor and outdoor solid waste management practices.
 - A description of any seasonal variation expected in the waste stream quantity and food scraps content, if applicable.
 - A description of any seasonal variation expected in the food scraps quantity produced, if applicable.
 - Other relevant information to justify the amount of food scraps generated.

Additional documentation may be required upon County review of the submitted Dispute of Status application.

8.3 EPA Waste Audit Spreadsheet Guidance

Refer to the EPA's guidance: https://www.epa.gov/sites/default/files/2015-08/documents/r5_fd_wste_guidebk_020615.pdf

This simple tool provides a framework for food scrap generators and other food venues to measure and categorize their wasted food and related packaging generation across three main sections: food waste, packaging waste, and plate waste. Please be as detailed as possible when completing.

9. INSPECTION

The County, Department and/or UCRRA personnel can enter any large food scraps generator's property or inspect records, at all reasonable times and locations, whether announced or unannounced, for the purpose of determining compliance with the law.