

Memorandum of Understanding for Enhancing Recycling in Supermarkets in the Commonwealth of Massachusetts

August 24, 2005

This Memorandum of Understanding is made and entered into voluntarily by and between the following parties: The Massachusetts Department of Environmental Protection and The Massachusetts Food Association on behalf of its Members.

This Memorandum of Understanding (MOU) expresses the combined commitment of the Massachusetts Department of Environmental Protection (MassDEP) and the Massachusetts Food Association (MFA) to encourage supermarket companies to undertake a collaborative effort to advance the concept and practice of recycling organic supermarket and grocery store waste through diversion to organics recycling and composting facilities and/or other acceptable methods. This MOU demonstrates an effective public-private partnership that will yield environmental and economic benefits.

The MassDEP has adopted the *Beyond 2000 Solid Waste Master Plan*. The goal of this plan is "reducing the waste we produce by 70% through recycling and source reduction by 2010". MassDEP estimates that less than 10 percent of the nearly 900,000 tons of commercial food waste generated each year in Massachusetts are diverted from disposal. Commercial food waste represents close to 19% of the total commercial waste stream. In the *Beyond 2000 Solid Waste Master Plan*, MassDEP identified food waste diversion as a priority focus area for waste reduction.

The MFA is a membership organization that represents the interests of the supermarket and grocery industry in the Commonwealth of Massachusetts. Supermarkets generate significant organic waste materials suitable for composting. There are over 400 supermarkets in Massachusetts. The MassDEP and the MFA wish to work cooperatively in order to voluntarily further the implementation of the *Beyond 2000 Solid Waste Master Plan* and subsequent revisions associated with organic supermarket waste.

The MassDEP and the MFA agree to collaboratively:

- 1) Explore opportunities to evaluate, promote, and enhance innovative and economically viable solutions and technologies for the collection, recovery, and recycling of organics waste, as well as other recyclables (e.g., cardboard) to prevent their disposal into landfills or incinerators.
- 2) Develop institutional and sustainable solutions for the growth of organics source separation and composting programs through voluntary initiatives by supermarket operators, and support achievement of industry goals established by MassDEP, MFA, and MFA's members.
- 3) Identify quantifiable goals by company tonnage and/or store participation and execute plans for strategic and permanent long-term success of organics diversion in the supermarket sector.
- 4) Engage in proactive efforts related to the voluntary commitment of supermarkets to increase rates of organics diversion in Massachusetts in anticipation of future regulatory actions related to organic wastes from supermarkets.
- 5) Participate in the development of a joint MassDEP/MFA strategy that will assure the ongoing success of supermarket organics recycling, including the concepts of institutionalization and sustainability.

In implementing this MOU, the MassDEP commits to:

- 1) Develop voluntary supermarket certification program between MassDEP and individual supermarket locations. Supermarkets participating in this certification program may receive an exemption on existing waste ban regulations on a store by store basis if they certify and maintain records that can verify that certain waste reduction programs are in place, including:
 - a) A cardboard (Old Corrugated Container) recycling program ensuring that trash loads meet waste ban compliance standards;
 - b) A food reuse and donation program;
 - c) An organics (e.g., food residuals, waxed cardboard) recycling program; and
 - d) A shrink wrap/plastic wrap-recycling program.
- 2) Offer regulatory relief or exemption from comprehensive inspection for supermarkets that annually certify to MassDEP, on a form provided by MassDEP, that they have a recycling program in place as outlined above (item 1), their loads will not be subject to comprehensive inspections by the receiving facility for the presence of recyclable and compostable materials (paper; glass, metal and plastic containers; leaves and yard waste) at solid waste facilities and transfer stations, in accordance with the Commonwealth's waste ban regulations and policies (310 CMR 19.017).
 - a) Once a supermarket company certifies that a particular store has the above programs in place, that particular store would receive the exemption.
 - b) As long as a supermarket company establishes and maintains the above programs in 80% of its stores, the company would receive company wide exemption. This exemption threshold of 80% will remain in effect until 2010.
 - c) The MassDEP may update the criteria of this program in cooperation with the MFA or as a result of regulatory changes.
- 3) Provide Technical Assistance. Supermarkets will be eligible for technical assistance to set up recycling programs:
 - a) The MassDEP will provide such assistance for at least two years, subject to appropriation of funding.
 - b) In exchange for receiving this assistance, supermarkets will be required to provide data on the progress of the programs in a fashion that would enable the MassDEP to qualify and quantify the success of the efforts.
- 4) Provide pertinent information on current waste management best practices for recycling of supermarket wastes in the Commonwealth of Massachusetts. The MassDEP will continue to implement its *Solid Waste Master Plan* strategy of building an organics processing and hauling infrastructure to support organics diversion efforts.
- 5) Clearly and concisely, state the conditions of any future proposed disposal ban on supermarket organics and define statewide goals of organics diversion while taking into consideration any local mandates that may affect these goals. The MassDEP will work with the MFA to incorporate any new disposal ban into the certification program.

In implementing this MOU, the MFA commits to:

- 1) Encourage its membership to increase the amount of supermarket organics waste diverted from land-filling/incineration to organics recycling/composting in Massachusetts.
- 2) Increase awareness among supermarket companies and the community of the positive environmental, operational, and financial impacts of organics diversion and composting.
- 3) Recruit additional stores within current supermarket companies, new supermarket companies, and independent operators.
- 4) Work with the supermarkets to encourage annual certification to the MassDEP that they have the requisite programs in place through reporting on:
 - a) Type of recycling and reuse programs (cardboard, organics, shrink-wrap)
 - b) List of stores with programs (including all contact information)
 - c) Haulers used, per store; and
 - d) Where the material is going, per store.
- 5) Work in partnership to develop educational and technical assistance materials.

By signing this MOU, the MassDEP and the MFA express their intent to work voluntarily and cooperatively in order to further the goals of the Beyond 2000 Solid Waste Master Plan and subsequent revisions. MOU-associated activities will be conducted through the joint efforts of the MassDEP and the MFA.

Robert W. Golledge, Jr.
Commissioner,
Massachusetts Department of Environmental Protection

Date

Christopher Flynn
President,
Massachusetts Food Association

Date