

# MARYLAND DEPARTMENT OF THE ENVIRONMENT

Land and Materials Administration | Resource Management Program  
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## Waiver Application Form - Food Residuals Diversion Law

Beginning January 1, 2023, Maryland law requires certain persons generating food residuals to divert those food residuals from final disposal in a refuse disposal system (i.e., landfill or incinerator). Maryland law also authorizes the Maryland Department of the Environment (the Department) to grant a person a waiver from the food residuals diversion requirement. To apply for a waiver, complete this form and attach supporting documentation as indicated. Learn more about the food residuals diversion law and its requirements by visiting the Department's [website](#).

### Waiver Reasons

A person may apply for a waiver for one of the following reasons.

- 1) A person experiences an undue hardship because of the following:
  - a. The cost of diverting food residuals from a refuse disposal system is more than 10 percent more expensive than the cost of disposing the food residuals at a refuse disposal system; or
  - b. For other reasonable circumstances.
- 2) A person generates food residuals identified by a federal or State agency as having a biosecurity or food safety concern.

### Application Instructions

*Before completing this application, review the legal requirements for submitting a waiver request adopted under Code of Maryland Regulations (COMAR) 26.04.13.04.*

**Section 1 – Requestor Information.** Identify the organization requesting the waiver. The point of contact shall be an individual familiar with the waiver request, and may be contacted by the Department concerning this application and, if approved, an approved waiver. The authorized representative shall be the owner or operator of the facility where food residuals are generated.

**Section 2 – Waste Assessment Methods.** Provide documentation regarding the waste assessment method used to determine the weight of food residuals generated each week that includes, at a minimum:

- 1) A description of waste assessment and/or weight measurement methods utilized;
- 2) Copy of calculations, measurements, or statistics utilized in calculating food residuals tonnages;
- 3) The name and title of the individual(s) performing waste assessment and/or weight measurements;
- 4) A summary of food residuals tonnages generated each week; and
- 5) The dates the waste assessment and/or weight measurements occurred.

**Section 3 – Reason for Requesting a Waiver.** Provide a written explanation that describes the reason for the waiver request and attached any supporting documentation, including:

- 1) If the waiver request is based on the cost of diverting food residuals being more than 10 percent more expensive than the cost of disposing the food residuals, submit the following information:
  - a. A list of all off-site organics recycling facilities located within a 30-mile radius of the property; and
  - b. Quotes or other supporting documentation detailing the cost to accept, haul, and process your organization's food residuals provided each off-site organics recycling facilities, one or more refuse disposal systems, and one or more food waste haulers.
- 2) If the waiver is based on a biosecurity or food safety concern, attach the notification from the federal or State agency.
- 3) If the waiver is based on other reasonable circumstances, attached any relevant supporting documentation such as written correspondences, business records, financial statements, etc.

**Section 4 – Certification and Signature.** Certify by signing the form that the information provided on this form is true and correct to the knowledge of the individual signing the form. The form shall be signed by the authorized representative identified under section 1.

**Submit this form and supporting documentation to the Department by email at [LMA.WDD@maryland.gov](mailto:LMA.WDD@maryland.gov)**

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Authority: Environment Article, §§9-1701 and 9-1724.1, Annotated Code of Maryland and Code of Maryland Regulations (COMAR) 26.04.13

### Section 1 – Requestor Information

#### Facility Information

Name of the Facility

Facility/Industry Type

Physical Address

Mailing Address (if different)

County where Facility is Located

Point of Contact Name &amp; Title

Email

Phone

#### Authorized Representative Information (if different than point of contact)

Individual's Name &amp; Title

Email

Phone

### Section 2 – Waste Assessment Method

*Provide documentation regarding waste assessment methods used to determine the weight of food residuals generated each week.*

Document Attached?

### Section 3 – Description of Waiver Request

*Part 1 – Attach a written explanation that describes the basis of the waiver request.*

Document Attached?

*Part 2 – Attach any documentation that supports the reason provided in the written description.*

Document Attached?

### Section 4 – Certification and Signature

*By signing this form, I the applicant or duly authorized representative, do solemnly affirm under the penalties of perjury that the contents of this application are true to the best of my knowledge, information and belief. I hereby authorize the representatives of the Department to have access to and inspect the facility associated with this application and to records relating to this application at any reasonable time.*

Authorized Representative's Signature

Date Signed

*This Notice is provided pursuant to State Government Article, §10-624, Annotated Code of Maryland. The personal information requested on this form is intended to be used in processing your application. Failure to provide the information requested may result in your application not being processed. You have the right to inspect, amend, or correct this form. The Department is a public agency and subject to the Maryland Public Information Act (PIA) (see General Provisions Article, §§4-101, et seq., Annotated Code of Maryland). This form may be made available on the Internet via the Department's website and is subject to inspection or copying, in whole or in part, by the public and other governmental agencies, if not protected by federal or State law.*

**Submit this form and supporting documentation to the Department by email at [LMA.WDD@maryland.gov](mailto:LMA.WDD@maryland.gov)**

Completion of this form does not constitute the approval of a waiver request by the Department, or the issuance of a waiver approval. For questions regarding this application, please contact the Department at 410.537.3314.