

Commercial food waste

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EPA Position

The Environment Protection Authority Victoria (EPA) has released this position to clarify what constitutes commercial food waste in the Environment Protection (Industrial Waste Resource) Regulations 2009 (the Regulations)

EPA position

What does commercial food waste include?

EPA's position is that 'commercial food waste', as stated in Schedule 1 of the Regulations, refers to only the solid component of commercial food waste.

The liquid components of commercial food waste are Category A prescribed industrial wastes (PIW), consistent with Clause 1(f) in Schedule 2 of the Regulations.

EPA considers that solid commercial food waste is waste that is biodegradable and generated at the food processing, food retail and post consumption stages.



Primary production: Pre-harvesting and pre-processing, including animal mortalities (not for consumption) and manures.

Food processing: Production of food (post harvesting), including food that doesn't meet specifications, including solid milk residue and scallop shells.

Food retail: Generated prior to the sale of food at a retail outlet, including out of date and damaged food.

Post consumption: Leftover food waste.

Wastes produced in the primary production stage should be assessed to determine whether they are free of liquids¹ and then should be categorised as per Schedule 2 of the Regulations to determine if they are PIW or non-PIW.

Purpose of EPA Position

An EPA Position sets out how we will act in a given situation or our interpretation of the law.

It provides EPA's application of the law or policy - it is not itself a law. It offers certainty and consistency in how we will act in particular circumstances.

The intended audiences are EPA duty holders, the community and other stakeholders. We develop EPA positions with stakeholder and community input and make them public like any other form of EPA guidance.

Background

This EPA Position is consistent with the explanation of commercial food waste provided in the Response to comments: Environment Protection (Industrial Waste Resource) Regulations 2009 and Regulatory Impact Statement². It stated:

"The definition of 'category A waste' in Schedule 2 of the Regulations has been updated to clarify that liquid wastes, other than trade waste and industrial waste water managed in accordance with specifications acceptable to the Authority, are category A.

Clause 1(f), in respect of Category A waste, provides that liquid waste other than -

- *trade waste, or*
- *industrial waste water managed in accordance with specifications acceptable to the Authority³ is PIW."*

¹ As defined by method 9095B Paint Filter Liquids Test (US EPA, 2004)(www.epa.gov/osw/hazard/testmethods/sw846/pdfs/9095b.pdf)

² <http://www.epa.vic.gov.au/~media/Publications/IWRG201.pdf>

³ Publication IWRG632: Industrial water reuse

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Environmental risks

Liquid wastes are high risk wastes because they can spread quickly, including into surface water and groundwater. Liquid wastes can cause a range of environmental impacts. For example, nutrient pollution of groundwater and waterways can kill or harm aquatic life through algal blooms and deoxygenated waterways. The impacts will vary depending on the type of waste. For example, liquid fruit waste can be highly acidic which can cause fish and other animals to suffocate.

EPA's Regulatory Approach

Solid commercial food waste is categorised as industrial waste and is not regulated as PIW, reflecting the low environmental risk due to the solid nature of the material. However, it is regulated by EPA when processed at licensed composting or organics recycling facilities, as the activity presents a higher risk due to the scale of the operation. Commercial food waste must also be managed in a way that complies with the *Environment Protection Act 1970* and EPA's State Environment Protection and Waste Management Policies.

Solid commercial food waste that is either hazardous in nature (eg infectious), has undergone any treatment or chemical addition or has been contaminated with any PIW must be assessed as per EPA's guideline *Solid industrial waste hazard categorisation and management (IWRG631)*.

If categorised as A, B or C PIW the waste must be directed to an appropriately licensed facility using a permitted vehicle and waste transport certificates. One of the following two waste codes would apply for the transportation:

- K100: Animal effluent and residues. Examples: abattoir wastes, poultry wastes, fish and shellfish wastes.
- K200: Food and beverage processing wastes, including animal and vegetable oils and derivatives.

Liquid commercial food waste is category A PIW. It cannot be accepted at a disposal facility without prior treatment to reduce or control the hazard. The nature of liquid commercial food waste means it has the potential for reuse. EPA has two exemption mechanisms to enable PIW to be beneficially reused: direct beneficial reuse (DBR) and secondary beneficial reuse (SBR), as outlined in the Regulations. If an SBR or DBR is established, the waste will not be considered as PIW. If an SBR or DBR is not established the waste must be directed to a facility licensed to accept PIW, which can include appropriately licensed liquid treatment facilities, or composting or organics processing facilities.

Figure 1: Commercial food waste hazard categorisation

