

NRDC



**MODEL ORDINANCE ESTABLISHING
A PAY-AS-YOU-THROW PROGRAM FOR
RESIDENTIAL MUNICIPAL SOLID WASTE**



**ENVIRONMENTAL
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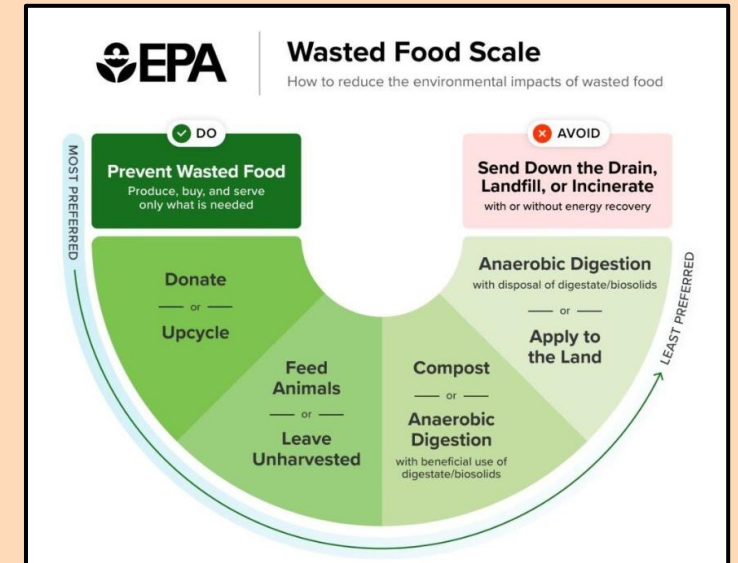
THE BIG PICTURE ON MUNICIPAL SOLID WASTE

Approximately 146 million tons of municipal solid waste (MSW) were landfilled in the United States in 2018.

The majority consisted of materials such as plastics, paper and paperboard, glass, metals, and compostables – which could have gone to materials recycling or organics recycling.



EPA's Non-Hazardous Materials and Waste Management Hierarchy



EPA's Wasted Food Scale

LOCAL GOVERNMENTS AND MSW

Municipal governments are uniquely well-positioned to address waste because...

- **Sustainability goals:** Climate change (mitigation and adaptation), zero waste, and other municipal goals can be advanced through adoption of waste reduction strategies and programs.
- **Costs:** Municipal solid waste management (collection, processing, and disposal) costs, as well as trash service prices for households, can be reduced by producing less MSW.
- **Economic Development:** Increasing local materials recycling and organics recycling (e.g., new or expanded composting facilities) can bolster the local economy, potentially creating new jobs.



WHAT IS PAY-AS-YOU-THROW?

Pay-As-You-Throw (PAYT) is a municipal solid waste collection system in which households **are charged in proportion to the amount of trash they generate and dispose of and are charged at a higher rate for trash than for recyclables and compostables,** in line with payment structures for other utilities such as water and electricity.

PAYT is also commonly referred to as “Save-As-You-Throw,” “unit-based pricing,” “volume-based pricing,” “variable rate pricing,” or “Save Money and Reduce Trash (SMART).”



GOALS AND PURPOSES

1. To **decrease landfilling and incineration** of MSW in favor of source reduction, materials recycling, and organics recycling.



2. To establish a residential MSW management **pricing scheme that promotes transparency, efficiency, and fairness** by charging households according to the amount of trash they generate.

BACKGROUND ON THE MODEL ORDINANCE

The NRDC (Natural Resources Defense Council) and the Environmental Law Institute (ELI) Model Ordinance:

- Is based on ***extensive research*** and ***best practices***
- ***Can be tailored*** to needs of individual municipalities
- Is accompanied by supporting documents
 - ***Version with commentaries*** offers background information and alternative approaches
 - ***Resources compilation*** presents PAYT resources on program design and implementation

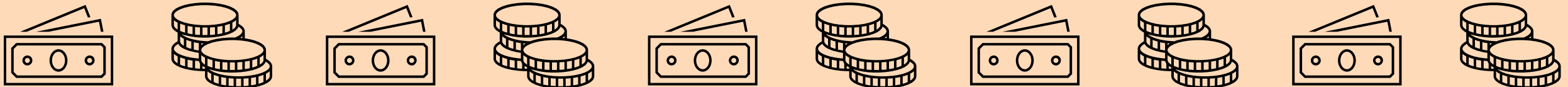
OVERVIEW OF BENEFITS

Reducing MSW landfilling and incineration can lead to myriad **economic, environmental,** and **social benefits** for a municipality.

ECONOMIC BENEFITS

Diverting MSW from landfills and incinerators in favor of source reduction, materials recycling, and organics recycling typically:

- **Reduces the need** to expand and create **costly new landfills**
- Fosters **economic development** through increased jobs, including compost suppliers and processors, who can return this valuable resource back to the community
- **Lowers waste management costs** associated with landfill or incinerator disposal
- Increases production of compost, a valuable soil amendment that **can reduce operational costs of public projects** such as landscaping by lessening the need for irrigation and fertilizer



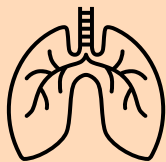
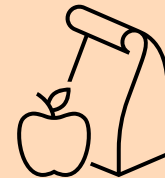
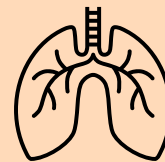
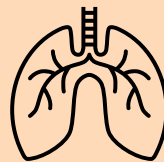
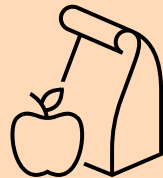
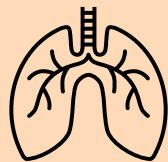
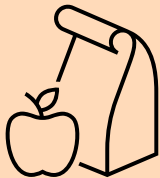
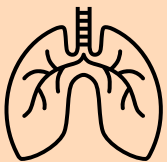
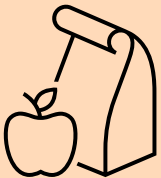
ENVIRONMENTAL BENEFITS

- **Reduces emissions of methane** from organic waste as it decays in landfills and **emissions of carbon dioxide** from waste that is incinerated
- **Avoids unnecessary greenhouse gas emissions and the wasting resources** associated with producing, transporting, and disposing of MSW
- **Reduces the harmful environmental (and public health) impacts** of landfills and incinerators, which are disproportionately sited in low-income communities and communities of color
- **Increases compost production**, a valuable soil amendment that sequesters carbon and increases nutrient and water retention



SOCIAL BENEFITS

- Reduces the harmful **public health impacts** of landfills and incinerators, which are disproportionately sited in low-income communities and communities of color
- **Helps address food insecurity when surplus food is rescued** and donated to individuals, food pantries, or other nonprofits that support food-insecure populations, particularly households and communities of color which disproportionately face hunger
- Promotes **transparency, efficiency, and fairness** in MSW pricing by charging households in proportion to the amount of trash they generate and dispose of



KEY PROVISIONS OF THE MODEL

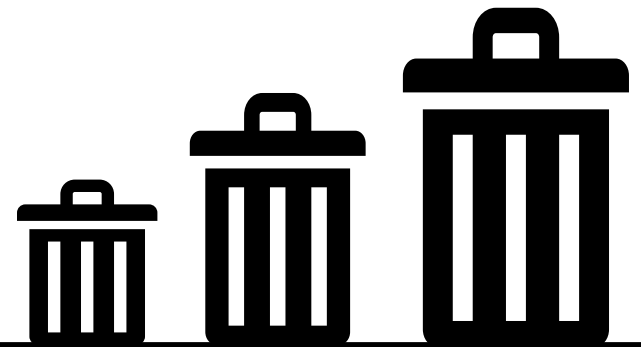
PAYT PROGRAM AND COMPONENTS

MSW haulers must “employ a variable rate pricing system designed to **incentivize households to generate less trash and to increase materials recycling and organics recycling.**”

The Model requires haulers to offer various sizes and numbers of trash containers to households and charge accordingly. The Model does not dictate specific container sizes or prices.

Model covers three arrangements:

- **Municipally operated** haulers
- **Contracted** private haulers
- **Licensed** private haulers



HOUSEHOLD REQUIREMENTS AND COMPLIANCE ASSISTANCE

Consistent with other applicable municipal code provisions, the Model specifies certain requirements for households, including:

- Placing **all MSW in the appropriate container** and keeping the three streams (trash, recyclables, and compostables) separate from each other
- Placing only MSW **approved by the municipal government** into each container
- Following municipal government/private hauler guidance regarding disposal of **extra MSW** that does not fit into its container

The Model also calls for the municipal government to provide **compliance assistance** and set **penalty procedures and amounts** in order to equitably support effective implementation of a PAYT program.



EQUITY/PREVENTION OF UNDUE HARDSHIP

Measures to promote equity and prevent undue hardship include:

- Establishing a process for households to apply for **reduced MSW collection prices, waivers of specific collection requirements**, or both
- **Translating** customer notice materials and outreach efforts into languages other than English when appropriate
- Adopting “**any other measures deemed necessary to ensure that no household in [Municipality] faces undue hardship** as a result of implementation of this Ordinance, including but not limited to households with members who are low-income, elderly, or disabled or who speak languages other than English.”

FOUNDATIONAL PROGRAMS: MATERIALS RECYCLING AND ORGANICS RECYCLING

“As foundational support for a PAYT program that reduces trash disposal, [Municipal Government] shall adopt programs for **materials recycling** and for **organics recycling**. These programs shall include curbside collection of household recyclables and compostables respectively.”



ORGANICS RECYCLING ASSESSMENT

“Given that PAYT programs are most successful when households are provided with regular curbside collection of compostables, [Municipal Government] shall **assess the potential PAYT program impacts and feasibility of instituting or bolstering curbside compostables collection,**” including the “impact and feasibility” of:



- **a pilot program** for curbside compostables collection; and
- “**interim and supplemental measures**” such as food scrap drop-off locations, backyard composting education, and support for community composting projects.

COMMUNITY ENGAGEMENT

Model requires the municipal government to **consult municipal residents and other stakeholders** “before and throughout design and implementation of the PAYT program, **with particular attention to engaging individuals and community-based organizations from chronically excluded communities.**”

The Model suggests public engagement measures such as:

- Public comments
- Public meetings
- A PAYT advisory committee



MULTIFAMILY UNITS

- Model applies to multifamily **units that are serviced individually** for MSW collection.
- Model requires assessment of “the feasibility of including multifamily units with communal container(s) and **collection point(s) shared among multiple households**” and “adjust[ment of] service as appropriate based on the assessment.”

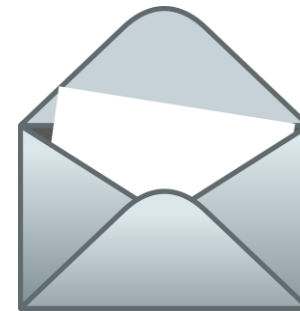


CUSTOMER NOTICE

“Private haulers shall **provide written notice** to customers of changes to their service as a result of instituting PAYT **at least 90 days prior to PAYT implementation and thereafter on an annual basis.**”

At minimum, this must include information about:

- New rate structure
- PAYT container size options
- Resources/Tips on household MSW reduction and PAYT benefits
- Where to direct concerns or report problems



BILLING

So that households are made aware of trash collection costs and the potential savings associated with a lower service level, the Model specifies that:

- Customers should be billed monthly
- Waste service charges should be an individual line item
- The bill should delineate price levels by number and size of containers



PRIVATE HAULER REPORTING AND COMPLIANCE

The Model calls for private haulers in the municipality (if any) to submit a quarterly report to the municipal government that includes information such as:

- Total number of customers served
- Number of customers at each service level
- Total amount of trash collected
- Total amount of recyclables and compostables collected
- Total operational costs

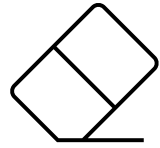


The Model also specifies that the municipal government “may obtain relevant private hauler records to ensure compliance with the requirements of this Ordinance.”

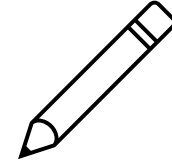
ANNUAL REPORT ON PROGRAM EFFECTIVENESS



The Model also calls for the municipal government to “**issue an annual public report on the effectiveness of the PAYT program.**”



ALTERNATIVE APPROACHES INCLUDE...



- **Covered Entities**

Additional entities covered: A municipal government may include businesses in its PAYT program, rather than only households (but, in so doing, should be aware of any differences in the ways that local laws and regulations address residential versus commercial waste services).

- **Organics Recycling**

Alternatives to curbside collection: A municipal government that isn't ready to implement curbside compostables collection could use drop-off sites or other collection methods for compostables.

Alternatives to organics recycling requirement: A municipal government that doesn't yet have capacity for a municipal organics recycling program at all may focus on interim measures to make progress toward an organics recycling program without mandating one.

**ADDITIONAL RESOURCES
AND INFORMATION**

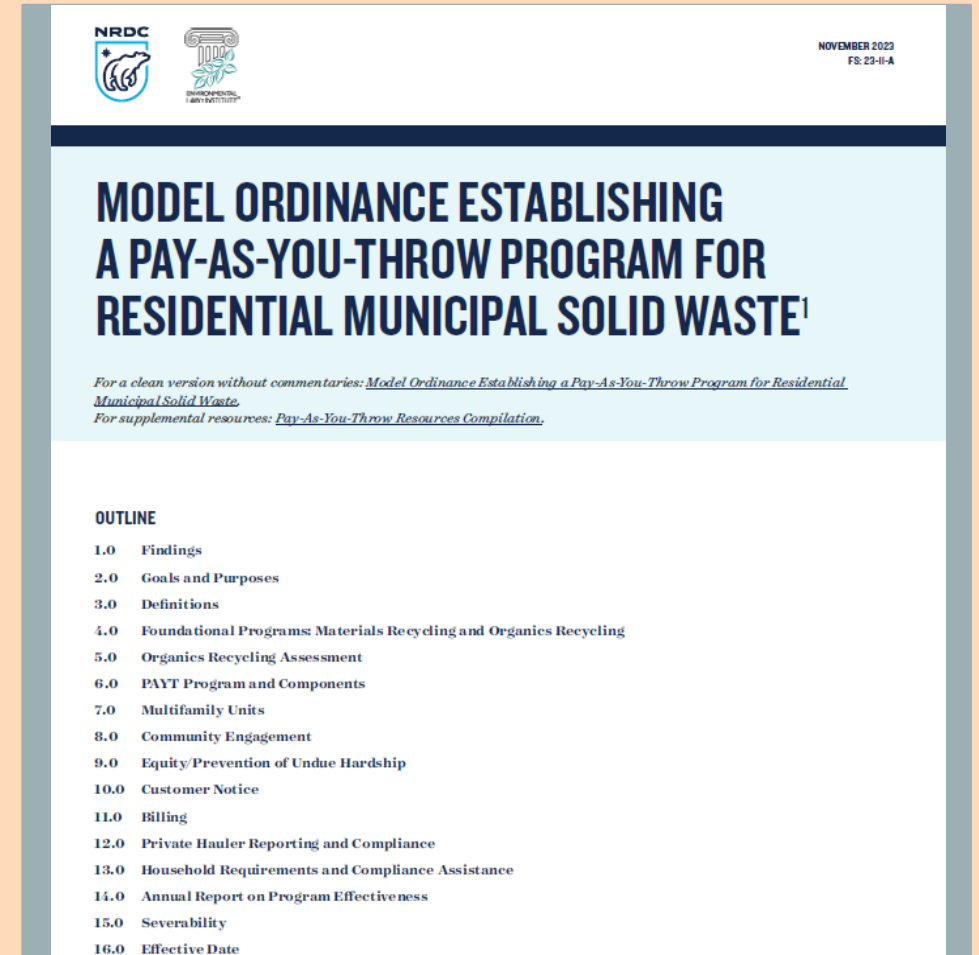
DIVE INTO THE MODEL ORDINANCE

Model Ordinance Establishing a Pay-As-You-Throw Program for Residential Municipal Solid Waste:

<https://www.nrdc.org/resources/model-ordinance-establishing-pay-you-throw-program-residential-municipal-solid-waste>

Visit the link above to find:

- The full model ordinance, **with** commentaries
- The full model ordinance, **without** commentaries
- The accompanying PAYT **resources compilation**
- A copy of this **presentation**



HELPFUL SOURCES

NRDC Food Matters: <https://www.nrdc.org/food-matters>

ELI Food Waste Initiative: <https://www.eli.org/food-waste-initiative/food-waste-prevention-recovery-and-recycling>

Nashville Food Waste Initiative: <https://urbangreenlab.org/nashville-food-waste-initiative/>

FOR MORE INFORMATION, PLEASE CONTACT

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