

From the Desk of  
**Michael Ross**

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**TITLE: The Pay As You Go Waste Collection Act of 2021**

**PROBLEM:** Local municipalities provide their residents/constituents with a variety of services. The most common service provided is regular, mandatory refuse/garbage collection. Often, the municipality provides their residents with collection equipment and tools, especially the actual collection cans/bins. The collection bins are measured in “gallons”, and consumers are charged a collection fee based the size of the collection container. Normally that fee is a flat, non-optional fee and includes regular collection schedules that are weekly, bi-weekly or monthly.

At this point, the reader needs to know that the fee for this service is not based on ‘actual pound weight used’, but the size of the container, which is measured in gallons. That means:

- That the consumer pays for their services based on a “gallon” price, when it should be based on actual weight as expressed in pounds;
- Consumers are charged for the collection of material, no matter if the cans are completely filled or not, costing them money and enriching municipalities at consumers expense;
- Today’s practices do not provide consumers with incentives to conserve, compost or recycle their refuse;
- To meet conservation goals, consumers should be charged for the amount of garbage they get rid of, based on the pound, not the gallon;
- When the current system was created, the technology to do this didn’t exist. It does exist today;

**EXAMPLE:** Like other municipalities throughout the state, San Mateo uses a variety of gallon containers to collect garbage. They provide 3 different types of containers - recycling, garbage and yard waste. The cans come in at least two sizes, and they are all measured in gallons. What makes this doubly unacceptable is that consumers pay for the removal of that refuse based on a confusing equation that converts gallons into pounds, and pay the full amount, wither the can is full or not. As a result, consumer are clearly over paying for the service. To add insult to injury, consumers are given no incentive for conserving or recycling. The proof of this problem can be found on any given day - one can walk down the street and look at the cans that are placed in the street for pick up and see that many of the cans are either not full or many are not even put on the street because they contain zero refuse. But that doesn’t matter – homeowners are still charged full price for the pick-up, no matter how full the cans are. This means that homeowners are overpaying for services, which benefits the municipality and the utility that contracts with them.

**SOLUTION:**

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- 1) Require garbage collection services who contract with local municipalities to establish fair garbage fee programs based on the actual weight of refuse collected, not gallons;
- 2) Require these companies, over a period of time, to:
  - a. Create a program that uses new technology to modernize garbage collection practices;
  - b. Establish procedures that allow for the collection of refuse by pounds, not gallons;
  - c. Require them to charge consumers by the pound when collecting refuse;
  - d. Allow consumers reduce bills when collection cans are not placed on the street for pick up (especially garden refuse);
  - e. Place bar codes or RFD chips on collection cans so that when they are picked up, they are read by a scanner on the refuse truck;
  - f. Have the scanner record the homeowners address information and the actual collected weight;

**BACKGROUND:** This problem is based on actual municipality practice and direct homeowner experience. Please note: I have spoken with the management of the Environmental Solutions Group. They have a division that I thought might be interested in working on this project/legislation - Heil. **Off the record**, they said:

- This technology is being worked on, but is not available to the public yet (**Note:** If this technology is not possible, why are they testing it and trying to perfect it?)
- They do not know if any municipality in California is testing it at all (he didn't have a list I guess), but admitted that they would not be surprised if they created this type of program because these trends are often created in California. San Mateo should be the first to implement this concept and set trends.
- They do not know how much money this type of program will save because they are still crunching numbers.
- I asked if they could use some type of study, legislative help, a test community or technology investment tax credits, and said they could see this being developed as a test program, with some type of governmental support program.

**SUPPORT:**

- Consumers – homeowners
- Environmentalists
- Consumer protection groups
- Some municipalities
- Some garbage collection companies and equipment manufacturers
  - o Companies that produce the products that make this service available;
    - Environmental Solutions

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- Waste Management
- Recology

**OPPOSITION:**

- Municipalities
- Garbage collection companies who have contracts

**ARGUMENTS IN SUPPORT:**

- Collecting using this system enables consumers to pay for exactly what they dispose of – meaning that they “get what they pay for”;
- This measure will save homeowners money;
- In the long run, this measure will force consumers to conserve, saving precious landfill space and related costs for both replacement and clean up;
- When this technology is made available, will California cities be ready to implement/use it?

**ARGUMENTS IN OPPOSITION:**

- 1) If this system is adopted, delicately calculated municipal budgets will lose money that they use for other services;
- 2) This measure will have a negative impact on the contracts between municipal governments and refuse collections companies;
- 3) Expensive to implement;

**PUBLICITY:**

- Ground setting concept;
- Theme: Using Silicon Valley to tackle the Garbage problem;

**HISTORY:**

- Unknown if this has been introduced anywhere else – based on conversations – it is doubtful;

**FISCAL EFFECT:**

- 1) Consumers will get a better deal – they will be paying for what they use;
- 2) Specific costs are unknown - Municipalities will lose an unspecified amount of money because consumers will be paying less for garbage;

**CODE SECTION AFFECTED:** As per Council

**LANGUAGE ATTACHED:** Yes - outline

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**LANGUAGE:**

- a) It is the intent of this legislation to modernize California Garbage Refuse Collection practices by bringing them in line with the advanced technology being created within our state, thus giving the consumer (homeowner) ways to both save money and enhance recycling
- b) This act shall be known as the California Waste Modernization Act of 2019
- c) All refuse collection services that provide direct service to homeowners, must start discussions on the creation of a new refuse collection system within one year of the enactment of this measure
- d) These discussions must include the modernization their waste collection services to include modern technology, including changing the collection structure from Gallons to Pounds
- e) Within 3 years of enactment of this measure, must implement the provisions of the created plan as based on this measure.
- f) Those who contract with a municipality located within California must implement the provisions of this measure and the plan they create within the allotted statutory time or they cannot charge for the collection of refuse unless they are specifically exempt from doing so by the legislature or courts.
- g) All trucks collecting refuse in operation in any municipality located within the state, must become equipped to identify garbage collection cans, and scales to identify and memorialize actual weights of refuse collected.