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MODEL MUNICIPAL ORDINANCE ON ADVANCING COMMUNITY COMPOSTING[1]

*WITH COMMENTARIES**

*For a clean version without commentaries: *Model Municipal Ordinance on Advancing Community Composting*.
For background information and supplemental resources: *Model Municipal Ordinance on Advancing Community Composting: Background Memorandum*.

OUTLINE

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1 This Model refers throughout to *municipalities* (typically defined as cities and towns) but can be adapted for use in counties and other types of local jurisdictions.

The Model is designed to reduce unreasonable regulatory barriers to, and provide opportunities to advance, community composting. A separate model ordinance has been developed to address zoning considerations and provide for community composting as a permissible land use. See Darby Hoover et al., "Model Municipal Zoning Ordinance on Community Composting, With Commentaries," NRDC and Environmental Law Institute (ELI), June 2024, https://www.nrdc.org/resources/model-municipal-zoning-ordinance-community-composting-and-without-commentaries.

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1.0 FINDINGS[2]

1.1 More than 30 percent of the food supply in the United States goes uneaten, and the most common destination for this food waste is a landfill, where it typically represents the largest component of disposed material.[3]

1.2 The amount of food wasted in the United States is worth approximately $382 billion per year.[4] When food is wasted, water and other resources used to produce that food also are wasted.

1.3 Food waste disposed of in landfills emits methane, a greenhouse gas that contributes to climate change and is far more potent than carbon dioxide, especially in the near term.[5] An estimated 58 percent of fugitive methane emissions from landfills comes from food waste.[6]

1.4 Composting diverts food waste and other organic material from landfills and incinerators.[7] This in turn can:

1.4.1 Reduce greenhouse gas emissions from landfilled and incinerated organic material;

1.4.2 Decrease the harmful public health and environmental impacts of landfills and incinerators;

1.4.3 Lower municipal solid waste management costs associated with landfilling and incineration;

1.4.4 Reduce the need to expand existing landfills and build new landfills and incinerators, which are costly and disproportionately sited in low-income communities and communities of color;[8] and

1.4.5 Provide green jobs and job training.[9]

1.5 Composting produces a valuable soil amendment that can be used to enrich soil and plants. It provides other environmental and economic benefits as well, including sequestering carbon; preventing erosion; reducing stormwater runoff; and decreasing the need for chemical fertilizers, pesticides, and irrigation.[10]

1.6 Community composting, with its community focus and relatively small size, can provide [Municipality] and its community members local environmental, economic, and social benefits, such as community engagement and education, local green job creation and training, and application of compost to local soil.[11]

2 More information on food waste and community composting can be found in the Background Memorandum that accompanies this Model. See Darby Hoover et al., "Model Municipal Ordinance on Advancing Community Composting: Background Memorandum," NRDC, ELI, and Institute for Local Self-Reliance (ILSR), June 2025, http://www.nrdc.org/sites/default/files/2025-06/model_municipal_ordinance_on_advancing_community_composting_background_memorandum.pdf.

3 ReFED, "From Surplus to Solutions: 2025 ReFED U.S. Food Waste Report," February 25, 2025, 2, https://refed.org/downloads/2025-refed-u-s-food-waste-report/; U.S. Environmental Protection Agency (EPA), *From Field to Bin: The Environmental Impacts of U.S. Food Waste Management Pathways*, October 2023, https://www.epa.gov/land-research/field-bin-environmental-impacts-us-food-waste-management-pathways.

4 ReFED, "From Surplus to Solutions," 2.

5 Methane, though less abundant and shorter-lived in the atmosphere than carbon dioxide, has 80 times more climate-warming potential than carbon dioxide for the first 20 years after it is emitted. Jeff Turrentine, "The Natural Gas Industry Has a Methane Problem," NRDC, June 7, 2019, https://www.nrdc.org/stories/natural-gas-industry-has-methane-problem.

6 Max Krause et al., *Quantifying Methane Emissions from Landfilled Food Waste*, EPA, October 2023, https://www.epa.gov/land-research/quantifying-methane-emissions-landfilled-food-waste.

7 EPA, "Composting," last updated February 27, 2025, https://www.epa.gov/sustainable-management-food/composting.

8 See, e.g., Robert Bullard, "The Mountains of Houston: Environmental Justice and the Politics of Garbage," Cite 93, Rice Design Center, Winter 2014, https://drrobertbullard.com/wp-content/uploads/2014/07/Final-2014-Bullard-Cite-Article.pdf.

9 See, e.g., Kourtnii Brown, "Why Community Composting Is Critical to California's Infrastructure," BioCycle, February 2023, https://www.biocycle.net/community-composting-california/ (discussing California pilot program that created 60 part-time jobs across 105 community composting organizations).

10 A soil amendment is any material added to soil to improve its properties. Compost soil amendments enhance the physical, biological, and chemical properties of soil—which improves plant growth, among other benefits. U.S. Department of Agriculture (USDA), "Soil Health, Soil Amendments, and Carbon Farming," accessed April 29, 2025, https://www.climatehubs.usda.gov/hubs/california/topic/soil-health-soil-amendments-and-carbon-farming; U.S. Composting Council (USCC), "Benefits of Compost," accessed February 14, 2025, https://www.compostingcouncil.org/page/CompostBenefits; EPA, "Benefits of Using Compost," updated April 7, 2025, https://www.epa.gov/sustainable-management-food/benefits-using-compost.

11 EPA, "Community Composting," last updated April 7, 2025, https://www.epa.gov/sustainable-management-food/community-composting. See also Clarissa Libertelli, Brenda Platt, and Megan Matthews, "A Growing Movement: 2022 Community Composter Census," ILSR, March 2023, 16, https://ilsr.org/wp-content/uploads/2025/01/A-Growing-Movement-2022-Census-2.pdf.

1.7 Community composting can provide needed green spaces,[12] fill gaps in municipal waste service offerings, and offer numerous soil health benefits as well as immobilize contaminants in soil and groundwater through local application of compost.[13]

1.8 Community composting, when used to support community gardens and urban farms, contributes to the local production of food and enhances knowledge of and participation in local food systems.[14]

1.9 Community composters often encounter regulatory barriers at both the municipal and state levels that can hinder their ability to establish and sustain operations.[15] [Municipality] can advance community composting by taking steps to eliminate or reduce unreasonable regulatory barriers to community composting.

1.10 Community composters' operations are often small and locally led; thus, they will benefit from [Municipality's] support through education initiatives, technical assistance, and financial assistance.[16]

2.0 DECLARATION OF POLICY

2.1 It is the purpose of this ordinance both to reduce unreasonable regulatory barriers to community composting and to provide opportunities for advancing community composting.

2.2 It is the intention of [City Council] to:[17]

2.2.1 Advance the many environmental, public health, equity, waste management cost, and job benefits of community composting;

2.2.2 Encourage community composting undertaken in compliance with the law by supporting community composters in navigating the regulatory framework for community composting;

2.2.3 Encourage the production of high-quality compost;

2.2.4 Amend [Municipality]'s municipal code and take other practical steps to eliminate or reduce unreasonable regulatory barriers to community composting;

2.2.5 Consider supporting community composting through educational initiatives, technical assistance, and financial assistance;

2.2.6 Consider setting specific municipal targets related to community composting;

2.2.7 Encourage the use of locally generated compost as a community resource that contributes to erosion control, drought protection, stormwater management, improved soil health, and carbon sequestration; and

2.2.8 Encourage the integration of community composting into regional and municipality-wide solid waste management planning to support widespread access to compost programs.

2.3 It is the intent of [City Council] that [Municipality] shall implement this ordinance in a fair and equitable manner.[18]

12 Moreover, the green space provided by community composting sites can help reduce urban heat island effects. Sophia Hosain, "As Heat Islands Worsen in Baltimore, Local Composting Can Relieve Its Effects," ILSR, August 9, 2022, https://ilsr.org/articles/baltimore-heat-islands-cooled-by-composting/.

13 EPA, "Benefits of Using Compost." These benefits can be of particular value to what are often referred to as environmental justice communities, which may be characterized under the law in various ways. See, e.g., Morro Bay (CA) Code of Ordinances §17.14.020(F) (defining "Environmental Justice Communities" as "low-income communities, communities of color, and other populations with higher exposure and/or sensitivity to adverse project impacts due to historical marginalization, discriminatory land use practices, and/or less capacity to mitigate adverse impacts"). See Section III(d) of the Background Memorandum that accompanies this Model. Hoover et al., "Model Municipal Ordinance on Advancing Community Composting: Background Memorandum."

14 "Urban Agriculture & Community Gardens," University of Wisconsin–Madison Division of Extension, 2022, https://foodsystems.extension.wisc.edu/files/2022/04/MKEGardens_4-4-22-2.pdf.

15 See, e.g., Sustainable Economies Law Center, "Community Compost Law & Policy," accessed December 17, 2024, https://www.theselc.org/compost.

16 See EPA, "Community Composting."

17 The intentions set forth here are adapted from the Model Municipal Zoning Ordinance on Community Composting. Hoover et al., "Model Municipal Zoning Ordinance."

18 The Urban Sustainability Directors Network (USDN) has identified four components of equity in policy and decision making: procedural equity, distributional equity, structural equity, and transgenerational equity. Angela Park, *Equity in Sustainability: An Equity Scan of Local Government Sustainability Programs*, USDN, September 2014, https://www.usdn.org/uploads/cms/documents/usdn_equity_scan_sept_2014_final.pdf. See Section VI of the Background Memorandum that accompanies this Model. Hoover et al., "Model Municipal Ordinance on Advancing Community Composting: Background Memorandum."

3.0 DEFINITIONS[19]

3.1 **Community composting**[20] means an approach to composting,[21] using one or more basic configurations,[22] that:

3.1.1 Sources organic material locally, distributes[23] most or all of the compost locally or uses most or all of the compost on local soils, and typically engages the community in the composting process;

3.1.2 Occupies a smaller operational area and processes substantially less organic material than industrial composting;[24] and

3.1.3 Does not engage in on-farm composting (unless on an urban farm or in a community garden).[25]

3.2 **Community composting operation** means all activities, whether conducted at a community composting site[26] or off-site, necessary to support community composting. It may include collecting, receiving, storing, or transferring organic material; undertaking related hauling activities; generating and distributing compost; or a combination thereof.[27]

3.3 **Compost** means the dark, crumbly, earthy-smelling, biologically stable soil amendment produced by composting.[28]

3.4 **Composting** means the controlled, aerobic, biological decomposition of organic material.[29]

3.5 **Hauler** means any person engaged in the transportation of organic material or solid waste.[30]

19 To ensure consistency with current law, municipal governments may prefer to use comparable definitions, if any, that appear in their existing ordinances, regulations, or policies.

20 Community composting takes many forms, operates at varying sizes and scales, can be undertaken indoors or outdoors, and has flourished in a wide range of settings. ILSR, "What Is Community Composting?," accessed April 19, 2025, https://ilsr.org/composting/what-is-community-composting/. Thus, this Model takes a flexible, non-prescriptive approach to characterizing community composting.

In comparison, USCC's model zoning template and guidelines equate community composting with small composting facilities, characterized primarily by cubic yardage limitations and area size. USCC, "Model Zoning Text Amendment for Composting Facilities," 1st ed., 2022, §§2, 4, https://www.compostingcouncil.org/page/ZoningTemplateDownload; USCC, "Compost Zoning Guidelines," 2022, §1.B.1, https://www.compostingcouncil.org/page/ZoningGuidelinesDownload.

A municipality may opt to include such quantitative parameters in its definition of community composting or to tailor the definition in other ways to reflect local circumstances and community input. Additionally, state laws or regulations may set parameters, such as feedstock throughput, for purposes of regulating composting.

21 Community composting may be sponsored or undertaken by a range of potential actors—e.g., one or more individuals, a business, a nonprofit organization, a municipality, a registered neighborhood organization or homeowners' association, or a community garden.

22 Configurations may include, for example, turned windrows, bin systems, aerated static piles, passively aerated static piles, in-vessel systems, and static piles. Linda Bilsens Brolis and Brenda Platt, *Community Composting Done Right: A Guide to Best Management Practices*, ILSR, March 2019, 19, https://ilsr.org/composting-bmp-guide/.

23 A community composting operation that *distributes* its compost may or may not sell it. See, e.g., Brenda Platt, James McSweeney, and Jenn Davis, *Growing Local Fertility: A Guide to Community Composting*, ILSR, April 2014, 7, https://ilsr.org/articles/size-matters-report-shows-small-scale-community-based-composting/ (noting that "many but not all community composting programs are non-profit mission driven enterprises"). The distribution and sale of compost are addressed in Section 5.6 of this Model.

24 This Model characterizes the size and scale of community composting relative to industrial composting facilities (rather than using a specific quantitative threshold). A municipality may also choose to define *industrial*. USCC, "Model Zoning Text Amendment," Preface and §§2, 5. See also EPA, "Approaches to Composting—Models of Composting," last updated January 17, 2025, https://www.epa.gov/sustainable-management-food/approaches-composting#models.

Community composting is also distinct from backyard or home composting, in which the organic material is processed on-site in a residential setting and the compost is typically used at the same location. See, e.g., EPA, "Approaches to Composting" (discussing backyard/home composting and linking to resources). This Model does not apply to backyard composting.

25 This Model excludes from the definition of community composting on-farm composting (outside an urban agriculture or community garden context), as on-farm composting can raise considerations different from those raised by community composting.

26 This Model uses the word *site* to distinguish the aspects of community composting most closely associated with land use at a specific location (as distinct from other operational elements, such as hauling activities).

The NRDC and ELI Model Zoning Ordinance uses the term *facility*, which is likely more familiar to municipal zoning and land-use experts. Hoover et al., "Model Municipal Zoning Ordinance." See also, e.g., USCC, "Model Zoning Text Amendment," §2 (using the term *facility* for all covered types and scales of composting activities—including small-scale/community). But especially for smaller operations, community composting may rely on little, if any, infrastructure that one might colloquially deem a facility. Another possibility is to use the term *project*.

27 This Model differs slightly from its related model ordinance, NRDC and ELI's "Model Municipal Zoning Ordinance," in that it adds a new definition of *community composting operation*. This also necessarily results in small changes to the definition of *community composting* as used in the related model ordinance.

28 Adapted from EPA, "Composting." Compost, as defined in the Model, includes what is referred to as "finished compost." For additional definitions, see Platt, McSweeney, and Davis, *Growing Local Fertility*, 9; and USCC, "Compost Definition," accessed May 10, 2024, https://www.compostingcouncil.org/page/CompostDefinition.

29 EPA, "Composting."

30 See Metro Government of Nashville and Davidson County (Tennessee) Code of Ordinances §10.20.010 (defining "hauler" as "a person engaged in the transportation of solid waste"); and Spring Lake Township Ottawa County (Michigan) Code of Ordinances §30-19 (defining "waste hauler" as "a person or other legal entity who hauls, collects, or removes solid waste or recyclable materials generated by another person who or which occupies, owns, or operates a residential unit in the township").

3.6 **Organic material** means any compostable material used in the production of compost, including garden or landscaping waste and food scraps.[31]

3.7 **Unreasonable regulatory barrier to community composting** means a non-zoning regulatory requirement, including a local permitting requirement or permit condition, that imposes on a community composting operation a burden that is unintended, unnecessary, or disproportionate to the expected benefit of applying the requirement.[32]

4.0 GOALS

[Municipality] shall establish and track progress toward an annual, measurable goal for increasing community composting operations located within [Municipality], with such goal stated in terms of:[33]

4.1 Number of community composting operations within [Municipality];

4.2 Volume of organic material processed by community composting operations within [Municipality];

4.3 Volume of compost distributed by community composting operations within [Municipality];[34] or

4.4 Any other suitable metric.

5.0 IDENTIFICATION OF MUNICIPAL LAWS AND REDUCTION OF MUNICIPAL REGULATORY BARRIERS

5.1 **Identification of applicable municipal laws.** [Municipality] shall review, compile, and maintain an inventory of municipal ordinances and regulations that apply, or may apply, to a community composting operation, including any requirement to obtain a permit.[35]

5.1.1 These municipal ordinances and regulations may address the following topics, without limitation: zoning;[36] nuisance requirements; requirements to protect floodplains and flood-prone areas; licensing of haulers and collection of organic material; regulation of the distribution and sale of compost; and regulation of the procurement of compost and composting services.

5.1.2 [Municipality] shall publish, and periodically update, such inventory and make it available to the public free of charge in print and electronic formats.[37]

31 The municipality may choose to tailor this definition to address what it deems to be acceptable (or unacceptable) feedstock for community composting. ILSR, for example, recommends excluding meat, cooked food, dairy, grease, and oil, "except at sites where attentive management from an experienced operator is involved." Brolis and Platt, *Community Composting Done Right*.

32 The Model would have the municipality address only *unreasonable* regulatory barriers to community composting, as that term is defined here. The intent is to remove from community composters, wherever possible, the burden of complying with regulatory requirements that were never intended to apply to such relatively small, community-centric composting operations. Zoning considerations are expressly excluded from this Model but are the subject of a related model ordinance. Hoover et al., "Model Municipal Zoning Ordinance." See also USCC, "Model Zoning Text Amendment"; and Michael Price, Angel Arroyo-Rodriguez, and Linda Norris-Waldt, "The Good Neighbor Compost Zoning Toolkit," USCC, accessed January 25, 2025, https://www.compostingcouncil.org/page/community-zoning.

33 It is expected that the municipality will tailor this list of targets on the basis of factors such as the size of the municipality, its capacity to monitor progress, the number of community composting operations, the financial and technical support provided by the municipality, and other relevant factors.

34 Volume of compost product procured by the municipality from community composting operations could also serve as a target.

35 If the municipality has already adopted an ordinance designed to regulate composting (at any size), the municipality may still benefit from including that ordinance in a review under this Section.

36 The subject of zoning for community composting operations is not otherwise discussed here, as it has been covered in a separate model ordinance. See Hoover et al., "Model Municipal Zoning Ordinance." However, municipal zoning ordinances that address composting facilities sometimes also address operational considerations. Thus, the municipality benefits from including in its inventory any ordinance that may address zoning for community composting.

37 A municipality could publish its inventory of municipal laws by way of a guidance document, a printed fact sheet, or a page on the municipal website. Given the complexity of the legal framework that often governs community composting operations, the key is for the municipality to share with the public the review that it undertakes pursuant to this Section. See, e.g., Montgomery County (Maryland) Department of Environmental Protection Division of Solid Waste Services, Str*ategic Plan to Advance Composting, Compost Use, and Food Scraps Diversion in Montgomery County, Maryland*, April 2018, 38–40, 41–45, https://www.montgomerycountymd.gov/DEP/Resources/Files/trash-recycling/food-waste/strategic-plan-advance-composting-compost-use-food-scraps-diversion.pdf (reviewing federal, state, and local regulations pertaining to community composting as required by ordinance [Bill no. 28-16 (2016)] mandating development of a strategic plan on composting and food waste diversion).

Regardless of format, however, nothing published by the municipality under this Section would be intended to create or confer rights or to bind the municipality or any other person.

Any inventory (or guidance document) that the municipality produces pursuant to this Section could also include relevant state laws and regulations identified pursuant to Section 6.1 of the Model.

5.2 **Reduction or elimination of municipal regulatory barriers—generally.** [Municipality] shall:

5.2.1 Determine whether any municipal ordinance or regulation identified pursuant to Section 5.1 presents an unreasonable barrier to community composting; and

5.2.2 For any municipal ordinance or regulation that is determined to present such a barrier, and to the extent practicable, reduce or eliminate such barrier by amending the municipal ordinance or regulation with regard to community composting operations.

5.3 **Municipal nuisance requirements**

5.3.1 [Municipality] shall—

5.3.1.1 Determine whether any municipal ordinance or regulation identified in the review pursuant to Section 5.1 may provide for a determination that a nuisance exists at a community composting site due to odors, rodents, or other pests[38] in connection with composting; and

5.3.1.2 To avoid an unreasonable regulatory barrier to community composting, consider amending such ordinance or regulation to ensure that a nuisance determination made with regard to a community composting site considers whether best management practices were and continue to be in use.

5.3.2 For purposes of this Section, best management practices include, but are not limited to, the following:

5.3.2.1 Nitrogen-rich feedstocks (such as food scraps) are:

5.3.2.1.1 Contained at all times, such as in a fully enclosed, sealed barrel or bucket;

5.3.2.1.2 Covered with at least three (3) inches of carbon-rich materials with no visible food scraps and in a rodent-resistant system;

5.3.2.1.3 Mixed immediately with carbonaceous feedstocks and placed in a rodent-resistant system;

5.3.2.1.4 Incorporated into active composting the same day as arrival on site and, if in an open pile, sealed with at least eight (8) inches of carbon-rich material; or

5.3.2.1.5 Pre-processed, including through dehydration or fermentation methods such as bokashi,[39] and contained at all times;

5.3.2.2 Open compost piles are surrounded by a minimum of two feet of empty space at all times; and

5.3.2.3 Acceptance of new food scraps is ceased when rodents or other vectors of public health concern are present in the vessels, bins, windrows, or piles, until the problem is resolved.[40]

5.4 **Municipal requirements to protect floodplains and flood-prone areas.** Except as may be required by local conditions, [Municipality] shall not restrict the activities of a community composting operation under a municipal ordinance intended to protect floodplains or flood-prone areas more stringently than is necessary to satisfy the requirements of state or federal law.

38 See Brolis and Platt, *Community Composting Done Right*, 17 (describing other pests community composters may face); and Darby Hoover, "Compost, Rodents, and Bears—Oh My!" NRDC, October 5, 2022, https://www.nrdc.org/bio/darby-hoover/compost-rodents-and-bears-oh-my. If bears are a concern, the municipality may consider providing resources on bear-safe composting that may outline measures such as electric fencing and bear-proof containers to store food scraps before they are processed.

39 Bokashi is an anaerobic (without oxygen) process that utilizes a variety of by-products including leaves, sawdust, husks, bran, and other grains inoculated with beneficial microbes to ferment organic material. Brenda Platt, "Webinar Resources: Using Bokashi in Community Composting—What, Why, How, Who," ILSR, April 30, 2018, https://ilsr.org/articles/webinar-bokashi-april-2018/.

40 This provision ensures that any nuisance determinations made under municipal law consider whether the community composting operation follows appropriate best management practices (BMPs), the use of which informs the "reasonableness" factor of a nuisance determination. See Sophia Hosain, Clarissa Libertelli, and Brenda Platt, *Oh, Rats! How to Avoid Rodents at Community Composting Sites*, ILSR, August 2022, https://ilsr.org/articles/composting-ohrats/; and Compost Power and ILSR, "Rodent Reduction Rubric," March 2025, https://ilsr.org/articles/rodent-reduction/.

As an alternative to this BMP provision, the municipality could instead amend any overly stringent municipal nuisance provisions applicable to a community composting site to align such provisions with the nuisance standard established under state law.

Another alternative is for the municipality to amend any overly stringent municipal nuisance provisions applicable to a community composting site to align such provisions with the municipal standard that applies to dumpsters.

5.5 Municipal licensing of haulers and collection of organic material

5.5.1 Except as may be required under state law, a person transporting organic material exclusively as part of a community composting operation is exempt from municipal licensing requirements applicable to waste haulers.[41]

5.5.2 [Municipality] shall not enter into or renew an exclusive franchise zone arrangement or other private contract for solid waste hauling that has the effect of prohibiting or unduly restricting the ability of a community composting operation to collect organic material.[42]

5.5.3 [Municipality] shall:

5.5.3.1 Determine whether municipal residents subject to requirements imposed by homeowners' associations, condominium owners' associations, or owners of multifamily residential dwelling units are prohibited or unreasonably restricted from arranging with a community composting operation to collect organic material for community composting; and

5.5.3.2 Where such prohibitions or unreasonable restrictions to community composting are determined to exist under Section 5.5.3.1, consider amending municipal ordinances and regulations to reduce or eliminate such prohibitions or restrictions with regard to community composting operations.[43]

5.6 Municipal regulation of distribution and sale of compost and of procurement of compost and composting services

5.6.1 [Municipality] shall:

5.6.1.1 Determine whether any municipal ordinance or regulation identified in the review conducted pursuant to Section 5.1 governs the distribution and sale of compost—including, without limitation, requirements for testing and analysis of compost prior to off-site distribution and restrictions on public use of compost; and

5.6.1.2 For any such municipal ordinances and regulations that result in an unreasonable barrier to community composting, consider amending such municipal ordinances and regulations to reduce or eliminate these barriers with regard to community composting operations.[44]

5.6.2 To remove unreasonable regulatory barriers and encourage the procurement of locally produced compost[45] and food scrap composting services provided by community composters,[46] [Municipality] shall review the municipal procurement code and any implementing regulations and policies and, to the extent appropriate and practicable, amend such codes, regulations, or policies.

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41 This provision allows for a community composting carve-out from a standard municipal licensing requirement for waste haulers. In the alternative, a municipality could exclude certain organic material from designation as solid waste, which would have the effect of excluding community composting operations from licensing requirements applicable to solid waste haulers. See, e.g., Md. Code Ann., Env't §9-1725(c)(2)(v) (providing that state regulations may "exempt certain organic materials that are composted from being designated as solid wastes").

42 For municipalities that use a franchise zone collection system, especially where the arrangement is exclusive in nature, this provision is intended to require a carve-out for collections made by community composters.

43 Some states and municipalities have taken action to address such barriers to composting. See, e.g., Md. Code Ann., Real Property §11B-111.9 (providing that homeowner associations may not prohibit or unreasonably restrict a lot owner from contracting with a private entity to collect organic waste materials for composting; this includes impeding access to common elements in order to collect such materials); Md. Code Ann., Real Property §11-111.5 (same, condominiums); Tex. Property Code Ann. §202.007(a)(1), (d)(1) (providing that a property owners' association may not prohibit or restrict a property owner from implementing measures promoting solid waste composting of vegetation—but may regulate the requirements for or location of a composting device); and Code of the City of Austin (TX) §15-6-91 (providing that multifamily residential premises with five or more dwelling units must ensure that tenants and employees have access to composting services).

44 For example, rather than being subjected under municipal law to extensive and expensive testing requirements applicable to a large commercial operation, a community composting operation could instead be made subject to performance-based standards (e.g., requirements that the operation meet "process to further reduce pathogens," or PFRP, criteria and maintain complete and accurate records) or a requirement that operators be trained on operating under BMPs. See Brolis and Platt, *Community Composting Done Right* (discussing best practices in choosing a location, securing feedstocks, avoiding rodents, monitoring, recordkeeping, finishing and testing, health and safety, and more).

45 See Linda Breggin and Darby Hoover, "Model Compost Procurement Policy: With and Without Commentaries," NRDC and Environmental Law Institute, July 2021, https://www.nrdc.org/resources/model-compost-procurement-policy-and-without-commentaries.

46 For example, municipalities may consider procuring services such as food scrap collection or drop-off sites through contracts with community composters. See ILSR, "Webinar: Government Support for Community Composting Part 2: Food Scrap Collectors & Composters with Municipal Contracts," May 25, 2022, https://ilsr.org/articles/govt-support-for-community-composting-collectors/.

6.0 IDENTIFICATION OF STATE LAWS

6.1 [Municipality] shall review, compile, and maintain an inventory of the state-level laws and regulations that apply, or may apply, to a community composting operation, including any requirement to obtain a state permit.

6.1.1 The inventory prepared under this Section may address the following topics, without limitation: proper solid waste management; protection of water and air resources; avoidance of nuisance impacts from pests and odors; and oversight of the distribution and sale of compost.

6.1.2 [Municipality] shall publish, and from time to time update, such inventory and make it available to the public free of charge in print and electronic formats.[47]

6.2 [Municipality] may further:

6.2.1 Determine whether any state-level law or regulation identified pursuant to this Section presents an unreasonable barrier to community composting within [Municipality]; and

6.2.2 For any such state-level law or regulation, to the extent practicable, communicate this determination to the responsible state entity and, as appropriate, recommend options for ameliorating any unintended adverse effects of the state-level law or regulation on community composting.[48]

7.0 OPPORTUNITIES TO ADVANCE COMMUNITY COMPOSTING[49]

7.1 [Municipality] shall, to the extent practicable, pursue one or more of the following opportunities to promote public awareness and education about community composting:

7.1.1 Participating in existing awareness campaigns;[50]

7.1.2 Partnering with community composters or other organizations on community-wide awareness and education campaigns;[51] and

7.1.3 Working with local partners to develop community composting education and awareness initiatives tailored to specific audiences, including, but not limited to, students.[52]

7.2 [Municipality] shall assess and, to the extent practicable, pursue opportunities to provide technical assistance to community composters, including, but not limited to:[53]

7.2.1 Providing technical assistance directly through municipal staff or municipal programs;[54]

7.2.2 Working with a third party (including private contractors and regional nonprofits) to provide technical assistance;[55]

47 Section 6.1 of the Model mirrors for state-level regulation the inventory requirements of Section 5.1, which addresses municipal regulation. Where a municipality adopts both Sections 5.1 and 6.1 of the Model, the resulting reviews—and publications—may be integrated for purposes of efficiency and completeness.

48 Some states have already carved out state-level regulatory exceptions for community composting. See, e.g., N.H. Code Admin. R. Env-Sw 608.05 (expressly exempting from solid waste facility permitting community composting facilities that meet stated criteria, including compliance with ILSR BMPs).

49 Opportunities to support and advance community composting abound. As an initial matter, a municipality should assess and, to the extent practicable, avoid actions that would compete with or hinder existing community composting operations and services. Additionally, a municipality may have ideas that go beyond what is suggested in this Section of the Model. For example, Durango, Colorado, recently passed a resolution directing its city manager to "research organic waste management ordinances in other communities, conduct pilot organic waste management programs as case studies . . . , and subsequently form an organic waste management citizen focus group." City of Durango (CO) Resolution 2025-004, January 7, 2025.

50 Municipalities could participate in existing campaigns by, for example, hosting events or posting on social media. See, e.g., Compost Research and Education Foundation, "International Compost Awareness Week—Home," accessed December 17, 2024, https://compostfoundation.org/ICAW/ICAW-Home; and Food Waste Prevention Week, "Food Waste Prevention Week—Home," accessed December 17, 2024, https://www.foodwastepreventionweek.com/.

51 Locally led campaigns can be especially effective in increasing education and awareness around composting and food waste. Nina Sevilla, "U.S. Cities Raise Awareness of Food Loss and Waste," NRDC, September 29, 2021, https://www.nrdc.org/bio/nina-sevilla/us-cities-raise-awareness-food-loss-and-waste; EPA, "Composting Food Scraps in Your Community: A Social Marketing Toolkit," last updated March 5, 2025, https://www.epa.gov/sustainable-management-food/forms/composting-food-scraps-your-community-social-marketing-toolkit.

52 See, e.g., Caleigh Wells, "How to Inspire Climate Hope in Kids? Get Their Hands Dirty," NPR, December 26, 2023, https://www.npr.org/2023/12/26/1221100212/how-to-inspire-climate-hope-in-kids-get-their-hands-dirty%5d.

53 Technical assistance can involve support for individual community composters, such as assistance setting up composting infrastructure, provision of physical and educational resources, and guidance on implementing BMPs or understanding local and state regulations.

54 See, e.g., New York City (NYC), "NYC Compost Project Brochure," accessed December 17, 2024, https://www.nyc.gov/assets/dsny/docs/nyc-cp-brochure-cp-broch.pdf.

55 See, e.g., RecyclingWorks Massachusetts, "Compost Site Technical Assistance," accessed December 17, 2024, https://recyclingworksma.com/learn-more/compost-site-technical-assistance/; University of California Division of Agriculture and Natural Resources, "UC Cooperative Extension," accessed January 23, 2025, https://ucanr.edu/sites/ucanr/; Integrated Waste Management Consulting, LLC, "Home Page," accessed January 23, 2025, https://www.mattcotton.com/.

7.2.3 Providing community composters with technical resources on composting and community composting;[56]

7.2.4 Endorsing or adopting a guide on community composting siting and operations that includes best management practices for avoiding rodents and other pests, as well as odors;[57]

7.2.5 Developing education, training, and certification courses on community composting, or publicizing existing courses;[58] and

7.2.6 Sponsoring or otherwise supporting demonstration projects.[59]

7.3 [Municipality] shall assess and, to the extent practicable, pursue opportunities to provide financial assistance for community composting, including but not limited to:[60]

7.3.1 Providing grant opportunities or direct funding for community composters;[61]

7.3.2 Providing in-kind contributions, such as access to municipal land and composting bins, free of charge or at a discounted or subsidized rate;[62]

56 Municipalities can direct community composters to a range of resources. See, e.g., Brolis and Platt, *Community Composting Done Right*; ILSR, "Community Composting Webinar Series," YouTube, last updated September 26, 2024, https://www.youtube.com/playlist?list=PLZ1cQ-u1XTA5QBJDiTGPABmMgv6dfFOKF; Platt, McSweeney, and Davis, *Growing Local Fertility*; and James McSweeney, Community-Scale Compost Systems, Compost Technical Services, February 2019, https://www.composttechnicalservices.com/book.

In addition, municipalities may also consider providing resources on specific topics and multilingual resources. See, e.g., Molly Lindsay, "Lessons in Community Composting: A Series," BioCycle, March 10, 2020, https://www.biocycle.net/lessons-community-composting-series/; Hosain, Libertelli, and Platt, *Oh, Rats*; and ILSR, "Recursos para Compostaje en Español (Resources for Composting in Spanish)," accessed December 17, 2024, https://ilsr.org/composting/recursos-para-compostaje/.

57 Municipalities may consider endorsing or adopting existing, evidence-based guides. See, e.g., Brolis and Platt, *Community Composting Done Right*; Hosain, Libertelli, and Platt, *Oh, Rats*. Alternatively, municipalities may consider developing guides tailored to their locality. See, e.g., NYC Compost Project, *NYC Master Composter Manual*, accessed December 17, 2024, https://www.nyc.gov/assets/dsny/docs/nyc-master-composter-manual-mcm.pdf.

58 Education, training, and certification courses can help improve community composters' ability to effectively set up and maintain their operations and to navigate any issues that arise. See, e.g., ILSR, "Community Composting 101 Online Certificate Course," accessed December 17, 2024, https://ilsr.org/composting/online-certificate-course/; Composting Vermont, "Community Composting Training," accessed December 17, 2024, https://www.compostingvermont.org/community-composting#cc-training; District of Columbia Department of Parks and Recreation, "Fall Urban Master Composter Certificate Course," accessed December 17, 2024, https://dpr.dc.gov/page/fall-urban-master-composter-certificate-course. Municipalities may also consider recommending that community composters be certified in order to lead an operation, as this can help ensure that operations are well run and that risks are mitigated.

59 Demonstration projects can serve as hubs for composting education, providing live workshops that model BMPs. Municipalities may run demonstration projects or provide support to local nonprofit organizations to run their own. See, e.g., Earth Matter, "Compost Learning Center," accessed January 29, 2025, https://earthmatter.org/compost-learning-center/; Queens Botanical Garden, "Compost at Queens Botanical Garden," accessed January 29, 2025, https://queensbotanical.org/compost/; Science Museum of Long Island, "Community Compost at SMLI," accessed December 17, 2024, https://www.smli.org/compost; Snug Harbor Cultural Center & Botanical Garden, "Composting at Snug Harbor," accessed December 17, 2024, https://snug-harbor.org/compost/. ILSR's *Community Composting Done Right* discusses BMPs that may be helpful to those running demonstration projects.

60 Measures could be funded through municipal budgets. See, e.g., Lindsey Bineau, "Budgeting Guide for Local Governments: 2023: Municipal Budget Planning," GovPilot, https://www.govpilot.com/blog/local-government-budget-planning. Alternatively, municipalities may consider using approaches such as waste surcharges to support community composting. See, e.g., Sophia Jones, "Surcharges on Waste Disposal Fund Composting," ILSR, February 4, 2022, https://ilsr.org/articles/disposal-surcharges-fund-composting/; and Haley Rischar, "Finding the Right Fit When Developing Composting Programs," *Waste Today*, March 17, 2020, https://www.wastetodaymagazine.com/news/composting-programs-developing-community/.

61 Grant opportunities can be developed specifically for community composting or more broadly, such as for urban agriculture or waste reduction. See, e.g., City of Boston, "$300,000 Awarded to Boost Urban Agriculture in Boston," last updated July 7, 2023, https://www.boston.gov/news/300000-awarded-boost-urban-agriculture-boston#content; City of Minneapolis, "Homegrown Minneapolis Community Projects a Part of Climate Legacy Initiative," June 5, 2024, https://www.minneapolismn.gov/news/2024/june/homegrown-minneapolis-community-projects/; Central Vermont Solid Waste Management District, "Organizational Waste Reduction and Reuse Program (OWRRP)," accessed December 17, 2024, https://www.cvswmd.org/organizational-waste-reduction--reuse-program-owrrp.html.

Municipalities can also consider opportunities to directly fund community composters through initiatives such as shared savings programs, which pay community composters (on a per ton basis) 50 percent of the avoided costs of collection and disposal that the municipality would have otherwise incurred. See, e.g., Bethany Hooper, "Ocean City Continues Partnership for Food Composting Project," *OC Today-Dispatch*, March 13, 2025, https://www.octodaydispatch.com/news/ocean-city-continues-partnership-for-food-composting-project/article_611e407c-001d-11f0-a62c-aba87541b6e5.html; Virginia Streeter, "Webinar Resources: Innovative Residential Food Scrap Collection—Large and Small Cities," ILSR, October 18, 2018, https://ilsr.org/articles/webinar-residential-collection-programs-november-2018/ (describing an "innovative arrangement" with a local composter in Falls Church, Virginia).

In addition to directly funding community composting, municipalities may consider supporting community composting operations through tax incentives. See, e.g., N.C. Gen. Stat. §105-164.13E (exempting compost sales to qualifying farmers from North Carolina's sales and use taxes) and Iowa Code §427.1(19) (providing an exemption from Iowa's property taxes for pollution-control and recycling property).

62 See, e.g., NYC Parks, "About GreenThumb," accessed December 17, 2024, https://www.nycgovparks.org/greenthumb/about ("free garden materials"); City of Austin, "Neighborhood Partnering Program," accessed December 17, 2024, https://www.austintexas.gov/department/neighborhood-partnering-program (cost-sharing for community-initiated projects including community gardens on city-owned property); City of Minneapolis, "Garden Leases," last updated December 10, 2024, https://www.minneapolismn.gov/government/programs-initiatives/homegrown/garden-leases/ (vacant lot leases to nonprofit organizations for community gardens).

7.3.3 Partnering with community composters to apply for federal and state funding;[63] and

7.3.4 Providing assistance to community composters seeking external funding, through:

7.3.4.1 Supporting grant application efforts;[64]

7.3.4.2 Compiling and publicizing grants offered by federal and state agencies, philanthropic organizations, and nongovernmental organizations;[65] and

7.3.4.3 Directing community composters to banks and credit unions that may provide financing for their projects.[66]

8.0 REPORTING

[Municipal Department] shall issue an annual public report on the effectiveness of measures adopted pursuant to this ordinance in encouraging community composting measured against the goals established under Section 4.[67]

9.0 SEVERABILITY

This ordinance and the various parts thereof are hereby declared to be severable. If any provision, sentence, clause, phrase, or word contained in this ordinance, or any application of it, is held to be invalid by a decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions or applications of this ordinance.

10.0 EFFECTIVE DATE

This ordinance takes effect [number of days] after its [adoption/publication].

63 Some federal, state, philanthropic, and nongovernmental grant opportunities for composting and waste reduction allow applicants to partner with other entities. See, e.g., USDA, "Composting and Food Waste Reduction (CFWR) Cooperative Agreements," accessed December 17, 2024, https://www.usda.gov/farming-and-ranching/agricultural-education-and-outreach/urban-agriculture/composting-and-food-waste-reduction-cfwr-cooperative-agreements; CalRecycle, "Organics Grant Program," accessed December 17, 2024, https://calrecycle.ca.gov/funding/organics/; Oregon Department of Environmental Quality, "Materials Management Grant Program," accessed December 17, 2024, https://www.oregon.gov/deq/mm/pages/grants.aspx.

64 See, e.g., City of Austin, "Neighborhood Partnering Program" (providing support for meeting grant-matching requirements). Municipalities may also consider other ways of assisting with grant applications, such as by hosting or sponsoring grant application writing workshops.

65 Through a website, digital flyer, or outreach efforts, municipalities can direct community composters to entities that fund composting activities, such as USDA, ILSR, and relevant state agencies. See, e.g., USDA, "Funding Opportunities: Food Loss and Waste," accessed January 23, 2025, https://www.usda.gov/foodlossandwaste/funding; Najee Quashie, "$100,000 Funding Opportunity for BIPOC and BIPOC-Serving Composters," ILSR, March 2024, https://ilsr.org/articles/composting-grants/; Maryland Department of Agriculture, "Urban Agriculture Water & Power Grants," accessed December 17, 2024, https://mda.maryland.gov/resource_conservation/Pages/Infrastructure-Grants.aspx.

Municipalities can also direct community composters to relevant grant databases. See, e.g., ReFED and NRDC, "Federal Grants Database," accessed May 7, 2025, https://refed.org/food-waste/federal-grants-database; Julia Spector, "Composting Funding Opportunity Resources: Search Tools, Listservs, and More," ILSR, July 2024, https://ilsr.org/articles/composting-funding-opportunity-resources-search-tools-listservs/.

66 Many banks and credit unions do not lend to nonprofits, but there are exceptions. Suzie Boss, "Overdue Credit for Nonprofits," *Stanford Social Innovation Review*, Summer 2013, https://ssir.org/articles/entry/overdue_credit_for_nonprofits#.

67 See, e.g., Kathryn Garcia, "NYC Community Composting Report," NYC Department of Sanitation, January 2015, https://dsny.cityofnewyork.us/wp-content/uploads/2017/12/about_2014-community-composting-report-LL77_0815.pdf.