

Subject: Ordinance #1565 – Adoption of Chapter 1.22 RMC – Compost Procurement Policy

Proposed Council Action:

This is on for First Reading and Discussion. Unless directed otherwise, this matter will return for Second Reading and Action on January 3, 2023.

Dept. Origin: Legal Department

**Prepared by: Jennifer Robertson
 City Attorney’s Office**

For Agenda of: December 20, 2022

Exhibits: Ordinance #1565

	Initial & Date
Concurred by Mayor:	_____
Approved/form by City Atty:	<u>JSR/12-15-22</u>
Approved by _____ Director:	_____
Approved by Department Head:	_____

INFORMATION / BACKGROUND

Last Legislative Session, the State Legislation passed House Bill 1799 which Governor Inslee signed into law. The goal of the legislation is to reduce food and yard waste in landfills by 75% in eight years. To do that, the State is requiring cities to do their part in collection of organics and procuring compost for use in public works projects.

HB 1799 was codified at RCW 43.19A.150 and requires cities to adopt a procurement ordinance for compost and to make regular reports to the State on diversion of organics from landfills and its use of compost in public projects. The City’s compost procurement ordinance must meet the standards contained in RCW 42.19A.150 in order to implement RCW 43.19A.120 (“Use of compost products in projects”).

The new law applies to cities over 25,000 or any city that collects organics as part of its solid waste collection program. Since Ruston’s contractor collects yard waste, the City is required to comply with this law. This law requires cities to adopt a compost procurement ordinance by January 1, 2023, including having reporting programs built into the ordinance. Many cities are falling short of the deadline and the Department of Ecology is aware that many cities will be late with this legislation. Unless Ruston waives first reading, it will pass this ordinance on January 3, 2023 which is a couple of days after the deadline.

Under RCW 43.19A.150, projects the City must plan for regarding compost usage include:

- Landscaping
- Construction and post-construction

- Erosion prevention, stormwater runoff filtration, plant growth, or to improve the stability and longevity of roads

Each city must also develop a strategy to inform residents about the value and city use of compost. Cities must give priority to compost producers that meet the criteria in RCW 43.19A.150(6).¹ Cities must also report to the Department of Ecology regarding compost usage to in every even-numbered year, starting December 2024, including reporting on:

- Tons of organic material diverted (since Ruston's contractor is collecting organics)
- Volume and cost of compost purchased
- Source(s) of compost

The attached ordinance meets the requirements under state law.

FISCAL IMPACT

This ordinance will require Ruston to use compost in its projects when feasible and appropriate. In addition, this ordinance requires Ruston to provide biennial reports to Ecology regarding organics diverted from waste in Ruston and use of compost in Ruston public projects.

RECOMMENDATION / MOTION

This is on for First Reading and Discussion. Unless directed otherwise, this matter will return for Second Reading and Action on January 3, 2023.

¹ These are defined as companies that produce compost products locally, are certified by a nationally recognized organization, and produce compost products that are derived from municipal solid waste compost programs and meet quality standards comparable to standards adopted by the department of transportation or adopted by rule by the department of ecology.

ORDINANCE NO. 1565

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RUSTON, WASHINGTON, ESTABLISHING A COMPOST PROCUREMENT POLICY FOR THE CITY OF RUSTON AS REQUIRED BY RCW 43.19A AND ADDING A NEW CHAPTER 1.22 ENTITLED “COMPOST PROCUREMENT” TO THE RUSTON MUNICIPAL CODE, PROVIDING FOR SEVERABILITY AND CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in March 2022, HB 1799 was signed into Washington law. The primary goal of the law is to increase the diversion of organic materials going to landfills in order to reduce methane emissions as landfills are a significant source of methane emissions; and

WHEREAS, as more organic materials are diverted and recycled, it is critical that the compost manufactured be procured by local jurisdictions and others to support the economic viability of these processes and programs; and

WHEREAS, it is well established that compost production and use provide significant environmental benefits to our soil and food. HB 1799 encourages most cities and counties in Washington to adopt a compost procurement ordinance by January 1, 2023; and

WHEREAS, on December 20, 2022, the City Council held first reading of this ordinance; and

WHEREAS, on January 3, 2023, the City Council adopted this Ordinance during its regular meeting at the second reading; **NOW, THEREFORE**

THE CITY COUNCIL OF THE CITY OF RUSTON, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. New Chapter. A new Chapter 1.22 entitled “Compost Procurement” is hereby added to the Ruston Municipal Code to read as follows:

**Chapter 1.22
COMPOST PROCUREMENT**

1.22.010	Definitions.
1.22.020	General Policy.
1.22.030	Local Purchasing.
1.22.040	Education.
1.22.050	Reporting.

1.22.010 Definitions. The follow definitions apply for the purposes of this chapter:

“Compost” means a product created with “composted material” as defined in RCW 70A.205.015(3). “Compost” includes, but is not limited to, 100% finished compost or blends that include compost as a primary ingredient. Mulch is considered a “Compost” if it contains a minimum of sixty percent composted material. Bark is not a “Compost”.

“Cost prohibitive” means a product purchasing cost that exceeds 10% of the cost of another product that would serve the same purpose.

“Local” or “locally” as to compost providers means that such provider is located within a 25-mile radius of the city limits of Ruston.

1.22.020 General Policy.

- A. Ruston shall plan for compost use in the following categories:
1. Landscaping projects;
 2. Construction and postconstruction soil amendments;
 3. Applications to prevent erosion, filter stormwater runoff, promote vegetative growth, or improve the stability and longevity of roadways; and
 4. Low-impact development of green infrastructure to filter pollutants or to keep water onsite, or both.
- B. Compost products shall be purchased for use in City projects in which compost is an appropriate material or on City property, provided it is not cost prohibitive to acquire. Procurement costs will include the product cost and all associated transportation and delivery charges.
- C. Ruston is not required to use compost products if:
1. Compost products are not available within a reasonable period of time or distance;

2. Compost products that are available do not comply with existing purchasing standards;
3. Available compost products do not comply with federal or state health, quality, or safety standards; or
4. Compost purchase prices are not reasonable or competitive.

D. Pursuant to RCW 43.19A.130, Ruston will strive to purchase an amount of finished compost products equal or greater than fifty percent of the amount of organic materials the City delivered to the compost processor. This plan will be re-assessed each December 31st of even-numbered years, beginning in 2024 and thereafter as part of the reporting obligations in RMC 1.22.050.

1.22.030 Local Purchasing. Ruston will purchase finished compost products from companies producing compost locally, are certified by a nationally recognized organization, such as the U.S. Composting Council, and produce finished compost products derived from municipal solid waste compost programs while meeting quality standards adopted by the Department of Transportation or adopted by rule by the Department of Ecology. If locally produced compost is not available, compost shall be sourced from outside the region, with preference given to products sourced as close as possible to Ruston. Proof that locally produced compost was not available at the time of purchase or was cost-prohibitive shall be documented.

1.22.040 Education. Ruston shall conduct educational outreach to inform residents about the value of compost and how the jurisdiction uses compost in its operations each year.

1.22.050 Reporting. By December 31, 2024, and each December 31st of even-numbered years thereafter, Ruston shall report the following information to the Department of Ecology:

- A. The total tons of organic material diverted each year;
- B. The volume and cost of compost purchased each year; and
- C. The source(s) of the finished compost product purchased.

Section 2. Severability. If any section, subsection, sentence, clause, phrase or other portion of this Ordinance or its application to any person is, for any reason, declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

Section 3. Corrections. Upon the approval of the city attorney, the city clerk and/or code publisher is authorized to make any necessary technical corrections to this Ordinance, including but not limited to the correction of scrivener's/clerk errors, references, Ordinance numbering, section/subsection numbers, and any reference thereto.

Section 4. Corrections. Upon the approval of the city attorney, the city clerk and/or code publisher is authorized to make any necessary technical corrections to this Ordinance, including but not limited to the correction of scrivener's/clerk errors, references, Ordinance numbering, section/subsection numbers, and any reference thereto.

Section 5. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 6. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this ____ day of January, 2023.

APPROVED by the Mayor this ____ day of January, 2023.

Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

Judy Grams, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Jennifer S. Robertson

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO: 1565