

ORDINANCE NO. 4918

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLensburg, WASHINGTON, RELATING TO COMPOST PROCUREMENT AND ADDING A NEW CHAPTER TO THE ELLensburg CITY CODE ENTITLED “5.22 COMPOST PROCUREMENT POLICY”

WHEREAS, in March 2022, ESSHB 1799 was signed into Washington law; and

WHEREAS, 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 in order to support the economic viability of these processes and programs; and

WHEREAS, the legislature has found that compost production and use provide significant environmental benefits to our soil and food; and

WHEREAS, ESSHB 1799 requires that all cities such as Ellensburg with a population of 25,000 or fewer in which organic material collection services are provided under chapter 70A.205 RCW must adopt a compost procurement ordinance to implement RCW 43.19A.120;

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington do hereby ordain as follows:

**Section 1. A new chapter entitled “5.22 Compost Procurement Policy” is hereby added to Title 5 of the Ellensburg City Code to read as follows:**

**Chapter 5.22  
COMPOST PROCUREMENT POLICY**

**Sections**

- 5.22.020      Purpose.**
- 5.22.040      Definition.**
- 5.22.060      General Policy.**
- 5.22.080      Local Purchasing.**
- 5.22.100      Planning.**
- 5.22.140      Reporting.**

**5.22.020      Purpose.**

The purpose of this chapter is to establish compost procurement requirements to strengthen markets for the increasing the amount of compost generated statewide by requiring local

governments to plan for the use of compost in landscaping projects, construction and post construction soil amendments, and other projects.

**5.22.040      Definition.**

For the purposes of this chapter, the definitions set forth in RCW 43.19A.010 shall apply unless the context clearly requires otherwise.

**5.22.060      General Policy.**

When planning government-funded projects or soliciting and reviewing bids for such projects, the city shall consider whether compost products can be utilized in the project. If compost products can be utilized in the project, the City shall use compost products to the extent required by law, including, without limitation, RCW 43.19A.120(2).

**5.22.080      Local Purchasing.**

A. To the extent required by RCW 43.19A.150(6), the city shall give priority to purchasing compost products from 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 while meeting quality standards adopted by the department of transportation or adopted by rule by the Department of Ecology.

B. In accordance with RCW 39.30.040(1), the city may allow for the preferential purchase of compost to meet the requirements of RCW 43.19A.120.

**5.22.100      Planning.**

To the extent required by RCW 43.19A.150(3), the city shall plan for compost use in the following categories:

- (a) Landscaping projects;
- (b) Construction and post construction soil amendments;
- (c) Applications to prevent erosion, filter stormwater runoff, promote vegetative growth, or improve the stability and longevity of roadways; and
- (d) Low-impact development of green infrastructure to filter pollutants to keep water onsite or both.

This plan will be re-assessed by December 31, 2024, and each December 31<sup>st</sup> of even-numbered years thereafter as part of the reporting obligations as set forth in RCW 43.19A.150(5).

**5.22.120      Reporting.**

By December 31, 2024, and each December 31<sup>st</sup> of even-numbered years thereafter, the City of Ellensburg 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 composted materials purchased each year; and
- (c) The source(s) of the finished compost product purchased.

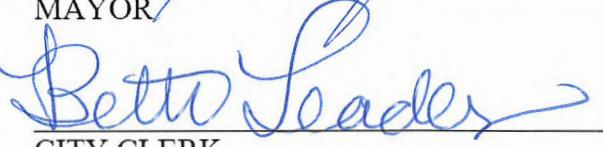
**Section 2. Severability.** If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

**Section 3. Corrections.** Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 4. Effective Date.** This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 3rd day of July, 2023.

ATTEST:

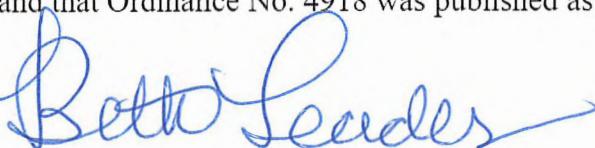
  
\_\_\_\_\_  
MAYOR  
  
\_\_\_\_\_  
CITY CLERK

Approved as to form:

  
\_\_\_\_\_  
CITY ATTORNEY

Publish: 7-6-2023

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4918 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4918 was published as required by law.

  
\_\_\_\_\_  
BETH LEADER