

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Discussion of Ordinance No. 976 –Compost Procurement Ordinance Pursuant to ESSHB 1799 for Use of Compost in Public Projects
<b>DEPARTMENT:</b>	Administrative Services Department
<b>PRESENTED BY:</b>	Sara Lane, Administrative Services Director Janet Bulman, Procurement Coordinator Cameron Reed, Environmental Services Program Manager
<b>ACTION:</b>	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

In 2022, the Washington State Legislature passed Engrossed Second Substitute House Bill (ESSHB) 1799 which requires the City of Shoreline to adopt a “Compost Procurement Ordinance” by January 1, 2023. The Legislature found that compost benefits Washington residents by diverting tons of organic waste from landfills, reducing solid waste costs, replacing synthetic chemical fertilizer, and lowering carbon emissions and, therefore, state and local governments should lead by example by purchasing and using local compost. In addition, the Legislature stated that these actions will help Washington achieve its 2030 goal to cut landfill-disposed organic material by 75% compared to 2015.

Tonight, Council will discuss proposed Ordinance No. 976, which would add new section, SMC 2.60.100 Environmental Purchasing, to SMC Chapter 2.60. Proposed Ordinance No. 976 is scheduled to be brought back to Council for action on December 12, 2022.

**RESOURCE/FINANCIAL IMPACT:**

No direct financial impacts are anticipated as a result of the proposed ordinance. The City shall determine whether it is, to the maximum extent economically feasible in performance of the work, to use compost in a public project.

**RECOMMENDATION**

No action is required tonight. Staff seeks Council direction on the proposed addition to SMC Chapter 2.60 – Purchasing. Proposed Ordinance No. 976 is scheduled to be brought back to Council for action on December 12, 2022.

Approved By:            City Manager **JN**    City Attorney **MK**

## **BACKGROUND**

In 2020, the Legislature adopted RCW 43.19A.120, requiring state and local governments to consider whether compost products could be used in public projects and to use those products unless one of several exemptions applies. Exemptions include lack of available product, non-competitive pricing, and financially prohibitive.

With the passage of E2SHB 1799 in 2022, now codified at RCW 43.19A.150, the City is required to adopt a “Compost Procurement Ordinance” by January 1, 2023, so as to implement RCW 43.19A.120.

The Legislature found that compost benefits Washington residents by diverting tons of organic waste from landfills, reducing solid waste costs, replacing synthetic chemical fertilizer, and lowering carbon emissions and, therefore, state and local governments should lead by example by purchasing and using local compost. In addition, the Legislature stated that these actions will help Washington achieve its 2030 goal to cut landfill-disposed organic material by 75%, compared to 2015.

## **DISCUSSION**

City of Shoreline Policy 200-F-04 Environmentally Preferable Purchasing Policy seeks to reduce the adverse environmental impact of City purchasing decisions by procuring goods, products, and materials that are consistent with the City’s environmental sustainability commitment, including considering the use of compost products in public project planning, soliciting, and reviewing bids consistent with RCW 43.19A.120.

To comply with the new law, Ordinance No. 976 would add chapter 2.60.100 to Shoreline Municipal Code 2.60 – Purchasing. The code would require staff to plan for the use of compost for government-funded public projects in the following categories:

1. Landscaping projects;
2. Construction and postconstruction soil amendments;
3. Applications to prevent erosion, filter stormwater runoff, promote vegetation growth, or improve the stability and longevity of roadways; and
4. Low-impact development and green infrastructure to filter pollutants or keep water on-site, or both.

In planning for such use, staff would determine whether it is, to the maximum extent economically feasible in performance of the work, possible to use compost in a public project. If compost can be utilized, the City shall require a department and/or each contractor with whom it contracts to use compost products. Exceptions to the use of compost are as follows:

1. Compost products are not available within a reasonable amount of time;
2. Available compost products do not meet existing standards for health, quality, and safety; or
3. Prices are not reasonable or competitive.

The Compost Procurement Ordinance would also require the City to give priority to purchasing compost products from companies that produce compost locally, are certified by a national recognized organization, and produce compost products that are derived from municipal solid waste compost programs and meet quality standards comparable to the standards adopted by the Washington State Department of Transportation or the Washington State Department of Ecology.

RCW 43.19A.150 also requires the City to submit a report to the Washington Department of Ecology beginning December 31, 2024, covering the previous year's compost procurement activities. At the minimum, the report would contain the following:

1. The total tons of organic material diverted;
2. The volume and cost of compost purchased by the City; and
3. The source(s) of the compost purchased.

Finally, the City is required to develop a strategy to inform residents and businesses about the value of compost and how the City uses compost in its operations.

### **COUNCIL GOAL(S) ADDRESSED**

This action would support the City Council's 2022-2024 Goal #2, Action Step #6:

*Goal #2: Goal 2: Continue to deliver highly-valued public services through management of the City's infrastructure and stewardship of the natural environment*

*Action Step #6: Continue to implement the 2022-2024 Priority Environmental Strategies including implementation of Salmon-Safe certification activities, resource conservation and zero waste activities, and updating the City's Climate Action Plan*

### **RESOURCE/FINANCIAL IMPACT**

No direct financial impacts are anticipated as a result of the proposed ordinance. The City shall determine whether it is, to the maximum extent economically feasible in performance of the work, to use compost in a public project.

### **RECOMMENDATION**

No action is required tonight. Staff seeks Council direction on the proposed addition to SMC Chapter 2.60 – Purchasing. Proposed Ordinance No. 976 is scheduled to be brought back to Council for action on December 12, 2022.

### **ATTACHMENTS**

Attachment A: Proposed Ordinance No. 976

Attachment A: Exhibit A: SMC 2.60.100 Environmental Purchasing - Compost

**ORDINANCE NO. 976**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON  
ADDING A NEW SECTION 2.60.100 ENVIRONMENTAL PURCHASING  
TO CHAPTER 2.60 PURCHASING OF THE SHORELINE MUNICIPAL  
CODE FOR THE ADOPTION OF A COMPOST PROCUREMENT  
ORDINANCE.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington; and

WHEREAS, in 2020, with the adoption of RCW 43.19A.120, the Washington State Legislature found that compost benefits Washington residents by diverting tons of organic waste from landfills, reducing solid waste costs, replace synthetic chemical fertilizer, and lowering carbon emissions and, therefore, state and local governments should lead by example by purchasing and using local compost; and

WHEREAS, RCW 43.19A.120 requires all state agencies and local governments to consider whether compost products can be used when planning or soliciting and review bids for public projects and to use compost products in a project except when availability, health, qualify, safety, or price-competitive criteria are not met; and

WHEREAS, City of Shoreline Policy 200-F-04 Environmentally Preferable Purchasing Policy seeks to reduce the adverse environmental impact of City purchasing decisions by procuring goods, products, and materials that are consistent with the City's environmental sustainability commitment, including considering the use of compost products in public project planning, soliciting, and reviewing bids consistent with RCW 43.19A.120; and

WHEREAS, with the passage of Engrossed Second Substitute House Bill (E2SHB) 1799 by the Washington State Legislature in 2022, now codified at RCW 43.19A.150, the City of Shoreline is now required to adopt a "Compost Procurement Ordinance" by January 1, 2023, so as to implement RCW 43.19A.120; and

WHEREAS, procurement of compost for government-funded public project assists the City in implementing the goals set for in the 2022-2024 Priority Environmental Strategies, including the reduction of solid waste (Zero Waste);

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

**Section 1. Amendment to SMC Chapter 2.60 Purchasing.** A new section, SMC 2.60.100 Environmental Purchasing is added to SMC Chapter 2.60 as set forth in Exhibit A.

**Section 2. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

**Section 3. Severability.** Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

**Section 4. Publication and Effective Date.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

**PASSED BY THE CITY COUNCIL ON \_\_\_\_\_, 2022.**

\_\_\_\_\_  
Mayor Keith Scully

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Simulcik Smith  
City Clerk

\_\_\_\_\_  
Margaret King  
City Attorney

Date of Publication: , 2022  
Effective Date: , 2022

**ORDINANCE No. 976**

**EXHIBIT A**

**SMC 2.60.100 Environmental Purchasing - Compost**

- A. For the purpose of this section “compost products” means mulch, soil amendments, ground cover, or other landscaping material derived from the biological or mechanical conversion of biosolids or cellulous-containing waste materials.
- B. The City shall plan for the use of compost for government-funded public projects in the following categories:
  - 1. Landscaping projects;
  - 2. Construction and postconstruction soil amendments;
  - 3. Applications to prevent erosion, filter stormwater runoff, promote vegetation growth, or improve the stability and longevity of roadways; and
  - 4. Low-impact development and green infrastructure to filter pollutants or keep water on-site, or both.
- C. The City shall determine whether it is, to the maximum extent economically feasible in performance of the work, to use compost in a public project. If compost can be utilized, the City shall require a department and/or each contractor with whom it contracts to use compost products. Exceptions to the use of compost are as follows:
  - 1. Compost products are not available within a reasonable amount of time;
  - 2. Available compost products do not meet existing standards for health, quality, and safety;
  - 3. Prices are not reasonable or competitive.
- D. The City shall give priority to purchasing compost products from companies that produce compost locally, are certified by a national recognized organization, and produce compost products that are derived from municipal solid waste compost programs and meet the quality standards comparable to standards adopted by the Washington State Department of Transportation or the Washington State Department of Ecology.
- E. On December 31 of even-numbered years, the City shall submit a report to the Washington Department of Ecology covering the previous year’s compost procurement activities. At the minimum, the report shall contain the following:
  - 1. The total tons of organic material diverted;
  - 2. The volume and cost of compost purchased by the City; and
  - 3. The source(s) of the compost purchased.
- F. The City Manager or designee is directed to develop strategies to inform residents and businesses about the value of compost and how the City uses compost in its operations.