



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 6188
November 15, 2022
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 6188: Compost Procurement Ordinance	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Conduct first reading of Ordinance No. 22C-22; schedule second reading and adoption on December 6, 2022.	

DEPARTMENT:	Public Works		
STAFF:	Jason Kintner, Chief of Operations Ross Freeman, Sustainability Program Analyst		
COUNCIL LIAISON:	Craig Reynolds	Jake Jacobson	Ted Weinberg
EXHIBITS:	1. Draft Ordinance No. 22C-22		
CITY COUNCIL PRIORITY:	1. Prepare for the impacts of growth and change with a continued consideration on environmental sustainability.		

AMOUNT OF EXPENDITURE	\$ n/a
AMOUNT BUDGETED	\$ n/a
APPROPRIATION REQUIRED	\$ n/a

EXECUTIVE SUMMARY

The purpose of this agenda bill is to conduct a first reading and review of Ordinance No. 22C-22 (Exhibit 1).

- [Engrossed Second Substitute House Bill 1799](#) (E2SHB 1799) was passed in March 2022 and is intended to achieve a 75% reduction of food and yard waste in landfills by 2030 statewide.
- Cities with a population greater than 25,000 and with curbside compost collection services, must support this goal by enacting new compost procurement legislation before January 1, 2023.
- The legislation must demonstrate a plan for the use of compost in various settings and identify public education and reporting programs.
- Ordinance No. 22C-22 addresses these requirements and is based on language developed by the King County Solid Waste Division.

BACKGROUND

Engrossed Second Substitute House Bill 1799 ([E2SHB 1799](#)) was passed in March 2022 and is intended to achieve a 75% reduction of food and yard waste in landfills by 2030 statewide. The [final bill report](#), which was prepared by non-partisan legislative staff for the use of legislative members in their deliberations (this analysis is not part of the legislation nor does it constitute a statement of legislative intent) states:

Solid Waste, Organic Materials, and Food Waste Management.

Under Washington's solid waste management laws, local governments are the primary government entity responsible for implementing solid waste management requirements. The Department of Ecology (Ecology) also has certain roles in overseeing the administration of solid waste management laws including responsibility for working cooperatively with local governments as they develop their local solid waste management plans; evaluating, analyzing, and monitoring the state's solid waste stream; and developing a statewide solid waste plan that, in part, addresses organic material wastes.

County and city solid waste management plans are required to contain certain elements, including a waste reduction and recycling element. This element must include waste reduction strategies, recycling strategies, and source separation strategies. Since 2019 Washington has had an established goal to reduce the annual generation of food waste by 50 percent by 2030. A subset of the goal includes a prevention goal related to edible food waste. In order to achieve the 2030 food waste reduction goal, Ecology, working with other state agencies, adopted the Use Food Well Washington plan in December 2021. The Use Food Well Washington plan contains 30 federal and state policy recommendations, including recommendations:

- to create a Washington Center for Sustainable Food Management with certain duties;
- related to the liability protections for persons that donate food;
- for funding or financial incentives for certain activities supportive of food waste reduction goals; and
- for changes to data management, public outreach, coordination, and new programmatic activities to be implemented by a variety of public entities.”

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Compost Procurement Requirements.

Since 2020 state agencies and local governments have been required to consider whether compost products can be used when planning or soliciting and reviewing bids for government-funded projects. If compost products can be utilized in the project, the agency or local government must do so, except if:

- compost products are not available within a reasonable amount of time;
- compost products that are available do not meet existing purchasing standards or federal or state health and safety standards; or
- compost purchase prices are not reasonable or competitive.

In 2020 the Legislature directed the Department of Agriculture (Agriculture) to create a three-year compost reimbursement program for certain farming operations' expenses related to purchasing and using compost products. This three-year reimbursement program was vetoed by Governor Inslee.

Generally, purchases of or contracts for goods and services must be based on a competitive solicitation process, unless a specific exemption applies. When local governments are required to make purchases from the lowest bidder or from the supplier offering the lowest price, they may take into consideration tax revenue they would receive from purchasing supplies, materials, or equipment from a supplier located within their jurisdiction. Local governments may, however, allow for the preferential purchase of products made from recycled materials or products that may be recycled or reused.

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Local Government Compost Procurement Requirements, Plans, and Ordinances.

By January 1, 2023, cities and counties with a population of at least 25,000, or in which organic material collection services are provided, must adopt a compost procurement ordinance to implement the 2020 requirement for local governments to consider the use of compost products in projects and to use

compost products in a project except when availability, health, quality, safety, or price-competitive criteria are not met. In developing a compost procurement ordinance, cities and counties must consider four specified categories of compost uses, including landscaping projects and soil amendments. Cities and counties with a compost procurement ordinance must develop strategies to inform residents regarding the jurisdiction's use of compost and the value of compost.

Local governments must give priority to purchasing compost products that produce compost locally, are certified by a nationally recognized organization, that produce products derived from municipal solid waste compost programs, and that meet quality standards. Local governments may enter into collective purchasing agreements if cost-effective or efficient to do so. Contracts by governmental units must require the use of compost products to the maximum extent economically feasible to meet local government compost use requirements. Every two years beginning in 2024, cities and counties with a compost procurement ordinance must submit a report to Ecology.

Local governments may allow for the preferential purchase of compost in order to meet the requirements for local governments to use compost products where products are available, reasonably priced, and meet purchasing and safety standards.”

ISSUE/DISCUSSION

Staff had been tracking State rulemaking since the passage of [E2SSHB 1799](#) in March 2022. Since the threshold was announced as being populations of 25,000 and above, the City of Mercer Island must pass local legislation by January 1, 2023, that seeks to use regionally generated and certified compost whenever feasible in public projects. Such projects could include:

- Landscaping projects in the City right-of-way
- Construction and postconstruction soil amendments on CIP projects
- Application of compost to prevent erosion, filter stormwater runoff, promote vegetation growth, or improve the stability and longevity of roadways
- Use of low-impact development and green infrastructure to filter pollutants or keep water on-site, or both.

Local governments must prioritize purchasing compost from companies that produce compost locally, are certified by a nationally recognized organization, produce products derived from municipal solid waste compost programs, and meet quality standards.

The City is also required to develop strategies to inform the public about the value of compost and how compost is used in government operations. Various City departments already use compost in a number of applications such as by the Right-of-Way & Stormwater and Parks Maintenance Teams, and in some stream restoration projects. Among residents, 98% of all single-family households participate in food/yard curbside composting offered by contracted hauler Recology. Staff do not anticipate significant operational, educational, or financial impact from the legislation at this time.

E2SHB 1799 also includes a requirement for cities to report to the Department of Ecology on even-numbered years, beginning December 31, 2024. The format of the report is yet to be fully determined.

NEXT STEPS

After conducting first reading of Ordinance No. 22C-22, the Council may move to schedule a second reading and adoption on December 6, 2022.

RECOMMENDED ACTION

Conduct the first reading of Ordinance No. 22C-22 and schedule a second reading and adoption on December 6, 2022.