

ORDINANCE NO. 16248

An ORDINANCE establishing a compost procurement policy in Thurston County.

WHEREAS, in March 2022, ESSHB 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—landfills are a significant source of methane emissions; and

WHEREAS, as more organic materials are diverted and recycled, it is critical the compost manufactured be procured by local jurisdictions and others to support the economic viability of these processes and programs. It is well established compost production and use provide significant environmental benefits to our soil and food. ESSHB 1799 encourages most cities and counties in Washington adopt a compost procurement ordinance by January 1, 2023.

NOW, THEREFORE, the Board of County Commissioners of Thurston County, WA do ordain as follows:

Section 1. Definition. A “Finished Compost Product” means a product created with “composted material” as defined in RCW 70A.205.015(3). Finished Compost Products include, but are not limited to, 100% finished compost or blends that include compost as a primary ingredient. Mulch is considered a Finished Compost Product if it contains a minimum of sixty percent composted material. Bark is not a Finished Compost Product.

Section 2. General Policy. Thurston County shall purchase finished compost products for use in public projects in which compost is an appropriate material in county projects or on county land, provided it is not cost prohibitive to acquire. Cost prohibitive is defined as a product purchasing cost that exceeds 10% of the cost of another product that would serve the same purpose. Procurement costs will include the product cost and all associated transportation and delivery charges. Thurston County is not required to use compost products if:

- (i) Compost products are not available within a reasonable period of time;
- (ii) Compost products that are available do not comply with existing purchasing standards; and
- (iii) Available compost products do not comply with federal or state health, quality, or safety standards.

Pursuant to RCW 43.19A.130, Thurston County will strive to purchase an amount of finished compost products equal or greater than fifty percent of the amount of organic materials delivered to the compost processor.

Section 3. Local Purchasing. Thurston County will purchase finished compost products from companies producing compost locally, are certified by a nationally recognized organization, such as the US 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 Thurston County. Thurston County defines “local” as compost providers located within a 50-mile radius of the Waste and Recovery Center (WARC) in Lacey. Proof that locally produced compost was not available at the time of purchase or was cost-prohibitive shall be documented.

Section 4. Planning. In order to meet the general policy, Thurston County shall plan for compost use in the following categories:

- (a) Landscaping projects;
- (b) Construction and postconstruction 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 or to keep water onsite, or both.

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 Section 6.

Section 5. Education. Thurston County shall conduct educational outreach to inform residents about the value of compost and how the jurisdiction uses compost in its operations each year.

Section 6. Reporting¹. By December 31, 2024, and each December 31st of even-numbered years thereafter, Thurston County shall report the following information to the Department of Ecology:

- (a) Total tons of organic material diverted (from landfills) each year;
- (b) The volume and cost of composted material¹ purchased each year; and
- (c) The source(s) of the finished compost product purchased.

Section 7. 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 8. Effective Date. This Ordinance shall take effect *immediately upon adoption*.

Section 9. Corrections. Upon approval of the Prosecuting Attorney's Office, the Clerk of the Board is authorized to make any necessary corrections to any section, subsection, sentence, clause, phrase or other portion of this Ordinance for scrivener or clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Policy References

[E2SHB 1799](#), Organic Materials Procurement

[RCW 43.19A.120](#), Use of compost products in projects

[RCW 43.19A.130](#), Local governments are encouraged to enter compost product purchasing agreements

¹ For compost use tracking and reporting, only the volume of composted material is reported, based on the percentage of compost material in a finished compost product. For example, a typical bioretention soil blend is 40% compost and 60% sand. If a jurisdiction bought 10 cubic yards of bioretention soil, they would report 4 cubic yards of composted material usage.

ADOPTED: January 31, 2023

ATTEST:

Samie Caldwell
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
THURSTON COUNTY, WASHINGTON

[Signature]
Chair

[Signature]
Vice-Chair

[Signature]
Commissioner

APPROVED AS TO FORM:
JON TUNHEIM
PROSECUTING ATTORNEY

[Signature]
Deputy Prosecuting Attorney

[CODIFY]