

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF AMENDING TITLE
XIII, CHAPTER 13.02A -SOLID WASTE
DISPOSAL OF THE ISLAND COUNTY CODE

ORDINANCE NO. C- 05 -24

WHEREAS, in support of reducing greenhouse gas emissions generated from the landfilling of waste organic materials, House Bill 1799 established new goals and requirements for diverting organic materials from landfills; and

WHEREAS, to successfully divert waste organic materials from being landfilled, the commercial demand for composted products, made from waste organic materials, must be increased; and

WHEREAS, to increase commercial demand for compost products, local governments are now required to utilize compost products, subject to conditions, in public projects; and

WHEREAS, both RCW 43.19A.120, *Use of compost products in projects*, and RCW 43.19A.150, *Cities and counties required to adopt a compost procurement ordinance-report*, now require that local governments shall adopt a compost procurement ordinance to utilize compost products.

NOW, THEREFORE,

IT IS HEREBY ORDAINED, in compliance with the new requirement, that the Board of Island County Commissioners hereby amends Chapter 13.02A, *Solid Waste Disposal*, by adding a new section, Chapter 13.02A.085, *Compost procurement and use*, as attached in Exhibit A, effective March 1, 2024.

ADOPTED this 19th day of March, 2024.



BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Bill Johnson
Bill Johnson, Chair

Melanie Bacon
Melanie Bacon, Member

Janet St. Clair
Janet St. Clair, Member


COPY

ATTEST:



Jennifer Roll, Clerk of the Board

APPROVED AS TO FORM:



Joseph McPherson
Civil Deputy Prosecuting Attorney and
Island County Code Reviser

EXHIBIT A
Amendments to ICC 13.02A

TITLE XIII – PUBLIC WORKS

Chapter 13.02A – Solid Waste Disposal

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13.02A.080 - Recycling.

Nothing in this chapter shall be construed to prohibit or inhibit waste recycling at reclamation sites so long as otherwise conducted in accord with applicable laws, rules, and regulations. A reclamation site shall be subject to permit requirements of the Health Department.

(Ord. R-80-86, November 3, 1986, vol. 26, p. 122)

13.02A.085 Compost procurement and use.

- A. For the purposes of this section, 'compost' is 'composted material' as defined in RCW 70A.205.015(3), which is organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility. As further defined in RCW 43.19A.010(2), 'compost products' means mulch, soil amendments, ground cover, or other landscaping material derived from the biological or mechanical conversion of biosolids or cellulose-containing waste materials.
- B. As per RCW 43.19A.120(1), when planning county-funded projects or soliciting and reviewing bids for such projects, county departments shall consider whether compost products can be reasonably utilized. Subject to subsection D of this section, should it be determined that compost products may be utilized, county departments shall implement the purchase and use of compost products.
- C. As per RCW 43.19A.150(3), county departments shall plan for the potential use of compost, in any of the following categories, that are applicable to departmental operations and project types:
 - 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 on site, or both.
- D. Notwithstanding subsections B and C of this section, county departments are not required to use compost products if:
 - 1. Compost products are not available within a reasonable time;
 - 2. Compost purchase prices are not reasonable or competitive;
 - 3. Compost products that are available do not comply with existing purchasing standards and/or project requirements; and/or

4. Available compost products do not comply with federal or state health, quality, or safety standards.
- E. As per RCW 49.19A.150(6), county departments shall give priority to purchasing compost products from parties that:
1. Produce compost products locally;
 2. Are currently certified by a suitable nationally recognized organization (as determined by the county);
 3. Are appropriately permitted, as may be required, by the applicable jurisdictional authority; and
 4. Produce compost products that are derived from municipal solid waste compost programs and meet quality standards comparable to standards as adopted by the Department of Transportation or adopted by rule by the Department of Ecology.
- F. County departments that use compost products for projects subject to this section shall report the following information to the Public Works Department/ Solid Waste Division by December 1 of each year:
1. The volume and cost of compost purchased in that year; and
 2. The source or sources of the compost purchased by in that year.
- G. As per RCW 43.19A.150(4), the Public Works Department/ Solid Waste Division shall develop strategies to inform residents about the value of compost and how the county uses compost products in its operations in the county's comprehensive solid waste management plan adopted pursuant to RCW 70A.205.045.
- H. As required by RCW 43.19A.150(5), by December 31, 2024, and each December 31 of even-number years thereafter, the Public Works Department/ Solid Waste Division shall submit a report, covering the previous year's compost procurement activities, to the Department of Ecology that contains the following information:
1. The total tons of organic material diverted throughout the year;
 2. The volume and cost of compost products purchased throughout the year; and
 3. The source or sources of the compost products.

13.02A.090 - Unlawful disposal of solid waste.

- A. It is unlawful for any person to dump or deposit or permit the dumping or depositing of any solid waste onto or under the surface of the ground or into the waters of this state except at a solid waste disposal site/interim handling facility for which there is a valid permit; provided that nothing herein shall prohibit a person from dumping or depositing solid waste resulting from his own activities onto or under the surface of ground owned or leased by him when such action does not violate statutes or ordinances or create a nuisance.

B. It shall be unlawful to transport solid waste collected outside of the borders of Island County for disposal within Island County unless under authority of an interlocal agreement/contract approved by the Board of Commissioners.

C. It shall be unlawful to dispose of hazardous waste in Island County.

(Ord. R-80-86, November 3, 1986, vol. 26, p. 122)

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TITLE XIII, CHAPTER 13.02A
-SOLID WASTE DISPOSAL OF THE
ISLAND COUNTY CODE

RESOLUTION NO. C-05-24
R-10-24

The Board of County Commissioners has reviewed the proposed document and sets it for a public hearing on March 19, 2024, at 10:00 a.m.

APPROVED this 23rd day of January, 2024

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON



Jill Johnson, Chair