

ORDINANCE 2023-02-004

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON ESTABLISHING CITY POLICY FOR THE PROCUREMENT OF COMPOST FOR USE IN CITY PROJECTS; ADDING A NEW SECTION TO CHAPTER 4.80 OF THE BELLINGHAM MUNICIPAL CODE

WHEREAS, in 2022 the Washington State Legislature enacted House Bill 1799 concerning organic materials management, finding as follows:

In order to reduce methane emissions associated with organic materials, the legislature finds that it will be beneficial to improve a variety of aspects of how organic materials and organic material wastes are reduced, managed, incentivized, and regulated under state law. Therefore, it is the intent of the legislature to support the diversion of organic materials from landfills through a variety of interventions to support productive uses of organic material wastes, including:

...

(h) Encouraging cities and counties to procure more of the compost and finished products created from their organic material wastes in order to support the economic viability of processes to turn organic materials into finished products and increasing the likelihood that composting and other responsible organic material management options are economically viable; and

WHEREAS, House Bill 1799 requires cities and counties with populations greater than 25,000 and cities and counties with existing organics collection services to adopt a compost procurement ordinance meeting the requirements of the act (codified in RCW 43.19A.150) by January 1, 2023.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLINGHAM DOES HEREBY ORDAIN THAT:

Section 1. The following section is added to Chapter 4.80 of the Bellingham Municipal Code.

4.80.130 Compost procurement

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

B. When planning City projects, departments shall determine whether compost can be utilized. If compost can be utilized, departments shall require it to be utilized on the project.

C. Departments shall plan for the use of compost 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.

D. Notwithstanding subsections B and C of this section, departments are not required to use compost products if:

1. Compost products are not available within a reasonable period of time;
2. Compost products that are available do not comply with existing purchasing standards;
3. Compost products that are available do not comply with federal or state health, quality, and safety standards; and
4. Compost purchase prices are not reasonable or competitive.

E. Departments shall give priority to purchasing compost products from companies that:

1. Produce compost products locally;
2. Are certified by the US Composting Council or an equivalent nationally recognized organization; and
3. Produce compost products that are derived from municipal solid waste compost programs and meet quality standards comparable to standards adopted by the Washington State Department of Transportation or adopted by rule by the Washington State Department of Ecology.

F. City departments that use compost shall report the following information to the public works department by December 15 of each year:

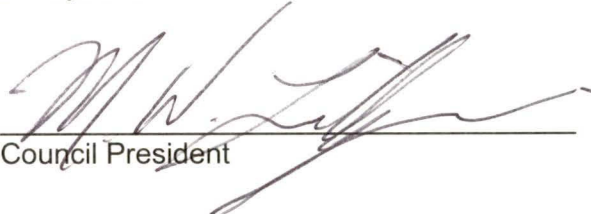
1. The volume and cost of compost purchased by the department in that year; and
2. The source or sources of the compost purchased by the department in that year.

G. The public works department shall:

1. Develop a guidance document for use by City departments in implementing the requirements of this chapter.
2. Conduct educational outreach to inform residents and businesses about the value of compost and how the city uses compost in its operations each year.
3. By December 31, 2024, and each December 31st of even-numbered years thereafter, submit a report covering the previous year's compost procurement activities to the Washington State Department of Ecology that contains the following information:
 - a. The total tons of organic material diverted from the City's waste stream throughout the year;

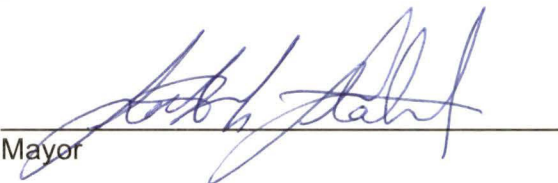
- b. The volume and cost of compost purchased by the City throughout the year; and
- c. The source or sources of the compost purchased by the City throughout the year.

PASSED by City Council this 13th day of February, 2023.




Council President

APPROVED by me this 28th day of Feb., 2023.



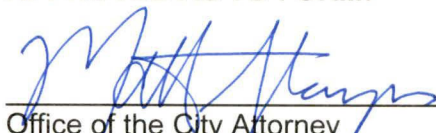
Mayor

ATTEST:



Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

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