

Ordinance No. 4041

AN ORDINANCE ADOPTING NEW CHAPTER 2.86 REGARDING COMPOST PROCUREMENT

Whereas ESSHB 1799 was signed into Washington State law in March 2022 to increase the diversion of organic materials from landfills in order to reduce methane emissions;

Whereas landfills emit a significant amount of methane, a greenhouse gas 27-30 times more potent than carbon dioxide;

Whereas the City of Anacortes provides organic material collection services;

Whereas, as more organic materials are diverted and recycled, it is critical that compost be procured by local jurisdictions and other local entities to support the economic viability of these processes and programs;

Whereas, several City departments procure soil, compost, and mulch for use on City-owned properties and projects;

Whereas, it is well-established that the use of compost in landscaping and soil amendment has many benefits such as moisture retention, weed suppression, natural form of nutrients, stops soil erosion, and stormwater filtration; and

Whereas RCW 43.19A.150(1) requires many cities and counties in Washington, including the City of Anacortes, to adopt a compost procurement ordinance by January 1, 2023;

Now, therefore, the City Council of the City of Anacortes does ordain as follows:

Section 1. AMC Chapter 2.86 is adopted to read as shown in Attachment A.

Section 2. This ordinance takes effect on May 31, 2023.

PASSED and APPROVED this 21st day of February 2023.

CITY OF ANACORTES:



Matt Miller, Mayor

Attest:

Steven D. Hoglund
Steven D. Hoglund, City Clerk-Treasurer

Approved as to Form:

Darcy Swetnam
Darcy Swetnam, City Attorney

Chapter 2.86 Compost Procurement

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2.86.010 Purpose

This chapter is adopted for the following purposes:

- A. to increase the diversion of organic materials from landfills in order to reduce methane emissions;
- B. to provide for local preference in procurement of compost to support the economic viability of compost diversion programs as provided in RCW 43.19A.150;
- C. to support the use of compost in landscaping and as a soil amendment for the benefits of moisture retention, weed suppression, natural nutrients, prevention of soil erosion, and stormwater filtration.

2.86.020 Definitions

“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.

2.86.030 Requirement for Compost Use

- A. The City of Anacortes must use finished compost products on City projects or on City property in which compost is an appropriate material, including:
 - 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 onsite, or both.
- B. The City is not required to use compost products if any of the following apply:
1. compost products are not available within a reasonable period of time;
 2. compost prices are not reasonable or competitive;
 3. compost products that are available do not comply with existing purchasing standards;
 4. available compost products do not comply with federal or state health, quality, or safety standards.
- C. Pursuant to RCW 43.19A.130, the City must strive to purchase an amount of finished compost products equal or greater than fifty percent of the amount of organic materials collected in the City of Anacortes.

2.86.040 Local Purchasing

- A. The City must purchase finished compost products from entities that:
1. produce compost locally within Skagit County;
 2. are certified by a nationally recognized organization (e.g., the U.S. Composting Council);
 3. are permitted by the local health jurisdiction; and
 4. 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.
- B. If compost meeting the criteria in subsection (A) is not available, preference for compost procurement must be given to products sourced as close as possible to the City of Anacortes. Proof that locally produced compost was not available at the time of purchase or was cost-prohibitive must be documented.
- C. The local preference requirement in this chapter must be incorporated, whenever relevant, into any contracts entered into by the City of Anacortes.
- D. The local preference authorized in this chapter controls over any conflicting City purchasing policies.

2.86.050 Education

Pursuant to RCW 43.19A.150(4), the City must conduct educational outreach to inform residents about the value of compost and how the jurisdiction uses compost in its operations each year, which must consist of, at a minimum, inclusion of an article in the City's magazine describing the

uses and value of compost, including its benefit in reducing greenhouse gases, and the metrics identified in AMC 2.86.060.

2.86.060 Reporting

Pursuant to RCW 43.19A.150, by December 31, 2024, and each December 31 of even-numbered years thereafter, the Finance Director must report the following information to the Department of Ecology:

- A. Total tons of organic material diverted from landfilling within the City each year;
- B. The volume and cost of composted material purchased by the City each year; and
- C. The sources of the finished compost product purchased.

2.86.070 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, that decision may not affect the validity of the remaining portions hereof.

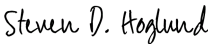
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	Anacortes, WA 98221
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2/21/2023 9:58:28 PM	cityclerk@cityofanacortes.org	


Signer Events

Signer Events	Signature	Timestamp
Steven D. Hoglund stevh@cityofanacortes.org City Clerk/Treasurer City of Anacortes Security Level: Email, Account Authentication (None)	 Signature Adoption: Pre-selected Style Using IP Address: 23.90.91.2	Sent: 2/21/2023 10:00:14 PM Viewed: 2/27/2023 8:23:56 AM Signed: 2/27/2023 8:24:12 AM

Electronic Record and Signature Disclosure:
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Darcy Swetnam darcys@cityofanacortes.org City Attorney Security Level: Email, Account Authentication (None)	 Signature Adoption: Pre-selected Style Using IP Address: 23.90.91.2	Sent: 2/21/2023 10:00:14 PM Viewed: 2/22/2023 8:12:08 AM Signed: 2/22/2023 8:12:16 AM
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Electronic Record and Signature Disclosure:
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Matt Miller mattm@cityofanacortes.org Mayor City of Anacortes Security Level: Email, Account Authentication (None)	 Signature Adoption: Uploaded Signature Image Using IP Address: 23.90.91.2	Sent: 2/27/2023 8:24:15 AM Viewed: 2/27/2023 9:03:38 AM Signed: 2/27/2023 9:04:51 AM
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Carbon Copy Events	Status	Timestamp
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Payment Events	Status	Timestamps
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