

# AGENDA REQUEST FORM

**Return completed form and complete agenda item to the Clerk of the Board  
Yakima County Commissioners' Office, Room 232**

Prepared by:

Lisa Freund

Department: Solid Waste

Requested Agenda Date: 02/14/2023

Presenting: Karma Suchan

Document Title:

Compost Procurement Ordinance

*Board of County Commissioners Record Assigned*

#

**001-2023**

**APPROVED FOR AGENDA:**

☐ Consent

☐ Regular

*Board of County Commissioners Determined*

Action Requested: *Check Applicable Box*

☐ PASS RESOLUTION    ☐ EXECUTE or AMEND **AGREEMENT** CONTRACT or GRANT

☐ ISSUE PROCLAMATION    ☒ PASS ORDINANCE    ☐ OTHER \_\_\_\_\_

Describe Fiscal Impact:

Cost of advertising for Public Hearing

Background Information:

This ordinance is to meet the requirements of ESSHB 1799 that was signed into Washington State law in March 2022, to assist in reducing greenhouse gases. When feasible, practicable, and fiscally responsible Yakima County will utilize compost materials from within Yakima County for projects related to erosion prevention, landscaping, soil amendments, as listed in the ordinance.

Summary & Recommendation:

We recommend passing the ordinance to stay in compliance with the law.

Motion:

Department Head/ Elected Official

**AGREEMENT** Attached Is Approved as to Form  
Corporate Counsel Initial

✓

Signature

*Late Agenda Requests Require BOCC Chairman Signature:*

**BOARD OF YAKIMA COUNTY COMMISSIONERS**

**ORDINANCE NO. 001-2023**

AN ORDINANCE SPECIFYING COUNTY POLICY FOR THE PROCUREMENT OF COMPOST, AS REQUIRED BY CHAPTER 43.19A RCW, AND ADDING A NEW CHAPTER TO YAKIMA COUNTY CODE ("YCC") TITLE 16

**WHEREAS**, in March 2022, House Bill 1799, Chapter 180, Laws of Washington 220 was signed into Washington law, which included a requirement for counties to adopt a compost procurement ordinance, to-wit, RCW 49.19A.150; and

**WHEREAS**, the County continues to assess the use of compost products in its government-funded projects; now, therefore

**BE IT HEREBY ORDAINED** by the Board of Yakima County Commissioners, that a new chapter shall be added to Title 16 of the Yakima County Code, as follows:

**Chapter 16.19  
COMPOST PROCUREMENT**

**Sections:**

- 16.19.010 Definitions.**
- 16.19.020 General Policy.**
- 16.19.030 Planning.**
- 16.19.040 Local Purchasing.**
- 16.19.050 Education.**
- 16.19.060 Reporting.**
- 16.19.070 Severability.**
- 16.19.080 Effective Date.**
- 16.19.090 Corrections.**

**16.19.010 Definitions.**

(1) "Compost" means a product created with "composted material" as defined in RCW 70A.205.015(3). "Compost" includes, but is not limited to, one hundred percent finished compost or blends that include compost as a primary ingredient. Mulch is "compost" if it contains a minimum of sixty percent composted material. Bark is not "compost."

**16.19.020 General Policy.**

- (1) Yakima County and its departments 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. Procurement costs will include the product cost and all associated transportation and delivery charges.
- (2) Yakima 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.
  - (iv) Compost product prices are not reasonable or competitive.

**16.19.030 Planning.** In order to meet the general policy, Yakima County shall plan for compost use in the following categories:

- (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.

**16.19.040 Local Purchasing.** Yakima County and its departments will purchase finished compost products from companies

- (1) Producing compost locally;
- (2) Certified by a nationally recognized organization, such as the U.S. Composting Council, or its equivalent;
- (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, and in compliance with apple maggot boundaries and rules set by the United States Department of Agriculture, as defined by RCW 43.19A.130.

**16.19.050 Education.** The Yakima County Solid Waste Division shall be responsible for educating residents and businesses about the value of food and yard waste compost, and how Yakima County uses compost in its operations each year.

**16.19.060 Reporting.** In co-operation with other Yakima County departments, the Solid Waste Division is responsible for submitting a report to the Washington State Department of Ecology beginning December 31, 2024, and each December 31<sup>st</sup> of even numbered years thereafter, with the following information:

- (1) The total tons of organic material diverted from the Yakima County waste stream;
- (2) The volume and cost of compost purchased; and
- (3) The source or sources of the compost purchased.

**16.19.070 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, said decision shall not affect the validity of the remaining portions hereof.


**16.19.080 Effective Date.** This Ordinance shall take effect immediately upon adoption.

**16.19.090 Corrections.** Upon approval of the Yakima County 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.

**BE IT FURTHER ORDAINED,** the Clerk of the Board shall send a copy of this signed Ordinance to all affected Department Heads and Elected Officials.

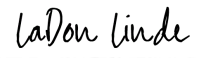
ADOPTED this 14<sup>th</sup> of February.

Attest:


  
Julie Lawrence, Clerk of the Board  
Erin Franklin, Deputy Clerk of the Board




BOARD OF YAKIMA COUNTY COMMISSIONERS

  
LaDon Linde, Chair  
Excused

Approved as to form:

  
Don L. Anderson  
Deputy Prosecuting Attorney

Amanda McKinney, Commissioner

  
Kyle Curtis, Commissioner  
*Constituting the Board of County Commissioners  
for Yakima County, Washington*