

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON**

IN THE MATTER OF:

RESOLUTION NO. 23-043

NOTICE OF HEARING REGARDING COMPOST
PROCUREMENT ORDINANCE (ORDINANCE 1344)

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 - organic materials (such as food and yard waste) decomposing in 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 to adopt a compost procurement ordinance by early 2023; and

WHEREAS, the BOCC will hold a public hearing to take public testimony on proposed Ordinance 1344 regarding compost procurement. The hearing will take place at or after 10 a.m. February 28, 2023, in the Commissioners' Hearing Room on the second floor of the historic courthouse at 351 NW North Street in Chehalis.

NOW THEREFORE BE IT RESOLVED that the BOCC will hold a public hearing in the Commissioners' Hearing Room on the second floor of the historic courthouse at 351 NW North Street in Chehalis at or after 10 a.m. February 28, 2023, to consider and take public testimony about proposed Ordinance 1344, which establishes a compost procurement policy for Lewis County; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Clerk of the Board is hereby instructed to proceed with all appropriate and necessary notifications, postings, and publications as required by law.

DONE IN OPEN SESSION this 7th day of February, 2023.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

Kevin A. McDowell
By: Kevin A. McDowell,
Deputy Prosecuting Attorney

Sean D. Swope
Sean D. Swope, Chair

ATTEST:



Scott J. Brummer
Scott J. Brummer, Vice Chair

Rieva Lester
Rieva Lester,
Clerk of the Lewis County Board of
County Commissioners

Lindsey R. Pollock, DVM
Lindsey R. Pollock, DVM, Commissioner

**NOTICE OF PUBLIC HEARING BEFORE THE
LEWIS COUNTY BOARD OF COUNTY COMMISSIONERS
AND INTENT TO ADOPT**

NOTICE IS HEREBY GIVEN that the **LEWIS COUNTY, WASHINGTON, BOARD OF COUNTY COMMISSIONERS** will hold a public hearing to adopt **Ordinance 1344**. The hearing will take place at or after 10 am on February 28, 2023, in the Commissioners' Hearing Room on the second floor of the Historic Courthouse in Chehalis, Washington. Interested parties are encouraged to check the Commissioners' Business Meeting agenda for the Zoom log-in details. The agenda will be posted at least 24 hours in advance of the meeting at:

<https://lewiscountywa.gov/offices/commissioners/agendas-calendar/>

The public hearing will consider Ordinance 1344, which establishes a compost procurement policy for Lewis County in accordance with ESSHB 1799.

During the hearing, individuals will be invited to speak and/or provide written statements regarding the proposed change. All individuals wishing to speak are encouraged to attend. Written comments may be submitted in advance of the hearing by emailing SWU@lewiscountywa.gov at least 48 hours in advance of the hearing date -- please indicate "Recycling Service Area (RSA-1) Ordinance" in the subject line of the email.

Details about the proposal will be available online at the agenda link provided above. The draft is subject to change before or at the hearing. If you wish to receive a paper copy of the proposals, contact Rieva Lester at Rieva.Lester@lewiscountywa.gov or 360-740-1419 and a copy will be mailed to you.

The meeting site is barrier free. People needing special assistance or accommodations should contact Rieva Lester at 360-740-1419 at least 72 hours in advance of the meeting.

Publish in The Chronicle / February 9 and 16

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

**ESTABLISH A COMPOST PROCUREMENT
POLICY IN LEWIS COUNTY**

ORDINANCE 1344

WHEREAS, the state Legislature passed – and Governor Jay Inslee signed into law – Engrossed Second Substitute House Bill 1799 in 2022; and

WHEREAS, sections of ESSHB 1799 were codified in RCW 43.19A, requiring qualifying counties and cities to adopt a compost procurement ordinance; and

WHEREAS, the primary goal of the law is to increase the diversion of organic materials going to landfills in order to reduce 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. Compost production and use provide significant environmental benefits to our soil. ESSHB 1799 encourages most cities and counties in Washington to adopt a compost procurement ordinance by January 1, 2023.

The Lewis County Board of County Commissioners (BOCC) ordains 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 (one hundred) percent finished compost or blends that include compost as a primary ingredient. Mulch is considered a Finished Compost Product if it contains a minimum of 60 (sixty) percent composted material. Bark is not a Finished Compost Product.

Section 2. General Policy. Lewis County shall purchase finished compost products where appropriate for use 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 100 (one hundred and ten) percent of the cost of another product that would serve the same purpose. Procurement costs shall include the product cost and all associated transportation and delivery charges. Lewis 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, Lewis County will strive to purchase an amount of finished compost products equal to or greater than 50 (fifty) percent of the amount of organic materials delivered to the compost processor.

Section 3. Local Purchasing. Lewis 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 Lewis County. Lewis County defines “local” as compost providers located within a 50-mile radius of the Lewis County Central Transfer Station in Centralia. 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, Lewis 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. Lewis 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, Lewis 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.

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.

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's 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.

Done in open session this 28th day of February 2023 following a public hearing.

APPROVED AS TO FORM:

Jonathan Meyer, Prosecuting Attorney

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON**

By Kevin McDowell, Deputy Pros. Attorney

Sean D. Swope, Chair

ATTEST:

Scott J. Brummer, Vice Chair

Rieva Lester, Clerk of the Board

Lindsey R. Pollock, DVM, Commissioner

DRAFT

BOCC AGENDA ITEM SUMMARY

Resolution:

BOCC Meeting Date: Feb. 7, 2023

Suggested Wording for Agenda Item:

Agenda Type: Legal Notice

Notice of hearing regarding compost procurement ordinance (Ordinance 1344)

Contact: Teri Lopez

Phone: 360-740-3358

Department: SW - Solid Waste

Description:

Notice of hearing regarding compost procurement ordinance (Ordinance 1344) in response to HB 1799

Approvals:

User	Status
Josh Metcalf	Pending
PA's Office	Pending

Publication Requirements:

Publications:

Additional Copies:

Cover Letter To: