



**February 21, 2023
Agenda Bill 23-15
Exhibit 1**

ORDINANCE NO. 2023-652

AN ORDINANCE OF THE CITY OF NEWCASTLE, WASHINGTON, ESTABLISHING A COMPOST PROCUREMENT POLICY FOR THE CITY OF NEWCASTLE AS REQUIRED BY CH. 43.19A RCW AND ADDING A NEW CHAPTER 14.30 ENTITLED "COMPOST PROCUREMENT" TO THE NEWCASTLE MUNICIPAL CODE, PROVIDING FOR SEVERABILITY AND CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in March 2022, HB 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 as landfills are a significant source of methane emissions; and

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

WHEREAS, it is well established that compost production and use provide significant environmental benefits to our soil and food. HB 1799 encourages most cities and counties in Washington to adopt a compost procurement ordinance by January 1, 2023; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWCASTLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. New Chapter. A new Chapter 14.30 entitled "Compost Procurement" is hereby added to the Newcastle Municipal Code to read as follows:

Chapter 14.30 COMPOST PROCUREMENT

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| 14.30.010 | Purpose. |
| 14.30.020 | Definitions. |
| 14.30.030 | General Policy. |
| 14.30.040 | Local Purchasing. |
| 14.30.050 | Education. |
| 14.30.060 | Reporting. |

14.30.010 Purpose.

This compost procurement ordinance is created pursuant to Chapter [43.19A](#) RCW. The purpose is to ensure that the City considers the use of compost products in projects, and to then use compost products in projects except when the availability, health, quality, safety, or price-competitive criteria are not met.

14.30.020 Definitions. The follow definitions apply for the purposes of this chapter:

“Compost” means a product created with “composted material” as defined in RCW 70A.205.015(3). “Compost” includes, but is not limited to, 100% finished compost or blends that include compost as a primary ingredient. Mulch is considered a “compost” if it contains a minimum of sixty percent composted material. Bark is not a “compost.”

“Cost prohibitive” means a product purchasing cost that exceeds 10% of the cost of another product that would serve the same purpose.

“Local” or “locally” as to compost providers means that such provider is located within a 25-mile radius of the Newcastle city limits.

14.30.030 General Policy.

- A. The City shall plan for the use of compost in any of the following categories that are applicable to the departments’ operations and project types:
 - 1. Landscaping projects;
 - 2. Construction and postconstruction soil amendments;
 - 3. In accordance with Chapter 13.10 NMC, 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, in accordance with NMC Chapter 13.10.
- B. Compost products shall be purchased for use in City projects in which compost is an appropriate material or on City property, provided it is not cost prohibitive to acquire. Procurement costs will include the product cost and all associated transportation and delivery charges.
- C. Notwithstanding subsections A and B of this section, the City is not required to use compost products if:
 - 1. Compost products are not available within a reasonable time or distance;
 - 2. Compost products that are available do not comply with existing purchasing standards;
 - 3. Available compost products do not comply with federal or state health, quality, or safety standards; or
 - 4. Compost purchase prices are not reasonable or competitive.

- D. Pursuant to RCW 43.19A.130, the City will strive to purchase an amount of finished compost products equal to or greater than fifty percent of the amount of organic materials the City delivered to its compost processor. 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 RMC 1.22.050.

14.30.040 Local Purchasing. The City 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.

14.30.050 Education. The City shall conduct educational outreach to inform residents about the value of compost and how the City uses compost in its operations each year.

14.30.060 Reporting. By December 31, 2024, and each December 31st of even-numbered years thereafter, the City shall 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 each year;
- B. The volume and cost of compost purchased each year; and
- C. The source(s) of the finished compost product purchased.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 3. Corrections. Upon the approval of the city attorney, the city clerk and/or code publisher is authorized to make any necessary technical corrections to this Ordinance, including but not limited to the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers, and any reference thereto.

Section 4. Short Title. This Ordinance shall be known as the Compost Procurement Policy and may be cited as such.

Section 5. Effective Date. This Ordinance shall be published in the City's newspaper of record and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE NEWCASTLE, WASHINGTON, CITY COUNCIL at a duly noticed public meeting thereof held this February 21, 2023

Linda Newing, Mayor

APPROVED AS TO FORM

Curtis Chambers, City Attorney

ATTEST

Paul J. White, City Clerk

Adopted: Month D, YYYY
Published: Month D, YYYY
Effective: Month D, YYYY