

1 Sponsored by: Councilmember Jani Hitchen  
2 Requested by: County Executive/Planning and Public Works Dept.  
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9 **ORDINANCE NO. 2023-10**

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16 **An Ordinance of the Pierce County Council Amending Chapter 2.106 of the**  
17 **Pierce County Code, "Purchasing" by Amending Section**  
18 **2.106.020, "Definitions" and Adopting a New Section**  
19 **2.106.055, "Compost Procurement."**  
20

21 **Whereas**, Engrossed Second Substitute House Bill (ESSHB) 1799 was passed  
22 by the Washington State Legislature in March 2022; and  
23

24 **Whereas**, the goal of ESSHB 1799 is to increase the diversion of organic  
25 materials going to landfills in order to reduce methane gas emissions using other  
26 productive uses of organic material wastes, including "encouraging cities and counties  
27 to procure more of the compost and finished products created from their organic  
28 material"; and  
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30 **Whereas**, ESSHB 1799 added a new section to Chapter 43.19A of the Revised  
31 Code of Washington (RCW), now codified as RCW 43.19A.150, which requires all  
32 cities, towns, and counties with populations of 25,000 or more or smaller jurisdictions  
33 where organic materials collections services are provided at least 26 weeks of the year  
34 to adopt a compost procurement ordinance to implement provisions of RCW  
35 43.19A.120; **Now Therefore**,

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37 **BE IT ORDAINED by the Council of Pierce County:**  
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1 Section 1. Chapter 2.106 of the Pierce County Code, "Purchasing," is hereby  
2 amended as shown in Exhibit A, which is attached hereto and incorporated herein by  
3 reference.

4 PASSED this 2<sup>nd</sup> day of May, 2023.  
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8 ATTEST:

PIERCE COUNTY COUNCIL  
Pierce County, Washington

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11 Denise D. Johnson  
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13 **Denise D. Johnson**  
14 Clerk to the Council

Ryan N. Mello  
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16 **Ryan N. Mello**  
17 Council Chair

Bruce F. Dammeier  
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19 **Bruce F. Dammeier**  
20 Pierce County Executive  
21 Approved  Vetoed \_\_\_\_\_, this  
22 9<sup>th</sup> day of May,  
23 2023.

24 Date of Publication of  
25 Notice of Public Hearing: April 12, 2023

26  
27 Effective Date of Ordinance: May 19, 2023  
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3 *Only those portions of Chapter 2.106 that are proposed to be amended are shown.*  
4 *Remainder of text, tables, maps and/or figures is unchanged.*

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6 *Note: The definition of "Compost Products" shall be inserted in Section 2.106.020*  
7 *alphabetically and the remainder of the definitions therein relettered accordingly, and*  
8 *the title of Section 2.106.055, "Compost Procurement," shall be inserted chronologically*  
9 *in the Table of Contents for Chapter 2.106.*

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12 **Chapter 2.106**

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14 **PURCHASING**

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16 **2.106.020 Definitions.**

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18 H. "Compost Products" shall have the meaning defined in RCW 43.19A.010, as now or  
19 hereinafter amended.

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21 **"NEW SECTION"**

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23 **2.106.055 Compost Procurement.**

24 A. When planning government-funded projects or soliciting and reviewing bids for such  
25 projects, Pierce County Departments shall consider whether compost products can be  
26 used in the project. If compost products can be used, they must be used for projects in at  
27 least the following categories:

- 28 1. Landscaping Projects.  
29 2. Applications for Erosion prevention, Stormwater runoff filter, vegetative growth, or  
30 to improve the longevity of roads.  
31 3. Construction and postconstruction soil amendments.  
32 4. Low-impact development of green infrastructure to filter pollutants or to keep water  
33 onsite, or both.

34 B. Notwithstanding subsection A. of this Section, Pierce County Departments are not  
35 required to procure, use, or require the use of compost, or may use an alternate material  
36 if:

- 37 1. Compost products are not available to purchase.  
38 2. Compost products are not available within a reasonable time or distance to the  
39 location where the work is being performed.  
40 3. Available compost products do not comply with existing purchasing standards.  
41 4. Available compost products do not comply with federal, state, or local health,  
42 quality, and safety standards.  
43 5. Compost purchase prices are not reasonable or competitive.

44 C. The Planning and Public Works Department, or its successor department, is delegated the  
45 authority to provide any reporting to the State of Washington required by RCW  
46 43.19A.150(5), as now or hereinafter amended.  
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