

ORDINANCE NO. 618-2023

**AN ORDINANCE RELATING TO PROCUREMENT OF COMPOSTED MATERIALS**

**WHEREAS**, RCW 43.19A.150 requires certain counties to adopt a compost procurement ordinance to implement RCW 43.19A.120, which requires that local governments utilize compost products in government-funded projects where they can be used, unless an exception applies; and

**WHEREAS**, such ordinance must be adopted by January 1, 2023.

**NOW, THEREFORE**, the Kitsap County Board of Commissioners hereby ordains as follows:

Section 1. NEW SECTION. A new section is added to chapter 4.116 Kitsap County Code, Purchasing Procedures, as follows:

**4.116.025 Composted Materials.**

- A. When planning projects or soliciting and reviewing bids for such projects, county departments will consider whether compost products, as defined in RCW 43.19A.010, can be utilized in the project.
- B. To the extent required by RCW 43.19A.150(3), county departments will plan for the use of compost in the following categories:
  - 1. Landscaping projects;
  - 2. Construction and postconstruction soil amendments;
  - 3. Applications to prevent erosion, filter stormwater runoff, promote vegetation growth, or improve the stability and longevity of roadways; and
  - 4. Low-impact development and green infrastructure to filter pollutants or keep water on-site, or both.
- C. Notwithstanding subsections A, and B, of this section, county departments are not required to use compost products if:
  - 1. Compost products are not available within a reasonable period of time;
  - 2. Compost products that are available do not comply with existing purchasing standards;
  - 3. Compost products that are available do not comply with federal or state health, quality, and safety standards; or
  - 4. Compost purchase prices are not reasonable or competitive.
- D. Before the transportation or application of compost products under this section, the county will ensure compliance with Department of Agriculture pest control regulations provided in chapter 16-470 WAC.
- E. County departments will give priority to purchasing compost products from companies that:
  - 1. Produce compost products locally;
  - 2. Are certified by a nationally recognized organization; and
  - 3. Produce compost products that are derived from municipal solid waste compost programs and meet quality standards adopted by rule by the Department of Ecology.

- F. To the extent required by RCW 43.19A.150(4), the public works department will develop strategies to inform residents about the value of compost and how the county uses compost in its operations in the county's comprehensive solid waste management plan adopted pursuant to RCW 70A.205.045.
- G. To the extent required by RCW 43.19A.150(5), by December 31, 2024, and each December 31st of even-numbered years thereafter, the county purchasing division will submit a report to the Department of Ecology covering the previous year's compost procurement activities that contains the following information:
  1. Total tons of organic material diverted each year;
  2. The volume and cost of compost purchased each year; and
  3. The source(s) of the compost purchased.

Section 2. Severability. If any section, sentence, clause, or phrase or this ordinance should be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 3. Clerical/Typographical Error. Should this ordinance, upon being enacted by the Kitsap County Board of Commissioners during its deliberations on this Ordinance inadvertently leave out or add in error upon publication, the explicit action of the Board as discussed and passed shall prevail upon subsequent review and verification by the Board.

Section 4. Effective Date. This ordinance shall be effective January 1, 2023.

Dated this 9<sup>th</sup> day of January, 2023.



BOARD OF COUNTY COMMISSIONERS  
KITSAP COUNTY, WASHINGTON

*Charlotte Garrido*

CHARLOTTE GARRIDO, Chair

*Robert Gelder*

ROBERT GELDER, Commissioner

*Katherine T. Walters*

KATHERINE T. WALTERS, Commissioner

ATTEST:

*Dana Daniels*

Dana Daniels, Clerk of the Board