



ORDINANCE NO. 28864

1 AN ORDINANCE relating to organic materials management; amending
2 Chapter 1.06 of the Tacoma Municipal Code, relating to Administration, by
3 the addition of a new section thereto, to be known and designated as
4 Section 1.06.2702, "Compost Procurement"; establishing an effective date;
5 and providing for severability.

6 WHEREAS Engrossed Second Substitute House Bill ("ESSHB") 1799
7 was passed by the Washington State Legislature ("Legislature") in 2022 with an
8 effective date of June 9, 2022, and

9 WHEREAS the Legislature, in passing ESSHB 1799, intended to support
10 the diversion of organic materials from landfills through a variety of
11 interventions to support productive uses of organic material wastes, including
12 "encouraging cities and counties to procure more of the compost and finished
13 products created from their organic material" and "increasing the likelihood that
14 composting and other responsible organic material management options are
15 economically viable," and

16 WHEREAS ESSHB 1799 added a new section to Chapter 43.19A of the
17 Revised Code of Washington ("RCW"), codified as RCW 43.19A.150, which
18 requires the City to adopt a compost procurement ordinance to implement the
19 provisions of RCW 43.19A.120, and

20 WHEREAS the City Council desires to pass an ordinance to support the
21 use of compost products in City projects and to meet the City's obligation under
22 RCW 43.19A.150, to adopt a compost procurement ordinance; Now, Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 1.06 of the Tacoma Municipal Code is hereby amended by the addition of a new section, to be known and designated as Section 1.06.2702, "Compost Procurement," to read as set forth in the attached Exhibit "A."

Section 2. That this ordinance shall become effective at 12:01 a.m. on January 2, 2023.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 4. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not



1 limited to, the correction of scrivener's/clerical errors, references, ordinance
2 numbering, section/subsection numbers, and any references thereto.

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4 Passed _____

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Mayor

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Attest:

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City Clerk

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Approved as to form:

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Chief Deputy City Attorney

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EXHIBIT "A"

**CHAPTER 1.06
ADMINISTRATION**

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Sections:

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GENERAL PURCHASING PROCEDURE

- 1.06.250 Approval by City Council of system expansions and additions and betterments.
- 1.06.251 Definitions.
- 1.06.252 General responsibility for purchasing.
- 1.06.253 Purchasing Policy Manual.
- 1.06.254 General competitive solicitation and award requirements.
- 1.06.255 Competitive solicitation requirements for supplies and public works.
- 1.06.256 Competitive solicitation requirements for services.
- 1.06.257 Waiver of competitive solicitation requirements.
- 1.06.258 Routine sole source items.
- 1.06.259 Requests for formal sealed submittals.
- 1.06.260 Bid deposits, performance bonds and noncollusion declarations.
- 1.06.261 Formal sealed submittals opening procedure, tabulations and disclosure.
- 1.06.262 Evaluation of submittals, qualifications of bidders and respondents.
- 1.06.263 Performance criteria.
- 1.06.264 Award in cases of tie bids.
- 1.06.265 Board of contracts and awards.
- 1.06.266 Award or rejection of submittals.
- 1.06.267 Award to other than low bidder.
- 1.06.268 Contracting authority.
- 1.06.269 Contract amendments.
- 1.06.270 Cooperative purchasing.
- 1.06.271 Unlawful purchases.

[1.06.2702 Compost Procurement.](#)

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[1.06. 2702 Compost Procurement.](#)

[A. Purpose and Authority.](#)

[The purpose of this section of the Tacoma Municipal Code \("TMC"\) is to implement the requirement of Chapter 43.19A RCW to adopt a compost procurement ordinance.](#)

[B. Definitions.](#)

[The following definitions apply to each subsection in this section of the TMC:](#)

["Biosolids" means municipal sewage sludge or septic tank septage sludge that meets the requirements of chapter 70A.226 RCW.](#)

["Compost products" means mulch, soil amendments, ground cover, or other landscaping material derived from the biological or mechanical conversion of biosolids or cellulose-containing waste materials.](#)

[C. Solicitation of Bids or Proposals.](#)

[Before issuance of a solicitation for bids or proposals under TMC Chapter 1.06 for a project that includes one or more categories of work set forth in Subsection E herein, all departments and divisions of the City shall, with respect to each such solicitation and category of work, identify whether compost products can be utilized in the category of work. In the event that compost products can be utilized, the project specifications shall](#)



require purchase of compost products for use in that project unless an exemption set forth in Section F herein applies.

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D. Purchase of Materials.

Before approval of a purchase under TMC Chapter 1.06 of materials to be used by a department or division of the City in one or more categories of work set forth in Subsection E herein, all departments and divisions of the City shall, with respect to each such purchase and category of work, identify whether compost products can be utilized in the category of work. In the event that compost products can be utilized, the department or division shall include the purchase of compost products for use in that category of work unless an exemption set forth in Section F herein applies, and is encouraged to give priority to purchase of compost products that meet the criteria set forth in Subsection G herein.

E. Categories of work.

All departments and divisions of the City shall plan for the use of compost products in any of the following categories of work that are applicable to the departments' or divisions' maintenance and operations activities and projects:

- 1. Landscaping projects;
- 2. Construction and post-construction 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 and green infrastructure to filter pollutants or to keep water onsite, or both.

F. Exemptions. Notwithstanding Subsections C, D, and E of this section, departments and divisions of the City are not required to use or require use of compost products, include compost products in the project specifications, or select compost projects as an alternate bid item, and may use an alternate or substitute material, if:

- 1. Compost products are not available within a reasonable time or distance from the location where the category of work is being performed;
- 2. Compost products that are available do not comply with existing purchasing standards;
- 3. Compost products that are available do not comply with federal, state or local health, quality and safety standards; or
- 4. Compost product purchase prices are not reasonable or competitive.

G. Priority for purchase of compost products.

Departments and divisions of the City are encouraged to give priority to purchasing compost products from companies that meet all of the following:

- 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.

H. Reporting.

All Departments and divisions of the City that use compost products shall comply with the reporting requirements established by the Solid Waste Division of the Environmental Services Department to meet the reporting requirements of chapter 43.19A RCW. The Solid Waste Division, with the assistance of the Finance Department, shall be responsible for submittal of the report required by chapter 43.19A RCW.