



# Organic Materials Management Model Ordinances

## Ways for Local Jurisdictions to Reduce Generating and Disposing Organic Materials

### **Solid Waste Management Program**

Washington State Department of Ecology

Organics Management and Food Center

Lacey, Washington

January 2025, Publication 25-07-003

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- Truck dumping organic materials at an organics management facility, Washington State Department of Ecology

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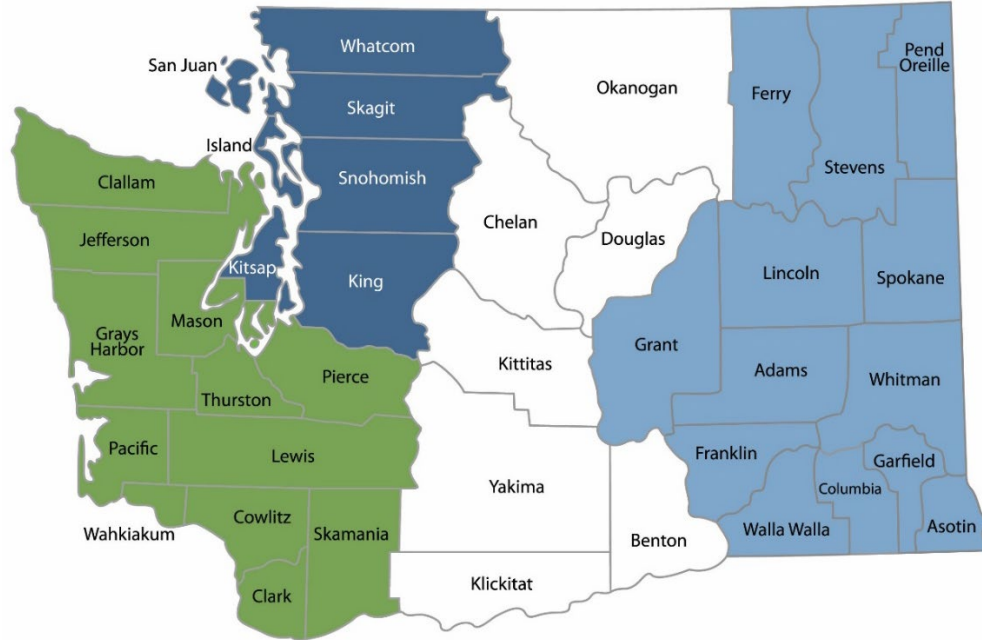
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<sup>1</sup> [www.ecology.wa.gov/contact](https://www.ecology.wa.gov/contact)

# Department of Ecology's Regional Offices

## Map of Counties Served



<b>Southwest Region</b> 360-407-6300	<b>Northwest Region</b> 206-594-0000	<b>Central Region</b> 509-575-2490	<b>Eastern Region</b> 509-329-3400
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Region	Counties served	Mailing Address	Phone
<b>Southwest</b>	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
<b>Northwest</b>	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
<b>Central</b>	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W. Alder St. Union Gap, WA 98903	509-575-2490
<b>Eastern</b>	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N. Monroe Spokane, WA 99205	509-329-3400
<b>Headquarters</b>	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

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**December 2024 | Publication 25-07-003**



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

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## Introduction

The 2022 Washington State Legislature charged the Department of Ecology (“Ecology”) to develop model ordinances for optional use by cities and counties. The ordinances must provide model mechanisms for commercial solid waste collection and disposal that are “designed, in part, to establish a financial disincentive or other disincentives for the generation of organic waste and for the ultimate disposal of organic materials in landfills” ([RCW 70A.207.030](#)).

Ecology’s project team facilitated an Advisory Committee, which was not mandated by legislation. Ecology researched organic management policies from across the United States and abroad. Their success and impacts were summarized, and seven (7) possible ideas were sent to an Assistant Attorney General (AAG) for feedback. The AAG recommended three (3) ordinance concepts to advance that were appropriate to the statute’s directive. [Appendix A \(Background\)](#) has more information on the ideas sent to the AAG, and [Appendix C](#) has the dissenting opinions of Committee Members about the chosen topics.

The first model ordinance is for **Special Event Permits**, and includes:

- establishing a **City/County** Center for Events;
- requiring a waste reduction, diversion, and management plan for special events, including a waste management training; and
- creating a list of local waste prevention and reduction specialists<sup>2</sup>.

Special event ordinances were reviewed from City of Austin (Texas), the City of San Francisco (California), the State of California, the City of Boulder (Colorado), the Town of Telluride (Colorado), and New York City.

Notably, the City of Austin has a Zero-Waste Event Rebate program which reimburses event organizers up to \$750 for eligible expenses such as compost service, compost equipment, and/or litter crews. The City of Austin did not respond to questions about how the rebate program was funded. The Advisory Committee was unanimous that these types of incentives are better options than financial penalties, which is also supported by research. However, [RCW 70A.207.030](#) specifically calls for the creation of “financial or other disincentives.” The possible denial/non-approval of an application for inadequate plans or revocation of a special event permit for failing to implement the plan can be seen as incentives for special event organizers.

The second model ordinance is for Mandatory Organics Collection Service and a Landfill Ban for Organic Materials, including:

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<sup>2</sup> Some jurisdictions may not be able to “endorse” certain vendors. The City of Francisco requires event organizers hire someone off their approved list, which did not feel like a right fit for Washington. The City/County list was retained in the model ordinance and specifies that it should include anyone who successfully completes their waste management training. Special event organizers must complete the training themselves or document a consultation with someone on the list.



- Banning organic materials from landfills;
- Requirements for waste generators, haulers, and facilities; and
- Waivers.

Bans on organic materials in landfills, and mandatory recycling and organics collection laws were reviewed from Alameda County Waste Management Authority (California, where cities and the county have a Joint Exercise of Powers Agreement), the City of San Francisco (California), the City of Los Angeles (California), the State of Massachusetts, the City of San Jose (California), the City of Boulder (Colorado), and the Town of Mountain Village (Colorado). Multiple ideas were combined in this model ordinance for mandatory organics collection, especially CalRecycle’s model ordinance<sup>3</sup>, including banning organic materials from landfills; requirements for waste generators, haulers, and facilities; and waivers.

Many local governments in Washington already require universal solid waste collection, with some municipalities providing the collection service and billing for it themselves. Examples include the City of Anacortes (Anacortes Municipal Code Sec. 8.04.010), which requires universal and compulsory collection, and the City of Camas (Cama Municipal Code Ch. 13.80), which has a universal system of compulsory solid waste collection<sup>4</sup>.

The third model ordinance is to **Require New Buildings to Account for Source-Separated Organic Collection** as part of their design, including for new multi-family residences, if the permit applicant expects the activities at the final site will generate organic waste.

### How to use this document

Washington is a diverse state in every sense of the word: geographically, climatically, demographically, etc. With vast differences in infrastructure, community values, and other critical factors, “one size fits all” approaches are difficult. Throughout this document, you will see a combination of ideas or methods for achieving the same goal. The intent is for cities and counties to choose or adapt options that are the best fit for their community.

The model ordinance includes General Provisions, Definitions, and Substantive Provisions sections. Places where a jurisdiction would need to fill in its local government type, name, or references to existing local code are highlighted green.

In the special event ordinance, headers are marked with an asterisk (\*) in the Table of Contents and throughout the document to highlight the sections that specifically address special event permits and required waste reduction, diversion and management plans. Sections that are not highlighted may not be integral to disincentivizing the generation of organic waste at special

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<sup>3</sup> CalRecycle. (2021, Jan. 25). SB1383 Implementation Tools: Model Mandatory Organic Waste Disposal Reduction Ordinance. <https://www.calcities.org/advocacy/policy-areas-and-committees/environmental-quality/sb-1383-implementation>

<sup>4</sup> MRSC - Solid Waste Collection, Recycling, and Disposal (<https://mrsc.org/explore-topics/utilities/other-topics/solid-waste>).

events, nor its disposal in the landfill. They are included only as an example of a broader special event permitting ordinance that cities or counties might add provisions to for reducing organic material generation and disposal.

The mandatory organics collection ordinance was written to implement various requirements set by the Organics Management Law—specifically those in [RCW 70A.205.540](#) and [545](#).

As such, the model ordinance’s requirement for “businesses” to arrange for organics management does not apply to businesses outside the Business Organics Management Area (BOMA) determined by Ecology under RCW 70A.205.545(1)(b) and does not apply to “multi-family residential entities.” This requirement is phased-in over time based on the amount of organic waste the business generates per week on dates specified in RCW 70A.205.545(2)(a). The specific compliance dates are January 1, 2025, for businesses generating at least 4 cubic yards per week; and January 1, 2026, for businesses generating at least 96 gallons per week.

Similarly, the model ordinance’s directive that curbside organic collection is mandatory for nonresidential customers that generate more than 0.25 cubic yards (approximately 50 gallons) per week and all single-family residents, begins April 1, 2030. It applies in areas where the city or county is providing year-round<sup>5</sup> source-separated organic solid waste collection services consistent with the requirements of RCW 70A.205.540. The areas where a city or county is required to provide such service are the Organics Recovery Collection Areas (ORCA) determined by Ecology under RCW 70A.205.540(3).

Jurisdictions that want to go beyond the Organics Management Law requirements, or jurisdictions in unaffected areas will need to add, change, or remove clauses to fit their needs. Footnotes are used to add commentary, Committee member disagreement, and references for further reading.

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<sup>5</sup> The minimum service level set in statute is 52 weeks per year, unless a City/County’s collection program was in place before Jan. 1, 2024. For these jurisdictions, service must be at least 26 weeks per year.

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## Special Event Model Ordinance

### 1. General Provisions

#### 1.1 Authorization

Under Article XI, section 11 of the Washington Constitution, “[a]ny county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.”

#### 1.2 Findings of Fact (Recitals or Whereas Clauses)\*

- Landfills are a significant source of methane emissions, a potent greenhouse gas. According to the U.S. Environmental Protection Agency, municipal solid waste landfills are the third largest contributor to methane emissions.<sup>9</sup>
- Organic materials in landfills drive methane generation, and these materials could potentially be diverted for a higher and better use, including composting, that would create environmental benefits and economic opportunities.
- Nearly 40% of the materials in Washington State landfills are organic and could be considered recoverable.<sup>10</sup>
- Special events are activities that generate waste, with the waste made and left by attendees recognized as the most significant impact of special events.<sup>11</sup>

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<sup>6</sup> See critique on Washington’s Organics Management Law in [Appendix C](#).

<sup>7</sup> Does not support the model ordinance for special events, see [Appendix C](#) for details.

<sup>8</sup> Does not support the model ordinances for mandatory collection or siting at new buildings, see Appendix C.

<sup>9</sup> U.S. Environmental Protection Agency. (2024). *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2022* (EPA 430-R-24-004). [https://www.epa.gov/system/files/documents/2024-04/us-ghg-inventory-2024-main-text\\_04-18-2024.pdf](https://www.epa.gov/system/files/documents/2024-04/us-ghg-inventory-2024-main-text_04-18-2024.pdf).

<sup>10</sup> Washington Department of Ecology. (2021). *2020-2021 Washington Statewide Waste Characterization Study* (21-07-026). <https://apps.ecology.wa.gov/publications/SummaryPages/2107026.html>.

<sup>11</sup> Martinho, G., Gomes, A., Ramos, M., Santos, P., Gonçalves, G., Fonseca, M., and Pires, A. (2018). Solid waste prevention and management at green festivals: A case study of the Andaças Festival, Portugal. *Waste Management*, 71, 10-18. doi: 10.1016/j.wasman.2017.10.020

- Some research suggests special event attendees generate, on average, 4.2 pounds of solid waste per day including food waste.<sup>12</sup>
- The Washington legislature has found that “landfills are a significant source of emissions of methane...and that it will be beneficial to improve how organic materials and their wastes are reduced, managed, incentivized, and regulated” ([RCW 70A.205.007](#)).
- The state established a goal to reduce the landfill disposal of organic materials by 75% (compared to 2015 levels) by the year 2030.

### 1.3 Enactment Clause

Therefore, the city council of the city of \_\_\_\_\_ do ordain as follows:<sup>13</sup>

Therefore, be it ordained by the council of the town of \_\_\_\_\_<sup>14</sup>

Therefore, be it ordained by the city commission of \_\_\_\_\_:<sup>15</sup>

Therefore, be it ordained by the Board of County Commissioners of \_\_\_\_\_ County, State of Washington<sup>16</sup>

[For the state’s ten first class<sup>17</sup> cities – Yakima, Vancouver, Tacoma, Spokane, Seattle, Richland, Everett, Bremerton, Bellingham, and Aberdeen – the required language for enactment clauses is in the individual city charters.]

### 1.4 Statement of Purpose

The purpose of this ordinance is to establish a Center for Events staffed by representatives from existing City/County departments. The Center for Events will review and oversee special event permit applications and provide decisions. The Center for Events will be responsible for ensuring special event organizers follow their event plans and permit requirements during the event and through clean-up, as well as providing technical assistance and enforcement actions, if needed. This ordinance intends to create a permit process that keeps City/County an attractive destination for special events while protecting public and environmental health and safety, including reducing greenhouse gas emissions by diverting organic solid waste from the landfill.

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<sup>12</sup> Zhang, X., Shao, X., Jeong, E., and Olson, E. (2021). I am worth more than you think I am: Investigating the effects of upcycling on event attendees’ recycling intention. *International Journal of Hospitality Management*, 94, 10288. doi: 10.1016/j.ijhm.2021.102888

<sup>13</sup> Required language for second class cities (RCW 35.23.211) and code cities (RCW 35A.12.130 and 35A.13.190)

<sup>14</sup> Required language for towns (RCW 35.27.290)

<sup>15</sup> Required language for commission cities (RCW 35.17.030 and 35.23.211)

<sup>16</sup> Recommended language for counties (MRSC)

<sup>17</sup> Washington municipalities are classified according to their population at the time of organization or reorganization. There are four classification types currently in use: first-class city, second-class city, code city, and towns, all of which have different powers under state law. Find out more information from the Municipal Services and Research Center (MSRC.org).

## 1.5 Applicability

This ordinance shall apply to all areas of City/County unless otherwise mentioned in the substantive provisions.

## 1.6 Severability Clause

The provisions and sections of this ordinance shall be deemed separable, and the invalidity of any portion shall not affect the validity of the remainder.

## 2. Definitions – Special Event Model Ordinance

- (1) "Appeal team" means the inter-departmental team comprised of directors or their designees of City/County departments that participate in the Center for Events.
- (2) "Attendee" means a participant, an athlete, or the event staff present during a special event. The term includes a vendor or volunteer.
- (3) "Diversion" means the act of redirecting material from disposal for a higher or best use.
- (4) "Event organizer" means any person who conducts, manages, or organizes a special event.
- (5) "Jurisdictional health department" means city, county, city-county, or district public health department.
- (6) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.
- (7) "Legacy event" means a special event that has been held in the City/County in substantially the same form for a minimum of 5 years.
- (8) "Local facility" means parkland, buildings, and all other property owned, controlled by, or maintained by City/County that is not a street, sidewalk, right-of-way, or spaces not available for public rental.<sup>18</sup>
- (9) "Official gathering" means an event where authorization to hold the event is approved, recognized, or issued by a government, public body, or authority, including but not limited to fairs, musical concerts, athletic games, festivals, tournaments, or any other formal or ceremonial event, during which beverages are sold by a vendor or vendors in single-use aluminum, glass, or plastic bottles or cans.
- (10) (a)(i) "Organic materials" means any solid waste that is a biological substance of plant or animal origin capable of microbial degradation.
  - (ii) Organic materials include, but are not limited to, manure, yard debris, food waste, food processing waste, wood waste, and garden waste.
- (b) "Organic materials" does not include any materials contaminated by herbicides, pesticides, pests, invasive weeds, or other sources of chemical or biological

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<sup>18</sup> Some jurisdictions may want to list spaces or properties that are not included such as those that have their own oversight or administrative body like a Port Commission. For example, the City of Seattle's special event ordinance does not include events held at certain University of Washington – Seattle facilities nor The Seattle Center.

contamination that would render a finished product of an organic material management process unsuitable for public or agricultural use.

- (11) "Organic materials management" means management of organic materials through composting, anaerobic digestion, vermiculture, black soldier fly, or similar technologies.
- (12) "Peak season"<sup>19</sup> means June 1 through September 15 of any calendar year. It refers to the time of year when City/County sees a substantial increase in out-of-town visitors, tourists, etc.
- (13) "Person" means individual, firm, association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.
- (14) "Solid waste" or "wastes" means all putrescible and non-putrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable or organic materials.
- (15) "Special event"<sup>20</sup> means a public attraction whose main purpose is to allow public access for entertainment, interest, or education, with or without an admission fee. A special event:
  - (a) Is located at a local facility and has 50<sup>21</sup> or more attendees at any time.
  - (b) Impacts a public street, sidewalk, alley, walkway, or other right-of-way other than as allowed under [reference to local code]; or
  - (c) Is temporary, involves 50<sup>22</sup> or more attendees at any time<sup>23</sup>; and
    - (i) is inconsistent with the legal use of the property,<sup>24</sup> including exceeding occupancy levels; and
    - (ii) includes one or more of the following:
      - a. set up of temporary structures, including, but not limited to, tents, stages, or fences;
      - b. Use of sound equipment in a manner pursuant to [reference to local code];
      - c. Providing or offering food or beverages to attendees, including alcohol.

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<sup>19</sup> A peak season or festival season may be relevant for certain jurisdictions who see more frequent events during a particular time of year. A City/County may want to apply criteria for special events only during this time period.

<sup>20</sup> The City of Austin divides special events into Tiers 1-4 based on various criteria, and Tiers have different requirements for their applications and planning.

<sup>21</sup> Committee votes ranged between 20 and 100 attendees, with an average of 50.

<sup>22</sup> Committee voted ranged from 20 to 500 attendees, with an average of 53.

<sup>23</sup> A City/County will need to consider whether farmers market apply under this definition, and how to handle temporary markets occurring on a regular basis.

<sup>24</sup> The Advisory Committee voted to strike this requirement and define a special event only by attendance and activities. The requirement was retained for the scenario of a restaurant who closes for a private party, has more than 50 attendees, but does not exceed occupancy levels. Under the provided definition, a permit would not be required. If c(i) were struck, the restaurant would need a permit.

(16) “Special event venue” means the property where the special event will occur.

### 3. Substantive Provisions – Special Event Model Ordinance

#### 3.1 Establish a Center for Events\*<sup>25</sup>

(1) A Center for Events is established to carry out the duties of this chapter. The Center for Events shall be staffed by employees from City/County departments that regulate, permit, or host special events or related activities that may be impacted by special events, such as transportation, emergency services, solid waste management, and public and environmental health and safety.

(2) The Center for Events shall review applications for special event permits and approve or deny applications in compliance with this chapter and with rules adopted under this chapter.

(3) In carrying out its duties, the Center for Events may:

- (i) Set reasonable boundaries for the special event venue with consideration to the impacts of public property and rights-of-way;
- (ii) Impose reasonable conditions on the special event based on public health, safety, and welfare;
- (iii) Coordinate permit issuance or authorizations for the special event with other city departments;
- (iv) Require consolidated applications;
- (v) Consult with public agencies that have ownership or jurisdiction over land within a special event venue or district;
- (vi) Create a reimbursement or other incentive program that encourages waste diversion and reduction practices at special events; and
- (vii) Adopt rules governing the administration and enforcement of this chapter, including additional application requirements and provisions for interdepartmental review and appeals.

(4) The Center for Events must develop its own or approve an existing training for waste management at special events and provide the training for no charge to special event applicants and event organizers.<sup>26</sup>

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<sup>25</sup> This is based on the Austin Center for Events which has 14 members from different city departments including: Fire, police, emergency medical services, public health, waste management, transportation, the water utility, economic development, parks and recreation, planning and zoning, sustainability, the City Manager, and Code departments. A similar approach is taken by the cities of Seattle and San Francisco. In other places (including Tacoma, Sequim, and Walla Walla, Washington) these duties are assigned to the City Manager or the director of a specific department (ex. Parks and Recreation).

<sup>26</sup> The City of San Francisco has a free mandatory zero-waste training that all event organizers must take. If an event organizer cannot attend the training prior to the start of their special event, the City requires event organizers to hire someone off the City’s list of certified “Event Greeners.”

- (i) The training must include information about edible food recovery and local hunger relief organizations; and
- (ii) Information about [RCW 70A.200.100](#) (Official gatherings and sports facilities – Recycling), which requires certain beverage vendors to provide for recycling containers at official gatherings.
- (iii) The Center for Events may provide the training to event organizers virtually.

(5) The Center for Events will create, maintain, and make public a list of waste prevention and reduction specialists that includes, but is not limited to, individuals who have successfully completed the Center for Events special event waste management training or a person who specializes in waste prevention, reduction and diversion.

### 3.2 Special Event Permit Required; Exceptions

(1) Except as provided in subsection (2), a special event permit issued under this chapter is required to conduct, manage, or operate a special event.

(2) A special event permit under this chapter is not required for:

- (i) An event, which can include food or non-alcoholic beverage service, conducted entirely in a [City/County](#) auditorium or meeting room that requires only the facilities, personnel, or equipment associated with the local facility;
- (ii) A spontaneous event for which an event organizer or attendee cannot provide the level of notice required by this chapter, such as an event in response to recent news or current affairs, and is held solely on [City/County](#) parkland or right-of-way. To help with public safety, an organizer of a spontaneous event is encouraged to notify law enforcement of the date, time, place, and approximate number of attendees for the spontaneous event;
- (iii) Funeral processions by a licensed mortuary;
- (iv) Lawful picketing; and
- (v) A constitutionally protected activity such as acts protected by the First and Fourteenth Amendments of the United States Constitution, or Article 1, Sections 3, 4, 5, or 11 of the Washington Constitution, including but not limited to political or religious activities intended primarily for the communication or expression of ideas.

### 3.3 Special Event Permit

(1) Except as provided in 3.2.2 ([Special Event Permit Required; Exceptions](#)), a person must obtain a special event permit from the Center for Events before the person may conduct, manage, or operate a special event.

(2) A special event permit is non-transferrable.



(3) The event organizer must display the special event permit in a manner prescribed by the Center for Events and provide a copy of the permit to an authorized City/County staff conducting enforcement or inspection duties related to a special event.

(4) As a condition of the special event permit, the event organizer or a person who represents the event organizer must:

- (i) Provide access to a special event venue to all City/County staff with authorized enforcement or inspection duties related to the special event;
- (ii) Be present at all times during the hours for the special event;
- (iii) Provide the Center for Events with contact information for an individual responsible for set-up, take-down, emergency management and solid waste management of the special event;
- (iv) Ensure the special event and attendees comply with all applicable ordinances, regulations, rules, and permit requirements;
- (v) Receive all notices of violation, citations, and closure orders.

(5) A special event permit is only effective after the event has passed any required set-up inspections.

### 3.4 Other Permits or Licenses Required

The issuance of a special event permit under this chapter does not satisfy the requirement to obtain any other permit or approval required by the City/County, unless mutually agreed upon by the Center for Events and the other public agency or agencies granting the permit or approval.

### 3.5 Insurance Required; Exceptions

(1) Except as provided in this chapter, the event organizer must possess or obtain insurance to protect the City/County against loss from liability for damages such as bodily injury and property damage arising from the special event that impacts or occurs on City/County property, including local facilities, streets, sidewalks, and other rights-of-way.

(2) The insurance must name the City/County as an additional insured and must be maintained for the duration of the special event.

(3) Failure to maintain insurance immediately preceding, during the special event, and until the conclusion of the permit period is grounds to revoke the special event permit.

(4) The City/County will determine the necessary amount of insurance.

(5) The insurance required by this section is not a substitute for insurance requirements that may be imposed by other required City/County permits.

(6) An event organizer is exempt from providing the insurance required by this section if:

- (i) The special event occurs exclusively on private property; or
- (ii) The event organizer demonstrated that is impossible or impractical to obtain insurance coverage.

### 3.6 Indemnification

An event organizer who applies for a special event permit must execute a written agreement to indemnify the City/County and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of alleged willful or negligent acts or omissions of the event organizer, its officers, agents, or employees in connection with the special event.

### 3.7 Special Event Application Fees and Deadlines

- (1) An event organizer must pay an application fee set by a separate ordinance.
- (2) An event organizer must submit a special event application no later than the following number of days prior to the first day of the proposed event:
  - (i) 45 calendar days for a special event that estimates less than 2,500 attendees at one time; and is stationary and impacts up to two blocks of a street, sidewalk, or city right-of-way.
  - (ii) 120 calendar days for all other special events.
- (3) An application deadline may be waived by the Center for Events if:
  - (i) The event organizer can show good cause, as defined in any rules adopted by the Center for Events; and
  - (ii) No unreasonable burden on the City/County will be created by the waiver.

### 3.8 Contents of Special Event Application\*

- (1) An event organizer must submit an application for a special event on a form approved by the Center for Events. The event organizer must be the applicant unless another person is designated by the event organizer in writing.
- (2) An application must contain all the information described in this section and in any rules adopted by the Center for Events for it to be deemed complete.
- (3) Special event applications must include:
  - (i) Detailed information about the special event's activities, including bands or other musical performances, sound amplification equipment, ancillary activities associated with the event, the kinds of animals anticipated at the event, and the types of non-emergency vehicles being used for the event;
  - (ii) Detailed information about any food or alcohol service, including types of food serviceware;

- (iii) The location of permanent and proposed location for portable sanitation facilities;
- (iv) A waste diversion, reduction and management plan as described in section 3.9 ([Waste Reduction, Diversion and Management Plans](#)); and
- (v) A public safety and emergency preparedness plan that includes information about attendee queues and equipment or service necessary to conduct the event with regard for public health and safety.

(4) An application for a special event may be submitted up to 335 calendar days before the first day of the special event but not sooner.

(5) Legacy events may apply for a special event permit up to 364 days before the first day of the special event.

### **3.9 Waste Reduction, Diversion, and Management Plans\***

(1) A special event organizer must prepare a detailed waste reduction, diversion, and management plan for the Center for Events to approve a special event permit application.

- (i) The Center for Events may require a simplified plan or provide a waiver for special events where food and/or beverage is not offered or provided to attendees.

(2) Special event organizers must ensure that beverage vendors provide a recycling program pursuant to [RCW 70A.200.100](#) (Official gatherings and sports facilities – Recycling), and that any food vendors display at least one sign encouraging attendees to dispose of food waste in organics collection containers, if food is an accepted material.

(3) A waste reduction, diversion, and management plan must be written such that recyclable and organic materials are not ultimately disposed in a landfill. However, an event organizer may not be penalized for attendees who place organic or recyclable materials into the wrong collection bin, as long as the event organizer followed their approved plan including labeling of receptacles with accepted materials.

(4) A special event organizer must provide enough waste receptacles to accommodate the scope of the special event, its activities and attendees. This includes both volume, quantity, and type(s) of receptacles or waste stations.

(5) Waste receptacles must be:

- (i) Dispersed throughout the event venue;
- (ii) Clearly marked with signs that show attendees accepted materials for each receptacle;
- (iii) If attendees are source separating, recycling and organics bins must be separate from trash bins with each clearly marked, so that attendees are encouraged to keep recyclables, organic materials, and trash separate; and

- (iv) Organics collection bins must have a green body or lid, and recycling collection bins must have a blue body or lid<sup>27</sup>.
- (6) For events with 25,000 or more attendees, proof of waste management services such as a receipt or invoice must be provided to the Center for Events after the event (see section 3.16 [Additional Requirements](#)).
- (7) For special events with single stream waste management strategies, proof of waste management and sorting must be provided to the Center for Events after the event.
- (8) All special event organizers must complete the Center for Events' waste management training before the first day of their special event, or they must consult with a person on the Center for Events list of waste reduction and diversion experts and provide evidence of this consultation before the first day of the special event.

### 3.10 Special Event Application Review

- (1) The Center for Events may request a special event permit application improve or add to its contents before final approval.
- (2) The Center for Events must review special event permit applications and respond to the applicant within a reasonable amount of time.
- (3) For special events that estimate attendance at 2,500 or more, the Center for Events will respond to an application no later than 30 days before the first day of the special event.

### 3.11 Approval or Denial of a Special Event Application\*

- (1) If the Center for Events determines none of these subsections apply, it will approve the special event application.
- (2) The Center for Events will deny a special event application if:
  - (i) The application is incomplete;
  - (ii) The application does not contain all the information specified in section 3.8 ([Contents of the Special Event Application](#));
  - (iii) The applicant does not provide sufficient crowd control or safety measures;
  - (iv) The applicant does not provide sufficient safety, health, or sanitation equipment, services, or facilities that are reasonably necessary;
  - (v) The applicant does not provide sufficient waste management services;
  - (vi) The applicant does not provide sufficient off-site parking or shuttle service, or both, and the special event would have foreseeable and substantial adverse impacts on general parking and traffic circulation near the event;

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<sup>27</sup> The Committee was split on this requirement. If your City/County does not standardize collection colors, then this may be removed.

- (vii) The applicant does not meet other requirements for the special event application as adopted in rule by the Center for Events;
  - (viii) The applicant does not obtain the approval of any other public agency within whose jurisdiction the special event or a portion of the event will occur;
  - (ix) The applicant does not obtain all other required permits or approvals; or
  - (x) The applicant does not sufficiently revise a pending application when required by the Center for Events.
- (3) The Center for Events shall deny a special event application if it determines:
- (i) The event will violate any local, state, or federal law, regulation, or administrative rule;
  - (ii) The public resources required to ensure safety at the event would prevent police, fire, or other emergency services from being provided to the remainder of the City/County;
  - (iii) The event, its attendees, animals, or vehicles would unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles;
  - (iv) The event will substantially interfere with another special event for which an event permit has already been approved, or with the City/County being able to support scheduled or unscheduled government functions;
  - (v) The event organizer is unable or unwilling to conduct an event fully in compliance with this chapter or the conditions of a special event permit issued under this chapter; or
  - (vi) The event organizer conducted a prior special event that substantially violated this chapter or other City/County requirements.
- (4) The Center for Events is not required to act on incomplete or untimely applications.
- (5) The Center for Events may require application revisions with respect to
- (i) Scope of events;
  - (ii) Traffic and parking;
  - (iii) Public health and safety; or
  - (iv) Waste reduction and management.
- (6) The Center for Events will notify the applicant of any decision in writing as soon as practicable. An electronic mail message is sufficient for this notification.

### **3.12 Appeal of Special Event Application Denial**

- (1) If the Center for Events denies a special event application, the event organizer may appeal the decision to the appeal team.
- (2) The event organizer must deliver an appeal to the Center for Events no later than 10 business days after the event organizer is notified of the application denial.

(3) The appeal team must act on the appeal within 10 business days and may uphold or reverse the denial.

(4) In considering the appeal, the appeal team will consider the same criteria as the Center for Events in section 3.11 ([Approval or Denial of Special Event Application](#)).

### 3.13 Unpermitted Special Events Prohibited

A person may not conduct, operate, or manage a special event without a special event permit required by this chapter except as provided in 3.2.2 ([Special Event Permit Required; Exceptions](#)).

### 3.14 Compliance with Permits Approval and Plans

An event organizer must conduct, operate, or manage a special event in compliance with the event permit, other required permits and approvals, and approved plans.

### 3.15 The Provision of Food and Beverages with a Special Event

(1) A person may not provide food or beverages, including alcohol, at a special event except as provided in this chapter.

(2) At a special event, a person may provide food or beverages, including alcohol, only if the person is authorized, has a valid food handlers card, and the provision of food and beverages was approved as part of the special event permit.

(3) Provision of food and beverages at a special event must comply with all food safety requirements under [reference to local code].

### 3.16 Additional Requirements\*

(1) An event organizer must provide portable toilets and maintenance service based on the number of attendees at the special event, if permanent bathroom facilities are not available or sufficient.

(2) A special event with more than 25,000 attendees must provide the Center for Events with:

- (i) Emissions management plan;
- (ii) A plan for bicycle parking and encouraging alternative transportation;
- (iii) Proof of solid waste and organic materials management services, including final disposition.

(3) The event organizer may not provide, distribute, or allow another person to provide or distribute:

- (i) Expanded polystyrene, except as allowed in [RCW 70A.245.070](#);
- (ii) Compostable products not labeled according to [chapter 70A.455 RCW](#);

- (iii) Plastic single-use carryout bags except in accordance with [chapter 70A.530 RCW](#); and
- (iv) Glass, if glass recycling is not provided at the event.

(4) An event organizer will provide suitable protection around storm water inlets to prevent debris from entering the stormwater system and provide protection from debris entering surface waters.

(5) If applicable, an event organizer will provide suitable protection for litter or other potential discharge of materials into the natural environment or any place other than the event venue, including but not limited to [City/County](#) parklands, agricultural land, beaches, shorelines, bodies of water, forests, and rangelands.

(6) If an entry fee is charged for a special event, an event organizer may not charge a fee for a person that needs access to:

- (i) A residence within a special event area or right-of-way closure area; or
- (ii) A business within a special event area or right-of-way closure.

(7) An Americans with Disabilities Act (ADA) compliance plan is required for any special event that interferes with accessibility on city streets, sidewalks, right-of-way, or public facilities.

### 3.17 Offense and Penalty

(1) It is unlawful for a person to violate any part of this chapter or a requirement or condition of their special event permit.

(2) It is unlawful for any person to intentionally obstruct or interfere with orderly progress or the activities of a special event when a special event permit has been issued according to this chapter.

(3) Each offense is punishable by a fine not to exceed:

- (i) \$500 for the first violation of this chapter;
- (ii) \$1,000 for the second violation of this chapter;
- (iii) \$1,500 for the third and any subsequent violations.
- (iv) \$2,500 for a violation that causes an imminent risk to public health or safety, or the environment.<sup>28</sup>

(4) The maximum fine for an event producer per day is \$5,000.

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<sup>28</sup> Some jurisdictions choose to impose stricter fine for more serious violations, such as those that threaten health or safety. The Advisory Committee voted yes to this idea. In a review of current Washington city and county special event ordinances, all contained a penalty section, and many simply reference their local civil penalty ordinance.

(5) The City/County must send a written notice with an opportunity for hearing to the event organizer prior to issuing a penalty.

(6) The authority to issue a fine is in addition to other remedies that the City/County is authorized to use, and choosing one remedy does not preclude use of another.

### 3.18 Revocation of Special Event Permit

(1) The Center for Events may revoke a special event permit if it determines:

- (i) The special event permit was issued in error;
- (ii) The event is being conducted in a way that does not comply with the approved special event permit;
- (iii) The event organizer fails to maintain appropriate insurance (section 3.5 [Insurance Required; Exceptions](#));
- (iv) The event organizer or another person associated with the special event fails to obtain any other required permit or approval;
- (v) The event poses a threat to public health and safety.

(2) Except as provided in subsection 3, the Center for Events may only revoke a permit after it issues a written notice of intent to revoke. The notice must specifically state the reasons for revocation; the corrective actions required for compliance and preventing permit revocation; and provide a time period for compliance.

(3) Verbal notification for special event permit revocation is sufficient if there is a threat to public health or safety. The Center for Events may provide warning to an event organizer before immediate revocation.

(4) If an event organizer fails to take corrective actions identified in the notice of intent to revoke by the time specified, the special event permit is revoked without further action from the Center for Events.

(5) If the special event permit is revoked before the start of a special event, an event organizer can appeal to the Center for Events.

(6) An immediate revocation described in subsection 3 is effective until the condition causing a threat to public health or safety is remedied.



# Mandatory Organics Collection Ordinance

## 1. General Provisions

### 1.1 Authorization

Under Article XI, section 11 of the Washington Constitution, “[a]ny county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.”

### 1.2 Findings of Fact (Recitals or Whereas Clauses)

- Landfills are a significant source of methane emissions, a potent greenhouse gas. According to the U.S. Environmental Protection Agency, municipal solid waste landfills are the third largest contributor to methane emissions.<sup>29</sup>
- Organic materials in landfills drive methane generation, and these materials could potentially be diverted for a higher and better use, including composting, that would create environmental benefits and economic opportunities.
- Nearly 40% of the materials in Washington State landfills are organic and could be considered recoverable.<sup>30</sup>
- Reducing organic materials in landfills is necessary to achieve the state’s 2030 goal of reducing disposed organic materials by 75% (RCW 70A.205.007).
- Washington’s Organic Management Laws require some businesses to arrange for organics collection (RCW 70A.205.545) and for local jurisdictions to provide year-round organics collection service to single-family and certain non-residential customers by April 1, 2027. By April 1, 2030, this organics collection service must be non-elective (exemptions apply) and include collecting food waste (RCW 70A.205.540).

### 1.3 Enactment Clause

Therefore, the city council of the city of \_\_\_\_\_ do ordain as follows:<sup>31</sup>

Therefore, be it ordained by the council of the town of \_\_\_\_\_<sup>32</sup>

Therefore, be it ordained by the city commission of \_\_\_\_\_:<sup>33</sup>

Therefore, be it ordained by the Board of County Commissioners of \_\_\_\_\_ County, State of Washington<sup>34</sup>

<sup>29</sup> U.S. Environmental Protection Agency. (2024). *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2022* (EPA 430-R-24-004). [https://www.epa.gov/system/files/documents/2024-04/us-ghg-inventory-2024-main-text\\_04-18-2024.pdf](https://www.epa.gov/system/files/documents/2024-04/us-ghg-inventory-2024-main-text_04-18-2024.pdf).

<sup>30</sup> Washington Department of Ecology. (2021). *2020-2021 Washington Statewide Waste Characterization Study* (Pub. 21-07-026). <https://apps.ecology.wa.gov/publications/SummaryPages/2107026.html>.

<sup>31</sup> Required language for second class cities (RCW 35.23.211) and code cities (RCW 35A.12.130 and 35A.13.190)

<sup>32</sup> Required language for towns (RCW 35.27.290)

<sup>33</sup> Required language for commission cities (RCW 35.17.030 and 35.23.211)

<sup>34</sup> Recommended language for counties (MRSC)

[For the state’s ten first class<sup>35</sup> cities – Yakima, Vancouver, Tacoma, Spokane, Seattle, Richland, Everett, Bremerton, Bellingham, and Aberdeen – the required language for enactment clauses is in the individual city charters.]

#### 1.4 Statement of Purpose

The purpose of this ordinance is to reduce the amount of organic solid waste deposited in landfills from businesses, single-family residences, and self-haulers.

#### 1.5 Applicability<sup>36</sup>

This ordinance shall apply to all areas of the City/County,<sup>37</sup> unless otherwise mentioned in the substantive provisions.

#### 1.6 Severability Clause

The provisions and sections of this ordinance shall be deemed separable, and the invalidity of any portion shall not affect the validity of the remainder.

## 2. Definitions<sup>38</sup> - Mandatory Organics Collection

- (1) “Authority” means the [name of City/County public works department].
- (2) “Authority Representative” means any agent of the City/County designated to implement this ordinance, including employees from Authority, Jurisdictional Health Department, or private contractors hired to monitor or enforce parts of this ordinance.
- (3) “Business” means any commercial, public, or nonprofit entity that generates waste within the City/County unincorporated areas, including but not limited to manufacturing businesses, restaurants, retail stores, offices, hotels, shopping centers, theaters, schools, and government facilities, but for purposes of this ordinance, does not include Multi-Family Residential Entities.
- (4) “Business Organics Management Area” or “BOMA” is the area identified by the Washington Department of Ecology where Businesses are required to arrange for organics management service under RCW 70A.205.545.
- (5) “Compliance Plan” means the plan required according to Section 3.6 of this ordinance.

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<sup>35</sup> Washington municipalities are classified according to their population at the time of organization or reorganization. There are four classification types currently in use: first-class city, second-class city, code city, and towns, all of which have different powers under state law. Find out more information from the Municipal Services and Research Center (MSRC.org).

<sup>36</sup> Some communities may wish to exempt certain areas within jurisdictions. This can be done through an Applicability section, or through the substantive provisions if only certain parts of the ordinance are being exempted for a specific area or areas.

<sup>37</sup> Counties who need to implement required collection in unincorporated areas may choose to establish a solid waste collection district through a separate ordinance that authorizes the County to use City-collected funds for providing service.

<sup>38</sup> Most definitions are from chapter 70A.205 RCW or WAC 173-350-100. Local jurisdiction may want to use definitions already established in their code.

- (6) "Composting" means the biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition. Natural decay of organic solid waste under uncontrolled conditions is not composting.
- (7) "Disposal" means the discharge, deposit, injection, dumping, leaking, or placing of any Solid Waste into or on the land or water.
- (8) "Diversion" means the act of redirecting material from disposal (e.g., landfill) for a higher or best use.
- (9) "Enforcement Official" means the Executive Director of the Jurisdictional Health Department, their equivalent, or designee.
- (10) (a) "Food Waste" means waste from fruits, vegetables, meats, dairy products, fish, shellfish, nuts, seeds, grains, and similar materials that results from the storage, preparation, cooking, handling, selling, or serving of food for human consumption.  
(b) "Food waste" includes, but is not limited to, excess, spoiled, or unusable food and includes inedible parts commonly associated with food preparation such as pits, shells, bones, and peels. "Food waste" does not include dead animals not intended for human consumption or animal excrement.
- (11) "Jurisdictional Health Department" means [name of city, county, city-county, public health district, or public health department].
- (12) "Landfill" means a disposal facility or part of a facility at which Solid Waste is permanently placed in or on land including facilities that use Solid Waste as a component of fill.
- (13) "Multi-Family Residential Entity" means a landlord, property management business, or condominium owner's organization that arranges solid waste collection service from shared disposal containers at any structure housing two or more dwelling units.
- (14) "Operator" means a Person with a solid waste permit from local authorities and applicable state agencies to operate a Landfill or Transfer Station.
- (15) "Organic Materials" means any solid waste that is a biological substance of plant or animal origin capable of microbial degradation.  
(a) "Organic Materials" include, but are not limited to, manure, yard debris, food waste, food processing waste, wood waste, and garden waste.  
(b) "Organic Materials" does not include any materials contaminated by herbicides, pesticides, pests, invasive weeds, or other sources of chemical or biological contamination that would render a finished product of an organic material management process unsuitable for public or agricultural use.  
(c) Organic Materials in public litter containers (ex., on streets or in parks), street sweepings, or in Solid Waste collected when illegal dumping is cleaned up, are not subject to this ordinance.
- (16) "Organic Materials Management" means management of organic materials through composting, anaerobic digestion, vermiculture, black soldier fly, or similar technologies.
- (17) "Organic Materials Management Service" means the collection of source-separated food waste and organic material waste by a "transporter," as defined in RCW

- 70A.205.300, for delivery to solid waste handling facilities that provide for organic materials management, including for food waste.
- (18) "Organic Recycling Collection Areas" or "ORCA" is the area identified by the Washington Department of Ecology under RCW 70A.205.540(3) where City/County is required to provide source-separated organic solid waste collection services to (a) all single-family residents, and (b) nonresidential customers that generate more the 0.25 cubic yards per week of organic materials for management.
- (19) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.
- (20) "Recyclable Materials" means those solid wastes that are separated for Recycling or reuse, including, but not limited to, papers, metals, and glass, that are identified as recyclable material pursuant to City/County's solid waste plan and their designated list of recyclables.
- (21) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration. Recycling includes processing waste materials to produce tangible commodities.
- (22) "Residential Unit" means a separate living unit designed and intended for occupancy as a dwelling with its own housekeeping and kitchen facilities. Detached houses, apartment units, and condominium units shall be considered residential units. Hotel, motel and rooming and boarding units designed primarily for transient tenancy shall not be considered residential units.
- (23) "Self-hauler" means a Person who takes Solid Waste to a Landfill, Transfer Station, Recycling facility, or Organic Materials Management facility, but is not a Service Provider or Operator.
- (24) "Service Area" means the area where [the City/County provides] or [the City/County's contractor provides] or [the City/County requires solid waste collection companies to provide] curbside Collection Service for Source-Separated Organic Materials.
- (25) "Service Provider" means a person that collects Solid Waste originating within the City/County for the purpose of Organic Materials Management under a contract, franchise agreement, or permit with the Authority. It includes the City/County collection or hauling program.
- (26) "Single-family Residential Unit" for the purposes of this ordinance means a residential unit for which solid waste collection service is not arranged by a Multi-family Residential Entity.
- (27) "Solid Waste," "Waste Materials" or "Wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials.

- (28) “Solid Waste Collection Companies” means those entities defined as such by [81.77 RCW](#) and certificated by the Washington Utilities and Transportation Commission to operate in **City/County**.
- (29) “Solid Waste Handling” means the management, storage, collection, transportation, treatment, use, processing or final disposal of solid wastes, including the recovery and Recycling of solid wastes, the recovery of energy resources from wastes, or the conversion of the energy in wastes to more useful forms or combinations thereof.
- (30) “Source Separation” means the separation of different kinds of solid waste at the place where waste originates, including but not limited to Recyclable Materials and Organic Materials.
- (31) “Transfer Station” means a facility that receives Solid Waste (e.g., municipal solid waste, contaminated soil, or other solid wastes) from off-site from Persons or Service Providers for consolidation into transfer vehicles, vessels, or containers for transport to another Solid Waste handling facility.

### 3. Substantive Provisions – Mandatory Organics Collection

#### 3.1 City<sup>39</sup> Provision of Source Separated Organics Collection Service

- (1) By April 1, 2027, the **City** will provide year-round curbside Collection Service for Source-Separated Organic Materials to all Single-Family Residential Units [within the ORCA].<sup>40</sup>
- (2) By April 1, 2027, the **City**<sup>41</sup> will provide year-round curbside Collection Service for Source-Separated Organic Materials to all Businesses [within the ORCA] that generate more than the 0.25 cubic yards of Organic Materials per week.
- (3) Year-round service will not be provided if the Washington Department of Ecology has issued a waiver to **City**. Collection frequency must align with the terms of the waiver issued by the Department of Ecology.<sup>42</sup>
- (4) By April 1, 2030, the **City** Collection Service for Organic Materials will allow food waste as an accepted material, either comingled with other Organic Materials or collected separately.

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<sup>39</sup> These are Cities who do not choose to use a service provider regulated by the Washington UTC.

<sup>40</sup> This is required for jurisdictions within the Organics Recycling Collection Areas (ORCA) (RCW 70A.205.540). Omit the reference to ORCA if the desire is for all single-family residents to have organics collection service.

<sup>41</sup> This means that the jurisdiction itself will provide the service, but may be able to accomplish this through contract with a service provider rather than with its own employees, equipment, and facilities.

<sup>42</sup> If Ecology has issued a waiver to the City or County, then the ordinance can say the specific frequency rather than reference the waiver (i.e., “Collection frequency must be every XX weeks”)

### **(Alternative for Counties<sup>43</sup>) 3.1 Solid Waste Collection Companies Required to Provide Source Separated Organics Collection Service**

- (1) By April 1, 2027, Solid Waste Collection Companies must provide year-round curbside organics Collection Service for Source-Separated Organic Materials to all residential customers within those parts of their tariffed service territories in the City/unincorporated areas of the County [that are within the ORCA].<sup>44</sup>
- (2) By April 1, 2027, the City/County<sup>45</sup> will provide year-round curbside Collection Service for Source-Separated Organic Materials to all Businesses [within the ORCA] that generate more than the 0.25 cubic yards of Organic Materials.
- (3) Year-round service is not required to be provided if the Washington Department of Ecology has issued a waiver to City/County. Collection frequency must align with the terms of the waiver issued by the Department of Ecology.
- (4) By April 1, 2030, Solid Waste Collection Companies' Collection Service for Organic Materials must, and the City/County Collection Service for Organic Materials will, allow food waste as an accepted material, either comingled with other Organic Materials or collected separately.

### **3.2 Organic Materials Collection Service Required for Businesses**

- (1) Beginning April 1, 2030, each Business that generates 0.25 cubic yards or more of Organic Materials per week within the City's/County's Service Area must be charged for the collection of Organic Materials from the customer's location and must be provided with an appropriate number of organic collection bins for placing Organic Materials before collection.
- (2) Each Business to which subsection (1) applies must place Organic Materials in designated pickup containers: Organic Materials must be put into their own collection bin and must not be put in the trash collection bin or Recyclable Materials bin. No person may put Recyclable Materials or non-Organic Materials into the organics collection bin.

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<sup>43</sup> And Cities who choose to be served by solid waste collection companies.

<sup>44</sup> This is required for jurisdictions within the Organics Recycling Collection Areas (ORCA) (RCW 70A.205.540). Omit the reference to ORCA if the desire is for mandatory service to be required across the entire City/County. For residential customers, the requirement could be met by enacting a level of service ordinance such as this, under authority of RCW 70A.205.100. This does not appear to be an option with respect to organics collection from commercial and industrial customers because solid waste collection companies (meaning those companies that enjoy a legally protected monopoly and are subject to economic regulation as to services and rates under RCW 81.77) do not, by definition, provide the service of "collecting or transporting recyclable materials by or on behalf of a commercial or industrial generator of recyclable materials to a recycler for use or reclamation." See definition of "solid waste collection" at RCW 81.77.010. Curbside collection of organics for transport to a composting facility constitutes the collection of recyclable materials for transport to a recycler for use or reclamation.

<sup>45</sup> This means that the jurisdiction itself will provide the service, but may be able to accomplish this through contract with a service provider rather than with their own staff, equipment, and facilities.

- (i) Each Business must cooperate with the City/County contamination monitoring program, including but not limited to in-person inspections from the Authority, Jurisdictional Health Department, and remote monitoring.
  - (ii) A Business may choose to implement a remote monitoring program to track the contents of bins, contamination, and material amounts. This information may be used to determine appropriate level of service with the Authority. A customer with a remote monitoring program is not exempt from inspection or enforcement associated with this ordinance.
- (3) Businesses located outside the City/County Service Area, but within the BOMA are required to arrange for Organic Materials Management Service as follows:
- (i) Businesses generating four cubic yards or more of Organic Materials per week must arrange for Organic Materials Management Service by January 1, 2025.
  - (ii) Businesses generating 96 gallons or more of Organic Materials per week must arrange for Organic Materials Management Service by January 1, 2026.
- (4) The following wastes do not count for determining volumes of Organic Materials for purposes of subsections (1) and (3):
- (i) Waste managed on-site (e.g., on-site composting);
  - (ii) Waste from growing and harvesting of food or fiber that are managed off-site for another business that engages in growing and harvesting of food or fiber (e.g., animal feed);
  - (iii) Waste managed by a Business that has a voluntary agreement with another Person to sell or donate Organic Materials for off-site use;
  - (iv) Waste generated in exceptional volumes as a result of a natural disaster or other infrequent and unpredictable event;
  - (v) Waste generated by a food safety event, such as a product recall due to foreign material or adverse biological activities that requires Disposal rather than Organic Material Management.
- (5) Each Business subject to this section is responsible for providing, or obtaining from the Service Provider, sufficient container(s) for Organic Materials collection at locations within the business premises where Organic Materials are disposed. Access to containers must be allowed for employees, contractors, tenants, and customers. Organic Material collection containers must:
- (i) Be sufficient in size and quantity to hold all the Organic Materials anticipated to be generated at the location within a seven-day<sup>46</sup> period;
  - (ii) Have a green body or lid;

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<sup>46</sup> This may need to be adjusted depending on the service schedule for businesses or removed from the ordinance.

- (iii) Have prominent signage on or near the containers that clearly describes proper separation and accepted materials; and
  - (iv) Be provided in all indoor and outdoor areas where trash containers are provided for employees, contractors, tenants, and customers, except in restrooms.
- (6) Each Business subject to this section must annually provide information for commercial tenants, employees, and contractors at each property about this ordinance, including keeping Organic Materials out of the trash, keeping non-Organic Materials out of the Organic Materials collection bin, the location of collection containers and the rules for using them at the property.
  - (7) New commercial tenants must receive information about Organic Materials, Solid Waste collection on the property, and other requirements of this ordinance within fourteen (14) days of occupancy.
  - (8) Each Business subject to this section must periodically inspect<sup>47</sup> Organic Materials collection bins for contamination and inform employees, contractors, and tenants if collection bins have non-Organic Materials and the requirement to only put Organic Materials in the collection containers.<sup>48</sup>
  - (9) Each Business subject to this section must provide or arrange access to its properties for the Authority Representative performing inspections related to this ordinance.
  - (10) A Business that wants to self-haul must obtain a waiver and meet all the requirements of [Self-haulers in section 3.4](#).
  - (11) Nothing in this ordinance prohibits a Business from waste prevention and reduction activities, managing (not disposing) Organic Materials on-site, selling or donating Organic Materials, or using a community composting site.
  - (12) Additional waivers from these requirements may be available as provided in section 3.8 ([Waivers](#)).
  - (13) The Authority may adopt additional rules to implement this section.

### 3.3 Organic Collection Service Required for Single-family Residential Units

- (1) Beginning April 1, 2030, each owner or occupant of a Single-Family Residential Unit located within the City's/County's Service Area must be charged for the collection of Organic Materials and must be provided with an organics collection bin for placement of Organic Materials.
- (2) Each owner or occupant to whom subsection (1) applies shall place Organic Materials in their designated pickup container. Organic Materials must be put into the organic

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<sup>47</sup> One Advisory Committee member suggested that recordkeeping and frequency be called out in the ordinance.

<sup>48</sup> A City/County may want to specify the frequency of bin audits.



collection<sup>49</sup> bin. No person shall put Recyclable Materials or other non-Organic Materials into the green bin.

- (3) The minimum level of service that the owner or occupant of a Single-Family Residential Unit must be charged is year-round unless a collection frequency waiver is granted by the Authority (section 3.8 [Waivers](#))<sup>50</sup>.
- (4) The Authority or Service Provider has the right to review<sup>51</sup> the number and size of a residential customer's Organic Materials collection container to evaluate adequacy of collection service, proper separation, and containment of materials. The Authority may adjust the service level required accordingly.
- (5) Nothing in this ordinance prohibits an owner or occupant from waste prevention and reduction activities, managing Organic Materials on-site, selling or donating Organic Materials, or using a community composting site.
- (6) Waivers from these requirements may be available as provided in section 3.8 ([Waivers](#)).
- (7) The Authority may adopt additional rules to implement this section.

### 3.4 Self-haulers of Solid Waste Originating in City/County

- (1) The Authority or Service Provider may waive all or part of the requirements in Section 3.2 or 3.3, if the Business, or Single-Family Residential Unit owner or occupant can demonstrate they are a Self-hauler that meets all requirements of this section.
- (2) A Self-hauler must Source-Separate all Organic Materials they generate, remove, transport, or deliver.
- (3) A Self-hauler who collects, removes, or transports Organic Materials within the [City/County](#) must deliver those Organic Materials to an Organic Materials Management Facility or Transfer Station that will deliver Organic Materials to an Organic Materials Management Facility.
- (4) A Self-hauler who is a Business must track the amount of Organic Materials they take to an Organics Materials Management Facility or Transfer Station. These records are subject to inspection by the Authority Representative or Enforcement Official:
  - (i) Delivery receipts and weight tickets from the facility accepting the Organic Materials; and

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<sup>49</sup> The Advisory Committee recommended including green as a color signal for organics collection bins. If this is part of a City/County program, then specific color references can be added.

<sup>50</sup> Cities/Counties that had organics collection before Jan. 1, 2024, are not required to provide year-round service as long as service is provided a minimum of 26 weeks per year for single-family customers. For a jurisdiction not impacted by the Organics Management Laws, minimum service levels can be determined and described as needed (or this subsection could be removed altogether). If the Washington Department of Ecology has issued a waiver to [City/County](#), minimum service levels must align with the terms of the waiver issued by the Department of Ecology.

<sup>51</sup> Check with your jurisdiction's attorney about local laws that impact monitoring bins and lifting lids. It may only be allowed with certain collection types (ex: organic materials but not trash) or only after bins have been placed on the curb. Some jurisdictions may choose to strike this paragraph.

- (ii) The total amount of Organic Materials (in cubic yards or tons) taken to each facility.
  - (iii) If a Self-hauler takes Organic Materials to a facility that does not have scales or has scales incapable of weighing the Self-hauler's Organic Materials in a reasonable manner, it is acceptable for the Self-hauler to estimate the amount of material (in cubic yards or tons) along with the facility name.
- (5) Except as provided in an applicable exception under this ordinance, no Self-hauler may deposit Organic Materials into a Landfill or deliver Organic Materials to a Landfill or Transfer Station such that the materials will be deposited in a Landfill.

### 3.5 Requirements for Landfills and Transfer Stations in City/County

- (1) An Owner or Operator of a Landfill or Transfer Station within City/County must require any Self-hauler who brings a load of Solid Waste to their facility containing more than 0.25 cubic yards of Organic Materials<sup>52</sup> to:
- (i) Separate Organic Materials, so they can be taken to an Organic Materials Management facility; or
  - (ii) Pay a cost at least 30% over the usual tipping fee<sup>53</sup> that would normally apply to the Self-hauler. Owners and Operators in City/County shall report to the Authority quarterly, and provide the dates, volumes, and weights of every load of Solid Waste charged this higher price.
  - (iii) An Owner or Operator of a Landfill or Transfer Station in City/County must provide Self-haulers of Organic Materials with name, contact, and address for local Organic Materials Management Facilities.
  - (iv) The requirements of this subsection do not apply to organic wastes generated in exceptional volumes as a result of a natural disaster or other infrequent and unpredictable event or waste generated by a food safety event, such as a product recall due to foreign material or adverse biological activities that requires Disposal rather than Organic Material Management.
- (2) Every Owner or Operator of a Landfill or Transfer Station in City/County must submit a Compliance Plan to the Authority that describes how the facility will comply with this ordinance and discourage Self-haulers from Landfill Disposal of Organic Materials.
- (3) The Compliance Plan must include:

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<sup>52</sup> Contaminated materials or materials unfit for composting should not be counted as organic materials or charged the additional tipping fee. Charging more to dispose of this material could incentivize people to be dishonest with an organic management facility and risk contaminating their product. Local governments may choose to develop a system of communication or tracking between landfills and organics management facilities to assist.

<sup>53</sup> A City/County may choose a different percentage or a flat fee. Advisory Committee members agree that the financial cost for disposing organic materials in the landfill should be large enough that it disincentivizes.

- (i) Methods for discouraging and preventing Self-haulers putting Organic Materials in the Landfill or Transfer Station.
  - (ii) Methods for identifying Persons that violate this ordinance, including how the Landfill or Transfer Station will track non-compliance of Self-haulers.
  - (iii) Procedures and price lists to comply with section 3.5.1.
  - (iv) Description of load checking programs or audits that prevent the acceptance of Organic Materials from Self-haulers. At a minimum, this shall include:
    - a. The number and frequency of random load checks to be performed at the facility;
    - b. How load checks will be recorded; and
    - c. Training of personnel in recognizing, proper handling, and disposition of Organic Materials.
  - (v) Description of facility signage informing Self-haulers and others that Organic Materials cannot be disposed in the Landfill. Signage must be located at facility entrances and waste receiving areas. Signs must be permanent, prominently displayed, and clearly indicate that Organic Materials cannot be deposited in the Landfill or otherwise delivered so they end up in a Landfill. Signs must be in place within 30 days of Authority approving the Compliance Plan.
  - (vi) Description of employee training efforts about this ordinance and compliance.
  - (vii) Additional information reasonably requested by the Authority or Enforcement Official as necessary to determine compliance or how to achieve compliance.
  - (viii) Identification of any barriers and suggestions about ongoing implementation of this ordinance.
- (4) Every Owner or Operator of a Landfill or Transfer Station in **City/County** must submit its proposed Compliance Plan to the Authority Representative no later than 60 days after adoption of this ordinance.
  - (5) The Authority Representative will review the Compliance Plan and determine its adequacy within 30 days of receipt. Adequacy determinations shall be based on the inclusion of all elements required in section 3.5.3 and the inclusion of all reasonable measures to effectively discourage Self-haulers from Disposal of Organic Materials in a Landfill. Proposed Compliance Plans must be revised and resubmitted within 30 days after the Authority Representative notifies a proposed plan is inadequate.
  - (6) Each Landfill and Transfer Station in **City/County** must start implementing its Compliance Plan no later than 60 days after approval from the Authority Representative.
  - (7) Every owner or Operator of a Landfill or Transfer Station in **City/County** must submit an annual report to Authority with details about steps taken during the prior year to

follow its plan. Each annual report shall be due by July 31 and cover the previous 12-month period between July 1 and June 30<sup>54</sup>.

- (8) Owners or Operators of Landfills and Transfer Stations in City/County must update or revise their Compliance Plan if the Authority Representative determines it is necessary to achieve compliance with this ordinance.
- (9) Failure to comply with an approved Compliance Plan constitutes a violation of this ordinance.

### 3.6 Requirements for Organic Materials Management Facilities and Community Composting Operations

- (1) Organic Materials Management Facilities in City/County must provide information about currently available and potential new or expanded capacity for Organic Materials Management at their facilities, operations, and activities to the Authority annually, including information about throughput and permitted capacity necessary for planning purposes. Facilities contacted by the Authority Representative have 60 days to respond.
- (2) If permitted or exempted from permitting according to ordinance [173-350 Washington Administrative Code](#) (WAC),<sup>55</sup> a community compost site must provide information to the Authority that supports local Organic Materials capacity planning, including, but not limited to, an estimate of how much Organic Material is expected to be delivered to the community compost site. Community composting sites contacted by the Authority Representative have 60 days to respond.

### 3.7 Inspection by Authority Representative

- (1) An Authority Representative is authorized to inspect loads of Solid Waste generated within City/County and brought to a Landfill, Transfer Station, or any other facility receiving Solid Waste to determine general rates of compliance with this ordinance, if:
  - (i) The inspection will not unreasonably interfere with the facility's operations;
  - (ii) The Authority Representative wears appropriate safety equipment throughout the inspection; and
  - (iii) The Authority Representative does not inspect any area deemed unsafe by regulation or in locations where the facility does not allow walking or standing by employees.

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<sup>54</sup> Jurisdictions may change the time period and due dates to fit their needs.

<sup>55</sup> Most community compost sites are not large enough to require a permit or conditional exemption. In most cases, community sites are treated like backyard composting.

### 3.8 Waivers

- (1) On behalf of City/County, the Authority has discretion to waive a Business, or a Single-Family Residential Unit owner or occupant's obligation to comply with some or all this documenting and maintaining records related to waivers.
- (2) Emergency waivers: If Authority determines an Organic Material cannot feasibly be sent to Organic Materials Management facilities for a limited time due to an emergency, then Authority may authorize that material to be put in the Landfill for the limited time period.
- (3) Minimum threshold waivers: The Authority Representative may grant a minimum threshold waiver to a Business by request, if satisfactory documentation shows the Business generates less than 0.25 cubic yards of Organic Materials per week on an ongoing and typical basis that would subject the customer to mandatory organics collection under this ordinance. A Business granted a minimum threshold waiver must notify Authority within reasonable time if it begins generating more than 0.25 cubic yards of Organic Materials, and must provide written verification to the Authority to renew a minimum threshold waiver every five years.
- (4) Physical space waivers: The Authority Representative may grant a physical space waiver to a Person by request, if satisfactory documentation shows:
  - (i) The type of collection service(s) a Person is requesting a waiver for; and
  - (ii) Written documentation from a Service Provider, licensed architect, licensed engineer, building officials, or City/County stating the property lacks adequate space for the collection containers required by this ordinance. A Person must provide written verification to the Authority to renew a physical space waiver every five years.
- (5) Collection frequency waivers: An Authority Representative may grant a collection frequency waiver to a Person to arrange for Organic Materials collection less frequently than once per week. Collection frequency must be suitable for the volume and types of Solid Waste generated on the premises such that all Solid Waste generated between collection dates is removed and vectors are controlled. If necessary, minimum service levels shall be negotiated with the Authority Representative. If parties cannot agree on a minimum level of service, the Authority Director will make the determination.
- (6) Compliance schedule waivers: A Person may ask for a waiver from the Authority presenting evidence that more time is needed to fully implement a compliant program. The Person seeking a waiver must provide a complete written proposal stating when full compliance will be achieved. If a compliance schedule waiver is granted, the Person must demonstrate good faith and on-going efforts to comply by the date(s) in the approved waiver from Authority.
- (7) On-site management waiver: The Authority Representative may grant an on-site management waiver to a Person by request, if satisfactory documentation shows:

- (i) The Business or Residential Unit is managing Organic Materials on-site in a manner that sufficiently protects public and environmental health, including mitigating odors, and controlling pests and animal vectors; and
  - (ii) The on-site management of Organic Materials does not violate any part of WAC 173-350 or any other local, state, or federal law. A Person granted an on-site management waiver must provide written verification to the Authority to renew the waiver every five years.
- (8) Unavailable service waivers: The Authority Representative may grant an unavailable service waiver to a Person by request, if satisfactory documentation shows that Organic Materials Management Service is not available.
- (9) Financial hardship waivers: The Authority Representative may grant a financial hardship waiver to a Person by request, if satisfactory documentation shows that compliance with the ordinance would create a financial hardship. This includes proof the requestor already receives other forms of public assistance such as food or utility benefits. If the requestor does not receive public assistance, hardship exists when implementation of this ordinance will increase Solid Waste service bills for a particular address by more than 30% per billing period compared to the cost of Solid Waste service in the absence of this ordinance and state law requiring Organic Materials Management Service.
  - (i) Federal, state, or local laws may require enclosures or other modifications to house additional carts and collection containers required by this ordinance. Hardship also exists when the combined costs of service bills and the amortized costs of Solid Waste enclosures exceeds 30% compared to the cost of Solid Waste service in the absence of this ordinance and state law requiring Organic Materials Collection Service. Eligible construction costs shall be amortized over an appropriate period for such costs based on Internal Revenue Service or alternative authoritative guidance or standards. The financial hardship calculation shall take into consideration the cost savings potential from reducing trash service levels and other opportunities to reduce bills. The Authority Representative may require compliance with some, but not all, requirements of this ordinance if it would limit the increase in eligible costs to less than 30%.
  - (ii) A Person must provide written documentation to re-new a financial hardship waiver every five years to the Authority.
- (10) The Authority may adopt additional rules to issue, renew, or rescind waivers.

### **3.9 Enforcement**

- (1) Enforcement of this ordinance may be undertaken by the Jurisdictional Health Department and the Authority through an Authority Representative.

- (2) The Jurisdictional Health Department is responsible for enforcing section 3.2 (Organic Materials Collection Service Required for Businesses) for a Business located within the BOMA<sup>56</sup>. The Authority is responsible for all other enforcement of this ordinance.
- (3) An Authority Representative may assess a fine to any person in violation of a provision of this ordinance except no penalty may be assessed to an individual or resident for the improper disposal of organic materials in a residential or noncommercial setting. Each day a violation occurs constitutes a new violation. The notice of violation must list the specific violation and reference to local code.
- (4) The Enforcement Official, when responding to a non-compliant Business located within the BOMA or ORCA, must send at least two notices of violation at least 30 days apart before issuing a notice of civil infraction and assessing a fine. If assessing a fine, the notice of civil infraction must state the fine amount, describe how to pay the fine, and how to request an administrative hearing to contest the notice of civil infraction.
  - (i) A Business found in violation of this ordinance must pay a fine within 30 days of receipt of the notice of civil infraction and shall be deposited before any requested hearing. A hearing, held by the Jurisdictional Health Department, will only take place if requested within 30 days of the notice of civil infraction. Evidence may be presented at the hearing. After the hearing, the Enforcement Official will issue a final written order. The Jurisdictional Health Department shall serve the final order on the violator by overnight, certified, or first-class mail. If the Enforcement Official determines no violation occurred, the **City/County** must refund the full fine amount within 30 days. The Jurisdictional Health Department must also notify the Authority of any final orders against a Business located within the BOMA that violates this ordinance.
- (5) A violation of this ordinance by a Business located within the BOMA or **City/County** Service Area constitutes a misdemeanor punishable by a fine not to exceed
  - (i) \$500 for the first violation;
  - (ii) \$750 for the second violation; and
  - (iii) \$1000 for each additional violation.
- (6) A violation of this ordinance by a Business located within the BOMA or **City/County** Service Area may also be enforced as a civil infraction. The Enforcement Official may find separate offenses for each day on which a violation occurs. An infraction fine may not exceed
  - (i) \$100 for the first violation;
  - (ii) \$200 for the second violation; and

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<sup>56</sup> Jurisdictional health districts are assigned enforcement for businesses within the BOMA (RCW 70A.205.545). It is possible that another entity like the solid waste authority do enforcement outside the BOMA for businesses. This is King County's preference for example.

- (iii) \$500 for each additional violation.
- (7) Property owners are not responsible for violations of this ordinance by occupants, and occupants are not responsible for violations of this ordinance by property owners, unless they are the same person, and only if they cooperate with the Enforcement Official and Authority Representative as necessary to clarify responsibility for violations. Failure to cooperate in determining responsibility is a violation of this ordinance.
- (8) Enforcement of this ordinance may not begin sooner than one year after adoption.<sup>57</sup> During the first year after adoption, the Authority Representative will conduct outreach and educational efforts related to the ordinance and will give technical assistance rather than notices of violation, notices of infraction, or fines. The Authority Representative is encouraged to work with the Jurisdictional Health Department and Service Provider, if applicable, in outreach efforts. Formal enforcement, including notices of civil infraction and fines for Businesses located within the BOMA, may begin one year after this ordinance is adopted by City/County.

## Designing Buildings to Account for Organics Collection Ordinance

### 1. General Provisions

#### 1.1 Authorization

Under Article XI, section 11 of the Washington Constitution, “[a]ny county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.”

#### 1.2 Findings of Fact (Recitals or Whereas Clauses)

- Landfills are a significant source of methane emissions, a potent greenhouse gas. According to the U.S. Environmental Protection Agency, municipal solid waste landfills are the third largest contributor to methane emissions.<sup>58</sup>
- Organic materials in landfills are the source of methane generation, and these materials could be diverted for a higher and better use, including composting, that would create environmental benefits and economic opportunities.

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<sup>57</sup> For clarity, a jurisdiction may want to state the actual date. In general, giving at least one year from adoption to enforcement is common. A jurisdiction may also want to develop a phased approach to enforcement and implementation.

<sup>58</sup> U.S. Environmental Protection Agency. (2024). *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2022* (EPA 430-R-24-004). [https://www.epa.gov/system/files/documents/2024-04/us-ghg-inventory-2024-main-text\\_04-18-2024.pdf](https://www.epa.gov/system/files/documents/2024-04/us-ghg-inventory-2024-main-text_04-18-2024.pdf).



- Nearly 40% of the materials in Washington State landfills are organic and could be considered recoverable.<sup>59</sup>
- Reducing organic materials in landfills is necessary to achieve the state’s 2030 goal of reducing disposed organic materials by 75% (RCW 70A.205.007).
- Washington’s Organic Management Laws require some businesses to arrange for organics collection (RCW 70A.205.545) and for local jurisdictions to provide year-round organics collection service to single-family and certain non-residential customers by April 1, 2027. By April 1, 2030, this organics collection service must be non-elective (exemptions apply) and include collecting food waste (RCW 70A.205.540).
- While multi-family residences are not included in RCW 70A.205.540 nor RCW 70A.205.545, multi-family housing generates significant organic materials. Sustainable development for City/County should include new multi-family residences designing for organic materials collection as part of permit approval.

### 1.3 Enactment Clause

Therefore, the city council of the city of \_\_\_\_\_ do ordain as follows:<sup>60</sup>

Therefore, be it ordained by the council of the town of \_\_\_\_\_<sup>61</sup>

Therefore, be it ordained by the city commission of \_\_\_\_\_<sup>62</sup>

Therefore, be it ordained by the Board of County Commissioners of \_\_\_\_\_ County, State of Washington<sup>63</sup>

[For the state’s ten first class<sup>64</sup> cities – Yakima, Vancouver, Tacoma, Spokane, Seattle, Richland, Everett, Bremerton, Bellingham, and Aberdeen – the required language for enactment clauses is in the individual city charters.]

### 1.4 Statement of Purpose

The purpose of this ordinance is to require design for source-separated organic waste collection at new developments where the final activities could generate solid waste, including organic materials at multi-family residences. This must be reviewed before City/County approves a building permit.

<sup>59</sup> Washington Department of Ecology. (2021). *2020-2021 Washington Statewide Waste Characterization Study* (Pub. 21-07-026). <https://apps.ecology.wa.gov/publications/SummaryPages/2107026.html>.

<sup>60</sup> Required language for second class cities (RCW 35.23.211) and code cities (RCW 35A.12.130 and 35A.13.190)

<sup>61</sup> Required language for towns (RCW 35.27.290)

<sup>62</sup> Required language for commission cities (RCW 35.17.030 and 35.23.211)

<sup>63</sup> Recommended language for counties (MRSC)

<sup>64</sup> Washington municipalities are classified according to their population at the time of organization or reorganization. There are four classification types currently in use: first-class city, second-class city, code city, and towns, all of which have different powers under state law. Find out more information from the Municipal Services and Research Center (MSRC.org).

## 1.5 Applicability<sup>65</sup>

This ordinance shall apply to all development within **City/County** unless otherwise mentioned in the substantive provisions. This chapter applies to new construction, Changes of Use, additional Uses, and renovations that impact 30 percent or more of a building's existing square footage.

## 1.6 Severability Clause

The provisions and sections of this ordinance shall be deemed separable, and the invalidity of any portion shall not affect the validity of the remainder.

## 2. Definitions<sup>66</sup> - Organics Collection at New Buildings

- (1) "Authority" means the [name of City/County public works or planning department].
- (2) "Building" means any enclosure used or intended for sheltering any Use or occupancy.
- (3) "Collection Service" means the collection, transportation, and delivery of Organic Materials for Composting from residential dwellings and Businesses, including Multi-Family Residences.
- (4) "Composting" means the biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition. Natural decay of organic solid waste under uncontrolled conditions is not composting.
- (5) "Direct Development Project" means any project that involves construction, building, or related activities including but not limited to clearing and grading land or making a new or altering an existing Building, Structure, or Facility. Direct Development Projects require prior application and approval from the Authority.
- (6) "Disposal" means the discharge, deposit, injection, dumping, leaking, or placing of any Solid Waste into or on the land or water.
- (7) "Facility" means a structure, Building or other physical contrivance or object.
- (8) "Food Waste" means waste from fruits, vegetables, meats, dairy products, fish, shellfish, nuts, seeds, grains, and similar materials that results from the storage, preparation, cooking, handling, selling, or serving of food for human consumption.
  - (i) "Food waste" includes, but is not limited to, excess, spoiled, or unusable food and includes inedible parts commonly associated with food preparation such as pits, shells, bones, and peels. "Food waste" does not include dead animals not intended for human consumption or animal excrement.
- (9) "Landfill" means a disposal facility or part of a facility at which Solid Waste is permanently placed in or on land including facilities that use Solid Waste as a component of fill.

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<sup>65</sup> Some communities may wish to exempt certain areas within jurisdictions. This can be done through an Applicability section, or through the substantive provisions if only specific sections of the ordinance are being exempted for an area or areas.

<sup>66</sup> Most definitions are from the International Zoning Code, chapter 70A.205 RCW or WAC 173-350-100.

- (10) "Multi-Family Residence" means any structure housing two or more dwelling units.
- (11) "Multi-Family Residential Use" means the use of a site for two or more dwelling units, which may be in the same Building or in separate Buildings on the same site. A single-family residential use with one or more Accessory Dwelling Units shall not be considered Multi-Family Residential Use.
- (12) "Organic Materials" means any solid waste that is a biological substance of plant or animal origin capable of microbial degradation.
- (i) "Organic Materials" include, but are not limited to, manure, yard debris, food waste, food processing waste, wood waste, and garden waste.
  - (ii) "Organic Materials" does not include any materials contaminated by herbicides, pesticides, pests, invasive weeds, or other sources of chemical or biological contamination that would render a finished product of an organic material management process unsuitable for public or agricultural use.
- (13) "Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.
- (14) "Recyclable Materials" means those solid wastes that are separated for Recycling or reuse, including, but not limited to, papers, metals, and glass, that are identified as recyclable material pursuant to City/County's solid waste plan and their designated list of recyclables.
- (15) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration. Recycling includes processing waste materials to produce tangible commodities.
- (16) "Site" or "lot" means a parcel of land consisting of a single lot of record, used or intended for use, or a group of uses, under the regulations of this chapter.
- (17) "Solid Waste," "Waste Materials" or "Wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials.
- (18) "Source Separation" means the separation of different kinds of solid waste at the place where waste originates.
- (19) "Use" means the activity occurring on a lot or parcel for which land or a Building is arranged, designed or intended, or for which land or a Building is or may be occupied, including all accessory uses.
- (20) "Use, Change of" means the change within the classified Use of a structure or premise.

### 3. Substantive Provisions – Organics Collection at New Buildings

#### 3.1 Direct Development Permits; Solid Waste and Siting for Organic Materials Collection

- (1) All permit applicants for a Direct Development Project that involves constructing a new Building must provide information to the Authority about the Solid Waste anticipated to be generated at the completed Building, including but not limited to:
  - (i) The types of Solid Waste, including Recyclable Materials, Organic Materials, and Food Waste; and
  - (ii) For each type of Solid Waste, the anticipated volume that will be generated at the Building.
  - (iii) Estimates of anticipated seasonal fluxes in Solid Waste materials.
  - (iv) Solid Waste information from comparable Facilities in the area.
  
- (2) Based on the information submitted under subsection (1), a permit application for a Direct Development Project where the activities at the completed Building are anticipated to generate Solid Waste in amounts requiring curbside collection service, including 0.25 cubic yards of organic materials per week or more, must:
  - (i) Include design plans for an accessible area, or areas, to separate, store, and collect Recyclable Materials, Organic Materials, and other Solid Wastes, including lighting, signage, vector control, and other safety precautions.
  - (ii) Account, in such plans, for Source-Separated Organic Materials Collection Service at the Building including:
    - a. Capacity: Collection bins and disposal areas should have at minimum, enough capacity to contain all types of Solid Waste generated at the Building within a seven-day period.
    - b. Accessibility: Disposal areas, structures, and bins must be accessible to all residents or users of the Building and to Collection Service providers.
    - c. Source Separation: Organic Materials and Recyclable Materials must be located adjacent to trash containers. Containers should be sized, designed, and labeled to encourage and facilitate Source Separation<sup>67</sup>.
    - d. Shared Containers: For single-family residences and residential Buildings with one or two dwelling units, individual collection containers are required. Shared containers are allowed at Multi-Family Residences.
  - (iii) In mixed use developments, provide residential Solid Waste collection and storage areas that are separate from Solid Waste collection and storage areas for businesses.

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<sup>67</sup> Some cities or counties may choose to require green bins and/or lids as part of their organics collection. This may be called out in the model ordinance, if applicable.

- (iv) The Authority Director or their designee may approve exceptions to the requirements of this subsection where they would result in undue hardship based on space constraints or other circumstances specific to the Facility or its planned activities.
- (3) The Authority must deny any application for a Direct Development Project that meets the criteria of subsection (2), if the design submitted with the application does not include plans accounting for Source-Separated Organic Materials Collection Service.

### 3.2 Clearing, Grading, and Construction Permit Requirements for Disposal of Construction and Demolition Waste and Land Clearing Waste

- (1) When possible, at least 50 percent, calculated by weight or volume, of construction, demolition, land clearing, and non-hazardous wastes generated through construction, demolition, or other Site development must be Recycled, reused, or salvaged.
- (2) Organic Materials from land clearing and digging roots, stumps, and other tree parts (i.e., “grubbing”) during construction and Site development may not be taken for Disposal in a Landfill.
- (3) Resources: [insert relevant code or rule related to site planning and design, solid waste management, construction and demolition debris, or other guidelines].

## Appendix A: Background

Washington passed its first Organics Management Law (OML) in 2022 with an update in 2024. The OML intends to help the state reach its organic management goals, including reducing 75% of the total organic materials going to the landfill by 2030 compared to 2015 disposal levels. Landfills are the third largest source of methane (CH<sub>4</sub>) in the United States<sup>68</sup>, and organic materials emit significant amount of methane when degrading in a landfill environment (i.e., without oxygen). In Washington, organics are the most common material (by weight) in landfills (Figure 1)<sup>69</sup>.

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<sup>68</sup> U.S. Environmental Protection Agency. (2024). *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2022* (EPA 430-R-24-004). [https://www.epa.gov/system/files/documents/2024-04/us-ghg-inventory-2024-main-text\\_04-18-2024.pdf](https://www.epa.gov/system/files/documents/2024-04/us-ghg-inventory-2024-main-text_04-18-2024.pdf).

<sup>69</sup> Washington Department of Ecology. (2021). *2020-2021 Washington Statewide Waste Characterization Study* (21-07-026). <https://apps.ecology.wa.gov/publications/SummaryPages/2107026.html>.

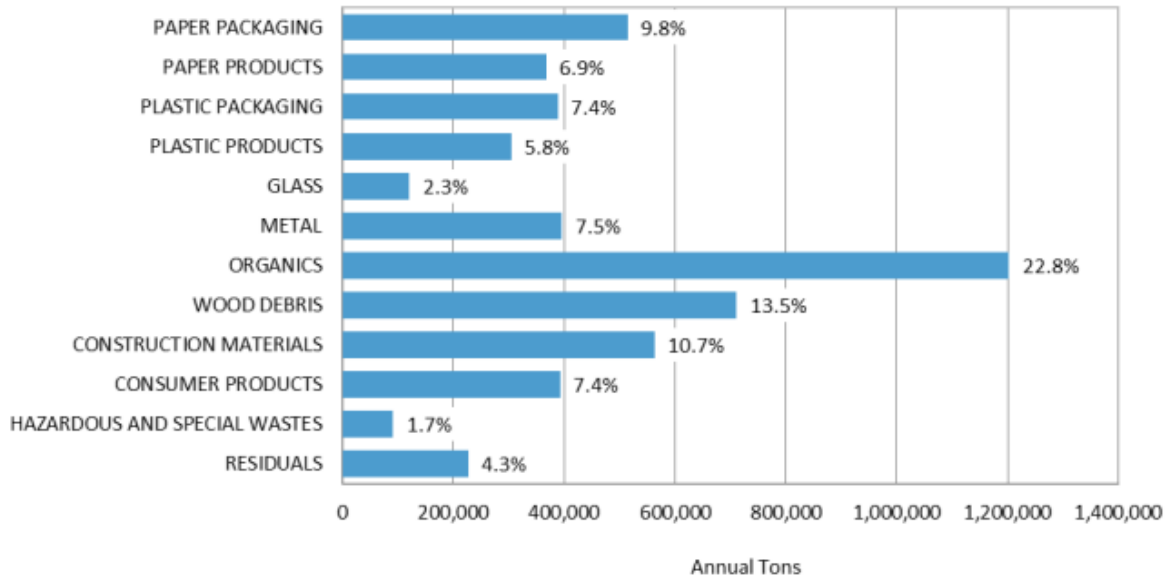


Figure 1 Organic materials are the most common material (by weight) in Washington's landfills, followed by wood debris, construction materials, and paper packaging.

Methane is a potent greenhouse gas and has an 84 times higher global warming potential than carbon dioxide (CO<sub>2</sub>) over a 20-year period. Reducing methane is a priority for local, state, and federal agencies alike because significant reductions are thought to have powerful and relatively immediate effects in the fight against climate change.

From 2020-2021, counties with large urban populations generated the most solid waste, including King (1,252K tons), Pierce (670K tons), Snohomish (593K tons), and Spokane (406K tons). When it comes to disposal, a similar area of central Puget Sound disposed of significant amounts. However, most of the state's municipal solid waste is disposed in landfills in south central Washington around the Oregon-Washington border (Figure 2).



Figure 2 Municipal solid waste disposal facilities that take solid waste generated in Washington State. The size of the dot represents the amount of solid waste disposed at the facility, with most waste being sent to facilities in central Puget Sound or south central Washington.

While most waste is generated in Washington’s urban areas, the facility disposal data tells us that the issue impacts most of the state.

The 2022 Washington State Legislature charged the Department of Ecology (“Ecology”) to develop model ordinances that are “designed, in part, to establish a financial disincentive or other disincentives for the generation of organic waste and for the ultimate disposal of organic materials in the landfill” ([RCW 70A.207.030](#)). After convening an Advisory Committee and reviewing approaches across the United States and abroad, Ecology sent seven (7) topics to the Attorney General’s Office for review. The Assistant Attorney General selected three (3) to go on for further development that were appropriate to the statute’s directive.

Ideas submitted to the Attorney General’s Office but not selected:

- Establish a hunger relief advisory board within the Human Services Department (or equivalent) with representatives from at least three hunger relief organizations to support local food recovery.
- Direct a local department to research methods and best practices to support edible food donation from businesses to hunger relief organizations.
- Require state-funded entities to provide separate organics collection from trash and for collected organic materials to be taken to a compost facility.

- Require school districts to provide compost education in cafeterias and opportunities for staff and students to dispose of food waste in green bins, which are ultimately taken to a compost facility.

Topics selected as most relevant and appropriate to continue by the Attorney General’s Office were<sup>70</sup>:

- Require businesses and residents to subscribe to organic collection service, if available, and ban organic material from the landfill.
- Require new construction of commercial and multifamily residential buildings to include space for organic waste collection containers.
- Require people seeking event permits to provide a composting plan as part of the permit process and provide green containers for attendees to dispose of food waste, which is ultimately taken to a compost facility.

## Appendix B: About Model Ordinances

Model ordinances are tools to help local governments. A model ordinance is draft legislative language written to assist counties and municipalities in addressing certain topics. For example, Washington State’s Organics Management Laws require businesses located in a Business Organic Management Area (BOMA) that generate over four cubic yards of organic waste per week to arrange for organic materials management service by January 1, 2025. While this is a state requirement ([RCW 70A.205.545](#)), local governments will need to adopt their own legislation to comply. Tools like model ordinances give local governments a place to start, although they often require some tailoring for the local jurisdiction.

Model ordinances provide definitions for critical terms, specific exemptions, and enforcement mechanisms. Model ordinances are based on research, best practices in other communities, and appropriate state and federal statutes.

### Ordinance Components

Below are the main components included for each model ordinance. Some jurisdictions may want to adopt all components and others may want to make changes.

**General Provisions:** Includes statutory authorization, findings of fact, statement of purpose, applicability, and severability clause.

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<sup>70</sup> Two Advisory Committee members disagreed with the selection of the Attorney General’s Office and would have preferred to see other topics developed into model ordinances. One member was concerned that rural communities may not find the selected model ordinances helpful given their existing facilities and programs. These ordinances might be applied differently in rural and urban jurisdictions.



**Definitions:** Defines terms used in the ordinances. Some jurisdictions may have standing definitions they can consider changing. If a jurisdiction does not have existing definitions, the model may help.

**Substantive Provisions:** The rights and obligations of different parties affected by the model ordinances.

## Adoption

Adoption of this model ordinance is not required ([RCW 70A.207.030](#)); it was developed as a resource. It is likely that many jurisdictions will have existing ordinances in their code or another law that governs the model ordinance topic. Jurisdictions may choose to adopt this language in whole, in part, or not at all.

Depending on a jurisdiction's classification, specific language for enactment clauses or other sections of the ordinance may be required. Check with your jurisdiction's code office, attorney, or the Municipal Research and Services Center<sup>71</sup>.

## State Environmental Planning Act (SEPA) Review

The State Environmental Planning Act (SEPA) is a process to look at and assess the potential environmental impacts of government decisions, including permits, building public facilities, and adopting regulations, rules, or laws. A SEPA review helps understand the implications for the decision on the environment. Results of a SEPA review can be used to modify or deny a proposal with too many impacts.

As required by [RCW 70A.207.030](#), Ecology submitted this model ordinance for review to Ecology's SEPA Team. If a local jurisdiction is adopting this model ordinance as written, except for changes to code references and filling in the **City/County** name, another SEPA Review may not be necessary (RCW 70A.207.030(1)(b)).

If a jurisdiction is adopting only part of this model ordinance, amending an existing ordinance, or otherwise making changes to the model ordinance language already reviewed by Ecology's SEPA Team, then another SEPA review may be necessary. For each change a local government makes to the model ordinance language, they will need to consider the possible impacts on the environment including air, land, shorelines, water, plants, animals, marine life, and the built environment. If changes to the model ordinance could foreseeably impact any category on SEPA's Environmental Checklist, then local governments should seek additional review from their lead agency. Most jurisdictions have a lead agency for SEPA Review based on the type of proposal and required permits. Find contact information on Ecology's [SEPA website](#). For

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<sup>71</sup> Municipal Research and Services Center. (2016). *Local Ordinances for Washington Cities and Counties*. <https://mrsc.org/getmedia/44e20d0f-a536-473f-baac-bd7504323330/Local-Ordinances-For-Washington-Cities-And-Counties.pdf.aspx?ext=.pdf>

questions about SEPA review and if one is needed, please reach out to your local responsible official and consult with your jurisdiction’s attorney.

## Appendix C: Dissenting Opinions/Minority Report

### Model Ordinance Topics

The Advisory Committee spent significant time discussing a model ordinance that would be equally useful across the state – especially in both rural and urban communities. As one Member said, a model ordinance will always need to be tailored to fit a local community, but the idea should represent everyone. The Advisory Committee and Ecology agree that a model ordinance should not be useful only for urban or large population areas, even if that is where most solid waste is generated, including organic materials.

Two Advisory Members (Gimpel and Louderback) felt the selection of model ordinance topics may not honor the idea of the Committee to represent rural communities. They would have preferred the Committee pursue the other model ordinance topics discussed in [Appendix A: Background](#).

### Special Event Model Ordinance – Do Not Support

Committee member Sanders is an Assistant Professor of Marketing and Analytics at UC San Diego’s Rady School of Management. His focus is on marketing and public policy, pricing, dynamic decision-making, and sustainability with a focus on food waste.

Sanders does not support the model ordinance for special events. While no outright objection to its contents, Sanders is concerned at proposing the model ordinance given the lack of information and data related to food waste at special events. There is admittedly little research on waste amounts and characterizations from these events and even less comes from the United States or Washington. The Committee used average amounts found in the available research which suggested attendees generate about 1 pound of organic waste at special events serving food. Without more robust and reliable data, Sanders does not feel the costs and benefits can be fairly assessed. Therefore, he cannot support the ordinance as not understanding the return on investment is a critical flaw.

### Mandatory Collection Ordinance – Do Not Support

Samantha Louderback of SL Consulting has years of experience in the hospitality industry and works closely with the Washington Hospitality Association. As a Washington-based consultant for the hospitality industry, Louderback has followed the Organics Management Law and other related policies for many years.

Her concern about the model ordinance for mandatory collection is it contains things already discussed “at length” by the legislature that ultimately have not passed. She cannot support ideas that have already shown to not be backed by the legislature as a whole.

## Mandatory Collection Ordinance – Critique

We (Robert Sanders and Fiori Anglou) are scientists who have studied the first five organic waste bans in the US (CA, CT, MA, RI, VT). Our findings indicate that—up until 2019—the only ban that was successful in decreasing landfill disposal was MA’s. Our analysis finds that MA’s success stems from three factors: affordability, simplicity, and enforcement.

The current ordinance in WA suggests a policy that is similar to that in states that failed to achieve a measurable decrease in landfilled waste. Our suggestions below are our attempt to suggest policy that is likely to effectively divert organic waste from landfills.

### Suggestions for Enforcement:

1. Increase state-level enforcement: There is currently no section in the model ordinance (or HB1799) that specifies how the state will enforce the law to jurisdictions. Put simply, a jurisdiction that does not want to comply with HB1799 faces no consequences for flouting the law. This was an issue in CA with AB1826—the mandatory commercial organics recycling law.
2. Increase the fines for violations: We suggest increasing the fines to levels more in line with Massachusetts’s to ensure compliance. Massachusetts fines violators between \$1,000 and \$3,000 per violation, whereas the current ordinance sets the fine at \$500 for the first violation (which comes only after two notices of violation). We suggest eliminating the “infraction” enforcement altogether (Section 3.11.6). Jurisdictions should aim to complete 1 inspection for every 6-7 covered entities per year. (For reference, in MA, the environmental agency conducts approximately 1 inspection for every 6.7 covered businesses.)
3. Reduce the number of notices required before taking enforcement action: The ordinance currently mandates that at least two notices be issued before a fine is applied. This requirement may strain the limited resources of local jurisdictions and potentially result in inadequate enforcement. Reducing the required number of notices would help streamline enforcement and ensure timely compliance. (There’s no similar requirement in MA.)
4. Limit the number of waivers: The waivers in the ordinance could significantly reduce the number of covered businesses, reducing the expected waste diversion. Importantly, it creates a second-order effect: it reduces route density for haulers disincentivizing organics service. In other words, the price of organics hauling is a function of these waivers: the more waivers, the higher the price of hauling organics. We therefore propose eliminating the following waivers:
  - Compliance schedule waivers: If compliance schedule waivers cannot be eliminated, then jurisdictions should establish a firm timeline (e.g., 2 months) for compliance with the ordinance.
  - Unavailable service waivers: According to the ordinance, businesses covered under the law are located in the BOMA. This area has been identified by the Ecology department as having sufficient service and capacity to handle the increased diversion of organics. This waiver, therefore, appears to be redundant.

- Financial hardship waivers: The current limit, allowing a less than 30% increase in costs per billing period, may exclude many businesses from the requirements of the law. Other states (e.g., MA or VT) do not have such waivers. If this waiver cannot be completely eliminated, we propose revising it in terms of total cost increase (instead of increase in disposal costs). That is, if a business's disposal costs are a small fraction of their total costs, then they could absorb a higher increase (e.g., 2x) without introducing significant hardship. Conversely, if a business's disposal costs are a large fraction of their total costs, then 30% increase might still pose significant hardship.

Each jurisdiction should estimate the amount of waste that the implementation of the law is expected to divert away from the landfills (with and without) and compare it against the goal set by HB1799-Part 1-Sec.101 (currently 75% reduction by 2030 in the statewide disposal of organic material waste, relative to 2015 levels.)

5. Increase the fee for self-hauled organic waste. Landfills are required to charge 10% over the usual tipping fee to self-haulers who are in violation of the ordinance (3.6.1b). This percentage should be revised to be no less than the financial hardship waiver amount (currently 30%). Currently, this may allow businesses to self-haul their waste by paying 10% over their usual tipping fees. This surcharge should not be viewed as a substitute for enforcement, because it may encourage illegal dumping.

Note: To facilitate compliance with this, depending on the facility, it might be beneficial to convert the minimum threshold of organic waste to weight units (instead of only volume as currently specified at 2.14).