

AGENDA

**DES MOINES CITY COUNCIL
ENVIRONMENT COMMITTEE
City Council Chambers
21630 11th Avenue S, Des Moines, Washington
Thursday, June 8, 2023 - 5:00 PM**

Environment Committee:

Councilmember Jeremy Nutting; Councilmember Vic Pennington; Councilmember Gene Achziger

CALL TO ORDER

APPROVAL OF THE MINUTES FROM THE 05.11.2023 MEETING

[05.11.23 Draft Environment Committee Minutes](#)

CIP PROJECT UPDATES

Staff will provide an update on the Capital Improvement Plan Projects

[CIP Update June 2023](#)

COMPOST PROCUREMENT ORDINANCE

Staff will present a draft Compost Procurement Ordinance as required by HB 1799 (2022)

[Compost Update June 2023](#)

ADJOURNMENT

DRAFT MINUTES – ENVIRONMENT COUNCIL COMMITTEE MEETING 05.11.2023

The meeting was called to order at 5:00 PM, Thursday, May 11th in the Council Chamber with the following in attendance:

Council Members

Jeremy Nutting (Chair)
Vic Pennington (Vice Chair)
Gene Achziger
Gene Achziger

City Staff

Michael Matthias – City Manager
Bonnie Wilkins – Chief Administrative Director
Tyler Beekley – Surface Water/Environmental Engineering Mngr.
Scott Wilkins – Harbormaster
Tim George – City Attorney
Matt Hutchins – Assistant City Attorney
Jeff Friend – Finance Director
Taria Keane – City Clerk
Sara Lee – Public Disclosure Analyst
Jodi Grager – Admin. Assistant

AGENDA

1. Approval of the minutes from the 04.13.2023 meeting
2. Public Works Yard Groundwater Remediation Update
3. Metro Electrification Update

MEETING:

1. Unanimous approval of the 04.13.2023 minutes.
2. Surface Water and Environmental Engineering Manager Tyler Beekley reviewed Attachment #2, Public Works Yard Groundwater Remediation Project Update. Manager Beekley responded to questions:
 - Water District #54 facility located SE of the contamination site hasn't shown any indication of leaching pollutants.
 - Eleven out of the fifteen original monitoring wells have been decommissioned.
 - Over the last couple of years, monitoring well #14 no longer shows a decrease in pollutants and has started trending upwards. This is a bit of a mystery and an investigation is ongoing.

The Committee thanked staff for the comprehensive update.

3. City Manager Matthias stated that the City is engaging with Metro to consider locations that may be appropriate for electrical vehicle charging stations. Metro is hoping to support their electrical

bus fleet with charging stations along Pacific Highway. WSDOT's Zero-emissions Access Program (ZAP) grant may be a source for funding a zero-emission carshare pilot program possibly based at the Marina. These are very preliminary conversations. The topic will come back to this committee for a recommendation when additional information is available.

Meeting adjourned at 5:19 p.m.

Minutes respectfully submitted by: Jodi Grager, Admin Asst

Environment Committee
June 2023
Capital Project Update

Current Construction	Phase	Status/Comment
<i>No projects are currently in the construction phase.</i>		
Planning, Engineering, ROW Acquisition		Status/Comment
24th Ave S Pipeline Replacement Project	PE/ROW	Transportation Led Project; ROW Phase; Targeting June/July advertisement for bids
Des Moines Memorial Drive (208th-212th)	PE	Preliminary Design & Permitting initiated with consultant Perteet
216th Pl/Marine View Dr Pipe Upgrade	PE	Preliminary Design & Permitting initiated with consultant Perteet
Kent-Des Moines/16th Ave S (Segment A)	PE	Preliminary Design & Permitting initiated with consultant KPG-PSOMAS
Massey Creek Pocket Estuary and Fish Project	PE	Preliminary Design & Permitting initiated with consultant Parametrix
Des Moines Creek Pocket Estuary Project	PE	Preliminary Engineering Kick-Off meeting scheduled with consultant Parametrix
Deepdene Outfall Project	PE	Consultant Tetrattech is preparing updated Design for Bluff Outfall, Construction TBD
Planned Construction		Status/Comment
10th Ave S Pipe Project	CN	Utility Coordination with PSE-Gas; Construction timeline pending staff availability
Kent-Des Moines Culvert Replacement	CN	WSDOT Led Project; Project has been Awarded, Construction targeted for Summer 2023
Projects Targeted for Grant Funding:		Status/Comment
Des Moines Creek Pocket Estuary Project (Applied)	PE	WRIA 9 CWM Grant Application for \$250,000 to support 10% design

	Working on
	Planning on, some risk
	Resource/Schedule Risk

Compost Procurement Ordinance - Environment Committee 6/8/2023

Background:

- Washington State Legislature House Bill 1799 (2022) requires diversion of organic materials away from landfills to reduce greenhouse gases/climate change. Per this bill, cities/counties with populations over 25k are required to pass a 'Compost Procurement Ordinance' by January 1, 2023.
- Per WA Department of Ecology (DOE). There are no penalties for passing this deadline as long as the City is 'making an effort to move forward'.
- The goal of the ordinance is to encourage cities and counties to procure more compost products created from organic material wastes. This is in order to support the economic viability of processes to turn organic materials into finished products and increase the likelihood that composting and other responsible organic material management options are economically viable.
- Beginning December 31, 2024, cities/counties must report info such as tons of organic matter diverted and the amount of compost purchased to DOE.

Draft Ordinance Summary:

- **Compost Procurement Requirement.** When planning City-funded projects or soliciting and reviewing bids for such projects, City departments shall identify whether compost can be utilized in a City project. In the event that compost can be utilized, City departments shall require purchase of compost for use in City projects.
- **Application.** City departments shall plan for the use of compost in any of the following categories that are applicable to their operations and project types: landscaping projects; construction soil amendments; erosion prevention; and green infrastructure projects.
- **Exemptions.** City departments are not required to use compost products if certain criteria is met related to product availability, pricing, and specifications.
- **Priority Purchasing.** City departments shall give priority to purchasing compost products from companies that produce compost locally, are certified nationally, and source from municipal solid waste compost programs.
- **Public Outreach.** The City will develop strategies to inform residents about the value of compost and how the City uses compost in its operations.
- Full Council consideration for adoption is scheduled for June 22, 2023.

Anticipated Impacts:

- The ordinance will create additional demand on staff time to meet documenting and reporting requirements.
- Potential for increase in operations and maintenance efforts related to new compost installations.

CITY ATTORNEY'S FIRST DRAFT 2/21/23

DRAFT ORDINANCE NO. 23-010

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON establishing a compost procurement requirement and adding a new chapter to DMMC Title 3.

WHEREAS, the Washington State Legislature recently enacted House Bill 1799, which requires that cities and counties with populations greater than 25,000, and with existing organics collection services, shall adopt a compost procurement ordinance to implement RCW 43.19A.120

WHEREAS, the population of the City of Des Moines exceeds 25,000 and the City has an existing organic collection service;

now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. A new chapter is added to Title 3 DMMC entitled Compost Procurement Requirement, to read as follows:

(1) **Short title.** This Ordinance shall be entitled and may be referenced as the City's Compost Procurement Requirement Code.

(2) **Definitions.** For the purposes of this section, the definitions set forth in RCW 43.19A.010 shall apply, unless the context clearly requires otherwise.

(3) **Compost Procurement Requirement.** When planning City-funded projects or soliciting and reviewing bids for such projects, City departments shall identify whether compost can be utilized in a City project. In the event that compost can be utilized, City departments shall require purchase of compost for use in City projects.

(4) **Application.** City departments shall plan for the use of compost in any of the following categories that are applicable to their operations and project types:

a. Landscaping projects;

- b. Construction and post-construction soil amendments;
- c. Applications to prevent erosion, filter stormwater runoff, promote vegetative growth, or improve the stability and longevity of roadways; and
- d. Low-impact development and green infrastructure to filter pollutants or to keep water onsite or both.

(5) **Exemptions.** Notwithstanding subsections 3 and 4 of this section, City departments are not required to use compost products if:

- a. Compost products are not available within a reasonable time or distance from the project;
- b. Compost products that are available do not comply with existing purchasing standards;
- c. Compost products that are available do not comply with federal, state or local health, quality and safety standards; or
- d. Compost purchase prices are not reasonable or competitive.

(6) **Priority Purchasing.** In accordance with RCW 39.30.040(1), the City may allow for the preferential purchase of compost to meet the requirements of RCW 43.19A.120. City departments shall give priority to purchasing compost products from companies that:

- a. Produce compost products locally;
- b. Are certified by nationally recognized organization like the US Composting Council; and
- c. Produce compost products that are derived from municipal solid waste compost programs and meet quality standards comparable to standards adopted by the department of transportation or adopted by rule by the department of ecology.

(7) **Public Outreach.** To the extent required by RCW 43.19A.150(4), the City will develop strategies to inform

residents about the value of compost and how the City uses compost in its operations.

(8) Reporting. To the extent required by RCW 43.19A.150(5), by December 31, 2024, and each December 31st of even-numbered years thereafter, the City shall prepare a report for the Department of Ecology covering the previous year's compost procurement activities, including the following information:

- a) Total tons of organic material diverted each year;
- b) The volume and cost of compost purchased each years
and
- c) The source(s) of the compost purchased.

Sec. 2. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Sec. 3. Effective date. This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this ____ day of _____, 2023 and signed in authentication thereof this ____ day of _____, 2023.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____, 2023