

HB 1167 - H AMD 283

By Representative Springer

NOT CONSIDERED 12/23/2019

1 Strike everything after the enacting clause and insert the
2 following:

3
4 "NEW SECTION. Sec. 1. (1) The legislature finds that:
5 (a) Composting benefits Washington counties, cities, businesses,
6 and residents by diverting tons of organic waste going to landfills,
7 reducing solid waste costs, and lowering carbon emissions.
8 Composting also yields a product integral to agricultural activities
9 that can refurbish degraded farmlands and increase crop yields.

10 (b) As the state population increases and landfills and solid
11 waste disposal become costlier, more communities are pursuing
12 options to divert organic waste and reduce landfill requirements.
13 Organic waste collection programs and facilities are critical to
14 that effort, while also providing a valuable commodity to farmlands.
15 However, nuisance lawsuits challenge the ability of these facilities
16 to serve communities most in need.

17 (2) It is the legislature's intent to confirm that composting
18 activities are recognized as agricultural activities and protected
19 from nuisance lawsuits under certain circumstances. This act does
20 not exempt composting from nuisance lawsuits or applicable
21 regulations but presumes this essential service as reasonable unless
22 specific criteria are met.

23 (3) The public health department of any county located west of
24 the crest of the cascade mountains with a population of eight
25 hundred thousand or more as of the most recent estimate by the
26 office of financial management, that contains a composting facility
27 operated by a company that processes, in aggregate, more than three

1 hundred thousand tons per year of residential and commercial yard
2 and food waste, shall conduct a science-based review of local county
3 and city regulations related to composting in order to determine
4 whether such regulations are sufficiently protective of public
5 health. The review, and any related recommendations for
6 modifications to the regulations, must be transmitted to the
7 standing committees of the Legislature with jurisdiction over
8 agricultural activities and health no later than June 30, 2021.

9

10 **Sec. 2.** RCW 7.48.305 and 2009 c 200 s 2 are each amended to
11 read as follows:

12 (1) Notwithstanding any other provision of this chapter,
13 agricultural activities conducted on farmland and forest practices,
14 if consistent with good agricultural and forest practices and
15 established prior to surrounding nonagricultural and nonforestry
16 activities, are presumed to be reasonable and shall not be found to
17 constitute a nuisance unless the activity or practice has a
18 substantial adverse effect on public health and safety.

19 Notwithstanding any other provision of this chapter, composting, if
20 consistent with good agricultural or forest practices, established
21 prior to surrounding nonagricultural or nonforestry activities, and
22 in compliance with county and city regulations, is presumed to be
23 reasonable and shall not be found to constitute a nuisance unless
24 the activity or practice violates county or city regulations or has
25 a substantial adverse effect on public health and safety.

26 (2) Agricultural activities and forest practices undertaken in
27 conformity with all applicable laws and rules are presumed to be
28 good agricultural and forest practices not adversely affecting the
29 public health and safety for purposes of this section and RCW
30 7.48.300. An agricultural activity that is in conformity with such
31 laws and rules shall not be restricted as to the hours of the day or
32 day or days of the week during which it may be conducted.

33 (3) The act of owning land upon which a growing crop of trees is
34 located, even if the tree growth is being managed passively and even

1 if the owner does not indicate the land's status as a working
2 forest, is considered to be a forest practice occurring on the land
3 if the crop of trees is located on land that is capable of
4 supporting a merchantable stand of timber that is not being actively
5 used for a use that is incompatible with timber growing. If the
6 growing of trees has been established prior to surrounding
7 nonforestry activities, then the act of tree growth is considered a
8 necessary part of any other subsequent stages of forest practices
9 necessary to bring a crop of trees from its planting to final
10 harvest and is included in the provisions of this section.

11 (4) Nothing in this section shall affect or impair any right to
12 sue for damages.

13
14 NEW SECTION. **Sec. 3.** Section 2 of this act expires April 18,
15 2022."

16 Correct the title.

EFFECT: States the Legislature's intent that the act does not exempt composting from nuisance lawsuits or applicable regulations but presumes composting to be reasonable unless specific criteria are met. Requires the public health departments of certain counties with composting facilities to review local county and city regulations related to composting to determine whether they are sufficiently protective of public health, and to submit the review, along with any recommendations, to the Legislature no later than June 30, 2021. Expires Section 2 of the act, related to composting and nuisance, effective April 18, 2022.

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