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**HB 1167** - H AMD **283**

By Representative Springer

**NOT CONSIDERED 12/23/2019**

 Strike everything after the enacting clause and insert the following:

 "NEW SECTION. **Sec.**  (1) The legislature finds that:

(a) Composting benefits Washington counties, cities, businesses, and residents by diverting tons of organic waste going to landfills, reducing solid waste costs, and lowering carbon emissions. Composting also yields a product integral to agricultural activities that can refurbish degraded farmlands and increase crop yields.

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

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

 (3) The public health department of any county located west of the crest of the cascade mountains with a population of eight hundred thousand or more as of the most recent estimate by the office of financial management, that contains a composting facility operated by a company that processes, in aggregate, more than three hundred thousand tons per year of residential and commercial yard and food waste, shall conduct a science-based review of local county and city regulations related to composting in order to determine whether such regulations are sufficiently protective of public health. The review, and any related recommendations for modifications to the regulations, must be transmitted to the standing committees of the Legislature with jurisdiction over agricultural activities and health no later than June 30, 2021.

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

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

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

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

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

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

 Correct the title.

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|  |  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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