



Legislation Text

File #: CB 119233, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the remediation of the South Park Landfill; authorizing the recording of environmental covenants or the equivalent on certain City-owned or controlled property; and authorizing the General Manager of Seattle Public Utilities to execute a legal agreement with other Potentially Liable Persons.

WHEREAS, the South Park Landfill (“Landfill”) is generally located in the area of 8100 and 8200 Second Avenue South, in Seattle’s South Park neighborhood; and

WHEREAS, The City of Seattle (“City”) was a historic operator of the Landfill and is a current owner of part of the Landfill property; and

WHEREAS, along with other Potentially Liable Persons, Seattle Public Utilities completed environmental studies and a cleanup plan under Agreed Order 6706, as authorized by Ordinance 123911; and

WHEREAS, the public has been able to review and comment on the environmental studies and cleanup plan; and

WHEREAS, the Washington Department of Ecology approved the studies, cleanup plan, and associated environmental covenants for properties within the South Park Landfill, taking into consideration public comments received during the public comment period; and

WHEREAS, the City and other Potentially Liable Persons are invited to execute a Consent Decree with the Washington Department of Ecology that requires implementation of the approved cleanup plan, including recording environmental covenants or their equivalent for properties within the South Park Landfill and adjacent rights-of-way, including property owned by Seattle Public Utilities and rights-of-

way owned or controlled by Seattle Department of Transportation; and

WHEREAS, Seattle Public Utilities and other Potentially Liable Persons negotiated a legal agreement among themselves, to facilitate cleanup work; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City of Seattle is authorized to record the environmental covenant for the portion of the South Park Landfill owned by Seattle Public Utilities (“Landfill”), in substantially the form attached to this ordinance as Attachment 1.

Section 2. The City of Seattle is hereby authorized to record environmental covenants or equivalent instruments for rights of way that are owned or controlled by the Seattle Department of Transportation and are impacted by the Landfill, in substantially the form attached to this ordinance as Attachment 2.

Section 3. The General Manager of Seattle Public Utilities is authorized to execute a legal agreement with other Potentially Liable Persons to coordinate cleanup-related work, to mutually release a portion of cleanup-related claims, and to permanently allocate a portion of cleanup costs, in substantially the form attached to this ordinance as Attachment 3.

Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2018, and signed by me in open session in authentication of its passage this _____ day of _____, 2018.

President _____ of the City Council

Approved by me this _____ day of _____, 2018.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2018.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1 - Seattle Public Utilities Environmental Covenant

Attachment 2 - Seattle Department of Transportation Environmental Covenant

Attachment 3 - South Park Landfill PLP Agreement