

East Waterway Cleanup

Cleanup Implementation

August 13, 2025



Superfund Cleanup Sites



Background

2006:

- EPA Order (Port sole signatory)
- East Waterway Group MOA (Port lead; City and KC cooperative/cost share role)

2017:

- Liable parties search initiated in 2017

2019:

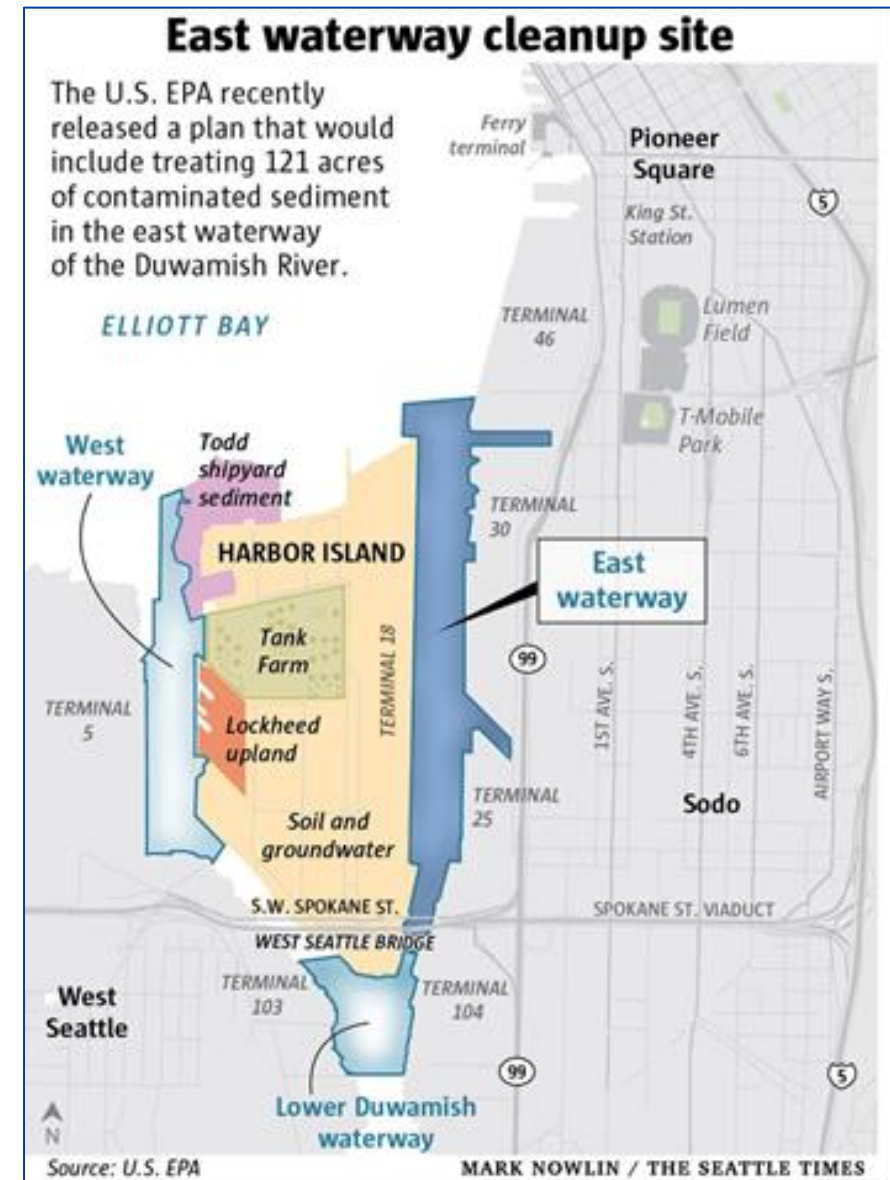
- Site studies completed

2024:

- EPA released their Interim Record of Decision
- New MOA needed for Engineering Design

Budgeting:

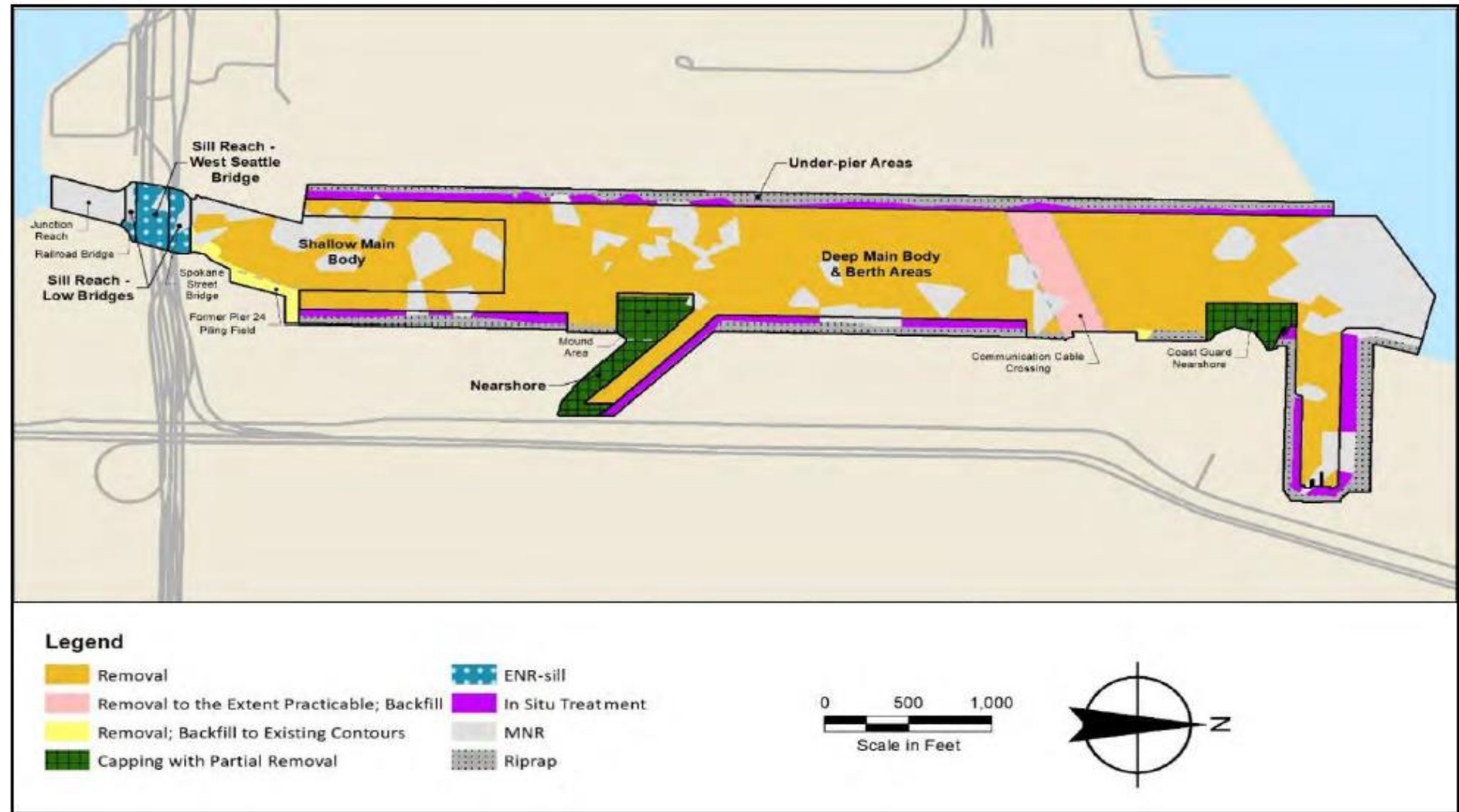
- SPU and SCL share costs and have budgeted future costs



EPA's Remedy Decision

Primarily
dredging

Cost: \$401M



Next Steps: Cleanup Process

Order (ASAOC) is negotiated with EPA

- Covers Engineering Design ~2025-2029
- Design costs ~\$20M
- Grant Eligibility

Performing Parties (City, Port, KC) negotiating MOA

- Interim cost sharing: three equal shares
- Consensus decision-making
- Port expected to hold the design consultant contract



Next Steps: City Council



Request:

- Authorize SPU and SCL to spend money in amounts and in years that extend beyond the budget cycle.
- NOT being asked to “approve” signature of the EPA Order because the Charter gives that authority to the City Attorney.

State law:

- The legislature of a city may authorize, by enacting an ordinance, public utilities to make expenditures “not contemplated in the annual budget.” RCW 35.32A.070

Next Steps: Community Involvement

Extensive involvement for EPA's Proposed Plan in 2023

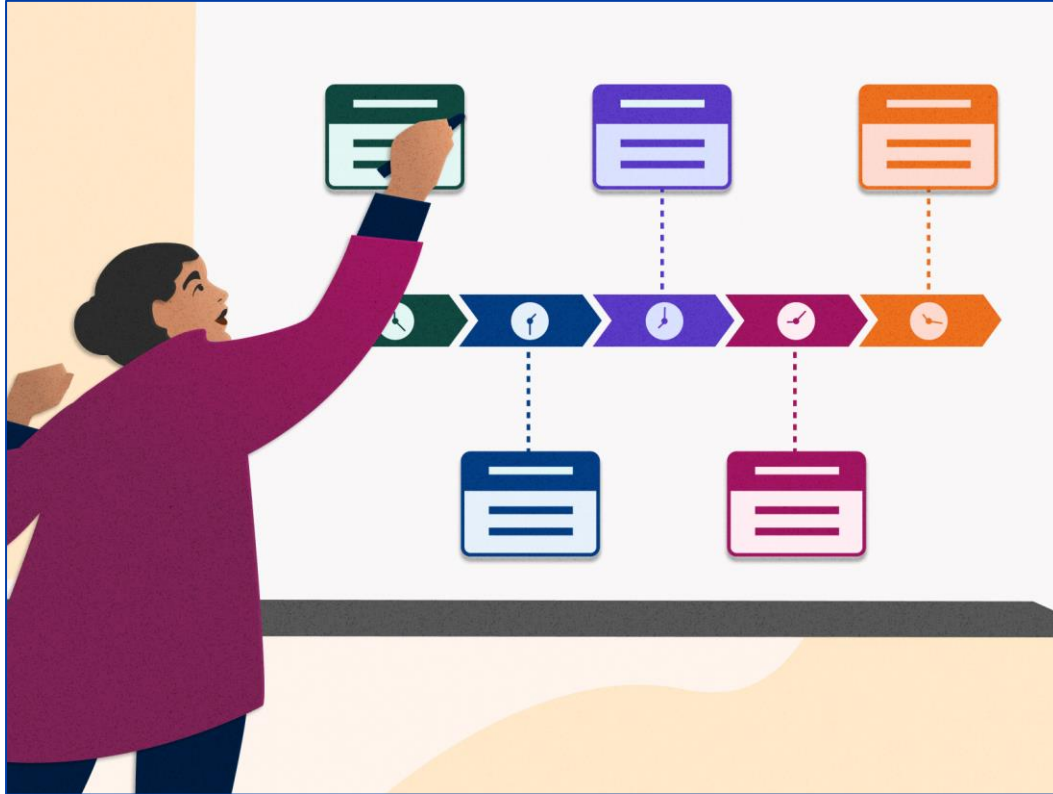
EPA leads stakeholder involvement throughout design/construction

- Community involvement plans
- Tribes and natural resource Trustees

City, County, Port leadership regularly meet with DRCC



Next Steps: EPA Process



2025

- EPA negotiates Design Order with implementing Parties
- Parties agree on MOA

2025-2028:

- Design phase

2028

- City Ordinance for Consent Decree
- EPA and Performing Parties sign Consent Decree (required for construction)

2029

- Earliest construction start; 10 years of construction

**Dates are approximate*

Legal Discussion

