

**CITY OF SEATTLE**  
**ORDINANCE** 127201  
**COUNCIL BILL** 120960

AN ORDINANCE relating to the Lower Duwamish Waterway; authorizing Seattle City Light and Seattle Public Utilities to: continue expending funds to participate in environmental investigation and remediation of the Lower Duwamish Waterway Superfund Site, according to the terms of a Consent Decree with the United States and the State of Washington and according to the terms of settlements with multiple other parties; accept funds from other parties and indemnify them according to settlement agreements with those parties; continue seeking and accepting state Remedial Action Grants for work related to the Superfund Site; commit to spend funds pursuant to the terms of additional orders from the federal and state regulatory agencies for remedial work at sites related to the Lower Duwamish, including T-108, South Park Marina, and North Boeing Field/Georgetown Steam Plant; and commit to sharing costs with other parties regarding those Related Sites; and ratifying and confirming certain prior acts.

WHEREAS, the United States Environmental Protection Agency (EPA) listed the Lower Duwamish Waterway on the National Priorities List on September 13, 2001, thereby designating it a Superfund Site; and

WHEREAS, on April 19, 2000, The City of Seattle (“City”), the Port of Seattle, King County, and The Boeing Company signed an Administrative Order on Consent (AOC) with EPA and the Washington State Department of Ecology (Ecology), thereby agreeing to investigate contamination in the Lower Duwamish Waterway and to explore options for remediation; and

WHEREAS, EPA issued a Proposed Plan for the cleanup in 2013, conducted an Environmental Justice analysis for the affected communities, conducted extensive multilingual public participation for comments on their 2013 Proposed Plan, and responded to public comments in their 2014 Record of Decision; and

WHEREAS, EPA selected the cleanup Remedy for the comprehensive cleanup of the Lower Duwamish Waterway in their 2014 Record of Decision; and

1 WHEREAS, the City, King County, the Port of Seattle, and The Boeing Company completed  
2 five Early Action Cleanups in the Lower Duwamish Waterway, which substantially  
3 reduced average contaminant concentrations in the sediment; and

4 WHEREAS, the City, King County, the Port of Seattle, and The Boeing Company continued  
5 investigation and design work under five separate amendments to the 2000 AOC; and

6 WHEREAS, under an interim cost share agreement, the City, King County, the Port of Seattle,  
7 and The Boeing Company have been equally sharing the costs of the work required by  
8 the AOC and amendments; and

9 WHEREAS, a confidential mediation was completed in 2022 to allocate equitable cost shares for  
10 over 40 Potentially Responsible Parties; and

11 WHEREAS, EPA issued Special Notice Letters on January 24, 2023, to the City, King County,  
12 the Port of Seattle, and The Boeing Company requiring entry into Consent Decree  
13 negotiations to fully implement the 2014 Record of Decision cleanup requirements; and

14 WHEREAS, the City, King County, and The Boeing Company issued a joint good faith response  
15 to EPA's Special Notice Letter in March 2023 to negotiate potential terms of a joint EPA  
16 and Washington Department of Ecology Consent Decree; and

17 WHEREAS, according to the EPA, the Port of Seattle did not issue a good faith response to  
18 EPA's Special Notice Letter and thus did not reach agreement with EPA and the State of  
19 Washington; and

20 WHEREAS, after 18 months of negotiations, the City, King County, and The Boeing Company,  
21 reached agreement with EPA and the Washington State Department of Ecology  
22 ("Ecology") on the terms of a Consent Decree; and

1 WHEREAS, Seattle Public Utilities is working to identify and control existing and potential  
2 sources of contamination to the Lower Duwamish Waterway; and

3 WHEREAS, source identification efforts led to additional cleanup sites being identified that are  
4 related to the Lower Duwamish Waterway, including T108, South Park Marina, and  
5 North Boeing Field/Georgetown Steam Plant, for which the City is participating in  
6 investigations and cleanup activities under separate orders from EPA and Ecology; and

7 WHEREAS, the City may apply for state grants under the authority of the Model Toxic Control  
8 Act to pay for up to 50 percent of the costs for some of the activities associated with the  
9 Lower Duwamish Waterway Superfund Site; and

10 WHEREAS, the work being performed under the current AOC will be incorporated into the  
11 Consent Decree; and

12 WHEREAS, the City, King County, and The Boeing Company have agreed to share costs to  
13 implement the Consent Decree based on the equitable shares identified during the  
14 confidential mediation process and have begun doing so; and

15 WHEREAS, the work required by the Consent Decree will continue for decades and is estimated  
16 by EPA to cost at least \$667,842,290; and

17 WHEREAS, RCW 35.32A.070 provides that the City may, by ordinance, authorize public  
18 utilities to expend funds beyond their current budget authority; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Seattle City Light and Seattle Public Utilities are authorized to continue expending funds to participate in the investigation and remediation of contamination of the Lower Duwamish Waterway Superfund Site under the Administrative Order on Consent signed by The City of Seattle on April 14, 2000, and to continue sharing costs with other participating parties.

Section 2. Seattle City Light and Seattle Public Utilities are authorized to commit to spending funds according to the terms of a Consent Decree with the United States and the State of Washington identifying the City as one of three Performing Parties (the City, King County, and The Boeing Company) that will implement the requirements of EPA's 2014 Record of Decision.

Section 3. Seattle City Light and Seattle Public Utilities are authorized to accept funds from other parties to implement the Consent Decree and to indemnify those parties pursuant to the terms of settlements with them.


Section 4. Seattle City Light and Seattle Public Utilities are authorized to continue seeking and accepting Remedial Action Grants from the Washington State Department of Ecology for work related to the Lower Duwamish Waterway Superfund Site, including the Related Sites and source control efforts.

Section 5. Seattle City Light and Seattle Public Utilities are authorized to commit to expend funds according to the terms of additional orders from the federal and state regulatory agencies for further remedial work at Duwamish Related Sites and to commit to share costs with other parties regarding those Related Sites.

Section 6. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

Section 7. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council the 15th day of April, 2025,  
and signed by me in open session in authentication of its passage this 15th day of  
April, 2025.



President \_\_\_\_\_ of the City Council

☒ Approved / ☐ returned unsigned / ☐ vetoed this 18th day of April, 2025.



Bruce A. Harrell, Mayor

Filed by me this 18th day of April, 2025.



Scheereen Dedman, City Clerk

(Seal)