

CITY OF SEATTLE
ORDINANCE 127286
COUNCIL BILL 121043

AN ORDINANCE relating to the Harbor Island Superfund Site; authorizing Seattle Public Utilities and Seattle City Light to agree to orders issued by the United States Environmental Protection Agency regarding remediation of contamination at the East Waterway Operable Unit of the Harbor Island Superfund Site; and authorizing Seattle Public Utilities and Seattle City Light to enter into agreements with other parties to implement and share the costs of implementing those orders, including making commitments to expend funds not contemplated in the annual budget, consistent with RCW 35.32A.070.

WHEREAS, the Environmental Protection Agency (EPA) placed the Harbor Island Superfund Site on the National Priorities List in 1983, and the East Waterway adjacent to Harbor Island is an Operable Unit of the Harbor Island Superfund Site; and

WHEREAS, contamination has been found in the sediments of the East Waterway, including polychlorinated biphenyls (PCBs), carcinogenic polycyclic aromatic hydrocarbons (cPAHs) and other compounds, creating potentially unacceptable risks to human health and the environment; and

WHEREAS, the City is a potentially responsible party for the contamination in the East Waterway due to historic activities adjacent to the waterway and to discharges from the City's sewage and stormwater system; and

WHEREAS, in 2006 the City entered into an agreement with the Port of Seattle and King County to share the costs of implementing an EPA-agreed order regarding development of a Remedial Investigation and Feasibility Study (RI/FS) for the East Waterway, and those studies have been completed; and

WHEREAS, the Port of Seattle, King County, and the City intend to enter into a new agreed order with EPA that will direct development of Remedial Design for remediation of the

1 East Waterway, and to execute a new Memorandum of Agreement among the three
2 parties to govern their shared responsibilities under the order and to commit them to each
3 pay one-third of the costs on an interim basis, subject to reallocation through litigation or
4 an alternative process at a later date; and

5 WHEREAS, the time frame to implement the new agreed order goes beyond 2025; and

6 WHEREAS, there are additional potentially responsible parties that should pay their fair share of
7 costs for remediation of the East Waterway, and the City intends to seek monetary
8 contribution by those parties through litigation or an alternative process;

9 NOW, THEREFORE,

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

11 Section 1. Seattle Public Utilities and Seattle City Light are authorized to enter into an
12 agreed order with the Environmental Protection Agency (EPA) regarding remedial design for
13 remediation of the East Waterway.

14 Section 2. Seattle Public Utilities and Seattle City Light are authorized to enter into a
15 Memorandum of Agreement with the Port of Seattle and King County to share the responsibility
16 for implementing the EPA-agreed order and to each pay one-third of the costs to implement the
17 order on an interim basis, subject to reallocation through litigation or an alternative process at a
18 later date.

19 Section 3. Seattle Public Utilities and Seattle City Light are authorized to enter into
20 agreements with other potentially responsible parties to seek their monetary contribution toward
21 remediation of the East Waterway.

Section 4. 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 2nd day of September, 2025,
and signed by me in open session in authentication of its passage this 2nd day of
September, 2025.



President _____ of the City Council

☒ Approved / ☐ returned unsigned / ☐ vetoed this 5th day of September, 2025.



Bruce A. Harrell, Mayor

Filed by me this 5th day of September, 2025.



Scheereen Dedman, City Clerk

(Seal)