

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
Seattle Parks and Recreation	Scott Stevens	Justin Hellier

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE authorizing Seattle Parks and Recreation to enter into an Agreed Order or Consent Decree with the Washington State Department of Ecology or U.S. Environmental Protection Agency to undertake work at the Duwamish Waterway Park site; and to seek and accept state Remedial Action Grant(s) for cleanup work related to the site.

Summary and Background of the Legislation:

This legislation relates to the City of Seattle’s continued participation in cleanup actions at the Duwamish Waterway Park, Seattle Department of Transportation Right-of-Way, Port of Seattle riverbank, and the planned Park Addition, which comprise the Cleanup Site (Site).

Seattle Parks and Recreation has agreed to enter into an Agreed Order with the Washington State Department of Ecology to undertake additional environmental investigations and cleanup work at the Duwamish Waterway Park Site.

Seattle Parks and Recreation has operated a park in the location since 1975. Prior to 1975, the Park was primarily residential with some agricultural uses. In 2019, the City of Seattle purchased the property from King County. The Park Addition property was purchased by the City of Seattle in 2021 and is currently leased to United Services who was operating at the property prior to acquisition by the City of Seattle. Historically, the Park Addition was occupied by commercial businesses with various industrial activities.

Seattle Parks and Recreation conducted soil sampling in the Park in 2014, 2019, and 2020. The sampling indicated that areas of the Park had elevated soil concentrations of arsenic, lead, and carcinogenic polycyclic aromatic hydrocarbons (cPAHs). Seattle Parks and Recreation submitted the results to the Department of Ecology and entered into the Voluntary Cleanup Program (VCP) in July 2020. As part of the Park redevelopment project in October 2020, shallow contaminated soil was removed from the Park and replaced with clean fill, grass, play areas, and hard surfaces. Based upon the findings of the draft Remedial Investigation/Feasibility workplan and the growing complexity of the Site cleanup, Ecology decided to terminate the VCP project and move the Site into a formal process under an Agreed Order. Under the formal process, Ecology will have more oversight over the cleanup than the independent VCP cleanup process, including consistent and proactive community involvement and outreach.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? Yes No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

The 2023-2024 CIP includes funding to support the initial remediation costs at the Site (~\$500,000). However, at this point, cost estimates are preliminary and will likely exceed the current appropriation. As scopes of work and cost estimates are further refined, SPR will allocate additional funds to meet the requirements of the cleanup work either through a future budget process or through a quarterly supplemental process. The department will endeavor to prioritize existing funding to accomplish the work depending on the funding levels required. SPR will make efforts to apply for grants to help cover up to 50% of the costs incurred as part of the Agreed Order at Duwamish Waterway Park.

Are there financial costs or other impacts of *not* implementing the legislation?

- The City would be unable to enter into the negotiated Agreed Order with the Department of Ecology to initiate investigation of the Site.
- If the City did not willingly sign the agreed order, the Department of Ecology could order the City to participate in the cleanup and the City could incur penalties and be assessed additional costs.
- If Ecology performs the cleanup itself or takes any remedial action due to the City's noncompliance with an enforcement order, the City could potentially be liable for three times the amount of any costs incurred by the State and additional civil penalties of up to \$25,000 for each day the City fails to comply.
- The City would not be eligible for state grants to cover up to 50% of the cleanup costs, since receiving an oversight remedial action grant is contingent upon having entered into an order or decree with Ecology.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

No.

b. Is a public hearing required for this legislation?

No.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

d. Does this legislation affect a piece of property?

Yes, property map is attached as Summary Attachment A.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

Yes, Duwamish Waterway Park provides valuable waterfront greenspace in a currently and historically underserved community. The environmental remediation will make it a healthier space for people to enjoy.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

This proposed legislation should increase Seattle's resiliency to climate change. The Agreed Order includes cleaning up and removing contaminated material from a City of Seattle property along the waterfront. The Park includes green space and tree canopy.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

NA

Summary Attachments:

Summary Attachment A – Site Map