



King County

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February 27, 2025

The Honorable Girmay Zahilay
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Zahilay:

This letter transmits a proposed Ordinance that, if enacted, would authorize the King County Executive to enter into a consent decree with the U.S. Environmental Protection Agency (EPA) and the Washington State Department of Ecology (Ecology) to govern cleanup of the Lower Duwamish Waterway Superfund Site (Site) plus related multi-party settlements that secure funding for cleanup costs across responsible parties.

The Lower Duwamish Waterway is a five-mile stretch of the Duwamish River contaminated by a century of heavy industrial and commercial use that has been a designated federal Superfund site and state hazardous site since the early 2000s. During that period, a group of potentially responsible parties, including King County, formed the Lower Duwamish Waterway Group (LDWG), and under EPA and Ecology direction, began studying the Site and identifying feasible options for eventual cleanup. In addition, LDWG members conducted early action work that reduced polychlorinated biphenyls (PCBs) in sediments at the site by half in advance of final cleanup.

EPA issued its final cleanup plan for the Site in a 2014 Record of Decision and Ecology concurred. Since then, King County along with other LDWG members have actively advanced site work toward cleanup and the work to design the cleanup was completed in 2024. The proposed consent decree and multi-party settlements follow 24 years of work by LDWG members to investigate and prepare for this effort, and 10 years of mediation and negotiation among dozens of responsible parties to fairly share the costs.

Construction for the first phase of cleanup began in November 2024, under a unilateral 'bridge' order issued by EPA to the City of Seattle (City), King County (County), and The Boeing Company (Boeing). EPA's bridge order allowed for cleanup to begin pending completion of the consent decree and multi-party settlements. The proposed consent decree, once effective,

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will supersede EPA's bridge order to govern cleanup. The City, County, and Boeing would continue to implement the cleanup with EPA and Ecology oversight while dozens of other parties, including federal and state agencies with responsibility, would then pay their agreed to shares of costs. The decree sets the timetables and scope of work for cleanup, requires long-term monitoring and controls following cleanup, and, in exchange for the performance and/or funding of cleanup, settles party liability subject to certain reservations and reopeners. Once executed by all parties, the proposed consent decree will be lodged in federal court and made subject to public comment prior to being made effective.

The consent decree will supports the County's Strategic Climate Action Plan goal of Sustainable and Resilient Frontline Communities by creating healthier habitat in the Duwamish River to support salmon and other wildlife, improving water quality, and reducing toxins in fish.

Thank you for your consideration of this proposed Ordinance. If your staff have questions, please contact Kamuron Gurol, Division Director of the Wastewater Treatment Division, Department of Natural Resources and Parks, at 206-263-5767.

Sincerely,



for

Dow Constantine
King County Executive

Enclosure

cc: King County Councilmembers
ATTN: Stephanie Cirkovich, Chief of Staff, King County Council
Melani Hay, Clerk of the Council, King County Council
Karan Gill, Chief of Staff, Office of the Executive
Penny Lipsou, Council Relations Director, Office of the Executive
John Taylor, Director, Department of Natural Resources and Parks (DNRP)
Kamuron Gurol, Division Director, Wastewater Treatment Division, DNRP