



## Legislation Text

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**File #:** 2022-0223, **Version:** 1

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Clerk 06/02/2022

AN ORDINANCE approving a settlement agreement between King County and the Suquamish Tribe and authorizing the executive to execute the settlement agreement and to implement the terms of the agreement.

### STATEMENT OF FACTS:

1. On July 20, 2020, the Suquamish Tribe ("the tribe"), a federally recognized Indian Tribe, sent a sixty-day notice of intent to sue letter ("NOI") to King County and, in their official capacities, to the King County executive, King County department of natural resources and parks director, and King County wastewater treatment division director, and followed up with a supplemental NOI on February 8, 2021, a second supplemental NOI on March 19, 2021 and a third supplemental NOI on July 19, 2021 (collectively, "the NOIs").
2. The tribe indicated in the NOIs that it intended to sue the county under Section 505 of the Clean Water Act ("the CWA"), 33 U.S.C. Sec. 1365, and alleged that the county has violated the CWA by discharging pollutants, from its wastewater collection and treatment system, including the West Point Treatment Plant, Elliott West Combined Sewer Overflow treatment plant and Alki Combined Sewer Overflow treatment plant, into navigable waters, in violation of the county's National Pollutant Discharge Elimination System permit and Section 301 of the CWA, 33 U.S.C. Secs. 1311(a), 1342.
3. The county denies each of the allegations and claims made by the tribe in the NOIs.

4. In order to avoid litigation, the tribe and King County have reached an amicable resolution of the allegations and claims made by the tribe in the NOIs as memorialized in the settlement agreement set forth as Attachment A to this ordinance.

5. The settlement agreement is subject to the approval of the Suquamish Tribal Council and the King County council.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The settlement agreement between King County and the Suquamish Tribe, which is Attachment A to this ordinance, is hereby approved and the executive is authorized to execute the agreement and to implement its terms.