



Legislation Text

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Clerk 01/03/2023

AN ORDINANCE authorizing the King County executive to enter into an agreed order amendment with the Washington state Department of Ecology for final cleanup of King County's Maury Island Site, the former Glacier/Northwest Aggregates Sand and Gravel Mine, and to take those actions necessary to complete the cleanup as required by the agreed order amendment.

STATEMENT OF FACTS:

1. On December 30, 2010, King County acquired from Glacier/Northwest Aggregates four tax parcels comprising approximately two hundred fifty acres of land on Maury Island.
2. King County acquired the property "as is." The property is known as the "Maury Island Site" and the King County parks and recreation division of the department of natural resources and parks is the custodian of the property.
3. The Maury Island Site is located within the Tacoma Smelter Plume, a large area contaminated by lead, arsenic and other pollutants from a former copper smelter located in Tacoma. Soils on Maury Island are impacted by the smelter plume.
4. The Washington state Department of Ecology, Glacier/Northwest Aggregates and King County conducted investigations of the Maury Island Site over the past decade which found elevated levels of arsenic, lead and cadmium in surface soils.
5. Before King County acquiring the Maury Island Site, Glacier/Northwest Aggregates and the Washington state Department of Ecology were negotiating the terms of a potential agreed order

for remedial work, in accordance with the Washington state Model Toxic Control Act, chapter 70.105D RCW.

6. The purchase and sale agreement between Glacier/Northwest Aggregates and King County committed King County to assume all responsibility for remedial obligations related to hazardous substances at the Maury Island Site, including, but not limited to, all remedial obligations arising under the Model Toxic Control Act and the implementation of any future orders imposing remedial obligations issued under the Model Toxic Control Act by the Washington state Department of Ecology.

7. On April 18, 2011, and in accordance with the Model Toxic Control Act, the Washington state Department of Ecology notified King County that it determined King County to be a "Potentially Liable Person" with regard to the Maury Island Site making King County potentially liable for the cost of actions necessary to remediate contamination at the Maury Island Site.

8. On January 31, 2013, the Washington state Department of Ecology and King County entered into an agreed order No. 8439 requiring a remedial investigation, feasibility study and draft cleanup action plan for the former mining facility on the Maury Island Site. The county successfully completed the order's requirements including the preparation of a draft cleanup action plan.

9. In 2019, the Washington state Department of Ecology issued the final Cleanup Action Plan that describes the cleanup remedy selected by the Washington state Department of Ecology for the Maury Island Site and actions to be taken to complete the cleanup. The Cleanup Action Plan is based on the remedial investigation and feasibility study prepared per the requirements of the agreed order.

10. King County has undertaken certain actions in the interim towards cleanup of the Maury

Island Site, with Washington state Department of Ecology oversight and consent.

11. The amendment to agreed order No. 8439 requires King County to undertake and complete all actions required by the final Cleanup Action Plan issued by the Washington state Department of Ecology for the Maury Island Site. The projected remaining cost to complete the cleanup is \$4,500,000. Implementation of the cleanup is expected to be complete in 2029. Monitoring and maintenance of the cleanup elements will be ongoing in perpetuity.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The King County executive is hereby authorized to:

A. Enter into an agreed order amendment between King County and the Washington state Department of Ecology, substantially in the form of Attachment A to this ordinance, for the final cleanup of a former mining facility at Maury Island; and

B. Take all actions necessary to complete the cleanup as required by the agreed order amendment.