



Legislation Text

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Clerk 04/16/2015

A MOTION related to the Lower Duwamish waterway cleanup and the health of communities adjacent to the Lower Duwamish waterway.

WHEREAS, the Green-Duwamish river flows from its source in the Cascade mountains and the foothills of Mount Rainer meandering through the Kent valley and the industrial lands of Tukwila and south Seattle before it empties into Seattle's Elliott Bay, and

WHEREAS, the last five miles of the river has served as a major conduit for shipping and receiving of materials and goods from around the northwest and was engineered and dredged over one hundred years ago to assist in the navigability of what is known as the Lower Duwamish waterway to serve the hundreds of businesses that have located along its banks, and

WHEREAS, over time industries along and around the waterway and development along the length of the river in urban areas have led to the degradation of the sediment quality and designation by the U.S. Environmental Protection Agency of the sediments in the last five miles as a Superfund site in need of cleanup, and

WHEREAS, local businesses and communities include tribal members, low-income, immigrant and refugee families who continue to live, work and fish along the Lower Duwamish waterway, and

WHEREAS, for the past fourteen years King County has been a participant in the Lower Duwamish Waterway Group ("LDWG") along with the city of Seattle, Port of Seattle and Boeing to investigate contamination in the Lower Duwamish waterway, develop approaches for cleanup of the waterway and means to prevent recontamination through source control, and

WHEREAS, LDWG has collectively spent approximately \$40 million on the remedial investigation and the feasibility study to inform the Environmental Protection Agency's final Record of Decision for the Lower Duwamish waterway, and King County and the wastewater treatment division have spent approximately \$5.8 million on Lower Duwamish waterway source control activities and another \$13 million on the successful cleanup of several Early Action Areas, and habitat restoration of twenty-five acres at five sites, and

WHEREAS, King County has prioritized and hastened the completion of combined sewer overflow control projects (CSO) along the Lower Duwamish waterway with the adoption of its 2012 Long-term CSO Control Plan Amendment, and

WHEREAS, King County and the city of Seattle recently launched the Green/Duwamish Watershed Strategy, coordinating work by governments, nonprofits, and businesses across five hundred square miles of critical watershed, and

WHEREAS, the U.S. Environmental Protection Agency recently published its final Record of Decision, with sediment cleanup goals designed to best protect human health, and

WHEREAS, the final Record of Decision identifies areas appropriate for different types of active cleanup, with Recovery Category assignments that inform the selection of dredging, capping, enhanced natural recovery and monitored natural recovery, and

WHEREAS, during the remedial design phase of the cleanup, the U.S. Environmental Protection Agency may change Recovery Category assignments based on additional information, including a survey of waterway users, and

WHEREAS, King County expects to participate with other parties in portions of either the remedial design or the remedial construction, or both, to implement the final Record of Decision under the U.S. Environmental Protection Agency's oversight, and

WHEREAS, King County will participate in source control activities throughout the county's wastewater treatment service area and in the Green/Duwamish watershed, to implement the source control

strategy under the state Department of Ecology's oversight, and

WHEREAS, the final Record of Decision emphasizes the need to meaningfully and appropriately engage the community throughout remedial design and implementation of the cleanup, including convening an advisory group as a means for the affected community and local agencies to work together on mitigating the impacts of the cleanup on the affected community, and

WHEREAS, the city of Seattle recently adopted Resolution 31567 laying out the actions Seattle departments will take related to the cleanup of the Lower Duwamish waterway and addressing the health of communities adjacent to the Duwamish River, providing an opportunity for King County to collaborate and link its services and actions with those of the city of Seattle, and

WHEREAS, King County's Strategic Plan and equity and social justice ordinance require departments and staff to proactively work to prevent and mitigate race and income-based disparities in communities, and

WHEREAS, King County's equity and social justice principles support engagement of communities of color, immigrants, refugees, limited-English-proficiency communities, people with low incomes and other most impacted communities in the design and implementation of county projects and programs to ensure racial and social equity and increased community benefit;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

A.1. As the remedial design work moves forward to implement the final Record of Decision, the King County council encourages analysis of equity and social justice impacts and development of a remedial design that best protects the health of its diverse communities of residents, including, but not limited to: people of color, immigrants, refugees and people with low incomes; fishers; Native Americans; recreational waterway users; workers; and businesses.

2. The King County council expects county representatives to engage with the U.S. Environmental Protection Agency-led community advisory group along with representatives from the affected communities and other local governments, to advocate for transparency, equity and social justice throughout remedial design

and final Record of Decision implementation and to work together on mitigating any unanticipated community impacts and promoting opportunities presented by the cleanup, such as those identified in the Duwamish River Cleanup Coalition's 2013 Community Health Impact Assessment. The King County council respectfully requests the U.S. Environmental Protection Agency to annually provide written reports or updates on the Environmental Protection Agency-led group's engagement of communities of color, immigrants, refugees, limited-English proficiency communities, people with low incomes and other most impacted communities in the design and implementation of the final Record of Decision.

3. As new technologies and new information emerge over the course of the remedial design phase and subsequent clean up, the King County council encourages the Environmental Protection Agency and all potentially responsible parties to ensure appropriate applications of cleanup technologies, including dredging, based on the waterway use survey and any reevaluation of Recovery Categories during remedial design. The King County council further urges the use of environmentally sensitive dredging technologies and best practices to limit sediment disruption while removing contaminated sediments as outlined in the final Record of Decision, and consideration of the use of electric-powered dredging equipment to limit air emissions.

4. The King County council encourages continued participation by the county in source control efforts as part of the overall strategy being led by Washington state Department of Ecology. These efforts should be consistent with the King County Lower Duwamish Waterway Source Control Implementation Plan, 2014-2018, as developed by the King County department of natural resources and parks, which will be updated every five years to revise and strengthen plans for source control, as new information and new technologies emerge.

B.1. The King County council encourages continued involvement in and the application of an equity and social justice lens with the Green/Duwamish Watershed Strategy, fostering greater cooperation between affected communities, nonprofits and businesses and the relevant city, county, state and federal agencies to address controls on new and ongoing pollution sources, including those from upriver.

2.a. The King County council requests that the department of natural resources and parks ("DNRP")

and Public Health - Seattle & King County ("public health"), with the support of the King County office of equity and social justice, continue to work with their interdepartmental team to identify ongoing projects and services that serve resident, tribal and fishing communities in the Duwamish River valley, and to coordinate those efforts with the city of Seattle's interdepartmental team, to complement implementation of the final Record of Decision.

b. The King County council requests that DNRP and public health, with the support of the King County office of equity and social justice, coordinate with relevant agencies to explore the feasibility of creating an interagency fund to improve overall community health in the Duwamish River valley, as a possible complement to the city of Seattle's Duwamish river opportunity fund.

c. The King County council requests that DNRP and public health, with the support of the King County office of equity and social justice, report to the King County council the work being coordinated with the city of Seattle by January 30, 2016. The report shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers.