

Resolution No. 31567

A RESOLUTION related to the Duwamish Waterway Cleanup and the health of communities adjacent to the Lower Duwamish Waterway.

Related Legislation File: _____

Date Introduced and Referred: <u>2/2/15</u>	To: (committee): <u>Planning, Land Use, and Sustainability</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>2/9/15</u>	Date Presented to Mayor: <u>2/10/15</u>
Date Signed by Mayor: <u>2/20/15</u>	Date Returned to City Clerk: <u>2/20/15</u>
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Published in Full Text	

The City of Seattle – Legislative Department

Resolution sponsored by: W. G. [Signature] Bruce A. Hurrell
[Signature]

Date	Committee Action: Recommendation	Vote
<u>2/3/15</u>	<u>Approve/PASS</u>	<u>4-0</u> (MOB, TB, NL, BH) <u>et</u>

This file is complete and ready for presentation to Full Council. _____

Date	Full Council Action: Decision	Vote
<u>2/9/15</u>	<u>Adopted</u>	<u>9-0</u>

CITY OF SEATTLE
RESOLUTION 31567

A RESOLUTION related to the Duwamish Waterway Cleanup and the health of communities adjacent to the Lower Duwamish Waterway.

WHEREAS, the Duwamish Waterway flows into Seattle's Elliott Bay, and from its source in the foothills of Mount Rainier, ends as a five-mile long "Superfund" Site – a designation reserved for the most hazardous waste sites in the nation; and

WHEREAS, local businesses and populations that include Tribal members, low-income, immigrant, and refugee families, live, work and fish along the Lower Duwamish Waterway (LDW); and

WHEREAS, for the past fourteen years the City of Seattle has been a primary participant in investigating contamination in the Duwamish and in developing approaches for cleanup of the Waterway; and

WHEREAS, Seattle Public Utilities has voluntarily conducted successful source control activities in the Duwamish drainage basin for over a decade; and

WHEREAS, the City has spent approximately \$60 million on the those efforts plus the successful cleanup of two Early Action Areas, Slip 4 and Terminal 117; and

WHEREAS, the City has successfully cleaned up Slip 4 with a combination of dredging, capping, and enhanced natural recovery methods; and

WHEREAS, Seattle City Light is developing plans to create 4 acres of habitat along the Duwamish Waterway in the vicinity of the Hamm Creek area; and

WHEREAS, the City of Seattle and King County recently launched the Green/Duwamish Watershed Strategy, coordinating work by governments, nonprofits, and businesses across 500-square-miles of critical watershed; and

WHEREAS, the United States Environmental Protection Agency (EPA) recently published its final Record of Decision (ROD), with sediment cleanup goals designed to best protect human health; and

1 WHEREAS, the ROD identifies areas appropriate for different types of active cleanup, with
2 Recovery Category assignments that inform the selection of dredging and capping,
enhanced natural recovery, and monitored natural recovery; and

3 WHEREAS, during the remedial design phase of the cleanup, EPA may change Recovery
4 Category assignments based on additional information, including a survey of Waterway
users; and

5 WHEREAS, the City of Seattle expects to participate with other parties in portions of the
6 remedial design and/or remedial construction to implement the ROD under EPA
oversight; and

7
8 WHEREAS, the City of Seattle will participate in source control activities throughout the City's
9 drainage and sewer systems in the LDW watershed, to implement the source control
strategy under Ecology oversight; and

10 WHEREAS, the ROD emphasizes the need to engage the community throughout remedial
11 design and implementation of the cleanup, including convening an advisory group as a
12 means for the affected community and local agencies to work together on mitigating the
impacts of the cleanup on the affected community; and

13 WHEREAS, the City of Seattle's Race and Social Justice Initiative (RSJI) requires the city to
14 proactively work to prevent and mitigate race-based disparities in communities; and

15 WHEREAS, the RSJI requires the City to engage communities of color, immigrants, refugees,
16 limited-English proficiency communities, people with low incomes and other most
17 impacted communities in the design and implementation of City projects and programs to
ensure racial and social equity and increased community benefit; and

18 WHEREAS, the City has recently administered the Duwamish Opportunity Fund, granting
19 \$250,000 to nine community-based projects, to address overall health impacts in the area;
NOW, THEREFORE,

20
21 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE**
22 **MAYOR CONCURRING, THAT:**

23
24 Section 1. ROD Implementation.

1 a. As the remedial design work moves forward, the City of Seattle encourages
2 implementation of the ROD with an analysis of race and social justice impacts that best protects
3 the health of its diverse communities – residents (including but not limited to: people of color,
4 immigrants, refugees, and people with low incomes), fishermen, Native Americans, recreational
5 users, workers, and businesses.

6 b. The City Council and the Mayor expect City representatives to participate in the EPA-
7 led advisory group along with representatives from the affected communities and other local
8 governments, advocate for transparency and racial and social equity throughout remedial design
9 and ROD implementation, and work together on mitigating the negative impacts of the cleanup
10 on the community. The City of Seattle respectfully requests the EPA annually provide to the
11 City a written report on the EPA-led group's engagement of communities of color, immigrants,
12 refugees, limited-English proficiency communities, people with low incomes and other most
13 impacted communities in the design and implementation of the ROD.

14 c. As new technologies and new information emerge over the course of the remedial
15 design phase and subsequent clean up, the City of Seattle encourages EPA and all responsible
16 parties to ensure appropriate applications of cleanup technologies, including dredging, based on
17 the waterway use survey and re-evaluation of Recovery Categories during remedial design. The
18 City of Seattle further urges the use of environmental dredging technologies and best practices to
19 limit sediment disruption while removing contaminated sediments as outlined in the ROD, and
20 consideration of the use of electric dredges to limit air emissions.

21 d. The City Council and the Mayor encourage continued strong City participation in
22 Source Control efforts as part of the overall strategy being led by Washington Department of
23 Ecology and urges Seattle Public Utilities to periodically revise and strengthen Seattle's
24 Implementation Plan for source control, as new information and new technologies emerge.

Section 2. Community Health and Quality of Life Efforts beyond the scope of the ROD.

a. The City of Seattle encourages continued involvement in and the application of a racial equity lens with the Green/Duwamish Watershed Strategy, fostering greater cooperation between affected communities, nonprofits, businesses, and the relevant City, County, State, and Federal agencies to address controls on new and ongoing pollution sources, including those from upriver.

b. The City Council and Mayor request an Interdepartmental Team (IDT) to continue to identify ongoing projects that serve resident, tribal, and fishing communities in the Duwamish River Valley, coordinate outreach efforts, and consider further actions to protect the health of Duwamish River Valley communities.

1. This IDT should include the Seattle Department of Neighborhoods, Office of Housing, Office of Sustainability and Environment, Office of Economic Development, Department of Transportation, Department of Planning and Development, Department of Parks and Recreation, Seattle City Light, and Seattle Public Utilities.
2. Such actions for the IDT's consideration may include, but are not limited to, the following: assistance in housing preservation and energy efficiency, environmental health, environmental justice, transit access, providing access to healthy food, and working with responsible city agencies to ensure Women- and Minority-Owned Businesses (WMBE) inclusion and local hire for cleanup work.
3. The City Council and Mayor further request the City departments represented in the IDT to coordinate with relevant agencies among other responsible parties and explore

the feasibility of creating an inter-agency fund to improve overall community health in the Duwamish River Valley, as a possible extension of the Duwamish River Opportunity Fund.

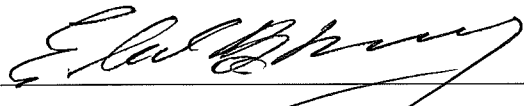
4. The City Council requests the IDT to create and report back on its proposal for engaging with the community to identify community needs, as well as coordinate community engagement around distribution of grant funds and implementation of existing community-benefit projects relating to priority areas noted in the community health impact assessment. This proposal should reflect an analysis that uses the Racial Equity Toolkit and the IDT should report back to the City Council on progress, within 180 days after the adoption of the resolution.

Adopted by the City Council the 9th day of February, 2015, and signed by me in open session in authentication of its adoption this 9th day of February, 2015.



President _____ of the City Council

THE MAYOR CONCURRING:



Edward B. Murray, Mayor

1
2 Filed by me this 20th day of February, 2015.

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4 

5 Monica Martinez Simmons, City Clerk

6
7 (Seal)

BILL SUMMARY & FISCAL NOTE

Department:	Contact Person/Phone:	Executive Contact/Phone:
Legislative	Jasmine Marwaha 3-2788	N/A

1. BILL SUMMARY

Legislation Title:

A RESOLUTION related to the Duwamish Waterway Cleanup and the health of communities adjacent to the Lower Duwamish Waterway.

Summary and background of the Legislation:

In November 2014, the Environmental Protection Agency (EPA) issued its Record of Decision (ROD) for clean-up of the Duwamish Superfund site. This resolution affirms the City of Seattle's commitment to transparency, equity, and community engagement in the EPA-mandated process, as the next few years will be focused on "remedial design" – how best to achieve the cleanup goals outlined in the ROD.

The resolution also sets up an inter-departmental team (IDT) to continue to identify ongoing projects that serve residential, tribal, and fishing communities in the Duwamish River Valley, coordinate outreach efforts, and consider further actions to protect the health of Duwamish River Valley communities.

2. CAPITAL IMPROVEMENT PROGRAM

☐ This legislation creates, funds, or amends a CIP Project.

Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:	Total Cost:

3. SUMMARY OF FINANCIAL IMPLICATIONS

Please check one:

☐ This legislation has direct financial implications.

☒ This legislation does not have direct financial implications.

Budget program(s) affected:				
Estimated \$ Appropriation change:	General Fund \$		Other \$	
	2015	2016	2015	2016

Estimated \$ Revenue change:	Revenue to General Fund		Revenue to Other Funds	
	2015	2016	2015	2016
Positions affected:	No. of Positions		Total FTE Change	
	2015	2016	2015	2016
Other departments affected:				

3.a. Appropriations

 This legislation adds, changes, or deletes appropriations.

(If this box is checked, please complete this section. If this box is not checked, please proceed to Revenues)

Fund Name and number	Dept	Budget Control Level Name/##*	2015 Appropriation Change	2016 Estimated Appropriation Change
TOTAL				

*See budget book to obtain the appropriate Budget Control Level for your department.

Appropriations Notes:

3.b. Revenues/Reimbursements

 This legislation adds, changes, or deletes revenues or reimbursements.

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Dept	Revenue Source	2015 Revenue	2016 Estimated Revenue
TOTAL				

Revenue/Reimbursement Notes:

3.c. Positions

_____ This legislation adds, changes, or deletes positions.

**Total Regular Positions Created, Modified, or Abrogated through this Legislation,
 Including FTE Impact:**

Position # for Existing Positions	Position Title & Department*	Fund Name & #	Program & BCL	PT/FT	2015 Positions	2015 FTE	Does it sunset? (If yes, explain below in Position Notes)
TOTAL							

* List each position separately

Position Notes:

4. OTHER IMPLICATIONS

a) Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?

No. The Resolution outlines best practices for the City's ongoing participation in the EPA Advisory Process, source control efforts, and Green/Duwamish Watershed Strategy. It is anticipated that Seattle Public Utilities and Seattle City Light will use existing resources to provide staff time in these efforts. The IDT formed by the Resolution is anticipated to draw from existing staff resources, with a primary goal of finding efficiencies among outreach efforts directed toward the Duwamish River Valley communities.

b) Is there financial cost or other impacts of not implementing the legislation?

This legislation comes in direct response to community concerns about the City's role as a responsible party in the Duwamish Superfund site. The impact of not implementing the legislation would be a loss of community trust, and possibly a remedial design that does not reflect a transparent and good faith effort at achieving the EPA's cleanup goals.

c) Does this legislation affect any departments besides the originating department?

This legislation impacts other potential members of the IDT, the Seattle Department of Neighborhoods, Office of Housing, Office of Sustainability and Environment, Office of Economic Development, Department of Transportation, Department of Planning and Development, Department of Parks and Recreation, and Seattle City Light.

d) Is a public hearing required for this legislation?

No

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

No.

f) Does this legislation affect a piece of property?

No.

- g) Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**

This legislation impacts vulnerable and historically disadvantaged communities living in the Duwamish River Valley, and encourages implementation of the ROD with an analysis of race and social justice impacts that best protects the health of its diverse communities – residents (including but not limited to: people of color, immigrants, refugees, and people with low incomes), fishermen, Native Americans, recreational users, workers, and businesses. It also requires the IDT use the Racial Equity Toolkit in drafting a community engagement proposal.

- h) If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.**

N/A.

- i) Other Issues:**

None.

List attachments below:

None.

STATE OF WASHINGTON -- KING COUNTY

--SS.

321363

No.

CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

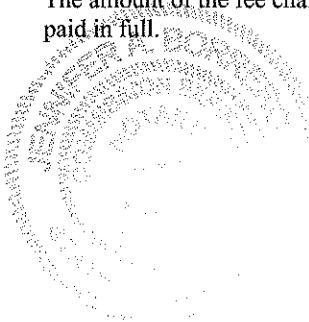
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:31566-31567 TITLE ONLY

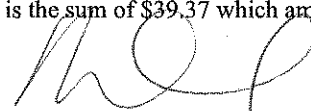
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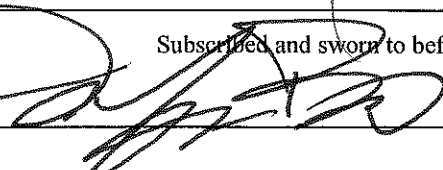
03/09/15

The amount of the fee charged for the foregoing publication is the sum of \$39.37 which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on
03/09/2015 

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on February 9, 2015, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

RESOLUTION NO. 31566

A RESOLUTION adopting Statements of Legislative Intent (SLIs) for the 2015 Adopted Budget, the 2016 Endorsed Budget and 2015 2020 Adopted Capital Improvement Program (CIP).

RESOLUTION NO. 31567

A RESOLUTION related to the Duwamish Waterway Cleanup and the health of communities adjacent to the Lower Duwamish Waterway.

Date of publication in the Seattle Daily Journal of Commerce, March 9, 2015.

3/9(321363)