

## **Council Briefing - Libraries, Utilities and Center Committee Proposed Ordinance – Slip 4 Cleanup Institutional Controls July 2, 2013**

### **Purpose of Briefing:**

Present proposed Council Bill that would authorize Seattle Public Utilities to establish institutional controls relating to the long-term protection of the environmental remediation of Slip 4 of the Lower Duwamish Waterway consisting of development and execution of an environmental covenant with U.S. Environmental Protection Agency that will place restrictions on City of Seattle real property; negotiate and execute a lot line adjustment with 1st South Properties, L.L.C.; negotiate and execute a nonexclusive storm water drainage outfall facility easement with 1st South Properties, L.L.C.; and pursue and establish a permanent Regulated Navigation Area within Slip 4 through coordination with the U.S. Department of Homeland Security.

### **What are Institutional Controls and why are They Needed?**

Institutional controls are non-engineering measures intended to ensure the integrity and protectiveness of an environmental cleanup (remedy) where contaminated material remains at the site after active cleanup is finished.

This legislation helps implement institutional controls for the City's cleanup of contaminated sediment in Slip 4. These institutional controls will help manage human activities by preventing or reducing disturbance and exposure to contaminated sediments located beneath the protective cap placed in Slip 4 in late 2011 and early 2012.

### **Site Background**

- Slip 4 is a 6.4-acre navigable inlet on the LDW and is located three miles upstream from the confluence of the LDW with Elliott Bay
- Approximately 3.5 acres of sediment within Slip 4 was contaminated with polychlorinated biphenyls (PCBs) and other constituents
- Slip 4 is one of five priority Early Action Areas (EAAs) within the 5.5-mile long LDW Superfund Site
- Consistent with agreements with King County and administrative orders with the U.S. Environmental Protection Agency (EPA), the City managed construction of the Slip 4 remedy
- Construction was completed on February 7, 2012
- Construction included dredging and offsite disposal of contaminated nearshore soil, sediment, and debris; placing capping materials; demolishing a large pier structure; and habitat improvements along the riverbank and intertidal areas
- A significant portion of the upland and aquatic areas that underwent remediation in Slip 4 is owned by the City of Seattle and managed by SPU
- The EPA order also requires the City to implement institutional controls at Slip 4 because hazardous substances would remain on site at levels that do not allow unrestricted use.

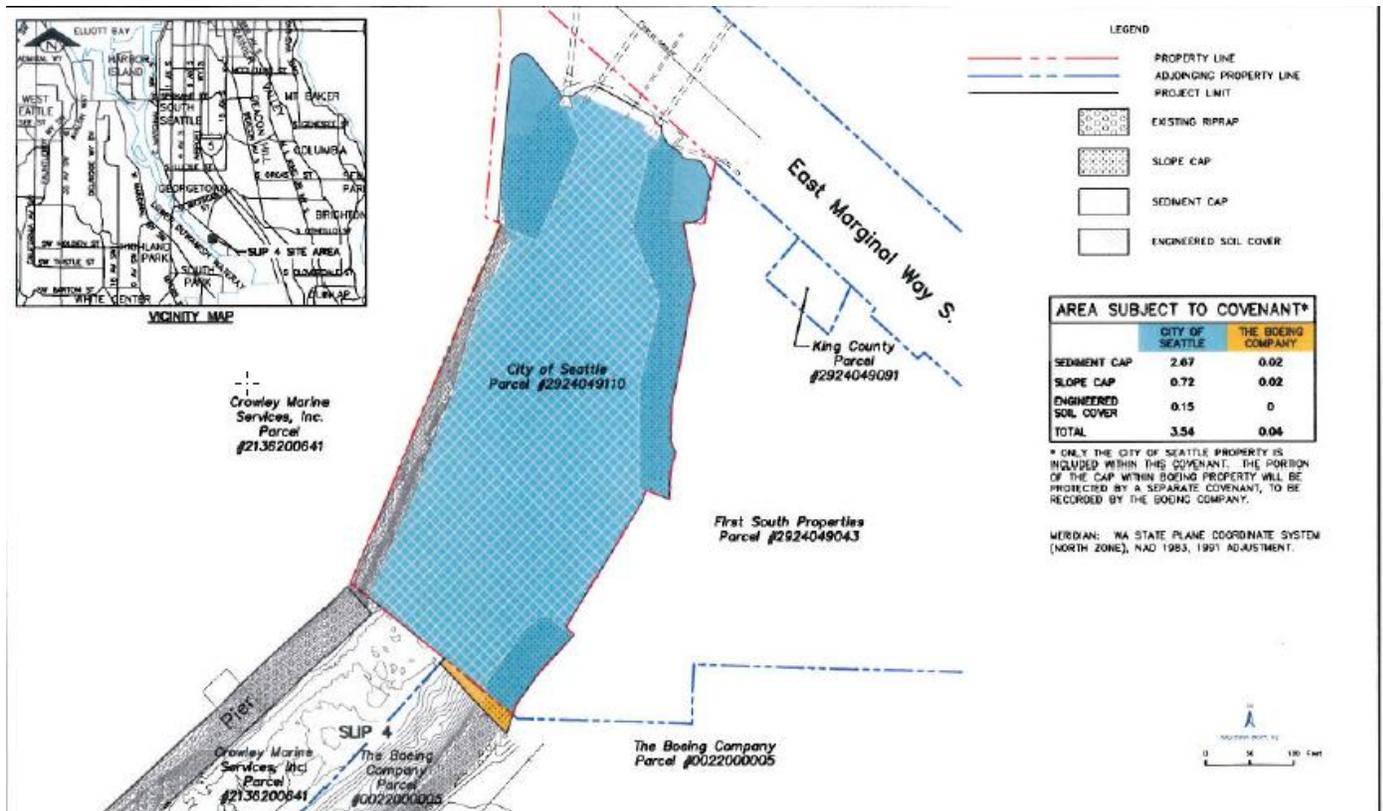
## The Institutional Controls

1. Executing an **environmental covenant** with EPA that will place restrictions on City property (see Figure 1 below) within Slip 4 to protect human health and the environment and insure the integrity of the Slip 4 remedy, and
2. Establishing a permanent **regulated navigation area** (see Figure 1 below) Slip 4 to prohibit activities that would disturb the riverbed (this will not affect transit or navigation of the area).

In addition, a lot-line adjustment along the boundary of City property in Slip 4 and an adjacent parcel owned by 1<sup>st</sup> South Properties would provide the City with better control over the remedy and facilitate development and implementation of the environmental covenant. Granting a storm water drainage outfall facility easement to 1<sup>st</sup> South Properties is a necessary component of this lot-line adjustment. Both of these features are shown on Figure 2 below.

*Note: Although the proposed legislation would authorize Seattle Public Utilities to purchase property through a lot line adjustment, there is no purchase price for the property and no money will be exchanged between Seattle Public Utilities and 1st South Properties for the lot line adjustment or the related storm water drainage easement.*

**Figure 1.** Area in blue below shows coverage of the environmental covenant and regulated navigation area.



**Figure 2.** Lot line adjustment and outfall easement locations. The City of Seattle parcel within Slip 4 would expand to include the areas in green. The outfall easement allows 1<sup>st</sup> South Properties to continue discharging their stormwater to the slip.

