

May 28, 2009

To: The Honorable Kurt Triplett  
Interim King County Executive  
401 Fifth Avenue, Suite 800  
Seattle, WA 98104

SUBJECT – Lower Duwamish Draft Feasibility Study

Dear Interim Executive Triplett:

The Metropolitan Water Pollution Abatement Advisory Committee (MWPAAC) serves as an advisory committee to the King County Council and King County Executive on matters related to water pollution abatement. MWPAAC's membership consists of representatives from cities and local sewer districts that operate sewer systems within King County and those local sewer utilities within Pierce and Snohomish Counties which are served by the King County Wastewater Treatment Division (WTD).

MWPAAC has been briefed by WTD staff regarding the recently released Draft Feasibility Study of the Lower Duwamish Waterway (LDW) and the cleanup alternatives described in the study. Clearly, the selection of a cleanup alternative and funding for the cleanup may impact the cost of providing regional wastewater services.

In a letter to the U.S. Environmental Protection Agency (EPA) and the Washington Department of Ecology commenting on the study, MWPAAC recommends applying an adaptive management approach that involves cleaning up the most contaminated sites first, assessing the benefits of any natural recovery that occurs following cleanup and determining next steps based on that assessment coupled with any new data and lessons learned from earlier cleanup efforts. This approach will ensure the funds spent on cleanup efforts are maximized to achieve the greatest benefit to human health and the environment.

MWPAAC also recommends that the Department of Ecology implement its source control program aimed at reducing contaminants in the LDW before further remedial cleanup efforts are undertaken. It would not be cost effective to move forward with cleanup efforts and risk recontamination in the future from uncontrolled upland sources of pollution.

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As you are probably already aware, the costs of the cleanup alternatives in the draft feasibility study vary widely from \$220 million to almost \$1.3 billion. The County's portion of the liability for cleanup could be significant.

The County has a number of different areas of responsibilities related to potential liability associated with the LDW cleanup efforts. These include, for example: transportation, Parks (a property owner) and wastewater treatment (specifically combined sewer overflows). We recognize EPA's allocation of costs among the responsible parties, including King County, is a long way off. When the timing is appropriate for the King County Council and the King County Executive to develop a funding plan for its share of cleanup activities on the LDW, MWPAAC recommends that the plan ensure each division within the County pays only those costs proportional to the liability of that division.

MWPAAC looks forward to future discussions with the County regarding the cost of cleanup activities and the funding for those activities.

Sincerely,

Scott Thomasson  
Chair

cc: King County Council Members  
MWPAAC Members  
Theresa Jennings, Director, King County Department of  
Natural Resources and Parks (DNRP)  
Harold S. Taniguchi, Director, King County Department of Transportation  
Christie True, Director, Wastewater Treatment Division, DNRP