



**COMMISSION  
AGENDA MEMORANDUM**

**Item No.** 8f

**ACTION ITEM**

**Date of Meeting** July 14, 2026

**DATE:** May 1, 2026

**TO:** Stephen P. Metruck, Executive Director

**FROM:** Sarah Ogier, Director-Maritime Environment & Sustainability  
Joanna Florer, Sr Manager, Environmental Programs  
Roy Kuroiwa, Sr Env. Program Manager, Maritime Environment & Sustainability

**SUBJECT:** So Park Marina LDW Project–Amended Ecology Agreed Order/Cost Share Agreement

**Amount of this request:** \$0  
**Total estimated Port share of project cost:** \$200,000

**ACTION REQUESTED**

Request Commission authorization for the Executive Director to (1) Sign an amended Agreed Order with the Washington State Department of Ecology to complete a Feasibility Study and Cleanup Action Plan at the South Park Marina site, and (2) Sign an Addendum to a Potentially Liable Person Cost Sharing Agreement between the Port, South Park Marina owners, and the City of Seattle to share the cost and performance of the scope of work required by the amended Agreed Order.

**EXECUTIVE SUMMARY**

The South Park Marina (SPM) site is adjacent to Port’s Terminal 117 property, now Duwamish River People’s Park. The property is known to have contamination (e.g., heavy metals, polychlorinated biphenyls (PCBs), and petroleum) in soil and groundwater. Washington State Department of Ecology (Ecology) is requiring three parties – South Park Marina owners, the Port, and the City of Seattle to jointly perform a cleanup of the property. The first phase of the cleanup, the remedial investigation (RI), was performed under a 2020 Agreed Order (AO). This Amended AO is to perform the subsequent steps to an RI – the Feasibility Study (FS) and Cleanup Action Plan (CAP).

The Port is a Potentially Liable Person (PLP) at the SPM site in part based on historic ownership of a small, upland parcel between 1959 and 1970 that is now part of the current SPM property. On that parcel, the A&B Barrel Company operated as a drum reconditioning business between

Meeting Date: July 14, 2026

1946 and 1961. The City is a PLP based on its connection to PCB disposal and track-out from the adjacent Terminal 117 property. South Park Marina is a PLP based on its ownership and operation of the marina. South Park Marina has operated at this location since the 1950s.

The three PLP parties agreed to share responsibility to perform the requirements of the 2020 Ecology AO and each to pay an equal amount, or 33%, toward the cost of the scope of work, on a preliminary basis subject to later reallocation. The proposed Addendum to the parties' cost sharing agreement extends that arrangement to cover the next phase of work for the FS and CAP. Final allocation of costs will likely be determined after completing the FS and CAP. The City of Seattle will procure the environmental consulting firm to perform the work using their public procurement process and will hold the contract with the consultant. All invoices and payables will be handled by the City and the appropriate portion reimbursed by the South Park Marina and the Port.

Although funding is not included for this request, the Port's cost share to complete the FS and CAP is estimated to be \$200,000. Spending for this work was included and approved in the 2026 – 2031 Environmental Remediation Liability (ERL) Program authorization, which is funded through the Environmental Liability Fund (ELF) via the tax levy.

### **JUSTIFICATION**

The Ecology amended AO is a binding agreement to prepare an FS and CAP documents by the PLPs – the Port, City of Seattle, and the South Park Marina. The project will formally initiate the process of determining upland site cleanup or source control efforts at the SPM site to meet EPA and Ecology's source control requirements as related to the larger Lower Duwamish Waterway Superfund Site. The project will also help identify who (Port, City, or South Park Marina) has responsibility for the follow-on work and will help inform a future process to determine the relative shares of cleanup liability.

### ***Diversity in Contracting***

The City will contract for these professional services, and their contract includes an WMBE Inclusion Plan that requires the maximum practicable opportunity for successful participation of minority and women-owned subcontracts (WMBE).

### **DETAILS**

The Statement of Work (SOW) detailed in Ecology's amended AO requires that the PLPs perform an FS and CAP for the project site. The FS evaluates and presents to Ecology a range of cleanup alternatives from which Ecology will choose their preferred alternative. The CAP details the design criteria and implementation approach of the preferred alternative. Implementation of the cleanup construction outlined in the CAP will be performed under a future agreement.

Meeting Date: July 14, 2026

***Scope of Work***

The order SOW will be performed by a professional consulting firm hired jointly by the three PLPs (Port, City, and South Park Marina). As detailed in Exhibit B of the amended AO, the SOW is divided into four major tasks:

- (1) Task 1 – prepare a Feasibility Study (FS)
- (2) Task 2 – prepare a draft Cleanup Action Plan (CAP)
- (3) Task 3 – perform State Environmental Policy Act (SEPA) Compliance
- (4) Task 4 – support Public Participation steps

***Schedule***

The schedule of the required work is presented in the Ecology order is as follows:

Commission authorization to sign Ecology Amended Agreed Order	Q3 – 2026
Prepare and submit a draft FS	135 days following the notice to proceed for a consultant to perform the SOW
Prepare and submit a draft CAP	135 days following Ecology approval of the Final RI and FS Reports
SEPA Compliance and Public Participation	Performed concurrently with FS and CAP

***Cost Breakdown***

Feasibility Study Report	\$250,000
Cleanup Action Plan	\$150,000
Public Participation	\$50,000
Agency Fees	\$150,000
<b>Total Project Costs:</b>	<b>\$600,000</b>
<b>Port Share (subject to reallocation):</b>	<b>\$200,000</b>

**ALTERNATIVES AND IMPLICATIONS CONSIDERED**

**Alternative 1 – Do Not Authorize to Sign the Ecology Amended Order**

Cost Implications: Not signing the Ecology Agreed Order Amendment may result in the issuance of an enforcement order by Ecology, or Ecology may elect to perform this work itself. This would result in the State recovering the cost of the work from the Port, increasing the Port’s estimated costs by 1.5 to 3 times.

Pros:

- (1) May delay the Port’s spending by a year or more while Ecology prepares the enforcement order.

Meeting Date: July 14, 2026

- (2) May delay the work and costs while Ecology has to contract and perform the work itself, then compels the Port to reimburse Ecology for the costs.

Cons:

- (1) Increased legal and staff time and efforts to respond to an enforcement order and provide ancillary support to Ecology to carry out the enforcement order (gain access to the site, etc.)
- (2) The ultimate costs of the work will be much higher if Ecology elects to perform the work itself.
- (3) Not performing this work could tarnish the Port’s reputation with Ecology and the community as having a commitment to public health and being a steward of community resources and the environment.

*This is not the recommended alternative.*

**Alternative 2 – Authorize to Sign the Ecology Amended Agreed Order and begin the required Statement of Work**

Cost Implications: Total project costs are estimated at \$600,000, which includes a 30% contingency to account for additional work due to changing site conditions or requirements by Ecology. The Port’s preliminary share that it will reimburse the City is 1/3 or \$200,000, subject to reallocation at a future date.

Pros:

- (1) Complies with the Order and furthers the Port’s collaborative working relationship with Ecology.
- (2) Takes the next step leading to South Park Marina’s cleanup and long-term protection of human health and the environment.
- (3) Demonstrates the Port’s value of being responsible stewards of community resources and the environment.

Cons:

- (1) None.

*This is the recommended alternative.*

**FINANCIAL IMPLICATIONS**

There is no funding request as part of this authorization. Funding for the associated scope of work is from Environmental Liability Fund and spending was approved in the annual Environmental Remedial Liability (ERL) authorization (11/5/2025). Further, all project costs except PLP organization staff and technical support costs will be shared equally between the City, Port, and Marina. Certain costs may also be eligible for recovery through grants, insurance, or other PLPs.

Meeting Date: July 14, 2026

***Cost Estimate/Authorization Summary***

	Capital	Expense	Total
<b>COST ESTIMATE</b>			
Original estimate (Port share)	\$0	\$200,000	\$200,000
<b>AUTHORIZATION</b>			
Previous authorizations	0	0	0
Current request for authorization	0	0	0
Total authorizations, including this request	0	0	0
Remaining amount to be authorized	\$0	\$0	\$0

**ATTACHMENTS TO THIS REQUEST**

- (1) South Park Marina Amended Agreed Order
- (2) Addendum to Common Interest and Cost Sharing Agreement with the City and Marina

**PREVIOUS COMMISSION ACTIONS OR BRIEFINGS**

November 11, 2025 – Consent Item 8g. The Commission authorized the Environmental Remediation Liability (ERL) Programs fund for 2026 and approved a five-year spending plan for 2026 – 2031.

February 26, 2019 – The Commission authorized the signing of: (1) an Ecology Agreed Order for Environmental Investigations at the South Park Marina site; and (2) Cost Sharing Agreement between the responsible parties (Port and City of Seattle and Marina owners).