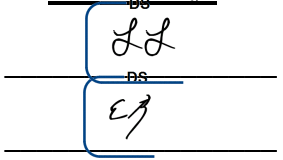


**EVERETT PORT COMMISSION  
REGULAR MEETING AGENDA ITEM  
COVER SHEET**

**Initialed by:**

**Project/Subject Title:** Puget Soundkeeper Lawsuit  
Settlement

**Chief Executive  
Officer:**  
**Chief Financial  
Officer:**



**Physical Location:** 2920 Terminal Ave  
Everett, WA 98201

**Originating Dept.:** Executive

**Contact Person:** Lisa Lefebber  
**Phone Number:** (425) 388-0617

**FIRST REGULAR MEETING OF:** \_\_\_\_\_

**SECOND REGULAR MEETING OF:** May 9, 2023

**SPECIAL MEETING OF:** \_\_\_\_\_

**Agenda Item Type:**      Informational      Public Hearing   X   Action      Other

**Attachments for Regular Meeting Packet (please identify):**

*May 4, 2023 Settlement Terms*

**Expenditure Required:** Approx. \$2.5 million

**Amount Budgeted:** 0

**Account/CIP:** TBD

**Additional Required:** \$

**Summary Statement:**

In June 2022, the Puget Soundkeeper filed a lawsuit against the Port of Everett for alleged stormwater exceedances. Puget Soundkeeper and the Port of Everett have been working in collaboration since that time to remedy the enforcement notice regarding the Port's Industrial Stormwater General Permit at Marine Terminals. Under the Clean Water Act, community groups such as Soundkeeper are encouraged to enforce industrial stormwater permits managed by the Department of Ecology. Soundkeeper has launched approximately 200 enforcement cases with facilities around the Puget Sound, most of which involved management of stormwater discharges.

The Clean Water Act is a federal statute that delegates authority to the states to develop programs and permits necessary for limiting discharges of pollutants to waterways, including Puget Sound. Stormwater runoff contaminated with industrial pollutants such as oil, metals and other chemicals is one of the main threats to water quality in the Sound.

Second Commission Meeting

May 9, 2023

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The Port of Everett takes our leadership and commitment to environmental stewardship very seriously. As such, on May 4, 2023, the Port and Soundkeeper undertook a mediation in which the parties agreed to settle the case pursuant to the attached terms. Pending Commission authorization, the Parties will prepare a consent decree that will govern the settlement terms over a three-year period.

**Recommendation (Exact action requested of Commission):**

Authorize the CEO/Executive Director to execute a settlement agreement with Puget Soundkeeper, substantially as presented.