

SETTLEMENT AGREEMENT

RECITALS

1. The City of Edmonds adopted Ordinance 4355 on May 7, 2024. The ordinance adopted regulations related to the protection of critical aquifer recharge areas (CARAs).
2. Edmonds Environmental Council (EEC), Diane Buckshnis, Joe Scordino, Theresa Hollis and Clinton Wright filed an appeal of the ordinance with the Washington Growth Management Hearings Board. Theresa Hollis later withdrew from the appeal. The appellants were particularly concerned that the ordinance did not adequately protect the aquifer from pollution by per- and polyfluoroalkyl substances (PFAS). The appeal is pending but the proceedings have been stayed to allow for settlement discussions.
3. The parties to the appeal desire to resolve their differences amicably. The remaining appellants agree to withdraw their appeal in consideration for the City's agreement to take the actions described below.

TERMS AND CONDITIONS

1. The City will conduct a ~~a bona fide scientific~~ study on the risks and avoidance of PFAS contamination of the Deer Creek CARA to inform its decision on CARA protections. The study will include an assessment of options to protect the Deer Creek CARA from PFAS, including an identification of known PFAS sources that may enter the groundwater and subsequently the aquifer. Among the options to be evaluated will be (i) a prohibition on both deep and shallow infiltration; (ii) a prohibition on any stormwater infiltration unless the stormwater is first filtered in a manner designed to remove PFAS; and (iii) a prohibition on using known PFAS sources in the CARA. The maximum amount that the City of Edmonds can commit to such study is \$60,000.
2. The City will seek to complete the study by ~~June~~ **April 30, 2025**.
3. The City will share RFQs, RFPs, contracts, and scope of work for the study with the EEC prior to distribution/execution with sufficient time for EEC to comment on the documents before they are executed.
4. Within 45 days of receipt of the study, City staff will present action options to the City Council that resolve, if possible, potential stormwater contamination of the drinking water aquifer.
5. The EEC will review the study and be provided the opportunity to meet with city staff to discuss action options before the staff recommendation is finalized for presentation to the Planning Board and the City Council.

6. The parties to this agreement will request the Hearings Board to continue the stay for 180 days to allow time for completion of the study and possible action by the City Council. Because the Hearings Board grants extensions for settlement purposes in maximum blocks of 90 days, the parties will initially request a 90-day extension and then request a second 90-day extension prior to expiration of the initial 90 days.
7. If the City Council does not take action on the study within 90 days of receipt of the study, the parties will request the Hearings Board to lift the stay and allow the appeal to proceed.
8. If the City Council takes action based on the study and in that action repeals the existing allowance for shallow infiltration in Deer Creek Springs CARA, EEC will dismiss its appeal of Ordinance 4355 (and reserves the right to challenge the new action).

ADD SIGNATURE BLOCKS