

Diagonal/Duwamish CSO

Location/Description and Background:

The Duwamish and Diagonal outfalls are located in the lower portion of the Duwamish River Waterway upstream of Harbor Island and immediately downstream of Kellogg Island and originate from the east bank. The King County Duwamish outfall is submerged, but recent modeling indicates that overflows have not occurred for many years and should not in the future under normal operating conditions. The City of Seattle Diagonal outfall has a 12 foot diameter outfall structure visible on the shoreline. This outfall currently receives mostly stormwater from both the Diagonal and Hanford drainage basins with a combined average annual volume of about 685 MG per year. Low flow diversion structures were installed in the new storm system to divert low storm flows to the King County collection system for treatment. A CSO control project in 1987 was estimated to reduce the CSO volume from over 300 MG per year down to about 7 MG per year. However, recent data indicate the actual volume is larger and may be 50 - 70 MG per year. Monitoring is proceeding to verify the actual volume.

In 1994, a four document Cleanup Study Plan was prepared consisting of the Work Plan, the Sampling and Analysis Plan, the Health and Safety Plan, and the Public Participation Plan. These documents underwent Public review and were approved by the EBD RP Panel. Three Phases of Site Assessment sampling were conducted from 1994 to the end of 1995 to define chemical conditions in surface sediments and at depth below the surface. This information was presented in a Site Assessment Report that identified the following 4 chemicals of concern: Mercury, PCBs, Bis (2-Ethylhexyl) Phthalate and Butyl Benzyl Phthalate.

The primary chemical driving the cleanup boundary for the site was Bis (2-Ethylhexyl) Phthalate, which appears to have values exceeding the Cleanup Screening Level (CSL) extending for a long distance both upstream and downstream of the discharge pipes. The strategy developed to close the upstream and downstream boundary was to conduct bioassay testing at a few stations and these were established to be non-toxic. The offshore boundary was set at the edge of the dredged channel.

Scope:

Goals:

The Diagonal/Duwamish project will remove from aquatic life and human exposure the contaminated sediments associated with the boundaries.

The cleanup alternatives for this project have not been evaluated yet because work was suspended due to lack of planning and design funds for sediment projects.

Duwamish/Diagonal Project Planning and Design									
	1992/1993	1994	1995	1996	1997	1998	1999	2000 +	Total
Site Screening									
Sediment Sampling	12		4						16
Bathymetry	26	3							29
Project Management	6	4							10
Sub Total	44	7	4						55
Site Investigation									
Study Plan	28								28
Phase 1 Sampling		111							111
Phase 1.5 Sampling			37						37
Phase 2 Sampling				109					109
Project Management		15	14	13					39
Sub Total	28	126	51	119					324
Clean-Up Plan									
Contracting and Amendment		6	23						29
Ecochem				122	199				321
Contract Management			12	15	10				37
Project Management		2	14	23	11				50
Sub Total		8	40	160	220				437
Permitting									
EA					15				15
Contract Amendment					13				13
Ecochem					20				20
Right-of-Way					7	8			15
Shoreline Permit						7			7
Easement						15			15
Project Management					10	3			13
Contingency					10	14			24
Sub Total					75	47			122
P&D Sub Total									938

Duwamish/Diagonal Project Construction Budget			
	1998	2000+	Total
Bid Documents			
Ecochem	65		65
Contract Management	10		10
Engineering and Divisional Review	7		7
Construction Review	5		5
Sub Total	87		87
Construction			
Remediation Contract	3000		3000
Ecochem Support	60		60
Construction Oversight	32		32
Contract Management	20		20
Contingency	520		520
Sub Total	3632		3632
Construction Sub Total			3727
Monitoring			
Post-Construction		200	200
Project Management	24		24
Construction and Monitoring Sub Total			3943
Total Project			4881

OPTIONS FOR HANDING THE ECOCHEM CONTRACT WITHIN P & D CAP

The P & D cap allocated to sediment projects is insufficient to complete the Alternatives Evaluation (AE) Report under the Ecochem contract. Consequently, KCDNR is seeking direction from the SRTWG and Panel for a preferred course of action. One of the three options listed below would allow work to continue on schedule while two of the three involve suspending work for about 9 months until the Consent Decree Amendment is approved to allocate more P & D funds to sediment projects.

OPTION 1: Authorize KCDNR to incur P & D expenses that total \$ 111,000. 00 beyond the current sediment project allocation and consider this a loan from the Habitat P & D allocation until the Consent Decree Amendment is approved. This authorization would allow completion of the AE report plus Environmental review and keep the project on schedule for about another 6 months past February and up through the end of August 1997.

Advantages: -- Avoids stopping the project and delaying construction for one year which could result in increased project costs of about \$ 168,000.

Disadvantages: -- Takes a risk that if the amendment did not pass that one or more Habitat projects would be without P & D funds
 -- The \$ 111,000. authorization requested now will keep the project going for about 6 months after which time another P & D authorization of \$ 118,000. will be needed to complete the permitting and keep the project on schedule for construction in late 1998

OPTION 2: Suspend work on AE report for 9 months until amendment is approved, but first complete a minimum amount of work to get agreement on the cleanup options to be evaluated when work resumes. Ecochem work on DU/DI would be suspended the first part of March 1997.

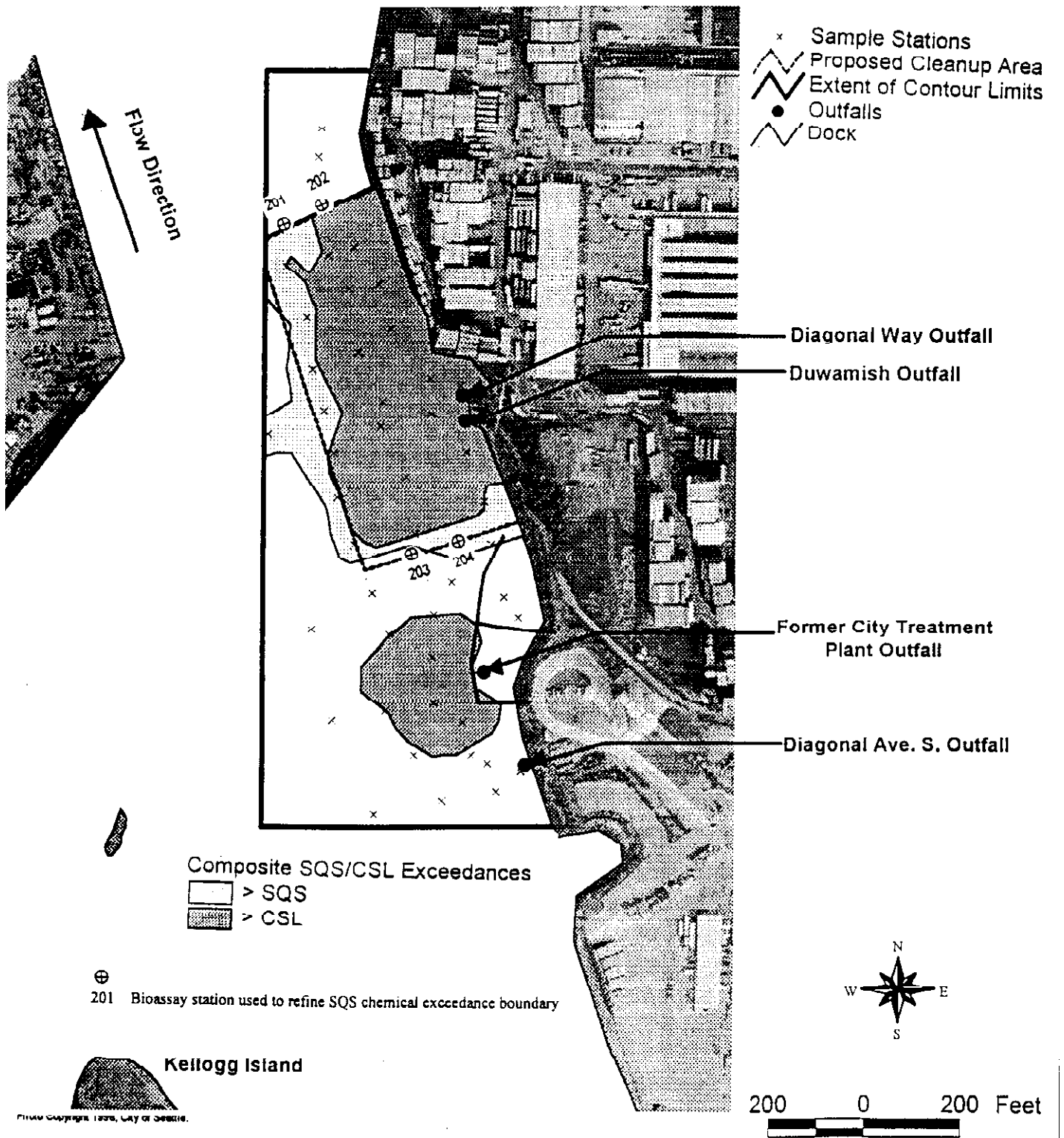
Advantages: -- Stays within current sediment P & D allocation
 -- Allows cleanup alternatives to be set while SA report is fresh in everyone's mind before suspending work

Disadvantages: -- Delays construction one year that can increase construction costs by \$ 157,000. due to a 4.2 % inflation on the construction budget of \$ 3,743,000.
 -- Added Ecochem costs of \$ 11. 45 K for work suspension (\$ 6. 5 K stop & start costs, plus added insurance of \$ 4. 95 K due to loss of cost sharing with Norfolk project)
 -- SA report stays as draft for an additional 9 months until AE report is finalized

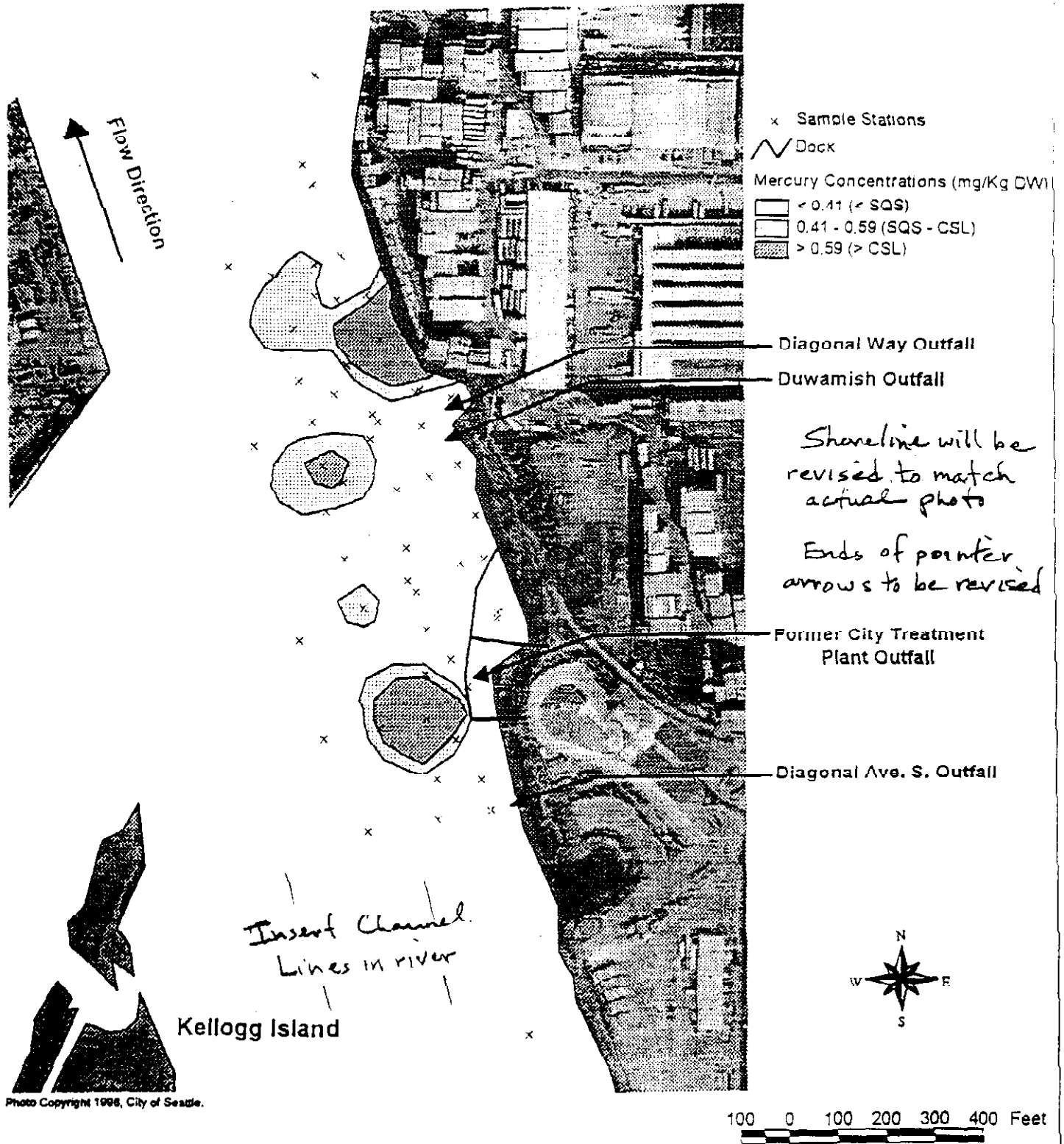
OPTION 3: Suspend work on AE report for 9 months, but first complete the first 3 chapters of the draft AE report (Applicable Laws and Regs; ID and selection of technologies; and Screening of Alternatives) and also produce a finalized SA report that includes revisions relative to SRTWG and Panel review. This work can be accomplished within the current amount allocated for sediment project P & D. The fourth and final chapter of the AE report (Detailed evaluation of alternatives and their costs) will be postponed until additional funds are available to resume work after the amendment is approved. Ecochem work on DU/DI would be suspended mid May 1997.

Advantages: -- Stays within current sediment P & D allocation
 -- Completes several chapters of draft AE report
 -- Provides a finalized SA report as a product before suspending work

Disadvantages: -- Delays construction one year that can increase construction costs by \$ 157,000. due to a 4.2% inflation on the construction budget of \$ 3, 743,000.
 -- Added Ecochem costs of \$ 11. 45 K for work suspension (\$ 6. 5 K stop & start costs, plus added insurance of \$ 4. 95 K due to loss of cost sharing with Norfolk project)



EcoChem Team	Duwamish Diagonal Sediment Cleanup Study	FIGURE 5-9
	Composite SQS/CSL Exceedance Areas	



coChem Team

Duwamish Diagonal
Sediment Cleanup Study

Concentration Contours of Total Mercury
(mg/Kg DW) in Surface Sediments (0 - 10 cm)

FIGURE 1

* What about sediment chemistry numbers and bottom contour lines

4.2.4 Central Waterfront Cleanup

Location/Description and Background:

Recent studies have identified levels of contamination in sediments along the waterfront which exceed the state sediment standards. Mercury and petroleum products showed the greatest exceedences of state standards. Previous studies, conducted by the EPA, Metro (County), Ecology and Hart Crowser (consultants), identified contaminants of concern in the surface sediments along the waterfront, specifically mercury, silver, PAHs, benzyl alcohol, butyl benzyl phthalate, phenol, and benzoic acid.

The full extent to which certain marine organisms are directly affected by the pollutants is unknown. However, it is generally understood that the accumulation of pollutants in the sediment has impaired the habitat value for some life forms. In cases where bottom-feeding fish or shellfish accumulate certain pollutants in their bodies, there may also be a risk to humans who consume these organisms.

Performance Work Statement:

A workplan has been developed and is filed in the Panel's Administrative Record, it is not included here for the sake of brevity.

Please Refer to the next several pages for Scope, Schedule and budget

ELLIOTT BAY/DUWAMISH RESTORATION PROGRAM

CENTRAL SEATTLE WATERFRONT REMEDIATION PROJECT EXECUTIVE SUMMARY

January 23, 1996

The Elliott Bay/Duwamish Restoration Program is a cooperative, intergovernmental program established to help restore natural resources injured by pollution in Elliott Bay and the Lower Duwamish River. The Elliott Bay/Duwamish Restoration Program Panel (Panel) is comprised of representatives from National Oceanic and Atmospheric Association (NOAA), Washington State Department of Ecology (Ecology), U.S. Fish and Wildlife, Muckleshoot Tribe, Suquamish Tribe, the City of Seattle (City) and the King County Department of Metropolitan Services (Metro). The Panel is responsible for implementing the requirements of a consent decree that settled a 1990 lawsuit filed by the U.S. Department of Commerce acting through NOAA against the City of Seattle and Metro. The decree established funds (\$24 million) to be paid equally by Metro and the City for alleged damages to the natural resources of Elliott Bay and the Duwamish River from combined sewer overflows and storm drain discharges.

The Panel established a Sediment Remediation Technical Working Group to identify and prioritize potential sediment cleanup and habitat development projects. Working with the public, the group established an initial list of possible projects, developed criteria and ranked the projects.

The results of the evaluation process, which was partially based on the Washington State Sediment Management Standards (SMS) adopted by Ecology in 1991, ranked three central Seattle Waterfront outfalls (Madison Street, Washington Street and University Street) as high priority project sites.

These sediment standards identified specific contaminant levels below which no adverse effects would be observable in benthic communities, which is the group of organisms that live on or within the top layer of aquatic sediments. This threshold value is called a Sediment Quality Standard (SQS) and varies for different contaminants. The SMS also established Cleanup Screening Levels (CSLs) which represent the upper limit of allowable minor effects on biological resources.

Recent studies have identified levels of contamination in sediments along the waterfront which exceed state sediment standards. Mercury and petroleum products showed the greatest exceedences of state standards. Previous studies, conducted by the EPA, Metro, Ecology and Hart Crowser, identified

contaminants of concern in the surface sediments along the waterfront, specifically mercury, silver, PAHs, benzyl alcohol, butyl benzyl phthalate, phenol and benzoic acid.

These studies found that metal concentrations were fairly low with the exception of mercury, which exceeded Ecology's Cleanup Screening Level (CSL) over a large portion of the site. Organic contaminant concentrations in suspended particulates were found to vary along the waterfront. Vertical profiles in bottom cores in the northern portion of the study area indicate that peak concentrations of most contaminants were located below the surface.

The full extent to which certain marine organisms are directly affected by pollutants is unknown. However, it is generally understood that the accumulation of pollutants in the sediment has impaired the habitat value for some life forms. In cases where bottom-feeding fish or shellfish accumulate certain pollutants in their bodies, there may also be some risk to people who consume these organisms.

Recontamination Study

As the first step in potentially conducting a cleanup along the waterfront, the Panel sponsored a Waterfront Recontamination Study in 1993. The goal of this study was to determine the feasibility of conducting sediment cleanup along the waterfront. The study area focused on the portion of Elliott Bay along the Seattle Waterfront from Pier 46 to Pier 59. The Recontamination Study included a year long field investigation designed to evaluate sources of contamination, transport and circulation patterns, and depositional rates. The study findings include:

- Currents along the waterfront appear to be affected by the ferries idling at Colman Dock and converge from the north and south of the ferry terminal, where water is moved offshore.
- Most ongoing point sources of pollution from outfalls were adequately controlled; however, nonpoint sources may pose some long-term risk to a successful cleanup, and
- Resuspension of existing contaminated surface sediments is the most likely ongoing source for recontamination in the study area.

Based on the current patterns, two large cleanup areas were recommended, one extending from Pier 46 to the south end of Colman Dock (Pier 52) and one extending from the north end of Colman Dock to Pier 59. To prevent recontamination of a cleanup project due to resuspension of nearby

contaminated bottom sediments, the study recommended that any areas that are connected by circulation patterns should be remediated as a whole.

Based on the conclusions and recommendations of the Study that the potential for a successful long-term cleanup was good, the Panel has decided to focus on a cleanup project limited to the waterfront between Piers 52 and 59.

Cleanup Process

The cleanup will follow the guidelines established by Washington State for marine sediment cleanups. A Cleanup Study Plan will be completed, reviewed by the public and approved by the Washington State Department of Ecology. The plan is made up of four documents: the Workplan, the Sampling and Analysis Plan, the Health and Safety Plan, and the Public Participation Plan. The draft Workplan and draft Public Participation Plan are available at this time. The remaining documents will be available in March.

Workplan

The purposes of the tasks described in this Workplan are as follows:

- To determine the plan and approach for a cleanup study investigation;
- To determine the nature and extent of contamination;
- To determine which areas of the site need to be cleaned up; and
- To develop and evaluate a set of feasible cleanup alternatives for cleanup of identified contamination.

The Workplan includes the following main elements: project management and staffing plan, site characterization, source investigation summary, site investigation plan, approach for alternatives assessment and a schedule.

Public Participation Plan

The objectives of the Central Seattle Waterfront Sediment Remediation Project's Public Participation Plan are to:

- Involve the public in project development and implementation to ensure the best project results;
- Inform the public about the cleanup site, studies, alternatives selection, implementation and monitoring; and to
- Encourage public comment about the studies, alternatives selection, implementation and monitoring as these elements are being developed.

At appropriate times during project development, the public will receive notice of public comment/review opportunities. Public notices will be posted

in the following newspapers: the *Seattle Times* and the *Daily Journal of Commerce*. Announcements will be made available to the general news media and to those individuals and groups on the Central Seattle Waterfront project mailing list. Notice of the contract bidding process will be published in the *Daily Journal of Commerce*.

The documents listed above will be available for review at:

- Seattle Public Library -- Downtown Branch (Government Documents Section)
- Seattle Drainage and Wastewater Utility 710 Second Avenue, Suite 660, Seattle
- Washington State Department of Ecology, Northwest Regional Office 3190 160th Avenue Southeast, Bellevue
- National Oceanic and Atmospheric Administration's Damage Assessment and Restoration Center Northwest, Building No. 1, 7600 Sand Point Way Northeast, Seattle

Schedule

The following draft schedule highlights important milestones in the cleanup process. A detailed schedule is included in the Workplan.

Task	Time
Clean Up Study Documents	
Preparation	January - March, 1996
Public Review	March 4 - April 3, 1996
Ecology Approval	April 1996
Sampling and Analysis	
Sample Collection	May/June 1996
Sample Analysis	Summer/Fall 1996
Site Assessment Report	Fall 1996
Feasibility Report	
Assemble and Evaluate Cleanup Alternatives	Fall/Winter 1996
Environmental Assessment	Winter 1996/97
Public Meeting	Spring 1997
Selection of Best Alternative(s)	Spring 1997
Ecology Cleanup Decision	Spring 1997
Permitting	Summer/Fall 1997
Prepare Construction Documents	Fall/Winter 1997/98
Construction	Winter/Spring 1998
Long-term Monitoring	1998 to 2008

Once the Cleanup Plan is completed a Cleanup Study will be completed, which includes conducting the sampling and analysis and selecting the best alternative for cleaning up the project area. Construction and long-term monitoring will then follow

For more information

Please contact Chris Woelfel, project manager, at the Seattle Drainage and Wastewater Utility, 684-7599.

REVISED

Waterfront Clean Up: Project Plan

Prior to conducting any additional sampling along the Waterfront, it is necessary for us to write a Clean Up plan and submit the plan for public review and Ecology approval. The Clean Up plan is comprised of four documents: Work Plan, Sampling and Analysis Plan, Health and Safety Plan and a Public Participation Plan.

I anticipate that all four documents will be ready for public review in March. The proposed budget is shown below.

Task	Staff	Hours	Cost/hr	Total	Total with overhead
Write Work Plan	city C.W.	80	\$20	\$1,600	\$3,488
Write Sampling & Analysis Plan (SAP)*	Metro	*	*	*	*
Write Health & Safety Plan (to be discussed at SRTWG)		*	*	*	*
Write Public Participation Plan	city C.W.	5	20	100	218
Graphics for Work Plan & SAP	city	40	20	800	1,744
Review time for all documents, (5-6 staff members)	city & metro	75	30	2,250	4,905
Incorporate revisions/final editing	city C.W.	20	20	400	872
Printing costs (except SAP)	city				1,000
Meetings: includes prep for 8 SRTWG, 3 Panel and 1 public mtg.	city C.W.	40	20	800	1,744
Project management	city C.W.	40	20	800	1,744
TOTAL		260 hr			\$15,715

* to be submitted at a future meeting

Update on previous budget requests:

8/31/95 84 hours to develop Project Plan. Completed in < 60 hours.

8/31/95 131 hours to develop consultant scope of work. The consultant scope of work has been postponed. It's been determined that the Cleanup documents (this budget request) are more critical to the project timeline than the consultant scope.

City of Seattle

Budget Request for Selecting a Consultant for the Central Seattle Waterfront Project
June 6, 1996

Evaluate Army COE option vs. consultant	500
Evaluate proposals (includes review & mtg time)	9,000
Interview (includes prep & mtg time)	4,000
Misc. project manager time	1,000
Printing/advertising/postage costs	500
	<u>15,000</u>

WATERFRONT BUDGET ESTIMATES - 4/11/96
 Estimates based on 3/28/96 information

PLANNING AND DESIGN COSTS					
Task	Spent	Proposed '96	Proposed '97	Proposed '98	Total
Site Investigation:					
Recontam. Study	\$432,000				
Cleanup study documents	\$22,000				
Sample collect'n & anal (3/28)		\$120,000			
Total	\$454,000	\$120,000	\$0	\$0	\$574,000
Cleanup Study:					
Consultant selection		\$15,000			
Consultant contract (pre design)		\$250,000	<i>rough estimate</i>		
Design costs		\$125,000	<i>rough estimate</i>		
Total	\$0	\$390,000	\$0	\$0	\$390,000
Permits/Lease:					
Total - includes labor and fees			\$15,000		\$15,000
Project Management (3/96 - 12/97)					
20 hr/wk for 1.75 yr @ \$55/hr		\$43,000	\$57,000		\$100,000
<i>This includes all city staff time.</i>					
Total for above sections					\$1,079,000

CONSTRUCTION & MONITORING COSTS					
Construction: <i>These numbers are average values from earlier estimate worksheets</i>					
Capping				\$1,350,000	
Dredge/disposal				\$700,000	
Inspect'n/Managm't/Const. Monitor	<i>15% of construction</i>			\$300,000	
Contingency	<i>15% of above items</i>			\$350,000	
Total				\$2,700,000	\$2,700,000
Long-term Monitoring:					
Rough estimate				\$250,000	\$250,000
Total for above sections					\$2,950,000

TOTAL COSTS	
Design, construction and monitoring	\$4,029,000

These estimates reflect design costs of: 37%

WATERFRONT BUDGET ESTIMATES - 4/11/96
Proposed major cuts to reduce P&D costs -- See attached sheet for details

PLANNING AND DESIGN COSTS					
Task	Spent	Proposed '96	Proposed '97	Proposed '98	Total
Site Investigation					
Recontam. Study	\$432,000				
Cleanup study documents	\$22,000				
Sample collect'n & anal. (4/11)		\$60,000	cut all cores. 3 bioassays and 7 surface chem		
Total	\$454,000	\$60,000	\$0	\$0	\$514,000
Cleanup Study					
Consultant selection		\$15,000			
Consultant contract (pre design)		\$125,000	assumes cap is only option -- rough estim.		
Design costs		\$100,000	assumes CCL designs cap -- rough estim.		
Total	\$0	\$240,000	\$0	\$0	\$240,000
Permits/Lease					
Total - includes labor and fees			\$15,000		\$15,000
Project Management (3/96 - 12/97)					
15 hr/wk for 1.75 yr @ \$55/hr		\$29,250	\$39,000		\$68,250
This includes all city staff time.		This shows a reduction of 20 hr/month.			
Total for above sections					\$837,250
			SAVINGS		\$241,750

CONSTRUCTION & MONITORING COSTS					
Construction <small>These numbers are average values from earlier estimate worksheets</small>					
Capping				\$1,350,000	
Dredge/disposal				\$700,000	
Inspection/Managmt/Constr. Monitor	15% of construction			\$300,000	
Contingency	15% of above items			\$350,000	
Total				\$2,700,000	\$2,700,000
Long-term Monitoring					
Rough estimate			estimate	\$250,000	\$250,000
Total for above sections					\$2,950,000

TOTAL COSTS	
Design, construction and monitoring	\$3,787,250

These estimates reflect design costs of: 28%

ATTACHMENT A.**AMENDED BYLAWS
OF
ELLIOTT BAY/DUWAMISH RESTORATION PROGRAM PANEL****ARTICLE I
NAME**

The "Panel of Managers" created under the Consent Decree entered in United States, et al. v. The City of Seattle and Municipality of Metropolitan Seattle, Case No. C90-395WD, shall hereafter be referred to as the "Elliott Bay/Duwamish Restoration Program Panel."

**ARTICLE II
MEMBERS**

Each member group, as defined in paragraph 5 of the Consent Decree, shall upon approval of these Bylaws designate in writing to the Panel chair a voting representative together with such alternates as it deems appropriate to represent it on the Panel. Any member group may substitute its voting representative by written notice to the Panel chair.

**ARTICLE III
MEETINGS**

1. **Regular Meetings.** The Panel shall meet **at least quarterly**, as required, at such times and places agreed to by the Panel. All Panel meetings will be open to the public unless the Panel chooses by majority vote to conduct a Panel meeting in executive session.
2. **Agenda.** An agenda prepared by the chair in consultation with the administrative director shall be given at least three days prior to any regular meeting. Member groups may designate items to be included in the agenda. All Panel meeting agendas will include a time and space allocation for "Public Comment." This regular agenda item is designated for public or non-Panel members to appear before the Panel and share their ideas, comments, and views on Panel activities.
3. **Special Meetings.** Special meetings of the Panel may be held at any place and time whenever called by any four member groups.
4. **Notice of Meetings.** Notice of the time and place of any special meeting of the Panel shall be given by the secretary or by the member groups calling the meeting, by mail, telegram, facsimile, or by personal communication over the telephone or otherwise, at least three (3) days prior to the date on which the meeting is to be held. The business to be transacted and the purpose of any meeting of the Panel shall be specified in the form of an agenda in the notice or any waiver of notice of such meeting. Attendance of a member group at any meeting shall constitute a waiver of notice of such meeting, except where the member group attends a meeting for the purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

5. Quorum. A majority of member groups shall constitute a quorum for the transaction of business. At any meeting of the Panel at which a quorum is present, any business may be transacted, and the Panel may exercise all of its powers. A member group present at such a meeting shall be presumed to have assented to the action taken at the meeting unless the member group's dissent or abstention is entered in the minutes of the meeting or the member group files its written dissent or abstention to such action with either the person acting as secretary of the meeting before adjournment of the meeting or by registered mail to the secretary immediately after the adjournment of the meeting. Notwithstanding the provisions of Article VII(1), any action excepting an action on reconsideration taken by the Panel shall be tabled for reconsideration at the next meeting of the Panel upon the request of any member group where: (a) the action was not set forth in an agenda or notice for the meeting at which it was taken; or (b) the action was taken by vote of the Panel based on a three-two or three-one majority.
6. Meetings Held by Telephone or Similar Communications Equipment. Member groups may participate in a meeting of the Panel or its committees by means of a telephone conference or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time and participating by such means shall constitute presence in person at a meeting.
7. Meeting Conduct. Member groups only shall participate in Panel meeting agenda discussions and decision making processes. If non-Panel members wish to appear before the Panel and contribute to Panel agenda discussions, such non-Panel members must either contact the Chair in advance of the Panel meeting and request special placement on the agenda in accordance with paragraph (2) above or attend the Panel meeting and be heard during the regularly scheduled "Public Comment" period reserved on each regular Panel meeting agenda.
8. Form of Actions. The following actions of the Panel shall be taken and memorialized in the form of resolutions: designation and appointment of committees; appointment and removal of an administrative director; designation and elimination of additional working groups; specification and modification of additional powers and duties of the Chair and Secretary; alteration or amendment of the Bylaws; adoption of budgets; adoption of project proposals; approvals of expenditures from the Registry Account; acceptance of proposals for the performance of in-kind services; appointment of a party to undertake projects on behalf of the Panel; establishing guideline for reimbursement of Trustees' expenses; and such other actions as the Panel shall determine.

ARTICLE IV COMMITTEES AND WORKING GROUPS

1. Committees. The Panel may designate and appoint any committees. Each committee shall consist of two (2) or more member groups and shall have and exercise such authority of the Panel as may be specified in the resolution establishing the committee. However, no such committee shall have the authority of the Panel to amend, alter or repeal the Bylaws; elect, appoint or remove any member of any such committee or any administrative director appointed by the Panel; or amend, alter or repeal any resolution of the Panel.

2. Working Groups. The Panel may designate and appoint any working groups to assist the Panel in carrying out its duties under the Consent Decree. The membership on any working group is open to any representatives designated by member groups, those representatives those agencies or entities identified in paragraph 15 of the Consent Decree, and to such other qualified individuals as determined by the Panel. Each working group shall elect or designate a chair who is also a representative of a member group. A working group shall exercise no power or authority of the Panel. Working groups will serve to analyze and recommend restoration, remediation and source control projects and the means to implement those projects. Any proposal developed by a working group shall be presented to the Panel by the working group chair or a person designated by the working group chair.

**ARTICLE V.
ACTIONS BY WRITTEN CONSENT**

Any action required or permitted by the Consent Decree or Bylaws to be taken at a meeting of the Panel may be taken without a meeting if consent in writing, setting forth the action so taken, shall be signed by all member groups entitled to vote with respect to the subject matter thereof. Such consent shall have the same force and effect as a unanimous vote, and may be described as a such.

**ARTICLE VI.
WAIVER OF NOTICE**

Whenever any notice is required to be given to any Panel member or member group by the Consent Decree or Bylaws, a waiver thereof in writing signed by the Panel member or member group to such notice, whether before or after the time stated therein, shall be the equivalent to the giving of such notice.

**ARTICLE VII.
OFFICERS**

1. Officers Enumerated. The officers of the Panel shall be a chairperson and a secretary. In addition to the powers and duties specified below, the officers shall have such powers and perform such duties as the Panel may prescribe.
2. The Chair. The chair must be a designated representative of a member group on the Panel. He/she shall preside at meetings of the Panel and any committees exercising any authority of the Panel. It is the duty and responsibility of each acting Chair to enforce any and all Panel rules of procedure and to control and direct all Panel discussions and comments. The position of chair shall rotate among the member groups on a quarterly basis commencing January 1, 1992. The voting representative for the Department of Ecology shall serve as the first chair to be succeeded in order by the voting representative of the Suquamish Indian Tribe, the Muckleshoot Indian Tribe, Seattle, Metro, and then that voting representative designated jointly by NOAA and Interior.
3. The Secretary. Unless the Panel acts otherwise, the administrative director appointed by the Panel shall automatically serve as secretary. It shall be the duty of

the secretary to keep records of the proceedings of the Panel including a true and accurate copy of the Bylaws, any resolutions or amendments to the Bylaws adopted by the Panel, and minutes of any and all meetings of the Panel.

4. Vacancies. Vacancies in any office arising from any cause may be filled by the Panel at any regular or special meeting. In the event a chair or designated alternative is not present at a meeting, the voting representative of the member group next in rotation to serve as chair shall serve as chair at that meeting.
5. Removal. Any officer elected or appointed may be removed by the Panel whenever in its judgment the best interest of the Panel will be served thereby.

ARTICLE VIII. ADMINISTRATIVE PROVISIONS

1. Dispute Resolution. Any member group objecting to an action by the Panel may request reconsideration of such action in writing. Provided such a request is submitted to the chair within thirty (30) days of the Panel's action, the time to seek judicial review of the Panel's action in accordance with paragraph 7 of the Consent Decree shall run from the date the request for reconsideration is denied. A request for reconsideration shall be heard at the next regular meeting of the Panel. A request for reconsideration shall be deemed denied if not resolved within thirty (30) days of submission to the chair. Submission of a request for reconsideration shall not be deemed a waiver of any right to file a petition for review pursuant to paragraph 7 of the Consent Decree.
2. Amendment of Bylaws. These Bylaws may be altered, amended or repealed by the affirmative vote of a majority of the member groups in accordance with the Consent Decree at any regular or special meeting.
3. Rules of Procedure. The rules of procedure at meetings of the Panel shall be the rules contained in Roberts Rules of Order on Parliamentary Procedure, newly revised, so far as applicable and when not inconsistent with these Bylaws, the Consent Decree or with any resolution of the Panel.

Summary of Obligations and Documented Expenditures 1992-1996

Summary Sheet	\$ Obligated	Documentation Provided		P&D	PP	FD	SR	SC	K Documented
		IK Obligated	Disbursed						
1992	469,131.32	340,760.00	113,015.55	36,796.97	251,091.82	0.00	86,432.71	0.00	261,293.95
1993	717,931.30	62,515.00	363,802.67	236,836.05	185,402.02	0.00	51,373.00	0.00	109,808.00
1994	87,289.50	445,719.20	403,374.43	151,593.30	584,686.13	0.00	29,167.00	0.00	362,072.00
Subtotal	1,858,352.12	848,994.20	880,192.65	425,226.32	1,021,179.97	0.00	166,972.71	0.00	733,176.95
1995	1,372,926.09	950,518.00	300,587.09	76,413.87	222,173.22	0.00	0.00	0.00	0.00
1996	2,065,962.36	1,603,943.08	189,100.06	76,392.06	90,708.00	0.00	0.00	0.00	0.00
Total	5,297,240.57	3,403,455.28	1,349,879.80	692,032.25	1,334,081.19	0.00	166,972.71	0.00	733,176.95
\$ 250,000.00 Cash Deposits by the City and KC into the Court Registry Account through 1996 733,176.95 In-kind Services documented (includes KC and City) through 1996 \$5983,176.95 Total									
* Not all documented in-kind services have been formally credited by the Panel. \$ 35,784.95 Outstanding in-kind Services that have been documented but have not been approved for credit.									

Reconciliation Summary

Draft 11/4/2/97

Elliott Bay/Duwamish Restoration Program												
Accounting 1993												
Resolution Number	Dollars	Obligated To	Obligated For	In-kind Services	Disbursement Amount	Address	Disbursed from the Registry				n-kind Credit	
							Panel Function	Planning & Design	Real Property Development	Habitat Development		Sediment Remediation
92-3/17/8		IK KC	Pub.Parl.		92/3/17/8		17,108.00					17,108.00
92-5/20		IK KC	53/65 Monitor/S		92-5/20					47,308.00		47,308.00
92-23		IK KC	Conc.Doc		92-23		3,027.00					3,027.00
1993-01		P N/A	By-Law Amen									
1993-02		P N/A	Kenoc									
1993-03	34,624.50	B Suquamish	Budget see 93-12									
1993-04	44,941.50	B Muckleshoot	Budget see 93-16									
1993-05	16,352.30	D U.S. F&WS	Trustee Exp.		16,352.30	USFWS						
	29,930.00	D Muckleshoot	Trustee Exp.		29,930.00	Muckleshoot						
	7,183.82	D Suquamish	Trustee Exp.		7,183.82	Suquamish						
1993-06	10,000.00	C Ecology	WFT Scoping									
1993-07	1,647,000.00	B EBD/DRP	Budget 1994									
1993-08		P N/A	PPC est.									
1993-09	4,065.00	IK KC/City	Pier/Sm. rpt.	4,065.00		KC/City				4,065.00		4,065.00
1993-10	7,187.87	D Ecology	Trustee Exp.		7,187.87	Ecology						
1993-11	57,829.24	D NOAA	Trustee/AD		38,604.48	NOAA	38,604.48					
		D NOAA			19,224.76	NOAA	19,224.76					
1993-11B		P KC/City	Proj MFR sed									
1993-12		D Suquamish	FTE ref 93-03		34,563.08	Suquamish		34,563.08				
1993-13		P Ecology	WFT Rec. Study		31,726.43	Ecology		31,726.43				
1993-14	400,000.00	P Ecology	Ecol Proj Mgr.									
		IK KC	W/FS Sampling	5,000.00		KC		5,000.00				5,000.00
1993-15	10,762.55	D NOAA	AD		10,762.55	NOAA		10,762.55				
1993-18		D Muckleshoot	FTE ref 93-04		44,941.50	Muckleshoot		44,941.50				
1993-17	7,500.00	D WDFW	COOP 92-11/28		7,352.35	WDFW		7,352.35				
1993-18		C Ecology	WF ref 93-14		66,869.03	Ecology		66,869.03				
1993-19		P N/A	GFAs/Seaboard/1st									
1993-20		P N/A	Cleanup Plan CSOs									
1993-21	53,450.00	IK KC/City	GSO w/ign dev	53,450.00		KC/City		5,302.00				5,302.00
1993-22	29,114.52	D NOAA	AD		29,114.52	NOAA		29,114.52				
1993-23	5,000.00	C Muckleshoot	Kenoc Env. Aud.									
Total	717,931.30			62,515.00	363,802.67		236,836.05	65,402.92	0.00	51,373.00	0.00	109,808.00
C - Contract Costs												
IK - In-kind Services												
s - sequestered												
us - unsequestered												
B - Budgets not included in sum												

Elliott Bay / Duwamish Restoration Program													
Accounting 1995													
Obligated by Resolution						Disbursed from the Registry Account							
Resolution Number	Dollars	Obligated To:	Obligated For:	In-kind Services	Disbursement Amount	Addressee	Panel Function	Planning & Design	Real Property	Habitat Development	Sediment Remediation	Source Control	In-kind Services
1995-01	0	41,905.00	Suquamish	FTE	41,905.00	Suquamish		41,905.00					
1995-02	D	7,554.40	NOAA	AD	7,554.40	NOAA							
1995-03	K	20,220.00	Metro	DD Sampling									
1995-04	D	32,000.00	Ecology	XWFI Rec. Study									
1995-05	D	9,748.83	Muckleshoot	Trustee Exp.	9,748.83	Muckleshoot		9,748.83					
	D	15,660.62	Ecology	Trustee Exp.	15,660.62	Ecology		15,660.62					
1995-06	D	33,301.53	NOAA	Trustee Exp.	33,301.53	NOAA		33,301.53					
	D	46,877.00	Muckleshoot	FTE	46,877.00	Muckleshoot		46,877.00					
1995-07	P	2,067,000.00	EB/DRP	Budget 98									
1995-08	P	0	N/A	SCL # in GFA									
1995-09	D	9,518.00	USEWS	Trustee Exp.	9,518.00	USEWS		9,518.00					
	D	2,830.49	Suquamish	Trustee Exp.	2,830.49	Suquamish		2,830.49					
1995-10	K	2,100.00	Metro	SCL SOW									
1995-11	K	48,654.00	Metro	DDN AlterAnsl	48,654.00								
1995-12	K	12,000.00	City	Seaboard C:Se	12,000.00								
1995-13	K	4,500.00	Metro	CHH StormD	4,500.00								
1995-14	P	0	N/A	SC Gask									
1995-15	K	80,000.00	Metro	D/D \$AP etc	80,000.00								
1995-16	K	67,371.00	Metro	ph2 #ortolk	67,371.00								
1995-17	K	25,000.00	City	SL AJuliation	25,000.00								
1995-18	K	3,000.00	Metro	SCL Term1 +	3,000.00								
1995-19	K	45,000.00	City	Amard 95-17	45,000.00								
1995-20	K	445,200.00	Metro	DCN\$ed\$am	445,200.00								
1995-21	K	94,480.00	City	SourceCm1	94,480.00								
1995-22	P	0.00	City	WFT Pro1,Myr									
1995-23	K	4,344.00	Metro	PreP2C\$AP	4,344.00								
1995-24	K	45,000.00	City	Seaboard	45,000.00								
1995-25	K	10,875.00	Metro	PCB Charize	10,875.00								
1995-26	C	89,820.00	WDPW	Suben Study									
1995-27	P	0.00	SCL	Quit									
1995-28	K	27,060.00	Metro	D/D sampling	27,060.00								
1995-29	D	133,391.22	Ecology	WFT Rec.Stdy				133,391.22					
1995-30	K	15,715.00	City	WFT Plan	15,715.00								
SUBTOTAL		1,372,926.09			950,518.00		78,413.87	222,173.22	0.00	0.00	0.00	0.00	0.00
C-Contract Costs													
IK-in-Kind Services													
D-Disbursements from the Court Registry Account													
is-sequestered													
us-unsequestered													
B-Budgets - (not included in sum)													

c. Panel Function Support	
Funds available from Sediment apportionment	\$1,412K
Funds available from Habitat apportionment	\$588K
Funds budgeted through 2000+	\$1,209K
Anticipated funds available (unallocated) (available for P&D, if amended)	+\$791K

**Elliott Bay/Duwamish Restoration Panel
Panel Resolution 1997-09**

Adopted: April 1997

Consent Decree: ¶ 9a, Panel authority

Resolutions: 1992-02, 04, 09
1993-01

WHEREAS, the Elliott Bay/Duwamish Restoration Program (EB/DRP) is now progressing from a primary planning and design phase into the implementation of projects, and

WHEREAS, the EB/DRP Panel needs to streamline its management efforts and concentrate its deliberations on policy and significant fiscal matters as the various projects are designed and implemented, and

WHEREAS, the Panel's desire is to authorize the designated project managers to undertake the fulfillment of project goals, objectives, and obligations as outlined in their detailed Scope, Schedule, and Budgets, and

WHEREAS, the Panel would like to complete its oversight work by January 15, 2000, culminating in the preparation of the final report of Panel activities, and

WHEREAS, the Panel proposes to maintain oversight responsibilities under declining budgets by reducing Panel meeting activities.

BE IT RESOLVED, that the Panel approves the following management objectives:

Reduce the number of monthly Panel meetings in two steps:

a. For the remainder of the calendar year of 1997:

May 1

June 5

August 7

October 2

November 6

b. Starting in January of 1998, meetings would be quarterly (January, April, July, October).

- c. Since the sediment remediation projects are either at implementation or on hold, the Sediment Remediation Technical Working Group (TWG) meetings would be called only when needed, by the Chair upon notification of the Administrative Director.
- d. The Habitat Development (HD) TWG still has significant property acquisition and project-specific planning to do and would continue to meet, as needed, but on a reduced frequency.
- e. A single monthly scheduled meeting date for both TWGs would be changed to the third Thursday of the month for those months when it is necessary to actually have a meeting(s). The TWG Chairs will inform the Administrative Director by noon of the second Thursday if there will be a TWG meeting the following Thursday so notices can be sent to TWG members.
- f. Meetings of Standing Committees of the Panel will continue to be called on an "as needed" basis.
- g. Panel members will develop means for conducting more Panel/TWG discussions by E-mail, FAX, or conference calls.

FURTHER, the Panel amends the following By-Laws:

By-Laws, Article III, Meetings 1: Change from

"The Panel shall meet at least once every month at such times and places agreed to by the Panel."

to

"The Panel shall meet at least quarterly, as required, on the first Thursday of the month and the technical working groups will meet as needed, the third Thursday of the month being set aside for this purpose."

By unanimous consent,