

Lower Duwamish Waterway Roundtable Draft Operating Procedures Cover Sheet

Draft v. 5-23-18

“Charter(s) should be broad enough to be flexible, yet detailed enough to provide direction. It should also be simple enough to be understood (Kliem & Ludin, 1996).”

In 2017, the Lower Duwamish Waterway (LDW) Roundtable Organizing Committee developed draft operating procedures for the LDW Roundtable that are intended to be the basis of the Roundtable’s charter. Triangle Associates, as a neutral, third-party, met with prospective members of the LDW Roundtable during the spring of 2018 to get their feedback on the draft Roundtable operating procedures. Below is a summary of the suggestions that prospective Roundtable members provided Triangle regarding the Roundtable’s operating procedures. The full Roundtable will discuss these suggestions when they convene in October 2018 and officially adopt a charter.

Membership Suggestions

- Add the fishing community as their own caucus and clarify the connections (if any) between the Institutional Control Program’s Community Health Advocates (CHAs) and the Roundtable.
- Clarify how community members will be compensated for their time.
- Clarify the “Resource Members” caucus and how the Natural Resource Trustees Council relate to this caucus. Also clarify whether “Resource Members” are a fixed group or an as-needed group.

Meeting Content Suggestions

- Clarify how non-Superfund issues will be addressed at the end of Roundtable meetings.

Operating Procedures/Charter Suggestions

- Complete the conflict of interest section.
- Include information about how to modify the charter and how long the charter is in effect for before needing to be re-approved.
- Include only one, time-limited opportunity for questions and comments from non-roundtable members of the public per Roundtable meeting.
- Add a public records request section to the media policy. Perhaps there could also be unique email addresses assigned to Roundtable members to assist with future Public Records Act requests.
- Send Roundtable meeting invitations to the broadest LDW stakeholders list.
- Add a section about groundrules for Roundtable meeting observers.

In 2017, the Lower Duwamish Waterway Roundtable Organizing Committee developed the following draft operating procedures for the Lower Duwamish Waterway Roundtable. This document is intended to provide some clarity about the forthcoming Roundtable, while leaving room for input and revisions from stakeholders and others. In particular, the areas in red text are incomplete and could benefit from input. These operating procedures will remain under development by all parties until the Roundtable's first meeting in late 2018, in which the Roundtable will have the opportunity to review and approve their operating procedures. Please contact Elly Hale (hale.elly@epa.gov or 206-553-1215) or Julie Congdon (congdon.julie@epa.gov or 206-553-2752) with any questions or concerns about this draft document or if you'd like to become involved with the Roundtable.

Lower Duwamish Waterway Roundtable Proposed Approach and Draft Operating Procedures

Draft v. 2-13-18

Background

A. Lower Duwamish Waterway Superfund Cleanup Site

The Lower Duwamish Waterway (LDW) Superfund site is a five-mile segment of Seattle's only river, the Duwamish. The river flows between Georgetown and South Park and through the industrial core of Seattle into Elliott Bay. The US Environmental Protection Agency (EPA) declared the Lower Duwamish Waterway a "Superfund" site in 2001, meaning it was eligible for a special federal cleanup program due to the severity of its contamination. In 2014, EPA completed the final cleanup plan for the site, known as the "Record of Decision."

B. Origins of the LDW Roundtable

Section 13.2.8 of the Record of Decision (ROD) states: "Environmental Justice concerns will be addressed before, during and after implementation of the remedy through means that include...Continuing to engage the community throughout remedial design and implementation of the cleanup, including convening an advisory group as a means for the affected community and local agencies to work together on addressing the impacts of the cleanup on the affected community" (emphasis added).

In 2015-2016, during the interviews leading up to the update of the Community Involvement Plan for the LDW cleanup, the EPA asked interviewees about the purpose and structure of the "advisory group" mandated by the ROD. In general, the EPA heard two main responses: (1) DRCC/TAG should continue functioning as a Community Advisory Group (CAG) for this cleanup site; and (2) there needs to be an additional group with broader membership than DRCC/CAG to provide recommendations to the EPA.

As a result of the interviewees' suggestions, the EPA will continue working with DRCC/TAG as a CAG, but the EPA will also convene a Lower Duwamish Waterway Roundtable (Roundtable) that will have a broader membership than DRCC/TAG. Notably, the Roundtable will include, among others, PRPs such as King County, the City of Seattle, the Port of Seattle, The Boeing Company, and other businesses¹ listed as PRPs. This broader membership will enable a range of interests to come together to make recommendations to the EPA during the design and implementation of the cleanup.

¹ Or representatives of these PRPs

From February through August 2017, a small group of potential members of the LDW Roundtable met as an “Organizing Committee” to draft these operating procedures for the Roundtable to review and approve at their first meeting. See Attachment A for the list of Organizing Committee members.

1. Purposes and Principles of the Roundtable

A. Purposes

The Roundtable’s purposes are to:

- Provide recommendations to the EPA, as well as other agencies and organizations, to develop the best possible cleanup design and implementation;
- Act as an inclusive, neutral, and transparent forum for input from all stakeholders - Tribes, residents, businesses, industries, labor groups, neighborhood groups, government agencies, waterway users, fishers, and others;
- Act as a means of providing good-faith communications, understanding, and information on topics related to the Superfund cleanup;
- Seek creative solutions to mitigate LDW cleanup construction impacts (e.g. traffic, noise, light, impacts on Tribal activities, air quality, water quality, waterfront business operations, fishing, recreation, and quality of life);
- Identify opportunities for potential ways to benefit the neighborhoods affected by the cleanup, within the parameters of the Superfund site cleanup.
- Strive to allow all stakeholders and agencies to operate under the same set of facts.

B. Limitations

Per the Community Involvement Plan, the Roundtable will have certain limitations. For example, the Roundtable is not intended to take the place of:

- DRCC/TAG’s function as a CAG;
- Government-to government Tribal consultation with the Suquamish, Muckleshoot, or Yakama Tribes;
- Formal public involvement and public comment opportunities that the EPA and Ecology would otherwise do;
- The Healthy Seafood Consumption Consortium; or
- The Tribes, Trustees, and Community Group.

EPA decisions related to the Tribes, Trustees, and Community Group and Healthy Seafood Consumption Consortium will consider input from the Roundtable. At a minimum, EPA will continue to follow legal requirements and policies. Decisions will consider best use of EPA resources.

C. Principles

The Roundtable will operate in accordance with the following principles: balance of power, transparency, effectiveness, solutions-oriented, and fairness and equity for the entire community.

D. Termination

[Placeholder for language describing EPA’s ability to terminate the Roundtable if needed.]

2. Roundtable Membership

The Roundtable will include a seat for EPA as the convener plus approximately 5-7 seats for caucus leads. The leads will represent caucuses made up of members with common interests. A seat will be available for each affected Tribe that chooses to participate. Additional seats include resource members (such as the Washington State Department of Ecology) whose primary role is providing information to the Roundtable and one ad-hoc or open seat. Please see the graphic on page 5 for an illustration of the proposed Roundtable membership.

A. **EPA as the convener of the Roundtable**

The EPA will attend all regularly scheduled meetings. It will participate in and conduct educational briefings on the past and present of the site, as needed, to ensure a shared knowledge of key issues, technologies, and the Superfund process. EPA will provide Roundtable members with topics and proposals for their consideration in advance of Roundtable meetings. EPA will assist the Steering Committee (see Section 6.B) in formulating Roundtable agendas and work plans. EPA will respond to action items in a clear, direct, and timely fashion. EPA will seriously and in good faith consider the recommendations of the Roundtable and provide verbal responses to that input (see Section 5.B) so that the Roundtable is able to see how its input is being used or not used. EPA will strive throughout the process to engage in respectful, constructive dialogue with Roundtable members, and be receptive to Roundtable recommendations.

B. **Caucuses**

Caucuses are sub-groups consisting of representatives with similar interests. The purpose of caucuses is to allow interest groups to discuss issues and recommendations prior to larger Roundtable meetings.

- **Potential caucuses may include:**
 - **Community Advisory Group (CAG) Caucus** (i.e. the Duwamish River Cleanup Coalition/Technical Advisory Group (DRCC/TAG) and its members)
 - **Non-CAG Community Caucus** (i.e. community groups, neighborhood associations, and community-based organizations that are not part of DRCC/TAG)
 - **PRP Governmental Interests Caucus** (i.e. local government agencies listed as PRPs, including Seattle Public Utilities, King County Wastewater Treatment Division, and the Port of Seattle)
 - **Non-PRP Governmental Interests Caucus** (i.e. local government agencies that are not listed as PRPs, including health and environmental agencies)
 - **PRP Business/Industry/Labor Interests** (i.e. business, industry, and labor groups that may be listed as PRPs)
 - **Non-PRP Business/Industry/Labor Interests** (i.e. small businesses that are not listed as PRPs that are affected by the cleanup, such as markets, restaurants and stores)
- **Membership:** Each caucus will establish criteria for membership. The criteria for membership in each caucus will be documented within these operating procedures once developed. This may also include timeframes for when applications for membership in a caucus will be accepted.

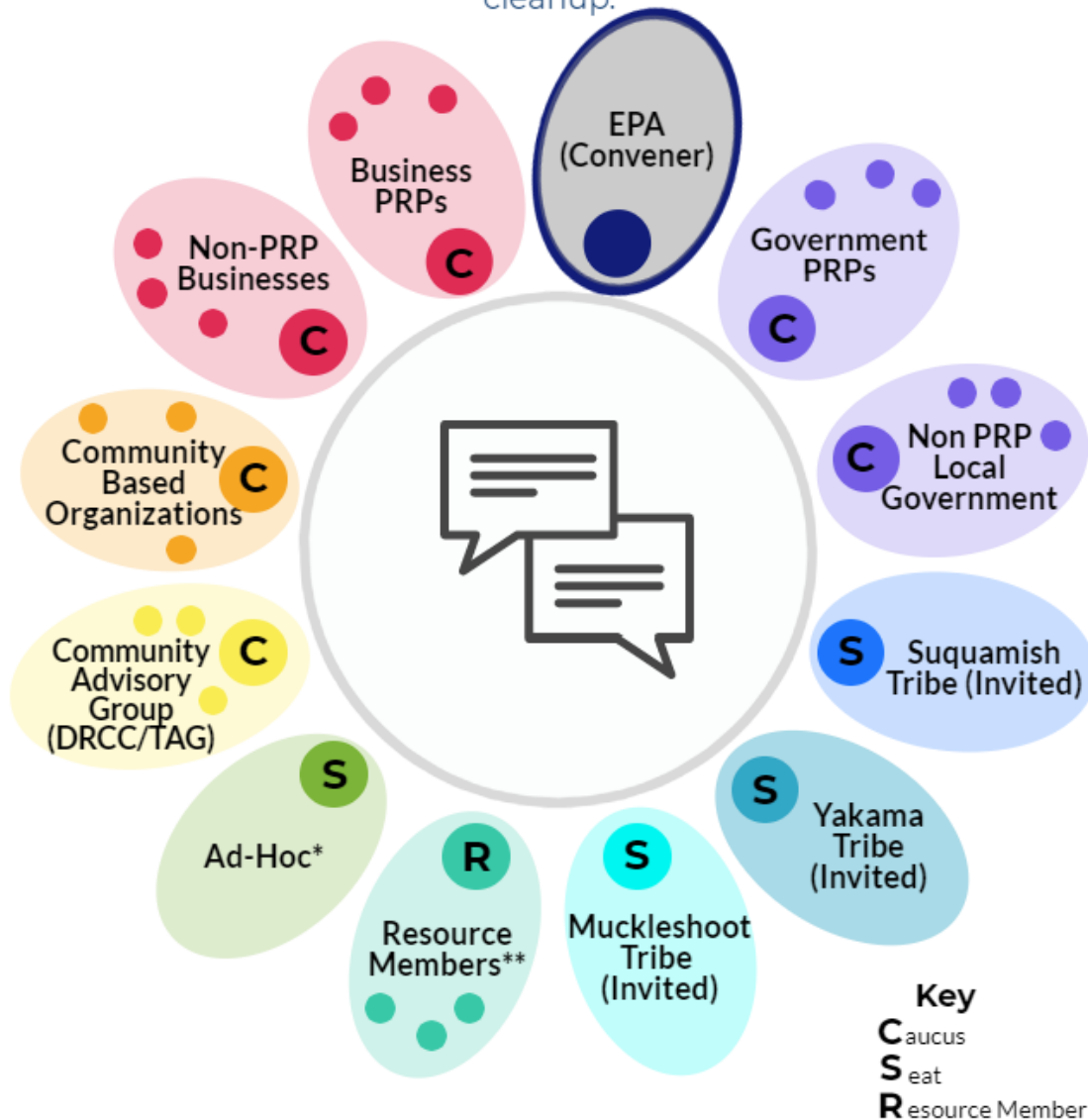
Each caucus lead shall work with the caucus to determine what constitutes a quorum and how the caucus will govern itself in reaching recommendations.

- **Leads:** Each caucus will have a lead (or leads) who serve as the primary point of contact for EPA and the facilitator. Caucus leads will be responsible for participating in the Roundtable Steering Committee (see Section 6.B.) and maintaining communication with their caucus members. Each caucus will determine how leads will be selected and terms for the leads.
 - **Facilitation:** Caucuses may need facilitation support as the members decide on leadership, how they should organize themselves, and communication protocols. Caucuses can individually decide to obtain outside facilitation if needed.
 - **Communication:** Each caucus will internally communicate in advance of Roundtable meetings to develop its own recommendations. It is advised that each caucus meet in person or by phone prior to the larger Roundtable meetings. Each caucus is encouraged to bring a single view to Roundtable meetings. If a caucus cannot come to agreement on a recommendation, multiple viewpoints may be brought forward. Caucuses may speak with each other prior to Roundtable meetings, but this is not required.
- C. **Tribes:** Federally recognized Tribes potentially affected by the clean-up (participation is optional). Participating in the Roundtable would not affect the Tribes' government-to-government consultation rights. However, it is highly beneficial for the Roundtable membership to hear and understand Tribal concerns and interests as remedial design and implementation are discussed, and thus their attendance at Roundtable meetings is highly desired.
- D. **Resource Members:** Representatives of government entities that contribute information but do not participate in the development of recommendations. These can include government agencies from the following sectors:
- Natural Resources (e.g. Washington State Department of Ecology, Washington State Department of Natural Resources, and Washington Department of Fish and Wildlife, National Ocean and Atmospheric Administration and others)
 - Public health (e.g. Washington State Department of Health and others)
 - Local service agencies (e.g. City of Seattle Parks and Recreation Department, City of Seattle Department of Transportation, and others)
- E. **Ad Hoc:** A seat potentially designated for a non-governmental representative that has a specific interest in the Lower Duwamish Waterway clean up but does not fit into designated caucuses. This could include an interested member of the public or other interest group as appropriate.
- F. **Compensation:** Compensating Roundtable members for their time and/or travel expenses is still to be determined.
- G. **Attendance:** Caucus leads, caucus members, Tribes, resource members, ad-hoc members, and members of the public are all encouraged to attend Roundtable meetings so that EPA hears their voice and perspective.
- H. **Conflict of Interest:** [placeholder for a Conflict of Interest policy].



Lower Duwamish Waterway Roundtable

Purpose: To provide a forum for interested and affected parties to make recommendations for the EPA to consider throughout the Lower Duwamish Waterway Superfund cleanup.



* Non-governmental community members or interest groups not represented in the Community caucus.

** Government entities that contribute information but do not develop recommendations, including but not limited to the WA Dep't of Ecology and others

3. Work Plan and Topics

The Roundtable will address topics within the scope of the EPA Superfund cleanup of the LDW. Topics outside the scope of the Superfund cleanup can be discussed at the end of Roundtable meetings during a designated portion of the agenda. The Roundtable will develop an annual work plan to guide its work to accomplish the purposes outlined in 2A. EPA enforcement information will not be included. The ROD for the LDW is final and remedy selection is not the focus of the Roundtable. Instead the Roundtable will focus on issues related to the design and implementation of the remedy.

4. Making Recommendations to EPA

A. Making Recommendations

The Roundtable will be an advisory, not a decision-making, body. All members of the Roundtable will be involved with making recommendations to EPA. Recommendations are meant to provide input and feedback to the EPA on issues related to the LDW Superfund cleanup.

Prior to Roundtable meetings, caucus leads will receive a written overview of the issues that EPA is seeking recommendations or feedback on. Each caucus will develop its own recommendations for EPA to consider. The Roundtable will meet to try to reconcile recommendations into a unified recommendation if desired. If there is disagreement, each caucus can submit its own recommendations. In addition, meeting summaries can capture any dissent from individual Roundtable members.

B. EPA's Responses to Recommendations

At Roundtable meetings, EPA will provide verbal responses to the recommendations that were provided at the past Roundtable meeting. These responses will be captured in the meeting summaries, which will be posted publicly online. The website to archive summaries is still to be decided but one will be established.

5. Roles

A. Role of the US Environmental Protection Agency

The EPA will attend and participate in Roundtable meetings as the convener, to serve as a resource and to receive recommendations from the Roundtable.

B. Role of the Steering Committee

The Steering Committee will help guide the work of the Roundtable, including drafting meeting topics/agendas, developing Roundtable work plans, and other duties as assigned. The Steering Committee will consist of the Caucus Leads. If approved by the Roundtable, the Organizing Committee will serve as the initial Steering Committee. EPA and the Roundtable will review Steering Committee membership on an annual basis. There are no term limits for serving on the Steering Committee.

C. Role of the Public

Members of the public will be able to observe the Roundtable meetings and will have time on the agenda to ask questions or to comment, both at the start and at the end of the meeting. Roundtable

members will aim to provide food, childcare, and a convenient meeting location to support the involvement of the community. Funding for these accommodations is still to be decided.

D. Role of Facilitator

Triangle Associates will act as a neutral conduit of information and will seek ensure equitable participation by all members. Triangle will also enhance the flow of information to and from the EPA and between Roundtable members. Lastly, Triangle will develop meeting summaries and offer organizational support.

Other entities, such as the UW Superfund Research program or UW Graduate School fellows may also provide facilitation support to individual caucuses.

6. Materials

A. Agendas

The Steering Committee will work with EPA and the facilitator to develop meeting topics. EPA will make the final decisions on agenda topics. Agendas will be based on a template with regularly appearing sections such as EPA, Member updates (caucus members, resource members, Tribes, and ad hoc member); questions and answers; a topic/issue for which recommendations are sought; and comments/questions from the general public. Agendas and materials will be distributed at least a week in advance of Roundtable meetings.

B. Meeting Notifications

Roundtable meetings will be noticed through the Roundtable listserv. In addition, the EPA will (if approved) post meeting times, dates and locations on their website and/or on the EPA Duwamish Facebook page.

C. Summaries

Meeting summaries will be developed after each Roundtable meeting. In general, these summaries will not attribute comments to specific individuals. However, Roundtable members can go “on the record” and have their comments captured in meeting summaries if they choose. Roundtable meeting summaries will include Roundtable recommendations and EPA responses to previous Roundtable recommendations, if discussed at the meeting.

D. Work Plans

EPA will work with the Roundtable Steering Committee to develop annual work plans. These work plans are intended to serve as a guide for the Roundtable and support agenda planning, with the understanding that circumstances may necessitate changes to the Roundtable work plan.

E. Ground Rules

The Roundtable will develop and maintain ground rules for effective communication, to be used during each Roundtable meeting. The Roundtable will review its ground rules after one year of operation and make adjustments as necessary.

7. Meeting Schedule

The Roundtable will meet on a quarterly basis, for a minimum of eight meetings over two years. The first quarter's (calendar) meeting will be an "all hands on deck" meeting with full attendance by Roundtable members. Each caucus will aim to meet at least once between Roundtable meetings.

8. Appendices

1. Organizing Committee Members
2. Media policy

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Appendix 1 – Organizing Committee Members

Name	Affiliation (alphabetical)
Willard Brown	Delridge Neighborhoods Development Association
James Rasmussen	Duwamish River Cleanup Coalition/Technical Advisory Group (DRCC/TAG)
Dave Gering	Manufacturing Industrial Council
Kevin Burrell	Seattle Public Utilities
Elly Hale	US EPA
Julie Congdon	US EPA

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Appendix 2 – Media Policy

Media organizations might have an interest in the activities of the LDW Roundtable. Media organizations include but are not limited to broadcast, electronic, and print. The draft policy below describes how the LDW Roundtable will interact with the media.

1. Media Information Requests

EPA's LDW Remedial Project Manager will be responsible for responding to media requests regarding the Lower Duwamish Waterway. The Remedial Project Manager will adhere to EPA's internal media processes. LDW Roundtable members and/or the facilitator will alert the LDW Remedial Project Manager if they receive a request from the media.

2. Interacting with the Media

If a reporter directly approaches a member of the LDW Roundtable, this member would speak on behalf of his or her own agency/organization but not on behalf of the Roundtable as a whole. As needed, EPA will be responsible for developing press releases related to the Roundtable.

3. Photography and Film

EPA will be responsible for responding to requests to take photographs or film Roundtable meetings. EPA, in responding to the requests, will either approve or decline the request.