

**Hudson River PCB Superfund Site
Community Advisory Group (CAG)
Operating Procedures
August 2005 (revised)**

I. Purpose of the Community Advisory Group

The purpose of the CAG is to provide a way for members of communities and stakeholders along the entire Hudson River site to present and discuss their needs and concerns related to the site design and cleanup decision-making process. CAG members recognize that the EPA has decided in its Record of Decision (ROD) to proceed with dredging. Thus, the CAG will be primarily concerned with the implementation of that Record of Decision.

II. Working Group Membership

Members will be recruited and appointed as follows:

- 1) Membership will be initially designated through the EPA Community Involvement Plan (CIP). Groups designated in the CIP will select their representative to participate in the CAG. The CAG strongly encourages members to attend all meetings to ensure consistency, informed discussion, and effective input giving.
- 2) Each organization designated in the CIP will also select an alternate member in case the primary member cannot attend one or more CAG meetings. This alternate will receive all member correspondence.
- 3) The designated membership of the CAG will be in place for one year. After that time, the CAG can add new member stakeholder groups and/or organizations by consensus at any time, if it identifies key interests and concerns that are not represented.
- 4) Members will serve for a period of at least one year from the start of the CAG in January 2004.
- 5) If a stakeholder group that has been designated as a member loses its representative and/or alternate, that group will select a new representative as soon as possible and seek to inform them of CAG work-to-date so that they are well informed as they begin.

III. Responsibilities of Community Advisory Group Membership

Members agree to:

- 1) Attend all regularly scheduled meetings. If a member is not able to attend a meeting, s/he may communicate views through another member or the facilitators.
- 2) Participate in educational briefings on the past and the present of the site, as needed, to ensure a shared knowledge of key issues, technologies, and the Superfund process.
- 3) Arrive at each meeting prepared to discuss the issues on the agenda. Preparation includes reviewing meeting summaries and materials mailed out prior to each meeting.
- 4) Help formulate the Group's meeting agendas and work plans.
- 5) Represent the views of her/his constituents (i.e. organizations, businesses, or neighborhoods) as well as his/her own individual views.
- 6) Provide information to the public and to constituents to ensure that the larger public is kept informed of the CAG's efforts.
- 7) Strive throughout the process to engage in respectful, constructive dialogue with other members of the group, bridge gaps in understanding, and seek creative resolution of differences.

IV. Responsibilities of the U.S. Environmental Protection Agency (EPA)

The U.S. Environmental Protection Agency agrees to:

- 1) Attend all regularly scheduled meetings.
- 2) Participate in and conduct educational briefings on the past and the present of the site, as needed, to ensure a shared knowledge of key issues, technologies, and the Superfund process.
- 3) Arrive at each meeting prepared to discuss the issues on the agenda. Preparation includes reviewing meeting summaries and materials mailed out prior to each meeting.
- 4) Prepare and provide presentations on relevant technical, legal, and other pertinent cleanup issues as requested by the CAG.

- 5) Assist the group in formulating its agendas and work plans, and in particular, help the CAG coordinate its work with the technical program and schedule.
- 6) Mail information pertinent to meeting agendas (the agenda itself, background materials) at least ten days (10) prior to CAG meetings.
- 7) Respond to action items and other requests of the CAG in a clear, direct, and timely fashion.
- 8) Consider seriously and in good faith the input of the CAG and provide responses to that input so that the CAG is able to see the impact of its input.
- 9) Provide resource support to the CAG in terms of funds for facilitation and technical assistance through a TOSC grant.
- 10) Strive throughout the process to engage in respectful, constructive dialogue with CAG members, bridge gaps in understanding, and seek creative resolution of differences.

V. Responsibilities of Community Advisory Group Liaisons

Several entities will serve as liaisons to the Community Advisory Group because of their role in the overall remediation effort. Liaison will include: the New York State Department of Environmental Conservation (NYSDEC), the New York State Department of Health (NYSDOH), the New York State Canal Corporation (NYSCC), and General Electric, Inc (GE). It should be noted that US EPA is the lead agency with the CAG and will be the primary respondent to issues regarding the Hudson River PCBs site, remedial design and implementation. The liaisons represent an additional resource and shall provide relevant responses and information, as necessary and appropriate.

The liaisons' role may include:

- 1) Attend regularly scheduled meetings, as appropriate per the agenda.
- 2) Participate in and conduct educational briefings, on relevant technical, legal, and other pertinent cleanup issues related to the Hudson River PCBs site to help ensure a shared knowledge of key information.
- 3) Arrive at meetings prepared to discuss the issues on the agenda, as appropriate. Preparation includes reviewing meeting summaries and materials mailed prior to each meeting.

- 4) Provide input during CAG discussions, as needed and appropriate.
- 5) Consider seriously and in good faith the input of the CAG.
- 6) Strive throughout the process to engage in respectful, constructive dialogue with CAG members and help bridge gaps in understanding.

VI. Communication among Members and Meeting Attendees

In order to facilitate an open and collaborative discussion, members and the public who attend meetings will agree to the following rules:

- 1) Only one person will speak at a time and no one will interrupt when another person is speaking.
- 2) Each person will express his or her own views rather than speaking for others at the table.
- 3) No one will make personal attacks or issue statements blaming others for specific actions or outcomes. If a personal attack is made, the facilitator may ask the members to refrain from personal attacks. If personal attacks continue, the facilitator may ask the group to take a break to “cool off.”
- 4) Members will avoid grandstanding and filibustering (extended comments and questions) in order to allow everyone a fair chance to speak and to contribute. The facilitator will ask members to hold their comments and allow time for others to comment, as needed.
- 5) Each person will make every effort to stay on track with the agenda and to move the deliberations forward.
- 6) Members are expected to communicate concerns, interests and ideas openly and to make the reasons for their disagreements clear.
- 7) In order to encourage open, frank, and informal dialogue, meetings will not be tape-recorded or videotaped by the facilitators. However, given that meetings will be open to the public, individuals may tape record and/or videotape meetings, as they deem useful and necessary as long as they notify the group of such action publicly and clearly prior to taping.

- 8) When speaking with others outside the CAG, members will be clear that they are representing their views and concerns as an individual or as an organizational representative and cannot speak for the CAG as a whole.
- 9) Members and alternates will abide by these ground rules when communicating with one another on CAG business via phone, email, and other means.

VII. Developing Group Input and Providing Input Within the CAG's Scope

The purpose of the CAG is to provide a way for members of communities and stakeholders along the entire Hudson River site to present and discuss their needs and concerns related to the site design and cleanup decision-making process. The CAG does not serve as a decision-making body. It is not a voting entity and does not set policy or make decisions regarding project design and implementation (from the CIP). However, the CAG can and shall serve as a forum for information sharing and input regarding the implementation of the Record of Decision (ROD).

A. Forms of Input

The CAG may provide input to the U.S. EPA and others in the following ways:

1. Provide individual comments and suggestions made at CAG meetings.
2. Develop specific action items for follow-up at later meetings.
3. Develop joint input, when and if, appropriate.

Participation in the CAG does not prevent, constrain, or exclude any individual CAG member from issuing individual or organizational comment during public comment periods.

B. Providing Input

The CAG will be an advisory, not a decision-making, body. The committee may wish to develop recommendations or statements of principle or simply provide input and feedback to EPA depending on the issue. The purpose of the CAG is to obtain the advice of CAG member interests, and not for the purpose utilizing the group to obtain consensus advice or recommendations, although many, or all, individual CAG members may agree on certain issues.

VIII. Role of Facilitators

The facilitator(s) will:

- 1) assist in formulating the agendas;
- 2) facilitate meetings;
- 3) assist the CAG members in complying with ground rules;
- 4) identify and synthesize points of agreement and disagreement;
- 5) assist in building agreement among members when and as needed;
- 6) serve as a confidential communication channel for members or observers as needed. In the event that a member is unable to speak about a concern directly to another member, he or she can contact the facilitators by phone (or in person). The facilitators may serve as a channel for such concerns as well as work with parties between meetings, as necessary, to resolve conflict. Upon request, all information or views shared during conversations with the facilitators will be kept confidential.
- 7) prepare meeting summaries and track action items and future agendas; and,
- 8) advocate for a fair, effective, and credible process, but remain completely nonpartisan with respect to the outcome of the deliberations.

The facilitators are bound to the Society for Professionals in Dispute Resolution's Code of Ethics that states: "The neutral must maintain impartiality toward all parties. Impartiality means freedom from favoritism or bias either by word or by action, and a commitment to serve all parties as opposed to a single party."

IX. Meeting Summaries and Meeting Notification

The facilitator will prepare meeting summaries of issues discussed, input offered, action items, next steps, and key issues. The meeting summary will be distributed in draft form to CAG members for review and approval.

Notice of Committee meetings will be made by notifying members via email, regular mail, and by posting meeting dates in neighborhood and city publications.

X. Public Attendance, Public Comment and the Media

All Committee meetings will be open to the public and the media.

A. Public Comment

The public is invited and encouraged to attend. The CAG meetings are held primarily for the benefit of CAG members and to encourage dialogue among the CAG and project liaisons from EPA, DEC, and other organizations. Thus, public opportunity for comment will be limited. The CAG will seek to provide a public comment period at the end of each CAG meeting.

B. Media

The CAG respectfully notes the following regarding the media's participation in CAG meetings.

- 1) CAG meetings are open to the public and the media to ensure public, transparent information sharing and deliberation. The CAG encourages media participation.
- 2) The CAG facilitator and EPA will designate a section of each meeting space, as needed, for television cameras, prominent recording devices, or other equipment.
- 3) Disruptions to CAG meetings or individual CAG members during meetings will not be tolerated. The facilitator will stop the proceedings, as needed, to bring order.

The CAG respectfully asks media representatives to:

- 1) Keep their cameras, recording devices, and any other equipment within the designated area. Roaming equipment (microphones, cameras, etc.) will not be permitted during CAG meetings.
- 2) Be respectful of CAG members and recognize this is a deliberative meeting for CAG members.
- 3) Allow members of the public to make comments during any public comment period without interference.

- 4) Seek quotes and information from EPA, CAG liaisons, and CAG members before meetings, at breaks, or after meetings so as not to disrupt the dialogue.

Members are free to make statements to the press regarding their own opinions, but agree not to attribute statements to others involved in the process. No member should presuppose to speak for the group as a whole. In order to facilitate productive deliberations, members will make every effort to abide by the ground rules under the section "Communication" listed above while interacting with the media.

XI. Agenda Planning

The CAG will plan its own agendas. Agenda planning will involve the following activities.

- 1) The facilitators will work with EPA and others to coordinate the CAG schedule with the technical program and schedule.
- 2) The facilitators will keep track of proposed future agenda items that arise in Working Group meetings.
- 3) Within two weeks of a Working Group meeting, any Working Group member may notify the facilitators of any additional potential agenda items for the next meeting. There will also be space for "brief updates and new agenda items" at the end of each meeting agenda.
- 4) The facilitators will work to develop an agenda that is acceptable to all and ensure the group has a copy ten (10) days prior to the CAG meeting.

XII. Chairs, Annual Reviews, and Other Issues

Because the group is facilitated, the CAG will not designate a chair.

After one year of operation, the CAG will review its ground rules and efforts to-date and make adjustments, as necessary, to improve its operations and effectiveness.