

Newtown Creek Community Advisory Group Operating Procedures and Mutual Commitments

Suggested Revisions to 2012 version: September 24, 2018

CAG Role and Mission Statement

The Newtown Creek Community Advisory Group (CAG) was established by the U.S. Environmental Protection Agency (EPA) and stakeholders to represent the interests of the communities and stakeholders, to receive and share information, and to provide advice and input regarding the remediation of the Newtown Creek Superfund Site (the Site).

The CAG is designed to serve as an ongoing vehicle for information-sharing, discussion, and, where possible, consensus-building regarding decision-making related to the Site. Its members represent a diverse cross-section of key stakeholder interests, including affected property owners, concerned residents, local governments, community groups, environmental groups, health experts, the business community, and others as appropriate.

The CAG serves in an advisory role to the EPA only. While the CAG is encouraged to make recommendations and/or requests, those recommendations are not binding. CAG meetings are intended to provide an opportunity for all relevant points of view to be discussed constructively and openly.

CAG Goals and Objectives

The goals and objectives of the CAG are as follows:

- To provide an open forum for the exchange of ideas, information, and concerns among the communities in and around Newtown Creek and the EPA.
- To develop a thorough and objective understanding of the Site from the standpoint of environmental and health implications, remediation options, and overall community objectives.
- To offer EPA informed, realistic recommendations on short- and long-term actions to be taken regarding cleanup of the Site.
- As needed, the CAG will develop and modify the objectives, tasks, and schedules for accomplishing its goals. Either the agencies or the CAG may propose additional goals.

Requirements and Responsibilities

CAG Membership and Member Responsibilities

The CAG will include the following roles, described in more detail below.

- CAG members
- CAG co-chairs
- CAG steering committee
- The U.S EPA
- CAG facilitator
- CAG Technical Assistance Services for Communities (TASC) support.

CAG membership

Membership in the CAG will be a self-nomination process for all individuals who meet the requirements of CAG membership articulated below and who are willing to honor the responsibilities associated with CAG membership. CAG membership must be ratified by a consensus vote of the Steering Committee. Removal from the CAG of individuals for failure to meet the requirements or responsibilities of CAG membership will be accomplished by a consensus vote of the Steering Committee. New CAG members will be welcome to join at any point throughout the process.

The CAG will invite agency staff and other individuals who can assist the CAG with information needs to serve as non-voting or ex-officio participants, as appropriate.

CAG member requirements and responsibilities

- Must have a legitimate connection to the community or issues affecting Newtown Creek.
- Must attend the majority of meetings, receive information, and complete homework assignments (if any).
- Review meeting summaries prior to the next CAG meeting.
- Seek first to understand, then to be understood.
- Work civilly and collaboratively with other CAG members and strive toward consensus agreements.
- Participate in work group activities (if any).
- Openly communicate CAG progress with people or groups with whom they are affiliated but not speak for the CAG as a whole.
- Gather feedback from others in their organization or community to share with the CAG.
- Comply with these Operating Procedures.

Mutual commitments

The members of the CAG, in order to guarantee shared success, make the following commitments to each other:

- EPA agrees to assist the CAG by providing information that the CAG needs in order to develop and offer informed input.
- EPA agrees to consider CAG input along with public comments while making decisions about the Site.
- CAG members agree to consider thoughtfully all information and the needs of the community and its key stakeholders, and to provide constructive advice, suggestions, and input to the agencies.
- The success of the CAG will depend largely on the consistent engagement of CAG members. CAG members commit to make a concerted effort to attend all meetings of the CAG.
- CAG members agree to consider the needs of the entire community and its key stakeholders thoughtfully and to work constructively together to meet all stakeholders needs.
- CAG members commit to understand, respect, and when possible support the goals and objectives of all segments of the community.

Conduct at Meetings

Participants agree to follow the facilitator's guidance regarding conduct at meetings and agree to adhere to the following guidelines:

- Be on time.
- Listen as an ally, not as an adversary. Listen with an open mind and heart.
- Speak one at a time; interruptions and side conversations are distracting and disrespectful.
- Be concise. Speak only once on a particular issue unless you have new or different information to share.
- Ask for clarification; do not assume you know what someone means.
- Disagree respectfully and openly, not in private.
- Focus on the issue, not the speaker.
- Treat each other with respect, as you would like to be treated.
- Allow all members to participate equally; avoid dominating.
- Honor time limits.
- Turn off all cell phones; take or make all calls outside the room.

Meeting attendance and alternates

The success of the CAG will depend largely on consistent attendance by the CAG members and ex-officio members. CAG members are expected to make a concerted effort to attend all meetings of the CAG. Unless the CAG informs the ex-officio members that their attendance is not requested at a meeting, their concerted effort to be present is also expected.

Members who fail to attend half of the scheduled meetings in a calendar year may be removed from the CAG by consensus of the CAG members present at the first scheduled meeting of each calendar year.

Right to resign

Any CAG member may resign from the CAG at any time.

CAG Co-Chairs' Responsibilities

The Steering Committee will nominate and CAG members will ratify by consensus co-chairs to organize and lead the CAG's efforts throughout the term of the CAG's existence. The facilitator will provide guidance and coaching support to the co-chairs at the beginning of the CAG process. The co-chairs' responsibilities will include but are not limited to:

- Participating in meeting agenda planning.
- Building and maintaining consensus on CAG initiatives.
- Maintaining a level playing field for all participants.
- Keeping the group focused on the roles and purpose of the CAG.
- Encouraging active listening.
- Coordinating and building connections and trust among participants.
- Working with the facilitator to provide basic CAG support including arranging meeting space, maintaining a CAG website, and maintaining an up-to-date list of CAG members and other interested parties.
- Distributing meeting notices and other information to members.
- Formulating TASC requests.
- Orienting new members.
- Working with the facilitator and TASC advisors.

CAG co-chairs will serve a one-year term and will be eligible to serve an unlimited number of terms. The initial one-year term will commence on the date that these Operating Procedures are ratified. Prior to the end of each one-year term, the Steering Committee will nominate, by consensus, the following year's CAG co-chairs. The co-chairs must be approved by a consensus vote of the general CAG membership.

Steering Committee Role and Membership

Steering Committee role

The Steering Committee consists of individuals and organization representatives who are recognized as community leaders interested in remedial activities at the Site. The Steering Committee members' roles are as follows:

- Agree on and ratify the initial CAG Operating Procedures, including provisions for adding CAG members and future amendments to the Operating Procedures.
- Establish CAG leadership, including co-chairs, who will be ratified at a meeting of the full CAG.
- Create an agenda planning group from among the Steering Committee to work with EPA, and others as appropriate, to develop agendas for CAG meetings.

- Coordinate comments to EPA and others on remedial documents with the assistance of the TASC technical provider.
- Work with the CAG facilitator to support a well-functioning CAG.
- Act as stewards for creating and maintaining a legitimate and successful CAG process.
- Perform outreach to attract and invite new members.
- Maintain records of their work by posting agendas and/or brief meeting summaries from Steering Committee meetings on the CAG website.

Steering Committee Membership

Participation in the Steering Committee will be a self-nominating process for those willing to share the tasks and responsibilities of managing the CAG process. Steering Committee membership will be ratified by a consensus vote of the full CAG membership. Removal of an individual from the Steering Committee for failure to meet Steering Committee responsibilities can be accomplished by recommendation of the other Steering Committee members and will be subject to consensus ratification of the full CAG. New Steering Committee members will be accepted on a rolling basis throughout the life of the CAG. If more than 15 CAG members are interested in serving on the Steering Committee at any one time the Steering Committee will propose to the general CAG membership for ratification, an Operating Procedures amendment that establishes term limits, nominating procedures, voting procedures, and other rules as necessary to maintain a fair and representative Steering Committee that does not exceed 15 members.

The CAG will review the Steering Committee membership on an annual basis, and suggest changes from time to time to ensure inclusion, participation across interest groups, and opportunities for new participants.

The Facilitation Team Role

The facilitation team will act as an independent, non-partisan facilitator to plan agendas, facilitate meetings, track issues, help move discussions forward, prepare brief meeting summaries, orient new members, and assist with CAG coordination and communication. The facilitator's role is to help foster an independent and successful CAG that legitimately represents and communicates the interests of all segments of the community.

The TASC Technical Assistance Role

The TASC technical assistance consultant(s) will provide technical assistance to review and summarize key technical documents, create fact sheets and other communications materials, and provide other technical support functions within the scope of the TASC contract. For specific tasks, the CAG co-chairs, in consultation with the Steering Committee, will identify any specific needs or tasks, put that request in writing via email or other means, and then forward to EPA. EPA Region 2 will in turn raise any clarifications, questions, and concerns with the co-chairs, then forward the request to

EPA Headquarters for official tasking.

Logistics

Meeting Agenda Planning

The CAG will utilize the following process to ensure effective, focused, and well-planned meetings:

- Agenda planning for all CAG meetings will be the joint responsibility of the Steering Committee's agenda planning group and EPA with the support of the facilitator.
- Each agenda will follow the same general format: 1) introductions, meeting summary and agenda approvals; 2) brief overall project updates from US EPA; 3) one or more detailed presentations as developed above, by US EPA, or others; 4) new business; and 5) next steps and adjourn.
- The agenda planning group will meet via teleconference or other means at least six (6) weeks prior to the next meeting to identify key agenda items for that meeting. The CAG will offer ideas and issues for CAG discussion, including detailing the kinds of information under that topic it is seeking. The EPA will also offer ideas and issues for CAG discussion related to the technical schedule, key upcoming work and document production.
- For key agenda topics, the lead will develop draft presentations, outlines, and/or materials and the agenda planning group will seek to review drafts and provide feedback prior to CAG meetings. The lead may be a CAG member, the EPA, or others such as NYS DEC, as appropriate. The intent of feedback is to help ensure alignment with CAG members' needs, goals and questions. The intent is not to overprescribe or oversee presenters' presentations.
- If "last minute" issues arise, the CAG or EPA may request a brief update or verbal announcement at the CAG and CAG agendas will allow for "new business" but last minute, detailed presentations will not be expected.
- The facilitator will assist in agenda planning and development

CAG Meetings

The CAG will utilize the following general meeting format:

- The CAG will hold two kinds of meetings: 1) full CAG meetings held every other month, approximately 3 to 4 times per year; 2) technical CAG meetings held in between full CAG meetings, approximately 3 to 4 times per year.
- Full CAG meetings will be designed for a general audience to allow for both new entrants and long-term CAG members to participate, using such tools as "primer" presentations, fact sheets, and poster boards to orient newer attendees.
- Technical CAG meetings will be focused on more detailed technical discussions and presentations, usually requiring a reasonable knowledge of the Superfund Program, the Site, and technical issues to participate, though all are welcome.
- Every 12 to 18 months, the CAG will organize, sponsor, and hold an "Update

Forum” for the larger community to inform CAG members’ constituencies about the year’s past work and progress and what to look forward to in the coming year. This forum will seek to involve a much broader swath of the community, provide broad outreach and education, and serve as a tool to recruit new CAG members.

- The CAG will establish an annual meeting schedule of CAG meetings at the beginning of each calendar year to ensure consistent and clear meeting times and dates.
- Meetings of the CAG will be open to the public.
- At any meeting of the CAG, the presence of 50 percent plus one of the members then serving shall be necessary to constitute a quorum.
- Meetings will be held at convenient location(s) determined with input from the CAG and rotating throughout the two borough areas. Meeting venues will be announced at least 15 days in advance.
- Work group meetings will be held as needed (in-person or by conference call) and may be closed to the public at the discretion of the members. A brief summary of the deliberations of any closed session must be prepared and made available within a reasonable time.

CAG Decision Process

The CAG will endeavor to make substantive decisions or recommendations by consensus (agreement) of all members (or alternates if representing members) that are present at the meeting. If the CAG is unable to reach consensus on its comments or recommendations, the CAG may report its findings in majority and minority reports.

Observers

All persons attending meetings who are not CAG members are considered observers. Observers may speak only at times designated for observer comments on the meeting agenda. Members of the public may also offer written comments to the CAG by submitting comments to the co-chairs. The CAG may schedule special meetings for extended interaction with interested members of the public.

Media Relations

No CAG member will speak for the CAG to the media without the consensus of the CAG. Any CAG member who chooses to speak to the media without approval of the CAG must specify that he or she is not speaking on behalf of the CAG. CAG members may develop a specific plan for interacting with media representatives.

Meeting Summaries

The facilitation team will initially prepare draft summaries of the CAG meetings. Summaries will be made available to all CAG members via a mailing or electronic distribution list developed by the CAG. The review process will work as follows:

- The meeting summary contents will include at least the following: 1) summary of action items and next steps; 2) reference to URL site location of presentations

made; 3) summary of key comments raised and issues discussed; 4) members attending.

- The meeting summaries will be submitted in draft form from the facilitator jointly to the Steering Committee and EPA within two weeks of a meeting. The EPA and Steering Committee will have two weeks to review and provide comments. Comments will be incorporated into revised summary by the facilitator. If no comments are received from the Steering Committee or EPA, the process will continue as follows and either the EPA or the Steering Committee can offer their comments at the next CAG meeting along with CAG members.
- The CAG will receive a draft meeting summary at least 3 business days before the next CAG meeting.
- The CAG may suggest any proposed changes at the following CAG meeting and the CAG will dispose of any final comments or revisions and approve.
- Once approved by the CAG, the meeting summaries will be posted on the CAG website (s).

Amendments to CAG Operating Procedures

After adoption, these Operating Procedures may be amended only by consensus of all members present at the meeting in which the amendments are presented for adoption. Members shall be given reasonable advance notice of proposed amendments.