

# **Newtown Creek Community Advisory Group Operating Procedures and Mutual Commitments**

**Revised January 2025**

## **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.
- To work toward a cleaner, more accessible, more environmentally just, recreationally and commercially usable Newtown Creek.
- 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.

## **Membership, Categories and Responsibilities**

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

- CAG members
- CAG co-chairs
- CAG steering committee
- CAG liaisons
- The U.S EPA
- The NY DEC
- The NYC DEP
- Responsible or Potentially Responsible Parties (PRPs)
- CAG facilitator
- CAG Technical Assistance Services for Communities (TASC) support.

### **CAG members**

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 by completing an on-line application available at: <https://newtowncreekcag.org>.

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

### **CAG member requirements and responsibilities**

- Have a legitimate connection to the community and the issues affecting Newtown Creek.
- Consider the long-term health, use, and protection of the Creek for future generations.
- Attend most 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 majority 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.
- Not a regulator or agency overseeing some portion of the cleanup
- Property owners and businesses along the Creek are encouraged to be members if not a designated PRP by EPA
- Agents of members (attorneys, consultants, etc.) cannot be members but may represent members if clearly designated by that member and actively participate on their behalf

- Comply with these Operating Procedures.

#### CAG Meeting attendance and alternates

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.

#### CAG Member Right to Resign

Any CAG member may resign from the CAG at any time. The CAG membership will be reviewed annually by the Steering Committee and any members not in any attendance in the previous year will be asked if they wish to maintain their CAG membership.

#### CAG Co-Chairs' Responsibilities

The CAG co-chairs should be CAG members and community members who are able to commit sufficient time to the group. 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.

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.

#### **Steering Committee Role and Membership**

The Steering Committee consists of individuals and organizational 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.

The CAG Steering Committee members should be CAG members who: 1) have participated in the CAG previously and are familiar with CAG issues and processes; 2) are able to commit sufficient time to participate in SC responsibilities. CAG Steering Committee members will serve a one-year term and will be eligible to serve an unlimited number of terms.

Prior to the end of each one-year term (typically the end of the year), the Steering Committee will put forth its current membership, minus any current SC members who no longer wish to serve in this role, for approval, by consensus by the general CAG membership. At this time any interested CAG member wishing to join the Steering Committee may offer their interest and time as well. Then, the Steering Committee membership will be ratified by a consensus vote of the full CAG membership.

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 will gather feedback on the Steering Committee membership from CAG members and lead the annual review during a meeting.

Removal of an individual from the Steering Committee may be necessary if it is determined that the individual is unable to complete Steering Committee responsibilities. Removal of a member would be subject to a consensus decision by the remaining Steering Committee members with notification to the 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.

### **CAG Liaisons**

- CAG liaisons are those elected officials and their staff at the local, state, and federal level who may choose to participate in and follow the CAG proceedings
- Liaisons may be active participants in CAG meetings but will not have any consenting role in decision making on recommendation-making from the CAG to EPA or others,

### **Federal, State and City Agencies**

- EPA is the agency with the primary lead in oversight of the Superfund Cleanup. EPA is encouraged to attend all CAG meetings (but for CAG only meetings for community deliberation), to share presentations and information, to help develop and adjust annual work plans, to meet with the Steering Committee as needed, and to take seriously the input of CAG members (see mutual commitments below).
- NYS DEC is the agency with the primary lead in the oversight of the investigation and cleanup of the upland sites along the Creek. DEC is encouraged to attend all CAG meetings (but for CAG only meetings for community deliberation), to share presentations and information, to meet with the Steering Committee as needed, and to take seriously the input of CAG members.
- NYS DoH is the agency with primary lead in public health and may participate as well
- NYC DEP is the City's agency with a dual role of protecting the City's environment while also being a PRP. This makes the DEP role more complex. However, DEP is encouraged to attend all CAG meetings (but for CAG only meetings for community deliberation), to share presentations and information, to meet with the Steering Committee as needed, and to take seriously the input of CAG members.
- Other participating agencies may include USACE, NOAA, FWS, DOTs (US, NYS NYC), USCG, and other agencies as determined by the CAG.

### **Responsible and Potentially Responsible Parties (PRPs)**

- Both US EPA for the Superfund site and NY DEC for the upland sites can designate a property owner as PRP.
- PRPs are not members of the CAG.
- PRPs are encouraged to attend public CAG meetings, to identify themselves and their roles in meetings, to share information when appropriate, and to support the CAG in information sharing, learning, and understanding.

### **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 it 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.

### **Mutual commitments**

The members of the CAG, 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.

### **Logistics**

#### **Kinds of CAG Meetings**

- All CAG meetings will be open to the public with the exceptions of the following:
  - Steering Committee meetings
  - Meetings involving sensitive questions of membership or personnel matters
  - Meetings involving the development of CAG member input on specific written correspondence to the US EPA or others, expected to be

periodically, and typically around key documents with a public comment period. CAG liaisons may be invited to these meetings, as appropriate.

### **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 adjournment.
- 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 the CAG is seeking for each topic. 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 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 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 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 7 days in advance.
- The CAG may have meetings that are more technical and detailed in nature and may hold special meetings, create work or technical groups.
- 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 will 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.

### **Media Relations**

No CAG member may identify themselves to the media as speaking for the CAG. All statements on behalf of the CAG should come from the Co-chairs and all media inquiries should be directed to the Co-chairs.

### **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) URL to access 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 a revised summary by the facilitator. If no comments are received from the Steering Committee or EPA, the process will continue as follows and the EPA and 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 a majority vote of the Steering Committee members after consultation with the CAG. CAG members shall be given reasonable advance notice of proposed amendments.