

DuPont Pompton Lakes Plant Site Environmental Community Advisory Group Operating Procedures

I. Role, Mission Statement, and Goals

The DuPont Pompton Lakes Works Site 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 DuPont Pompton Lakes Works 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's role is advisory 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.

EPA, New Jersey Department of Environmental Protection (NJDEP), the New Jersey Department of Health and Senior Services (DHSS), the Agency for Toxic Substance and Disease Registry (ATSDR), and Pompton Lakes Borough Council are non-voting, or ex-officio, participants.

CAG Goals and Objectives

- 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 and NJDEP informed realistic recommendations on short- and long-term actions to be taken regarding cleanup of the Site.
- The CAG will develop and modify as needed, the objectives, tasks, and schedules for accomplishing its goals. Either the agencies or the CAG may propose additional goals.

Mutual Commitments

EPA and NJDEP agree to assist the CAG in accessing information that the CAG needs to provide informed input and consider CAG input along with public comments while making decisions about the Site.

CAG members agree to consider the information and the needs of the community and its key stakeholders thoughtfully and to provide constructive advice, suggestions, and input to the agencies.

II. Roles and Responsibilities of the Participants

Approved at November 3, 2010 Meeting

CAG Members

The role of the CAG members is advisory.

The CAG will advise EPA and NJDEP on issues regarding the Site. To do this, CAG members are expected to:

- Attend regular meetings, receive information and training, and complete homework assignments.
- Review meeting summaries prior to next CAG meeting.
- Participate in work group activities.
- Openly communicate CAG progress with people or groups with whom they are affiliated.
- Present their concerns and issues as well as those of people and groups with whom they are affiliated, at CAG meetings.
- Handle, in a responsible manner, information and materials provided by the agencies.
- Comply with these Operating Procedures.
- Work civilly and collaboratively with other CAG members and strive towards consensus agreements.

1. 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, or their alternates, 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 members are encouraged to have an alternate attend a meeting in his or her place if the member is unable to attend and shall provide the name of one designated alternate. Each alternate is encouraged to represent the organizational interest or affiliation of the member, attend CAG meetings, and exchange full briefing information with the member, so that the presence of the alternate will not delay the progress of the CAG. The alternate's attendance at a meeting on behalf of the CAG member shall be considered as attendance by the CAG member. Interested parties can only serve as the alternate to one CAG member. There should not be two members of the same household serving on the CAG at a given meeting.

2. Length of Service and Maximum Number of Members

Terms of membership will be two years. Members may serve three terms for a total of six years. The maximum number of CAG members serving at any one time shall be 20 (including ex-officio members). EPA will periodically review CAG membership to promote and ensure appropriate community representation.

3. Right to Resign

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Any CAG member may resign from the CAG at any time. If the resigning member represented an organization, that organization may select a replacement to sit on the CAG. If the organization resigns from the CAG, the CAG will evaluate the need to replace that stakeholder interest or organization. If the CAG agrees to replace the resigning organization, the provisions in subsections 4 and 5(a) below should be followed to replace that organization.

4. Replacement, Addition or Removal of CAG Members

Replacement or Adding New Members – Nominations for replacement of a CAG member should meet, as far as possible, the CAG’s existing stakeholder balance, diversity, and geographical distribution. A list of the current stakeholder interests and their distribution is shown in the footnote below.^a Nominees for new members should represent a stakeholder interest not currently represented.

Removal – Any member of the CAG or a work group may be recommended for removal from membership at a regular or special meeting called for that purpose by the affirmative vote of two-thirds of the CAG members then serving. A CAG member whose conduct is detrimental to the CAG or who refuses to render reasonable assistance in carrying out the purpose of the CAG may be considered for removal. Any such member proposed to be removed shall be entitled to at least five days notice in writing of the meeting at which such removal is to be voted upon and shall be entitled to appear before and be heard at such meeting. A work group chair may be removed from his/her office for misconduct or neglect of duty by an affirmative vote of two-thirds of the CAG members, with notice as provided above. The CAG will evaluate the need to replace that stakeholder interest or organization. If the CAG agrees to replace the member who was removed, the provisions in Sub-section 5(a) below should be followed.

5. Voting on CAG Membership

- a. *Filling CAG Vacancies* - When the CAG votes on replacement of a member organization, the CAG shall use the following procedure:
 - i. The Administrative Committee Chairperson (see Section III) shall announce at a CAG meeting any and all open CAG membership positions.
 - ii. Nominations may be made by CAG members.
 - iii. Nominations shall be accepted in writing by an announced deadline. Nominations shall be submitted to the Administrative Committee only. Each nomination shall include the nominee’s full name and contact information as well as the nominee’s connection to a

^a There are nine seats on the CAG plus ex-officio representatives: Plume area advocates and residents (4 seats, currently one representative from Citizens for a Clean Pompton Lake, one representative from Pompton Lakes Residents for Environmental Integrity and two unaffiliated plume area residents); 1 seat each: Pompton Lakes Lake Restoration Committee, Pompton Lakes Environmental Committee (current member also has real estate experience), Pompton Lakes Business, Technical Professional/Pompton Lakes Resident, and Regional Environmental Organization. Ex-Officio Participants include representatives from: USEPA, NJDEP, NJDOH, ATSDR, Pompton Lakes Borough Council.

stakeholder interest as described herein. Nominations shall also include a resume or similar biographical data.

- iv. The chair of the Administrative Committee shall contact each nominee to confirm that the nominee is willing to serve on the CAG. The chair of the Administrative Committee shall also notify the facilitator that the CAG is ready to hold a vote at the next scheduled meeting so that time can be set aside. The chair of the Administrative Committee shall circulate to all CAG members and designated alternates the names and background information on the nominees as submitted by the candidate.
 - v. At the CAG meeting where the vote will be held, each nominee will give a two to three minute statement or presentation explaining his/her interest in serving on the CAG and what s/he can offer to the CAG. CAG members shall be allotted time to ask questions. Following the statements/presentations and any questions from the CAG members, the CAG shall go into Executive Session. Discussion will be held during Executive Session.
 - vi. Voting shall be by written ballot. In order to vote, a CAG member or his/her designated alternate must be present at the meeting. The written ballots shall be provided by the Administrative Committee and the Administrative Committee shall count the votes.
 - vii. A nominee shall need a majority vote of the members present and voting in order to be seated as a new CAG member; however, if a majority is not reached on the first ballot, a runoff vote between the two nominees receiving the most votes shall be immediately held, and the nominee with the most votes in the runoff vote shall be seated as a CAG member.
- b. *Process for addition of new stakeholder interests to the CAG* – Nominations to add new stakeholder interests to the CAG may be made by any CAG member, and the nominees should represent a stakeholder interest not currently represented on the CAG. The process for nomination and election of a new stakeholder interest shall follow items III – VII above.

EPA and NJDEP

EPA and NJDEP are committed to participating in the CAG and carefully considering its advice regarding the Site. EPA and NJDEP will participate in the discussions of the CAG, openly discussing site knowledge including technical details, institutional constraints, and budgetary information, and will help to clarify previously disseminated information on activities affecting the Site. EPA and NJDEP will continue to hold agency-organized public meetings to share new information regarding sampling or activity at the Site with the public at large. The CAG also invites a representative from the New Jersey Department of Health and Senior Services, the Agency for Toxic Substances and Disease Registry, and a member of the Pompton Lakes Council to attend meetings as needed for any updates related to the site and its cleanup.

CAG Facilitator

If funding (or a qualified volunteer facilitator) is available, a neutral facilitator will lead and coordinate the CAG process and facilitate meetings. The facilitator's role includes:

- Helping maintain a level playing field for all participants.
- Helping clarify roles and purposes of the group.
- Helping parties identify and prioritize the issues that need to be discussed.
- Helping the CAG develop and implement meeting agendas, group goals, tasks, and work plans.
- Helping the CAG stay on task and schedule with meeting agendas and long-term work plans.

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- Intervening to redirect non-productive communications, enforcing behavioral ground rules, and resolving conflicts.
- Helping resolve impasses that develop because of technical complexity, political visibility, poor communication, personalities, or past history.
- Assisting the group in developing/modifying procedural guidelines for the group process.
- Summarizing and documenting agreements to date and tracking action items.
- Coordinating and building linkages/trust among participants.
- Ensuring that all issues are addressed and all parties have an opportunity to be heard.
- Developing draft agendas in consultation with the facilitator, based on CAG input, to be approved by the Executive Committee.
- Working with CAG to set the times and locations for the meetings, and making logistical arrangements, if necessary.
- Distributing meeting notices and other information to members.

Technical Resources for the CAG

During its deliberations, the CAG will receive information from various technical resources including, but not limited to, EPA and NJDEP contractors and regulatory officials.

III. Committees and Work Groups

Executive Committee

The Executive Committee membership shall be composed of the facilitator (if a facilitator is serving the CAG) and chairpersons of the Administrative Committee and work groups. The facilitator shall chair Executive Committee meetings; if a facilitator is not available to support the CAG, the Executive Committee will select its Chairperson. During the intervals between meetings of the CAG, the decisions involving the daily business operations of the CAG may be made by a majority vote of the Executive Committee; however, this committee shall have no authority to set CAG policy or to make any recommendations to EPA or NJDEP concerning issues that fall within the scope of the CAG authority.

The Executive Committee shall endeavor to ensure that information is received by the CAG early enough in the decision-making process to allow meaningful and timely comments or recommendations by the CAG.

Administrative Committee

This Committee shall consist of no less than three members of the CAG. The members and chairperson of this Committee shall be selected by the CAG. The facilitator shall serve as a member of this Committee. This Committee shall advise the CAG on any issue that arises pertaining to the substance or scope of these Operating Procedures. Proposed amendments to the Operating Procedures shall be submitted to the Administrative Committee for recommendation to the CAG in accordance with the guidelines and procedure set forth in the section "Amendments to CAG Operating Procedures" below.

This Committee shall also conduct membership replacement functions.

Work Groups

Work groups may be formed to address specific topics or issues and make recommendations to the full CAG. The decision to form (or disband) a work group shall be made by agreement of at least three-quarters of the CAG present at the meeting where the proposal is made. Work group membership is voluntary. A work group chairperson will be selected by the work group membership.

Work groups may comprise CAG members and their alternates. Other volunteers may serve on work groups, if recommended and approved by at least three-quarters of the CAG members present at the meeting when the proposal is made. The work groups are not authorized to make decisions or recommendations for the CAG as a whole. Work group meetings will be held between full CAG meetings and scheduled at the convenience of the participants. Alternately, work group meetings may be held by teleconference. All CAG members, alternates, and other work group members will be notified of all work group meetings. Either the CAG facilitator or the work group chairperson will provide notification and written summaries of work group meetings.

IV. CAG Procedures

CAG Meetings

Meetings of the CAG will be open to the public. As needed, meetings will be held monthly on a regular date as agreed to by CAG members, unless the CAG adopts a different schedule. 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. Special meetings of the CAG may be called any time at the request of a majority of members. All procedural requirements for a regular meeting shall apply to Special Meetings if the majority of CAG members are present.

Meetings will be held at convenient location(s) determined with input from the CAG. 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.

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 beepers and cell phones; take or make all calls outside the room.

CAG Decision Process

1. Consensus

The CAG will endeavor to make substantive decisions or recommendations by consensus (agreement) of all members (or alternate if representing a member) that are present at the meeting. Ex-officio members will not participate in determinations of consensus. In the event of irreconcilable differences of opinion, the meeting summary will reflect the different viewpoints expressed. In order to focus discussion and determine if further discussion is needed on a particular issue, the facilitator may use a variety of techniques to evaluate the strength of the various viewpoints. Procedural decision-making may be made by a vote of three-quarters of the CAG members present at the meeting where the decision is made unless specified otherwise in these Procedures.

2. Majority/Minority Reports

If the CAG is unable to reach consensus on its comments or recommendations, the CAG may report its findings in majority and minority reports. In addition, CAG members wishing to abstain from any particular CAG position may request that the abstention be noted clearly in the meeting summary and in any documents prepared and submitted by the CAG.

3. Use of Consensus Recommendations

To the extent that the CAG reaches a consensus agreement on recommendations regarding the Site, EPA and NJDEP participants will convey the consensus recommendations to their respective agencies.

When there is complete consensus, the CAG shall have the ability to pass a resolution with recommendations to the agencies or officials that will formally be sent on letterhead to the proper parties.

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.

Observers

All persons attending meetings who are not CAG participants 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 facilitator. 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

Draft summaries of the CAG meetings will be prepared by the facilitator (or EPA, NJDEP, a CAG member, or other volunteer) and reviewed by the CAG members, and EPA and NJDEP. Whenever possible, summaries will be made available to all CAG members at least two weeks prior to the next regular CAG meeting and sent to all individuals on a mailing or electronic distribution list developed by the CAG. The meeting summaries will be submitted in draft form to the CAG members, who will then review and propose any changes. At the beginning of each meeting, the CAG will make changes and finalize the summary of the previous meeting by vote^b.

Agendas

CAG meeting agendas will be drafted by the facilitator in consultation with the Executive Committee, CAG members, and ex-officio members. The agenda will be reviewed at the beginning of each meeting and will be revised, if agreed by the CAG. Committee and work group meeting agendas will be developed by their leadership in consultation with Committee and work group membership.

Administrative Support

EPA, together with state agencies, local government(s), local universities, and others may assist the CAG with administrative support.

Resources permitting, agency administrative support for the CAG may include the following:

- Arranging for meeting space in a central location.
- Preparing and distributing meeting notices and agenda.
- Taking notes during meetings and preparing meeting summaries.
- Duplicating site-related documents for CAG review.
- Duplicating and distributing CAG review comments, fact sheets, and other materials.
- Providing mailing services and postage.
- Preparing and placing public notices in local newspapers, through the Borough Council, public access radio and television, agency websites related to the site, and email listserves.
- Maintaining CAG mailing lists.

^b A CAG member has volunteered to make a digital audio recording of meetings and make them available on the internet. At the November 3, 2010 meeting the CAG decided to assess this after a period of time to determine if the process should be continued or formalized.

Annual Organizational Meeting

The CAG shall hold its annual organizational meeting as part of its first meeting of the calendar year, unless the CAG designates an alternative date. At this meeting the meeting attendance for the past year will be reviewed, elections will be held (if scheduled) and the CAG process and progress will be evaluated.

V. Safeguards for the Participants

Good Faith

All participants agree to act in good faith in all aspects of the CAG's deliberations. In order to encourage the free and open exchange of ideas, views, and information prior to achieving consensus, participants agree not to use specific offers, positions, or statements made by another participant outside the CAG process. No CAG member will speak for the CAG without the consensus of the CAG.

Personal Attacks

Personal attacks and prejudiced statements will not be tolerated. As provided in Section II. 4, A CAG member (or work group member) whose conduct is detrimental to the CAG process may be considered for removal.