

BoRit Asbestos Area Community Advisory Group

MISSION AND OPERATING PROCEDURES

**(Adopted October 3, 2007)
(Amended February 4, 2009)
(Amended August 4, 2010)
(Amended October 3, 2010)**

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BO RIT ASBESTOS AREA COMMUNITY ADVISORY GROUP MISSION AND OPERATING PROCEDURES

(As adopted by the CAG at its October 3, 2007 Meeting, then amended at February 4, 2009, August 4, 2010 and October 3, 2010 CAG Meetings)

I. MISSION STATEMENT and GOALS

The BoRit Asbestos Area Community Advisory Group (CAG) was established by the U.S. Environmental Protection Agency (EPA) and community members to represent the interests of the communities surrounding the 32 acre BoRit Asbestos Area near the intersection of Whitpain Township, Upper Dublin Township, and Ambler Borough, Pennsylvania, in providing advice and input regarding the BoRit Asbestos Area. The BoRit Asbestos Area is made up of three areas each under different ownership. Area #1 is known as the BoRit site (a.k.a. Kane Core property) and comprises approximately 6 acres. Area #2 is known as the Wissahickon Waterfowl Preserve (a.k.a. the Reservoir site) and comprises approximately 15 acres. Area #3 is known as the Wissahickon Park (a.k.a. Whitpain Park) and comprises approximately 11 acres.

The CAG is designed to serve as an ongoing vehicle for information-sharing, discussion, and, where possible, consensus-building regarding decision-making on agency efforts regarding the BoRit Asbestos Area. Its members represent a diverse cross-section of key stakeholder interests, including affected property owners, concerned residents, planning interests, community groups, environmentalists, health experts, the business community, affected municipalities and others as appropriate. EPA, the Pennsylvania Department of Environmental Protection (PADEP), the Agency for Toxic Substances and Disease Registry (ATSDR), and the Pennsylvania Department of Health (the health agencies) are non-voting participants (except when voting on membership).

The CAG's role is advisory only. While the Group 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.

A. CAG Goals

1. To develop a thorough and objective understanding of the BoRit Asbestos Area from the standpoint of environmental and health implications, sensible and sensitive land use and overall community objectives.

2. To reach consensus on a range of possible uses that make the BoRit Asbestos Area a safe, attractive and productive community asset.

3. To offer EPA and DEP informed realistic recommendations on short and long term actions to be taken regarding cleanup and future use of the BoRit Asbestos Area.

B. Mutual Commitments

The EPA and PADEP pledge to (a) assist the CAG in accessing information the CAG needs to provide informed input, and (b) consider CAG input along with public comments while making decisions about the BoRit Asbestos Area.

The CAG members pledge 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.

Either the agencies or the CAG may propose additional goals, as amendments to the CAG Mission and Operating Procedures (in accordance with Section IV.J).

II. ROLES AND RESPONSIBILITIES OF THE PARTICIPANTS

A. CAG Members

Each CAG Member can represent only one constituent group at a time.

The role of the CAG Members is advisory. The CAG will advise EPA and PADEP on issues regarding the BoRit Asbestos Area. To do this, CAG Members are expected to:

- Attend regular meetings of the group;
- Openly communicate CAG progress with people or groups with whom they are affiliated;
- Present their concerns and issues, and those of people and groups with whom they are affiliated, at CAG meetings, on conference calls, in Workgroup meetings, and
- Work collegially with other CAG Members and strive towards consensus agreements.

1. Meeting Attendance and Alternates

The success of the CAG will depend largely on the consistent attendance by the CAG Members, EPA and PADEP. CAG Members are expected to make a concerted effort to attend all meetings of the CAG. Unless the CAG informs EPA, PADEP, and the health agencies 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. Notification will be made at the November meeting of an upcoming election to fill a likely vacancy.

CAG Members are encouraged to have an Alternate attend a meeting in his or her place and shall provide the names of no more than two Designated Alternates. 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. A Designated Alternate can only serve as the Alternate to one CAG Member.

2. *Length of Service and Maximum Number of Members*

There is no defined length of service for CAG Members. However, the maximum number of CAG Members serving at any one time shall be 26. In making membership decisions, the CAG and the agencies will reserve a membership for the owners of BoRit Asbestos Area 1, 2 and 3 (as defined in Section I). EPA and PADEP will periodically review CAG membership to promote and ensure appropriate community representation.

3. *Right to Resign*

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

4. *Replacement or Addition of CAG Members*

EPA, PADEP, and the CAG will jointly select new Members (if nominated) or replacements for those Members who have resigned from the CAG or who have been removed for lack of attendance. When a replacement is selected for a member who has resigned, every effort will be made to have the replacement represent the same stakeholder interest as the resigned member. A list of the current stakeholder interests and their numerical distribution is shown at Appendix 1.

Additional CAG Members may be nominated in writing (up to the maximum number of 26 CAG Members) by existing CAG Members, EPA, or PADEP. New Members must represent a stakeholder interest which is not currently represented in the current composition of the CAG as shown in Appendix 1. A 2/3 majority of Members (including EPA, PADEP but excluding vacant seats) present and voting at the meeting when the vote is taken, is required to select a new Member.

The process for voting on new CAG Members and replacement CAG Members is set forth in Section III.E. of this document.

B. EPA and PADEP

EPA and PADEP are committed to participating in the CAG, and carefully considering its advice regarding the BoRit Asbestos Area. When requested, EPA and PADEP will participate in the discussions of the CAG, openly discussing BoRit Asbestos Area knowledge including technical details, institutional constraints, and budgetary information, and will help to clarify previously disseminated information on activities affecting the BoRit Asbestos Area. EPA and PADEP will continue to hold agency-organized public meetings to share new information regarding sampling or activity at the BoRit Asbestos Area with the public at large.

C. CAG Facilitator

If funding (or a qualified volunteer facilitator) is available, a neutral facilitator will help coordinate the Citizen CAG process and facilitate meetings. (See Section IV.H)

D. Technical Resources for the CAG

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

III. CAG DECISION PROCESS

A. Consensus and Voting

The CAG will endeavor to operate by consensus of all Members who are present at the meeting, but will utilize straw (non-binding or informal) voting and formal voting as needed to assess Member views. Consensus is defined as unanimous support of all members present, given a quorum. A quorum is defined as the presence of a majority of the seated CAG Members (excluding representatives of EPA, DEP, ATSDR and PADOH and any currently vacant seats).

A straw (non-binding or informal) vote of Members present may be called by the CAG Co-Chairs to gauge the strength of various viewpoints, for discussion purposes, or if a quorum is not present. The meeting summary will reflect the different viewpoints expressed.

Two weeks advance notice by the Co-Chairs and a quorum are required for votes on formal positions or recommendations to the EPA and PADEP. To be considered a CAG position or recommendation, the proposal shall need a 2/3 majority of the Members present and voting, with a quorum present. Voting procedures are detailed in III.E.3.

B. Majority/Minority Reports

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

C. Use of CAG Recommendations

When the CAG reaches an agreement on recommendations regarding the BoRit Asbestos Area, either by consensus or by a vote of 2/3 majority of Members present and voting, the recommendations will be communicated in writing to the EPA and PADEP. To the extent that the EPA and PADEP CAG participants concur with these recommendations, then the EPA and PADEP participants will use their best efforts to persuade their respective agencies to adopt the CAG recommendations.

D. Work Groups

Work Groups may be formed to address specific issues and make recommendations to the full CAG. Work Groups may be comprised of CAG Members, their Alternates, or other volunteers from the general public. The Work Groups are not authorized to make decisions for the CAG as a whole. Work Group meetings will be held between meetings of the full CAG, or sometimes within the 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. The Work Group Chairperson will arrange for notification and summaries of Work Group meetings to be provided to the whole CAG Membership before the next CAG meeting whenever possible.

E. CAG Voting Procedures

1. Voting on Membership

When the CAG votes on Membership issues, the CAG shall use the following procedure:

- a. The CAG Co-Chairs shall announce at a CAG meeting any and all open CAG membership positions.
- b. Nominations shall be accepted in writing by an announced deadline. Nominations may be made by CAG Members and members of the general public.

- c. Nominations shall be submitted to the Rules Committee only. Each nomination shall include the nominee's full name and contact information as well as the nominee's connection to a stakeholder interest as described herein. Nominations may also include a resume or similar biographical data when available.
- d. The Chair of the Rules Committee shall contact each nominee to confirm that the nominee is willing to serve on the CAG and request their resume and statement of interest. The Chair of the Rules Committee shall also notify the CAG Co-Chairs 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 Rules Committee shall circulate to all CAG Members and Designated Alternates the names and background information on the nominees, and their resume or similar background material as submitted by the candidate.
- e. At the CAG meeting where the vote will be held, each nominee will give a 2-3 minute statement or presentation explaining their interest in serving on the CAG and what they 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.
- f. Voting shall be by written ballot. In order to vote, a CAG Member or their Designated Alternate must be present at the meeting. The written ballots shall be provided by the Rules Committee and the Rules Committee shall count the votes.
- g. With respect to the appointment of new CAG Members as set forth in Section II.A.4 hereinabove, a nominee shall need a 2/3 majority of the Members (including EPA, PADEP) present and voting in order to be seated as a new CAG Member; however, if a 2/3 majority is not reached on the first ballot, a runoff vote between the two (2) nominees receiving the most votes shall be held immediately, and the nominee with the most votes in the runoff vote shall be seated as a CAG Member. Nominees losing the vote are encouraged to join Work Groups or serve as Alternates.

2. *Voting for CAG Co-Chairs*

When the CAG votes for CAG Co-Chairs, the CAG shall use the following procedure:

- a. Current CAG Co-Chairs shall announce the date for the election of CAG Co-Chairs, at least two (2) months prior to the date for the election, at least no later than August

- b. Nominations shall be accepted in writing by a set deadline. Nominations may be made by CAG Members or their Designated Alternate only.
- c. Nominations shall be submitted to the Rules Committee only. Each nomination shall include the nominee's full name and contact information. Nominees must be a current CAG Member.
- d. The Chair of the Rules Committee shall contact each nominee to confirm that the nominee is willing to serve as a CAG Co-Chair.
- e. Voting shall be at the CAG's Annual Reorganization Meeting (in October), except in the event of a resignation or other removal of a CAG Co-Chair. In such event, voting shall be held at a previously announced CAG meeting.
- f. The CAG shall vote in Executive Session.
- g. Voting shall be by written ballot. In order to vote, a CAG Member or their Designated Alternate must be present at the meeting. The written ballots shall be provided by the Rules Committee and the Rules Committee shall count the votes.
- h. When these voting procedures are used to elect CAG Co-Chairs, the nominee with the most votes shall be seated as a CAG Co-Chair. In the event of a tie vote, a runoff vote between the two (2) nominees receiving the most votes shall be held immediately, and the nominee with the most votes in the runoff vote shall be seated as CAG Co-Chair.

3. *Voting on CAG Positions and Recommendations*

When the CAG takes a formal vote on positions and recommendations, the CAG shall use the following procedure:

- a. The CAG Co-Chairs shall circulate to all Members and Alternates the written proposal at least two weeks in advance of the meeting at which it will be voted on. At the meeting, the CAG Co-Chairs shall clearly communicate the specific proposal to be voted on to all Members present at the meeting. The CAG Members shall be allotted time to discuss and ask questions.
- b. In order to vote, a CAG Member or their Designated Alternate must be present at the meeting. Voting will be through a show of hands and/or voice votes.

- c. The proposal shall need a 2/3 majority of the Members present and voting (not including EPA, DEP, ATSDR, and PADOH) in order to be considered a CAG position or recommendation. A quorum of members is also required, i.e. a majority of all seated Members.

IV. CAG PROCEDURES

A. Open Meetings

Meetings of the CAG will be open to the public. As needed, meetings will be held monthly in the evening on a regular date as agreed to by CAG members, unless the CAG adopts a different schedule. 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.

B. Conduct at Meetings

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

- 1) Be on time, respecting the schedule of other Members.
- 2) Listen as an ally, not as an adversary. Listen with an open mind and heart – it allows deeper understanding and, therefore, progress.
- 3) Speak one at a time; interruptions and side conversations are distracting and disrespectful to the speaker.
- 4) Be concise. Speak only once on a particular issue, unless you have new or different information to share.
- 5) Ask for clarification, don't assume you know what someone means.
- 6) Disagree respectfully and openly, not in private.
- 7) Focus on the issue, not the speaker – personalizing makes it impossible to listen effectively.
- 8) Treat each other with respect, as you would like to be treated.
- 9) Allow all Members to participate equally, avoid dominating.
- 10) Honor time limits.
- 11) Turn off all beepers and cell phones; take or make all calls outside the room.
- 12) Place name card up to be recognized to speak.

C. 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. The CAG may schedule special meetings for extended interaction with interested members of the public.

D. Media Relations

No CAG Member will speak for the CAG to the media without the consensus of the CAG. The CAG Members may develop a specific plan for interacting with media representatives.

E. Meeting Summaries

Draft summaries of the CAG meetings will be prepared by (EPA, PADEP, the CAG Chairpersons, or other volunteer)—and reviewed by the CAG Members, and EPA and PADEP. Also, summaries will be made available at the next regular CAG meeting and sent to all individuals on a mailing or electronic distribution list developed by the CAG, as well as posted on the CAG website.

F. Agendas

Full CAG meeting agendas will be drafted by the facilitator (or Chairpersons) in consultation with the CAG Members, EPA and PADEP. The agenda will be reviewed at the beginning of each meeting and will be revised, if necessary.

G. CAG Chairpersons

The CAG Members shall elect two Co-Chairpersons to manage the CAG process. The Co-Chairpersons will be nominated and selected by a written ballot process as set forth in Section III.E. herein above. The Co-Chairs will serve two-year terms of office (except as set forth below). Members have the right and responsibility to replace a Co-Chair as they believe necessary. There shall be no term limits for Co-Chairs. The terms of the Co-Chairs will begin immediately upon election in October.

In the interest of providing continuity in CAG leadership and administration, the terms of the Co-Chairs shall be staggered beginning with the election of new Co-Chairs at the Annual Reorganization meeting. At any time there is a need to accomplish a staggering of terms due to loss of both Co-Chairs, at the October CAG meeting only, one Co-Chair will be elected to a one-year term and at the completion of that one-year term in, the CAG shall vote again for a Co-Chair to hold a two-year term. The candidate with the most votes shall serve the two-year term and the

candidate with the next highest number of votes shall serve the one-year term.

H. CAG Co-Chair Duties

The CAG Co-Chairs will chair the CAG meetings and work with all of the Members to ensure that the process runs smoothly.

The roles of the CAG Co-Chairs include:

- Set the times and locations for the meetings;
- Moderate the meetings;
- Call on Members to speak;
- Act as the spokesperson for the group to the media and the public;
- Prepare an agenda based on CAG input;
- Make logistical arrangements, if necessary;
- Assist the CAG in organizing its work and staying on task;
- Keep discussions moving and on target during meetings;
- Work to resolve any impasses that may arise;
- Distribute meeting notices and other information to Members;
- Distribute correspondence, media releases and other information to the public;
- Prepare a summary of each meeting with action items highlighted; and
- Other functions as the CAG requests.

NOTE: If a neutral facilitator becomes available, the facilitator shall assume some of these duties as agreed by the CAG Co-Chairs.

I. Administrative Support

EPA, together with State, the 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;
- Maintaining CAG mailing lists.

J. Amendments to CAG Mission and 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 (no less than two weeks) notice of proposed amendments.

K. Annual Reorganizational Meeting

The CAG shall hold its annual reorganizational meeting as part of its October meeting beginning with the October 2009 meeting.

V. SAFEGUARDS FOR THE PARTICIPANTS

A. 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.

B. Personal Attacks

Personal attacks and prejudiced statements will not be tolerated.

C. Right to Caucus

Any participant can request a caucus at any time during a meeting.

APPENDIX 1

26 seats maximum

COMMUNITY ORGANIZATIONS AND CIVIC GROUPS (6)

- Citizens for a Better Ambler
- West Ambler Civic Association
- Whitpain Residents Organization
- Whitemarsh Township Residents Association
- Mercer Hill Village Association
- American Legion Post 769 (West Ambler)

ENVIRONMENTAL/CONSERVATION GROUPS (3)

- Clean Water Action
- Wissahickon Valley Watershed Association
- Ambler Environmental Advisory Committee

LOCAL BUSINESS OWNERS (3)

LOCAL GOVERNMENT (4)

- Borough of Ambler
- Upper Dublin Township
- Montgomery County Planning Commission
- Whitpain Township **

OTHER STAKEHOLDERS (3)

- Local physician
- Citizens at Large (2)

CONSULTANT MEMBER (1)

SITE OWNERS (3)

- Reservoir Site - Wissahickon Waterfowl Preserve, LLC
- Wissahickon Park – (already represented by Whitpain Township above) **
- BoRit Site - Kane Core Inc. or current owner (not currently represented)

NON-VOTING AGENCY REPRESENTATIVES (4)

- U.S. Environmental Protection Agency (EPA)
- Pa. Department of Environmental Protection (PADEP)
- Agency for Toxic Substances and Disease Registry (ATSDR)
- Pa. Department of Health (PADOH)