



POMPTON LAKES

STAKEHOLDER ASSESSMENT REPORT

**For formation of an Environmental Community Advisory Group
(CAG) for the DuPont Pompton Lakes Works Site**

July 23, 2010

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**Prepared for U.S. Environmental Protection Agency Region 2
and Pompton Lakes Community Stakeholders**

by:

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Introduction

This convening assessment report was prepared under the U.S. Environmental Protection Agency's (EPA's) Technical Assistance Services for Communities (TASC) contract by E² Inc. in order to provide guidance to EPA concerning the feasibility, purpose and potential membership of an Environmental Community Advisory Group (CAG) for the DuPont Pompton Lakes Works Site (the Site).

The Site comprises 570 acres in Pompton Lakes, New Jersey. From 1902 to 1994 the E.I. DuPont De Nemours (DuPont) company manufactured explosives at the Site. Poor waste management practices resulted in on- and off-site contamination of surface water, ground water, soils and sediments. Major contaminants of concern include lead, mercury and volatile organic compounds (VOCs). Remedial actions have been initiated by DuPont as a responsible party under the Resource Conservation and Recovery Act with oversight by the New Jersey Department of Environmental Protection (NJDEP) and EPA. For more information see the EPA Region 2 website:

http://www.epa.gov/region02/waste/dupont_pompton/index.html; EPA's Pompton Lakes/DuPont Group Facebook page: <http://www.facebook.com/group.php?gid=284334294243&ref=fb>; the NJDEP website: http://www.state.nj.us/dep/srp/community/sites/dupont_pompton_lakes/; and the DuPont Pompton Lakes Works website: <http://www.pomptonlakesworks.com/>.

The purpose of a CAG¹ is to assist EPA, other regulators and the responsible party to make better decisions concerning site cleanup by providing an ongoing forum to express community concerns and preferences. CAGs supplement the usual and customary processes for keeping the community informed about plans and decisions. CAGs are *advisory* volunteer group. Members are expected to regularly participate in meetings, share and receive information with fellow community members, be prepared to share openly and honestly their own views and those of the community, and attempt to reach consensus among members about the actions of the group. At the outset, CAGs usually develop a mission, goals, objectives and a set of operating principles. Meetings are open to the public to observe.

Because each site is unique, assessments are often conducted to determine if a CAG is feasible. For this assessment, 35 people from the Pompton Lakes community, agencies and DuPont were interviewed to identify the stakeholder categories, key issues, relationships and basic information needs and assess the feasibility of forming an Environmental CAG for the Site. The stakeholder interviews were the cornerstone of this assessment; interviews were primarily conducted by telephone with some interviews conducted in person between May 20, 2010 and July 15, 2010 with the understanding of confidentiality and non-attribution. Appendix 3 lists those interviewed. The facilitation team also visited Pompton Lakes to conduct in-person interviews and to gain a better understanding of the community and its environmental concerns.

The New Jersey Department of Health and Senior Services (NJDHSS) has formed a Health CAG to address health impacts to the community. The Health CAG has approximately 20 members, including representatives of NJDEP and EPA. The group meets monthly and has met about five times to date. NJDHSS and the U.S. Agency for Toxic Substances and Disease Registry (ATSDR) have released several reports including two in late 2009 on vapor intrusion from the contaminated ground water plume and an analysis on cancer incidence. These have been the topics of the meetings along with other issues raised by the Health CAG. The NJDHSS Pompton Lakes Site web page has additional information about health issues: <http://www.state.nj.us/health/eoh/cehsweb/dupontpomptonlakes.htm>.

¹ See <http://www.epa.gov/superfund/community/cag/resource.htm>

Based on this assessment's information gathering, stakeholder interviews and independent research and analysis, this report recommends membership in the DuPont Pompton Lakes Plant Site Community Advisory Group (CAG), as explained further in part e of the section on Assessment Recommendations. This report also recommends a facilitated, collaborative process with all interested parties to guide the CAG's formation and future activities.

This report will be distributed to interviewed stakeholders and posted on EPA's DuPont Pompton Lakes website: http://www.epa.gov/region02/waste/dupont_pompton/. Copies of the report are available to all interested parties.

This report sets forth the key issues, recommendations concerning the CAG core membership, next steps concerning the contents of operating procedures and ground rules, as well as recommends an initial organizational meeting.

In the assessment interviews it was clear that there is a strong commitment to the Pompton Lakes community because of the community's character, schools and high level of volunteerism. This caring is also the reason for much of the passion and differences which currently exist about how to approach remedial actions. An Environmental CAG offers the opportunity to change the nature of the dialogue to a more positive light.

Key Issues Identified During Interviews

Interviewees identified a number of issues of concern to them and the Pompton Lakes community. Many of the issues overlap. While there were a wide range of issues and concerns raised during the interviews, certain major concerns were repeated in many interviews. These key issues are listed below but are not prioritized:

- Chlorinated VOC Ground Water Plume - Central to all interviews was the issue of the contaminated ground water plume and hazardous vapor intrusion into homes in the plume area. Topics raised included the location and nature of the plume, levels of vapor intrusion, health consequences from exposure and issues concerning installation of sub-slab vapor mitigation systems (VMS). Because of prior remediation efforts and emergence of vapor intrusion concerns, there has been a serious erosion of trust among some stakeholders of DuPont's handling of the contamination and the effectiveness of the regulation of the Site by NJDEP.
- Vapor intrusion - Intrusion from the VOC ground water plume into homes and related health risks including release of contaminants into indoor and ambient air.
- Vapor mitigation - In the last two years, fewer than one half of the homes affected by vapor intrusion have installed vapor mitigation systems.
- Cleanup of the DuPont site - This is seen by almost all interviewees as a priority in order to get at the sources of contamination and potential for returning the Site to productive use. Interviewees stressed the lack of adequate information and understanding about what cleanup has been done on site, what contamination remains, and what the options are for complete cleanup.
- Contamination and cleanup of Pompton Lake and area rivers and streams - Few interviewees were familiar with the details of the study and proposed cleanup actions for the Acid Brook delta and a portion of Pompton Lake. Many interviewees expressed the desire for a thorough cleanup

of the lake and the rivers and streams which flow from the Site. They acknowledged that after the release of the upcoming report regarding the Lake/Acid Brook delta cleanup, this issue will receive a lot more attention.

- Health concerns - Interviewees raised a number of concerns about health impacts from the vapor intrusion into homes as well as contamination and levels of cancer in the community. Interviewees also suggested that a more comprehensive health evaluation for the Pompton Lakes community would be valuable.
- Economic impacts - Interviewees raised a variety of economic concerns. For the most part the overall presence of the Site and off-site contamination were of concern to most stakeholders. Concerns were also raised regarding negative impacts on property values, the attractiveness as a place to live and own businesses, tax rates, and the potential for beneficial reuse of the Site.
- Lack of trust - At the core of negative feelings and unproductive dialogue in recent years are eroded levels of trust of DuPont, regulatory agencies, municipal government and among stakeholder groups.
- Litigation - Interviewees mentioned that several hundred residents are part of a lawsuit against DuPont which may pose limits on communications between CAG members (if a member is also a participant in the litigation) and DuPont representatives.

A more detailed summary of the issues and concerns identified during the assessment interviews is included in Appendix 4.

Assessment Recommendations

As explained by EPA's CAG Guidance, CAGs are intended to serve primarily as a means to foster interaction among interested members of an affected community, to exchange facts and information, and to express individual views of CAG participants while attempting to provide, if possible, consensus recommendations from the CAG to EPA and the state. EPA and the state cannot, by law, abrogate their responsibility to make the final decisions at a site; however, by providing the perspective of the local community, the CAG can assist the agencies in making better decisions. A CAG that is broadly representative of the affected community offers agencies a unique opportunity to hear—and seriously consider—community preferences for site cleanup and remediation.

A CAG is a representative organization with each member sitting as the representative from a particular constituency.

a) CAG Goals

An important early activity for a new CAG is to identify the goals it wants to work to achieve. Towards that end, the facilitation team asked interviewees about their suggested goals for a CAG. Interviewees offered the following:

- Provide a nonpolitical vehicle for civil, collaborative dialogue that will consider the basis for differing points of view, focus on the future, and foster healing of the divisions and distrust currently existing within the Pompton Lakes community.
- Disseminate information to the community and CAG member constituencies.

- Improve communications with the agencies.
- Encourage residents to take appropriate safety precautions such as all plume residents testing for sub-slab vapor intrusion and installing VMS as warranted.
- Develop a common understanding, trust and agreement within the CAG on the facts and information related to the cleanup efforts; nature, concentration, and extent of contamination; risk; VMS; and other site-related issues.
- Review cleanup proposals for the Site, lake, ground water plume, and any other areas of contamination.
- Reach consensus within the CAG on recommendations for cleanup efforts.
- Understand and reach agreement on the Superfund listing or not listing issue.
- Provide feedback on possible reuse options for the Site.

b) Information Needs of CAG

The issue of information is at the heart of much of the tension on the key issues. This includes what information is missing, what is available, and the technical nature and volume of information and how it is interpreted, used and disseminated. To address these issues, a number of potential information needs for an Environmental CAG were identified by interviewees:

- CAG functioning
 - What a CAG is, what it can do and cannot do.
 - CAG ability to access DuPont staff and contractors to answer questions and provide information on contamination, what cleanup has already been done, testing results, site investigation results, cleanup technologies, etc.
- Scientific
 - Clear, accurate, understandable (to layperson) information about the nature, extent, risks, and concentrations of all contamination areas on and off site.
 - Clear, accurate, understandable technical information/education on issues such as the level of health risk from vapor intrusion and the ground water plume, ground water cleanup options and technologies, lake contamination cleanup options and technologies, other on- or off-site contaminants and cleanup options, ambient air quality and indoor air quality.
 - Independent technical assistance in reviewing/evaluating the soon-to-be-released technical investigation documents and other on- or off-site cleanup/investigation information.
 - The scientific basis for the selected remedial actions and the factors considered in the remedy decision making process.
- Regulatory
 - Scope of regulatory agency's authorities; understanding of the Resource Conservation and Recovery Act (RCRA) and other environmental laws governing site cleanup.
 - Understandable information on regulatory requirements (laws, regulations) and standards that govern various aspects of the on- or off-site cleanup activities.
 - Implications for site management of different regulatory regimes.
 - Time line for cleanup activities and progress over time.

- Other
 - Technical information on VMS and how to install correctly.
 - An easily accessible repository (plus access via computer at home) of all site cleanup related documentation (open in the evening). Repository should include historical and current information on contamination, investigation, and cleanup.

c) Stakeholder Interests Identified

The facilitation team interviewed a range of stakeholders and organizations during this assessment. Those interviewed are listed in Appendix 3. The categories of interests interviewed include:

- Local environmental advocacy organizations
- Concerned residents living in the plume area
- Concerned residents living outside the plume area
- Residents living along Pompton Lake, Acid Brook
- Local business representatives
- Local environmental, flood advisory and lake restoration committee members
- Regional environmental organizations
- Real estate professionals
- Congressional staff
- Pompton Lakes Borough elected officials
- EPA Region 2
- NJDEP
- NJDHSS
- ATSDR
- DuPont
- Scientific/Technical experts

The facilitators also made significant efforts to locate a senior resident of Pompton Lakes who had an interest in the CAG and local environmental issues and was not aligned with other groups already to be represented on the CAG. All individuals and seniors organizations contacted declined.

d) Recommendations for Formation of a CAG

Key process design guidelines for a successful stakeholder group process include:

- The group is small enough to allow productive dialogue with all members.
- The group has a balanced membership that reflects all key stakeholder interests.
- Members work collaboratively, commit adequate time and do their “homework” between meetings.
- Meetings are public with opportunities provided for observer comments.

As part of this assessment, the interview team reviewed best practices and guidance² concerning the formation, convening and functioning of CAGs. The document discusses general approaches for forming and operating a group, emphasizing that the group should reflect the composition of the community and represent the diversity of local interests. For the proposed CAG for this Site, the facilitators recommended, and EPA endorsed, the approach of having the facilitator team recommend composition of a CAG based on the findings of this stakeholder assessment and representing the diverse interests of the community. As the convener of the CAG, EPA will then send invitation letters to those CAG members. In the facilitators' best professional judgment, for a community such as Pompton Lakes, approximately 15 members is the optimum size for a CAG (including ex-officio participants), which will allow for meaningful, productive dialogue where all members can be heard.

Along with recommendations for CAG membership, the facilitators also recommend that several organizations participate in the CAG process as ex-officio (non-voting) participants, or as resources for the CAG. Ex-officio members would participate actively in the CAG process but would not be part of voting or determinations of consensus by the CAG. The regulatory agencies, as providers of information and expertise, and as the recipients of the CAG's recommendations and comments, should be ex-officio members. DuPont and its contractors are recommended (and have expressed willingness) to be available as a resource to the CAG, as requested by the interviewees. The facilitators also recommend that methods of communication between the Environmental CAG and Health CAG be developed and implemented.

e) Recommended CAG Membership

The facilitation team recommends the following for membership in the CAG, based on the assessment interviews and a review of the information gathered about the Site and its impacts on the Pompton Lakes environment and community:

- i) Citizens for a Clean Pompton Lakes (CCPL) - Lisa Riggiola [in plume, no VMS yet]
- ii) Pompton Lakes Residents for Environmental Integrity (PLREI); Senior - Jack Sinsimer
- iii) In-plume resident - Elizabeth Kachur
- iv) In-plume resident, Flood Advisory Board - Tim Troast
- v) Business - Art Kaffka - President, Chamber of Commerce
- vi) Pompton Lake Restoration Committee - Steve Grayberg, Chair
- vii) Pompton Lakes Environmental Committee; Realtor - Abby Novak
- viii) Technical professional, non-plume resident - Bill Pendexter, Hydrogeologist
- ix) Regional environmental organization - Dana Patterson, Edison Wetlands Association
- x) Ex-Officio:
 - (1) NJDEP
 - (2) NJDHSS
 - (3) EPA
 - (4) ATSDR
 - (5) Pompton Lakes Borough Council - Rich Steele, President
- xi) Resources for the CAG
 - (1) DuPont
 - (2) Health CAG

² Available at: <http://www.epa.gov/superfund/community/cag/resource/guidance/caguide.pdf>

(3) Other technical, professional or specialized resource/expertise

f) Next Steps and Process Recommendations

i) CAG Operating Structure

This section of the report highlights some of the considerations that will be important in organizing and operating the CAG to maximize its success. To be effective, the group must have operating procedures, a clear mission, good facilitation and leadership. Ongoing communication systems must be established and ground rules and logistics support must be put in place to help the CAG achieve its goals and ensure productivity. A proper meeting location, accessible meeting times, skilled neutral facilitation, and access to information, technical assistance, and meaningful productive agendas all must be considered.

Proposed draft CAG operating procedures are provided in Appendix 5. These procedures provide details regarding the potential management of the CAG process. Topics covered include:

- CAG role, mission, and goals.
- Participant roles and responsibilities.
- Leadership.
- Committees and work groups.
- CAG procedures.
- Process safeguards for participants.

ii) CAG Process Support Needs

In the initial year of the CAG's operation, skilled, neutral facilitation services will be important for assisting the group in setting goals and priorities, staying focused on the CAG's mission, goals, and agenda topics, building trust among the parties, and developing areas of agreement. A professional, neutral facilitator at CAG meetings could:

- Maintain a level playing field for all participants.
- Help clarify roles and purposes of the group.
- Help identify and prioritize the issues that need to be discussed.
- Help develop and implement meeting agendas, group goals, tasks and work plans.
- Help the CAG stay on task and schedule with meeting agendas and long-term work plans.
- Intervene to redirect non-productive communications, enforce behavioral ground rules, and resolve conflicts.
- Help resolve impasses that develop because of technical complexity, political visibility, poor communication, personalities or past history.
- Assist in developing/modifying procedural guidelines for the group process.
- Summarize and document agreements to date and track action items.
- Maintain schedules and the momentum of the process.
- Coordinate and build linkages/trust among participants.
- Ensure that all issues are addressed and all parties have an opportunity to be heard.

Additional resources needed to support the CAG may include administrative support tasks such as arranging meeting logistics and preparing meeting summaries and handouts. EPA and other federal and state agency active participation in the CAG process will be important to the success of the CAG.

iii) CAG Organizational Meeting

After the Stakeholder Assessment Report has been distributed, EPA will send invitation letters to the CAG members and contact members to schedule the first meeting. The first several meetings are essential to setting the tone of the CAG. This section of the report sets forth some of the procedural aspects of those meetings and recommends approaches for arriving at final membership and organizing the substantive goals of the Environmental CAG.

At the initial CAG meeting, the group should review and, if possible, adopt the CAG's Operating Procedures. At its first meeting, the CAG may choose to assess if any significant stakeholder interest is not represented and recommend to EPA and the facilitators how that interest could be represented on the CAG or through the CAG process. The following topics should be addressed at the first or second CAG meeting:

- Discussion and adoption of Operating Procedures.
 - CAG mission, goals, and process.
 - Ground rules for conduct at meetings.
 - Agreements on when and how CAG participants will discuss group activities with other parties.
 - Media relations.
 - Participant, facilitator and agency roles.
 - Replacement process for CAG members.
 - Alternates for CAG members.
 - Meeting logistics—time, date, duration and location.
 - Role of observers.
- Process for keeping members' constituencies and the public informed and involved.
- Discussion and categorizing of concerns and issues that the CAG wants to address (for future agendas, white papers, work group action, etc.).
- Discussion about topics and goals for future meetings.
- Technical or educational information support requests.
- Formation of workgroups to address high priority issues, assignment of workgroup activities, membership, schedule, and methodology.

When a group such as this is formed, especially when there has been a high level of prior controversy, it is beneficial to incorporate experiential training on how to participate in collaborative processes. These exercises are selected and organized by the facilitator to help participants experience the advantages of effective communication and of using a collaborative approach to problem solving. This exercise would help group members break through preconceived ideas or stereotypes about each other and develop the skills of collaborative dialogue. Early in the CAG process, a site tour should be offered to interested CAG members by DuPont and agency personnel.

iv) Ongoing CAG Meeting Activities

It is likely that the CAG will need to meet at least monthly. The CAG could select a regular date each month to meet to allow members to set aside time for future meeting dates.

Moving the Process Forward Between CAG Meetings – (use of workgroups, conference calls, and electronic document review)

A considerable amount of work will need to be completed between CAG meetings to accomplish the goals for the process in a timely manner. It is recommended that the CAG set up small, topic-based work groups at one of the early CAG meetings. As most or all of the work of a CAG is done by volunteers, it is advisable to involve the members' alternates in working groups to spread the responsibilities for reviewing and drafting documents, research, data analysis, education, etc. Work group members may meet via conference call or in person. Documents drafted by the work groups should be shared with the full CAG prior to the CAG meeting at which the work group's product is to be addressed.

Work groups will continue activities initiated at full CAG meetings and share progress updates at subsequent CAG meetings or via other venues, as appropriate. Work group topics would be based on the highest priority issues/activities identified by the stakeholders at the first or subsequent CAG meetings. Each work group would be encouraged to include CAG members (or their alternates) from a range of stakeholder "interests" to the greatest extent possible. Work groups could also consult with some individuals, like technical experts or other resources, who are not CAG members, if their participation is acceptable to the CAG.

Developing Consensus

If the CAG decides that it would like to develop consensus recommendations or documents as part of the CAG process, the facilitator should guide the group through a consensus building process, which might include:

- Careful framing of the question needing an answer.
- Incorporating diverse interests into the problem statement.
- Identifying and categorizing key issues and concerns.
- Identifying information or education needed to assist in issue resolution.
- Envisioning various scenarios and evaluating consequences of those scenarios.
- Developing options to address the problem statement and to resolve key issues/concerns.
- Discussing values and criteria to evaluate a consensus decision.
- Developing agreements on options.
- Developing straw proposals, white papers and draft recommendations text.
- Facilitating/mediating negotiations to reach consensus.
- Finalizing consensus recommendations.
- Refining specific aspects of the decision and ensuring its implementation.

Conclusions

The residents and business people are passionate about the Pompton Lakes community. They value it for its character, community spirit, schools and appearance. It is family oriented and it is common for multiple generations of a family to live just a few blocks from each other. Many people are rooted in the community and strongly committed to its future. For more than a century the Site has been part of the fabric of the Pompton Lakes community. For close to a century DuPont was a major employer. In recent decades the focus has shifted to study and cleanup of significant environmental contamination on and off the Site.

The commitment and caring of community members become evident in a fractured fashion. Some believe that DuPont remains committed to the community in cleaning up the Site and are concerned with the stigma associated with the Site. Others believe the company and regulators have not acted quickly enough and have not proven effective or trustworthy in protecting the community from the contamination.

Based on interviews of more than 35 stakeholders, this assessment concludes that the formation of an Environmental CAG for the Site is desired by the stakeholders and offers an opportunity to change the nature of the recent dialogue in the community, share information with the community and provide a forum for meaningful input by the community to the regulators and DuPont concerning decisions on the remediation of contamination and future reuse of the Site.

Appendices

Appendix 1 – Introductory E-mail Letter

Dear XXX,

My name is Alison Frost and I am an assistant for Melinda Holland, a neutral facilitator conducting a community assessment evaluating the issues, concerns, and needs of those with an interest in activities surrounding the remediation of the DuPont Pompton Lakes Works site. You are receiving this message because you have been identified as representing a unique interest regarding the remediation of the site. If you are interested, Melinda would like to interview you as part of her assessment.

I am scheduling interviews that will take place during June. Please let me know the days and times that will work for you in June (including whether you can meet during the day or only in the evening) and the best number to reach you. The interview is entirely confidential and will take approximately one hour. Interviews may be in-person or by telephone depending on schedules. If I do not hear from you via e-mail I will follow-up with a telephone call within the week.

Below is more information regarding the work that Melinda is conducting and her background.

Thank you for your consideration,

Alison Frost
Assistant to Melinda Holland
E² Inc.
(719) 256.6708
afrost@e2inc.com

Melinda Holland is a neutral facilitator conducting a community assessment evaluating the issues, concerns, and needs of those with an interest in activities surrounding the remediation of the DuPont Pompton Lakes Works site in Pompton Lakes, NJ. The U.S. Environmental Protection Agency Region 2 is sponsoring the assessment under the Agency's Technical Assistance Services for Communities (TASC) Program.

Ms. Holland's first endeavor will be to conduct neutral assessment interviews with site stakeholders, individuals, or groups who have unique interests or concerns regarding the DuPont Pompton Lakes Works site. Interviews are entirely confidential and allow stakeholders the opportunity to candidly discuss concerns and goals for the site, and thoughts on convening a Community Advisory Group for the DuPont Pompton Lakes Works site.

Based on discussions with various individuals and groups, Ms. Holland will evaluate whether a Community Advisory Group has a reasonable likelihood of success if formed and recommend potential candidates for a balanced membership. She will also recommend a collaborative process (i.e., a process that provides the opportunity for all interest groups to participate civilly in a balanced format) by which the Community Advisory Group may be formed and conduct its activities.

More information about Community Advisory Groups (CAGs), can be found on EPA's website at: <http://www.epa.gov/superfund/community/cag/index.htm>. Also, the EPA "Community Advisory Group Toolkit for the Community" has useful information about forming a CAG, this document may be found at: <http://www.epa.gov/superfund/community/cag/pdfs/cagtlktc.pdf>.

More information on Ms. Holland's background and EPA's TASC program, including a brief biographical sketch and program summary can be found below. Melinda looks forward to speaking with you soon.

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Melinda Holland has 20 years of experience managing and facilitating environmental consensus-building processes involving diverse stakeholders and contentious topics. Her facilitation and mediation experiences include numerous conflict/convening assessments, community advisory panels, Federal Advisory Committees (FACs), public meetings, workshops, training programs, arbitrations and cost allocations. She has facilitated well over 200 meetings with groups of 15 to 300 participants. Ms. Holland has conducted 14 neutral situation or convening assessments involving a wide range of environmental conflict situations including hazardous and nuclear waste, water quality, air quality, and energy technology. Ms. Holland has been a member of the U.S. Institute's "National Roster of Environmental Conflict Resolution and Consensus Building Professionals" since its creation.

Ms. Holland has served as convener and facilitator for three Federal Advisory Committees (FAC), two for the U.S. EPA Office of Water. These complex FAC groups usually had more than 40 to 50 members in attendance and involved numerous working groups and caucus meetings. Ms. Holland facilitated each of these FAC groups for over three years. Ms. Holland also facilitated the Hudson River PCB Site Phase 1 Dredging Peer Review Panel process.

Ms. Holland has successfully convened and facilitated a range of other citizen advisory groups. She convened and facilitated the Bay Harbor Cement Kiln Dust Site Regional Stakeholder Group, in Petoskey Michigan which is developing recommendations for site cleanup. Ms. Holland convened and facilitated the Valley Citizen's Task Force over a period of 10 years to develop consensus recommendations on a wide range of regulatory, policy, and technical issues related to the cleanup of the West Valley Nuclear Services site in West Valley, New York. She also conducted a convening assessment, designed a process for, and facilitated a U.S. EPA Region 3-sponsored community advisory group at the controversial BoRit Asbestos Site in Ambler, Pennsylvania.

Prior to joining E² Inc., Ms. Holland was Senior Program Manager for the U.S. Institute for Environmental Conflict Resolution; preceding that position she was the principal with Holland & Associates providing facilitation, public involvement and mediation support services. Previously, she was Director of State Programs for Clean Sites Inc. [a non-profit environmental organization in the Washington D.C. area] where she provided legal, public policy and mediation/arbitration support for numerous state environmental agency Superfund programs.

Technical Assistance Services for Communities (TASC) is a U.S. Environmental Protection Agency (EPA) program which provides independent, non-advocacy educational and technical assistance to communities affected by hazardous waste sites regulated by the RCRA and Superfund programs, including sites on federal facilities and tribal land. EPA offers this assistance to help community members better understand hazardous waste issues, so they can participate in the decision-making process more effectively. TASC technical advisor services are provided through a national EPA contract with E² Inc., a contractor based in Charlottesville, Virginia. Technical assistance is provided by a dedicated team of Technical Assistance Specialists located in eight different states. E² Inc. also maintains an online database of public health, outreach, engineering, and scientific experts to address highly specialized technical assistance needs.

E² Inc. is an environmental consulting company committed to sustainable development, environmental responsibility, and social equity. Our staff includes public participation specialists, mediators, facilitators, environmental scientists, engineers, economists, environmental planners, GIS analysts, industrial ecologists, attorneys, landscape architects, and land use and redevelopment professionals. E² Inc.'s corporate focus areas include:

- Scientific Analysis and Technical Communication
- Policy and Innovations
- Collaborative Solutions
- Community Planning and Design
- Mission Support Services

E² Inc. is a HUB-Zone certified woman-owned small business (WOSB) located in Charlottesville, Virginia

Appendix 2 – Interview Topic Guide

1. Please provide/confirm your name, title, affiliation [if any], address, email address, website [if any], phone and fax numbers.
2. Please describe your interests, concerns, or past involvement with the DuPont Pompton Lakes Plant site.
3. Key issues that need to be resolved regarding the DuPont Pompton Lakes Plant Site. (Most important concerns for you, your organization or constituency group); and preferences for resolution of the issues described.
4. Key roadblocks to resolving those issues.
5. Goals for the future of the site and how those goals could be achieved.
6. Relationships between the various players involved with or concerned about the site.
7. Perspectives about the involvement of local government, state and federal regulatory agencies (if known).
8. Understanding of, or need for information/education on technical, regulatory, or other issues related to site cleanup.
9. If a stakeholder group was formed, what type of process do you think would be the most beneficial – information exchange focus, collaboration/consensus focus?
10. Interest in (or concerns about) participating in a collaborative dialogue as part of a Community Advisory Group (CAG)? Willing to be collaborative w/in representative stakeholder group?
11. Availability to commit to participate in CAG [day, time of day, frequency of meetings, etc.].
12. What can you contribute to the CAG process?
13. Other comments or anything else you would like to tell me?

Appendix 3 – Interviewees

FEDERAL GOVERNMENT	
Barbara Finazzo	EPA Region 2, Division Director
David Kluesner	EPA Region 2, EPA Community Liaison for the DuPont Pompton Lakes Project
Leah (Escobar) Graziano	ATSDR
FEDERAL ELECTED OFFICIAL	
Jacky Grinrod	District Director for Congressman Bill Pacrell, Jr.
Carolyn Fefferman	District Director for Senator Menendez
STATE GOVERNMENT	
Mindy Mumford	New Jersey Department of Environmental Protection (NJ DEP), community outreach coordinator for the Site
Steve Maybury	NJ DEP, Chief, Bureau of Case Management
Joe Eldridge	NJ Dept of Health and Senior Services, Director of Consumer, Environmental and Occupational Health Services
BOROUGH GOVERNMENT	
Katie Cole	Pompton Lakes Mayor
Rich Steele	Pompton Lakes Borough Council President
Erik DeLine	Borough Councilman
DUPONT	
Bob (Roberto) Nelson	DuPont Public Affairs
Dave Epps	DuPont Project Director
Citizens for Clean Pompton Lakes (CCPL)	
Lisa Raggiola	CCPL Director
Joe Intintola	CCPL Member
Pompton Lakes Residents for Environmental Integrity (PLREI)	
Jefferson LaSala	PLREI Board Member
Jack Sinsimer	PLREI Board Member
Ed Meakem	PLREI Board Member
Michele Belifore	PLREI Board Member
Jeff Winkler	PLREI Board Member
Mary Demarko	PLREI Board Member
PLUME RESIDENT	
Tim Troast	Plume Resident; Flood Advisory Board
Elizabeth Kachur	Plume Resident
LOCAL BUSINESS	
John Soojian	Soojian Brothers Construction; Plume Resident
Scott Walker	RE/MAX Real Estate Solutions Plus; Broker of Record
Art Kaffka	President of the PL Chamber of Commerce; Surety One Insurance LLC
Michael A. Keough	Michael A. Keough (Real Estate) Appraisals; SCRREA; Pompton Lakes resident.
SCIENTIFIC/ENGINEERING	
Nelson Luzzetti	Frey Engineering
Dr. William Pendexter	Senior Hydrogeologist; EcolSciences Inc.
Rich Chapin	Chapin Engineering
ENVIRONMENTAL ORGANIZATIONS	
Dana Patterson	Edison Wetlands Association
Stephen H. Grayberg	Chair, Pompton Lake Restoration Committee
Maria Kent	Chair, Pompton Lake Environmental Committee
Abby Novak	Pompton Lake Environmental Committee; Realtor
Jeff Tittel	Director, NJ Chapter of the Sierra Club

Appendix 4 – Issues Mentioned During Assessment Interviews

This appendix contains a summary of the statements regarding issues and concerns made by interviewees during the assessment interviews. Similar statements were combined to shorten this document. The Facilitation Team has not ordered these statements in any priority, nor attempted to differentiate how many interviewees made the same or similar statements.

a) TCE/PCE Contaminated Ground Water Plume

Central to all interviews was the issue of the contaminated ground water plume and hazardous vapor intrusion into homes in the plume area. Topics raised included the location and nature of the plume, levels of vapor intrusion, health consequences from exposure and issues concerning installation of sub-slab vapor mitigation systems (VMS). Because of prior remediation efforts and emergence of vapor intrusion concerns, there has been a serious erosion of trust among some stakeholders of DuPont's handling of the contamination and the effectiveness of the regulation of the Site by the New Jersey Department of Environmental Protection.

i) VMS & installation

Hazardous vapor intrusion into the approx 450 homes above the TCE/PCE ground water plume from the Site was the most important issue to the majority of those interviewed.

- A majority of those interviewed also expressed concern about the fact that in the approximately two years since the vapor intrusion problems from the ground water plume was announced, and VMS were made available at no cost to residents, less than one half of the plume area homes have installed VMS. Reasons mentioned why some residents have not yet installed VMS included:
 - Lack of trust in contractors hired by DuPont to conduct impartial sampling, installation and inspection VMS. This extends to some individuals not wanting DuPont, its contractors, or NJDEP or its contractors in their homes.
 - The desire for funding of independent contractors selected by homeowners for sampling to determine the severity and nature of vapor intrusion problems into homes, and to design and install VMS (this is now available through agreements reached between DuPont and the regulatory agencies in response to concerned citizens).
 - Confusion about the necessity for and or trustworthiness of information because residents hear different issues and messages in the news, and from neighbors, regulatory agencies, activist groups, DuPont and local government.
 - Belief by some that vapor intrusion is not a major health threat and therefore VMS are not necessary.
- Cost ceilings for design and installation of VMS by private contractors are too low and the approval process is too difficult/time consuming.
- Some want town building inspectors to approve VMS installations (as they say are done for radon systems).
- Accuracy of the delineation of the extent of the plume is a concern.

ii) Air Releases

- Disagreement over the concentrations and risks from air emissions from the plume, both directly from soils and from VMS venting.
- Distrust by some in the agency conducted ambient air quality analysis in the plume area.

iii) Ground Water Cleanup

- All want the plume to be remediated; many recognize it is difficult. Addressing the plume as the source of vapor emissions is seen as the way to protect human and environmental health and prevent the further spread of contamination. However, some interviewees feel this can and should be initiated immediately while others feel that the technological difficulty requires a longer time and innovative measures for ground water cleanup. Associated with the plume cleanup is the expressed desire to see cleanup of the source of the plume on the DuPont site.
- Some are concerned that the current pump and treat system is not effective at containing spread of the plume, and express the opinion that a slurry wall or other containment should have been installed at the boundary of the Site long ago to contain the plume.

iv) Plume Monitoring and Delineation

- Some feel the number and placement of ground water monitoring wells around the Site, plume area and in the community are inadequate.
- This relates to concerns by some about whether the plume area has been properly delineated. Some of these interviewees believe it has not been accurately mapped with levels of concentration. Others believe that broad statements concerning the plume area have unnecessarily provoked anxiety in residents about health risk and property values based on incomplete information.

b) Site Cleanup

Cleanup of the DuPont site itself is seen by almost all interviewees as a priority in order to get at the sources of contamination and potential for returning the Site to productive use.

- Interviewees stressed that there is a lack of adequate information/understanding about what cleanup has been done on site, what contamination remains, and the options for complete cleanup of the Site.
- Concerns were expressed about hazardous wastes from federal government sources and other hazardous wastes in tunnels on site.
- Some interviewees are concerned that not all of the contaminants on or migrating off site have been identified or reported. They want more comprehensive environmental testing for all chemicals used at the DuPont plant. All of Pompton Lakes should be tested by independent contractors for contamination from the Site.
- Many interviewees are unclear about the extent of past remediation work on the Site.
- Many are uncertain about the timeline and nature of future work on the Site.
- A number of the participants felt that, without remedial action in the near future, storm events and other natural processes could cause recontamination of neighboring property, streambeds and Pompton Lake.

c) Lakes, Rivers and Streams

Few interviewees had seen much information about the study and proposed cleanup of the Acid Brook delta and a portion of Pompton Lake. Many interviewees expressed the desire for a thorough cleanup of the lake and the rivers and streams which flow from the Site. They acknowledged that after the release of the upcoming report regarding the lake/Acid Brook delta cleanup, this issue will receive a lot more attention.

- Impacts to aquatic habitat and wildlife need to be considered in studies and design of cleanup plans.

- All rivers that run through the Site should be thoroughly tested for contaminants and cleaned up as needed.
- Some oppose depositing lake sediments from cleanup on DuPont property due to concerns that wastes may migrate off site once again.
- There are questions about whether or not a recent fish kill is related to contamination from the Site.
- There is concern that the lake has warning signs posted about fish consumption due to contamination.
- Interviewees want the lake cleaned up so it is safe to swim and fish.
- There is concern about the possible spread of contamination to the south end of Pompton Lakes from flooding and requests for environmental sampling in this area (DuPont is reported to have agreed to do sampling).
- Interviewees believe that all rivers/streams flowing through the Site should be tested downstream.

d) Health

Interviewees raised a number of concerns about health impacts from vapor intrusion into homes, including the levels of cancer in the community. Interviewees also suggested a more comprehensive health evaluation for the Pompton Lakes community.

- Concerns were primarily expressed about health risks from vapor intrusion into homes and other health impacts in the plume area.
- There is a desire for a better understanding of the level of health risk posed by the concentrations of chemical vapors entering homes from the plume, including from exposure prior to discovery of vapor intrusion, or affecting residents from other site-related sources.
- There are concerns over the incidence of cancers in Pompton Lakes and the relationship to contamination from the Site.
- There is a desire for better health monitoring/study/survey for Pompton Lakes residents.
- Recent health reports have increased levels of concern, controversy and confusion in the community.
- There is concern over lack of direction in the Health CAG.

e) Economic

Economic impacts related to the presence of the Site and off-site contamination were of concern to almost all stakeholders. The concerns related to negative impacts on property values, the attractiveness as a place to live and own businesses, tax rates, and potential for beneficial reuse of the Site.

i) Decrease in property values

- Many interviewees believe they suffer a decrease in property value due to location in the plume area or from the environmental stigma of being near the DuPont Site.
- A number of plume area residents want DuPont to purchase their homes or pay for the decreased property value.
- Some report that potential home buyers avoid looking or buying in the plume area; others report difficulty in obtaining financing on homes in plume area due to vapor intrusion issues.
- A few felt that there has been limited or no impact on the volume of sales in the plume area.
- Some interviewees felt that press coverage and Web postings concerning suggestions to list the Site as a Superfund site produces a stigma for the town that reduces property values and is a disincentive to businesses to locate in the area.

- ii) There is a deterrent effect on local business and future investment caused by stigma of hazardous waste contamination and suggestions for listing as a Superfund site.
- iii) Redevelopment on the Site
 - Some favor economically viable redevelopment after cleanup to increase revenues to town and local business.
 - There were concerns that less stringent cleanup levels will be required for non-residential reuse and there is a preference for residential cleanup levels.
- iv) Tax revenue from DuPont
 - Several stakeholders who distrust DuPont stated that they felt supporters of DuPont were asserting that if DuPont is criticized they will chose to either change their tax status to lessen the current tax liability or walk away from the Site.
 - Others noted that DuPont continues to pay the same level of local taxes that it would if still an operating facility which provides a financial benefit to the town.

f) Relationships and Trust

At the core of negative feelings and unproductive dialogue in recent years are eroded levels of trust of DuPont, regulatory agencies, municipal government and among stakeholder groups.

- i) Federal
 - All recognize that EPA has made the Site a high priority, involving the EPA Administrator and Region 2 Regional Administrator, and see this as a good sign as it offers the potential for more concerted action.
 - There is a Congressional delegation involved to help resolve citizen concerns about the Site and vapor intrusion.
 - Some interviewees want EPA to make the Site a Superfund site so EPA controls the entire cleanup and stronger CERCLA legal authorities apply.
 - Some interviewees oppose designating the Site as a Superfund site due to increased stigma for the town, potential negative impacts on home values, businesses and investment, delays in the cleanup caused by switching federal regulatory programs, and a slower Superfund cleanup process.
 - Some interviewees want EPA to require more stringent oversight and control of DuPont cleanup and study related activities and more EPA oversight/direction of NJDEP.
 - Some interviewees want clarity on what can and cannot be done by EPA and want explanationa and set boundaries when appropriate.
 - Some want EPA to move its local office out of the DuPont information center.
- ii) State government
 - Some interviewees express a high level of distrust of NJDEP and feel that NJDEP is too accepting of what DuPont proposes as remedial actions.
 - There is distrust of accuracy, results, scope and methodology of prior health evaluations.
 - A few expressed hope that recent state legislation might offer stronger means of holding DuPont to a schedule for remediation.
- iii) Local government
 - Some feel strongly that local government elected officials have not taken adequate actions to protect residents from environmental and health threats from the Site.

- Some expressed strong distrust of local government elected officials and feel they are too sympathetic to DuPont's positions due to tax revenue from the Site and because the town environmental officer's salary is paid from money received from DuPont.

iv) DuPont

- Some interviewees express a high level of distrust of DuPont's activities and motivations and of information provided by DuPont and its contractors.
- Some interviewees want more access to information from DuPont and its technical contractors.
- DuPont told residents that the plume was under control and would not pose a health risk to the community and people live over the plume for an extended period; then in 2008 vapor intrusion was disclosed as a problem.
- There is belief that DuPont's economic and political clout allows it to influence state and federal agencies to get what they want.
- There is belief that DuPont's primary motivation is saving money on cleanup and not "making it right."

v) Community groups/individuals

- Some interviewees view local groups advocating for particular cleanup actions as not willing to listen to and understand technical or other information which differs from their own beliefs.
- Some are concerned that a vocal, aggressive minority of advocates will try to dominate the CAG dialogue process and reduce its effectiveness and ability to collaborate towards solutions.
- There are concerns about personal attacks made by activists against those who express a different point of view or interpret technical information differently and that similar behaviors will occur on the Environmental CAG.
- There has been a recent splintering of a local environmental advocacy group into two separate organizations due to differing views on issues and actions needed.
- Several people felt that advocacy organizations from outside the community were attempting to influence what happens, not out of the best interests of the community, but to benefit their own organizations.

g) Drinking Water

The City of Pompton Lakes has artesian drinking water wells. Some interviewees noted that test results show good quality safe water from these wells; others express fears about municipal drinking water safety and note that no private water wells are used due to site-related contamination.

h) Litigation

- Interviewees mentioned that several hundred residents are part of a lawsuit against DuPont.
- Limitations on communications created by the litigation may impact effective dialogue within the CAG.
- Litigants have been told not to be with DuPont representatives or be on DuPont property/information center without legal counsel present.
- Some feel litigants are intentionally elevating community tensions regarding health and environmental damages to increase chances of success and recovery in litigation or settlement efforts.

Appendix 5 – Proposed Draft CAG Operating Procedures

A5.1 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.

A5.2 Roles and Responsibilities of the Participants

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.
- 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.

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

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 at Appendix 1.^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 A.5.3) 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 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 Rules Committee and the Rules 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.

^a To be added.

- 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.

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.
- 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.

A5.3 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.

A5.4 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. The use of straw votes is allowed to gauge the strength of the various viewpoints for discussion purposes. 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.

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. Also, summaries will be made available to all CAG members at least one week prior to the next regular CAG meeting and sent to all individuals on a mailing or electronic distribution list developed by the CAG.

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.
- Maintaining CAG mailing lists.

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.

A5.5 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 A.5.2(4), A CAG member (or work group member) whose conduct is detrimental to the CAG process may be considered for removal.