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Guidance for Community Advisory Groups at Superfund Sites

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— Diana Hammer (OERR), Project Manager

Notice

The policies set out in this memorandum are intended solely as guidance. They are not intended, nor can they be relied upon, to create any rights enforceable by any party in litigation with the United States. EPA officials may decide to follow the guidance provided in this memorandum, or to act at variance with the guidance, based on an analysis of specific site circumstances. The Agency also reserves the right to change this guidance at any time without public notice.

For More Information on CAGs

Contact your Regional Community Involvement Manager or a staff member of the Community Involvement and Outreach Center at EPA Headquarters. (See the list of contacts in Appendix E.)

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1. Background

> **Environmental Justice Task Force**
> **Purpose of this Guidance**
> **Selecting Sites**

The United States Environmental Protection Agency (EPA) is committed to involving the public in the Superfund cleanup process. In fact, there are many examples throughout the Superfund program where community involvement has enhanced, rather than impeded the Superfund cleanup decision-making process. While recognizing that providing additional opportunities for community involvement may require additional time and slow the cleanup process down initially, EPA believes this is time well spent, and that early and effective community involvement will actually save time in the long run.

EPA is committed to early, direct, and meaningful public involvement and provides numerous opportunities for the public to participate in site cleanup decisions. One of these opportunities for community involvement, is the EPA's Technical Assistance Grants (TAGs) program. EPA awards TAGs to eligible community groups so they can hire their own, independent Technical Advisor, enabling community members to participate more effectively in the decision-making process at Superfund sites. For more information on the TAG program, see the "Superfund Technical Assistance Grants" quick reference fact sheet (EPA 540-K-93-001; PB93-963301).

Community Advisory Groups (CAGs) are another mechanism designed to enhance community involvement in the Superfund process. CAGs respond to a growing awareness within EPA and throughout the Federal government that particular populations who are at special risk from environmental threats—such as minority and low-income populations—may have been overlooked in past efforts to encourage public participation. CAGs are an effective mechanism to facilitate the participation of community members, particularly those from low-income and minority groups, in the decision-making process at Superfund sites.

1.1 Environmental Justice Task Force

The Office of Solid Waste and Emergency Response (OSWER) Environmental Justice (EJ) Task Force was established in 1993 to analyze environmental justice issues specific to waste programs and develop recommendations to address these issues. The EJ Task Force advised that the creation of Community Advisory Groups would enhance public involvement in the Superfund cleanup process. Specifically in its April 1994 report, titled OSWER Environmental Justice Task Force Draft Final Report (EPA 540-R-94-004), the Task Force recommended implementing a program involving CAGs at a minimum of ten sites nationwide by the end of FY94 and providing guidance to support the CAG activities.

1.2 Purpose of this Guidance

As lead Agency at a Superfund site, EPA has an important role to play in encouraging the use of Community Advisory Groups (see Section 10.3, under "Roles and Responsibilities"). This guidance document is designed to assist EPA staff [primarily Community Involvement Coordinators (CICs) and Site Managers, such as Remedial Project Managers, On-Scene Coordinators, and Site Assessment Managers] in working with CAGs at Superfund sites (this includes remedial and appropriate removal sites).

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This guidance addresses the objectives, functions, membership, and scope of authority for CAGs. It emphasizes practical approaches and activities, and is designed to be flexible enough to meet the unique needs of individual local communities. The guidance is based on the Agency's experience in carrying out community involvement activities pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), the Superfund Amendments and Reauthorization Act of 1986 (SARA), and policy documents issued by EPA and other Federal agencies. It also draws on concepts articulated in the President's Executive Order on Environmental Justice 12898, EPA/OSWER's Environmental Justice Task Force report, the "Restoration Advisory Board Implementation Guidelines" developed by the EPA and the Department of Defense (9/94), and the "Interim Guidance for Implementing Restoration Advisory Boards" drafted by the California Environmental Protection Agency (11/93).

This guidance provides a number of considerations to assist Community Involvement Coordinators (CICs) and Site Managers in working with a successful CAG. **CAGs need not conform to all aspects of this guidance.** Consequently, this guidance is intended to provide a starting point or frame of reference to help groups organize and begin meeting. A CAG's structure and operation, however, should reflect the unique needs of its community.

EPA will not establish or control CAGs; however, the Agency will assist interested communities in CAG activities. Further, EPA anticipates that the CAGs will 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.

1.3 Selecting Sites

While EPA is initially focusing the CAG concept and guidance on Superfund sites with environmental justice concerns, the methods and principles are intended to be applied broadly and to include other Superfund sites as well. In some cases, the sites selected for a CAG may already have some form of community advisory group and EPA could help formalize the group, recognizing it as being representative of the community. In other cases, sites may be selected where a community advisory group doesn't yet exist, but where a CAG would be useful to encourage full community participation in site cleanup activities. See Section 2.2, "Determining the Need for a CAG" for more information on appropriate sites for a CAG.

2. Community Advisory Group (CAG) Development

- **CAG Scope of Authority**
- **Determining the Need for a CAG**
- **Preparation for the CAG Information Meeting**
- **CAG Information Meeting**

Community Advisory Groups are important tools for enhancing community involvement in the Superfund process. Through CAGs, EPA seeks to achieve direct, regular, and meaningful consultation with all interested parties throughout all stages of a response action.

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2.1 CAG Scope of Authority

A CAG should serve as a public forum for representatives of diverse community interests to present and discuss their needs and concerns related to the Superfund decision-making process with appropriate Federal and State/Tribal/local governments. The CAG is designed as a mechanism for all affected and interested parties in a community to have a voice and actively participate in the Superfund process. However, it is important to remember that the CAG is not the only mechanism for community involvement at a site; as the lead Agency, EPA continues to have the obligation to inform and involve the entire community through regular as well as innovative community involvement activities.

EPA cannot, by law, abrogate its responsibility to make the final decisions at a site; however, by providing the perspective of the local community, the CAG can assist EPA in making better decisions. A CAG that is broadly representative of the affected community offers EPA a unique opportunity to hear—and seriously consider —community preferences for site cleanup and remediation. It is particularly important that in instances where an EPA decision and/or response differs from a stated CAG preference regarding site cleanup, EPA accepts the responsibility of explaining its decision and/or response to CAG members.

A CAG allows the Agency to exchange information with members of the affected community and encourages CAG members to discuss site issues and activities among themselves. The CAG also can provide a public service to the rest of the affected community by representing the community in discussions regarding the site and by relaying information from these discussions back to the rest of the community. CAGs thus can be a valuable tool for both the Agency and communities throughout the cleanup process.

2.2 Determining the Need for a CAG

The CIC should consult with other site team members (for example, the Site Manager and Attorney) in selecting an appropriate site for a CAG. The team may consider a number of factors during the selection process, including: Generally, what is the level of community interest and concern about the site?

- Might that level of community interest and concern warrant a CAG?
- Has the community expressed an interest in forming a CAG?
- Does a group similar to a CAG exist?
- Do groups with competing agendas exist at the site?
- Are there any environmental justice issues or concerns regarding the site?
- What is the history of community involvement at the site?
- What is the likelihood of long-term cleanup activity at the site?

Depending on the status of the cleanup process at the site, substantial information may exist about the community. For example, if the site is in the RI/FS phase, the Community Relations Plan, developed based on interviews with community members, is a good information source.

A community with a high level of interest and concern about site activities should be a strong candidate for a CAG. In addition, a site in the

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early stages of a long-term cleanup without an existing community group may be a strong candidate site for an effective CAG. Communities at removal sites, particularly non-time critical removal sites, also may benefit from a CAG (keeping in mind, however, the time necessary to begin CAG operations when considering a CAG for removal sites).

If a group exists which is representative of the local community (for example, a local environmental group that has been active at the site or a TAG recipient group), a CAG may not be appropriate—if the existing group can fulfill the role of a CAG. If competing groups exist at a site, however, their disparate interests and agendas can undermine even the best efforts of agencies, elected officials, and concerned citizens to forge a CAG. This situation should be given serious consideration in making the decision to promote CAGs at such sites.

A CAG can be formed at any point in the cleanup process but may be most effective early in the cleanup process. Generally, the earlier a CAG is formed, the more CAG members can participate in and impact site activities and cleanup decisions.

2.3 Preparation for the CAG Information Meeting

The CAG Information Meeting is the setting for introducing the CAG concept to the community. Before the CAG Information Meeting, the CIC may begin the process of informing and educating the community about the purposes of the CAG and opportunities for membership and participation. This is especially important at Superfund sites where the community may have had relatively limited participation in the Superfund process. This section offers suggestions, concerns, and methods that EPA (in conjunction with others such as State/Tribal/local governments) may use to notify a community about the formation of a CAG. These are not the only options—techniques will necessarily vary from site to site and from community to community. In many instances, it may be useful to target multiple newspapers as well as alternative media (for example, public service announcements on the radio, public access channels on cable television, free circulation newspapers) to more effectively reach out to communities. Other outreach options include flyers, announcements in local churches, etc. Remember also, that another important and effective method to "spread the word" about the CAG is through the personal relationships that Agency representatives have established in the community. No matter what method or media is used, EPA (in conjunction with others such as State/Tribal/local governments) must provide the information in a manner readily understandable to community members.

2.3.1 Fact Sheet

EPA (in conjunction with others such as State/Tribal/local governments) may prepare and distribute a brief fact sheet describing the CAG prior to the CAG Information Meeting. A sample CAG fact sheet is included as Appendix A. In preparing the fact sheet, EPA may consult with the State/Tribal/local government. EPA may wish to expand existing networks used in distributing information about public involvement activities for the distribution of CAG-related fact sheets and other materials.

Community interviews conducted prior to development of the Community Relations Plan for the site, as well as the plan itself, are potential sources of information to identify effective methods for distributing the CAG fact sheet.

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Depending on the status of the response action, the interviews and plan may not have been completed for all sites. If this is the case, EPA staff may conduct limited community interviews with local officials and community leaders, making special effort to contact those leaders with ties to the environmental justice and other site-related concerns of the community. For example, these sources could include churches and community organizations in minority and low-income neighborhoods. This will ensure that credible information sources identified by members of the community are used to supplement and reinforce direct mailing of the fact sheet. In addition, copies of the fact sheet should be available in the information repositories and at the CAG Information Meeting.

The fact sheet is designed to describe the purpose of the CAG and membership opportunities and delineate the role of CAG members. If a significant segment of the community is non-English speaking or visually impaired, EPA (in conjunction with others such as State/Tribal/local governments) should translate the fact sheet for distribution to these members of the community.

2.3.2 Public Notice

EPA (in conjunction with others such as State/Tribal/local governments) may prepare a public notice or display ad to advertise the CAG Information Meeting in general circulation newspapers serving the affected communities around the site. To ensure that all segments of the affected population are notified, notices in newspapers that serve low-income, minority, and non-English speaking audiences in the community also should be considered.

The notice should be published approximately two weeks in advance of the CAG Information Meeting and should include the following information:

- Time and location of the meeting;
- CAG purpose and membership opportunities;
- The roles and responsibilities of CAG members;
- A statement that the meeting is open for public attendance and participation;
- Topics for consideration at the CAG Information Meeting; and
- Name and phone number of contact person(s) to obtain more information.

The public notice should appear in a prominent section of the newspapers, where it is likely to be read by the majority of community members. A sample CAG public notice is included as Appendix B.

2.3.3 News Release

EPA personnel (in conjunction with others such as State/Tribal/local governments) may prepare and distribute to the local media a news release to explain the purpose of the CAG and announce the time and location of the initial information meeting. Depending on local media coverage of Superfund and other environmental issues related to the site, it may be appropriate to prepare a more extensive media packet of information to update the local media on public involvement activities and overall response plans and progress.

2.3.4 Agenda

EPA, in consultation with the State/Tribal/local governments and residents, may develop an initial agenda for the CAG Information Meeting. The agenda should reflect important

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community concerns raised in relation to the Superfund response. Again, the results of community interviews conducted in the process of developing Community Relations Plans and other community involvement activities may provide a source of information and background on community concerns. Demonstrating an awareness of and sensitivity to concerns expressed by the community is an important element in maximizing the potential benefits of CAGs.

2.4 CAG Information Meeting

EPA may sponsor the CAG Information Meeting and may consult with the State/Tribal/local government in its preparation. EPA (in conjunction with others such as State/Tribal/local governments) should attempt to hold the CAG Information Meeting as early as possible in the cleanup process.

EPA personnel (and/or others such as State/Tribal/local governments) may facilitate the CAG Information Meeting; however, for this and subsequent meetings, it may be preferable to have someone from the community with facilitation experience or a professional meeting facilitator serve as facilitator. A neutral facilitator is particularly effective at sites where some controversy is anticipated. Facilitation may produce a better sense of fairness and independence, helping to ensure more productive discussions.

The Information Meeting should serve to introduce the CAG concept to the community. The following topics may be appropriate to discuss at the meeting:

- Purpose and overview of the CAG;
- Goal of representing diverse community interests;
- Interface between the CAG and other community involvement activities;
- Membership opportunities;
- Suggested member selection process and timetable;
- Examples of a CAG Mission Statement and operating procedures (including community leadership);
- Suggested member responsibilities;
- Overview of site cleanup plans and progress; and
- Open discussion/question and answer period.

The Information Meeting and subsequent CAG meetings should be held in a central location and at a convenient time for community members. In addition, EPA (and/or others such as State/Tribal/local governments) should consider requirements of the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1994 in choosing a location (for example, accessibility by wheelchairs and availability of signers and readers, as necessary, to assist hearing and visually impaired participants).

Resources permitting, EPA (and/or others such as the State/Tribal/local governments) may provide appropriate administrative and logistical support for arranging the meeting and documenting its proceedings. Preparation of a concise and easy-to-read summary of the meeting also should be considered. Such a summary will help facilitate effective communication with local community members. The summary should be translated for interested members of the community who are non-English speaking or visually impaired. The summary should be made available for public review in the information repositories and through other dissemination methods no later than one month

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after the Information Meeting. Copies of the summary also may be mailed to all community members who attend the initial meeting and to those who are on mailing lists used for other community involvement activities related to the site.

3. CAG Startup

The time period between the CAG Information Meeting and the implementation of a fully functional CAG may vary from site to site. EPA should encourage CAGs to be in full operation within six months after the information meeting, in order to maximize their effectiveness in the Superfund cleanup decision-making process. There are several key activities that should be completed during this time period to ensure successful CAG operation. These activities are described in the following sections.

4. CAG Membership

- **Size of the CAG**
- **Membership Composition**
- **Roles and Responsibilities of CAG Members**
- **Membership Solicitation**
- **Membership Selection Models**

4.1 Size of the CAG

The number of members in the CAG may vary from site to site depending on the composition and needs of the affected community. The CAG should determine the size of its membership; when doing so, the CAG should consider the following factors:

- Diversity of the community;
- CAG workload; and
- Effective group discussion and decision-making (i.e., pros/cons of larger vs. smaller groups).

Federal Facility Environmental Restoration Advisory Boards, groups similar to CAGs, generally average around 20 members. While it often is difficult to ensure that everyone has an opportunity to participate and to achieve closure on discussions in larger groups, the CAG should be large enough to adequately reflect the diversity of community interests regarding site cleanup and reuse.

4.2 Membership Composition

To the extent possible, membership in the CAG should reflect the composition of the community near the site and the diversity of local interests, including the racial, ethnic, and economic diversity present in the community—the CAG should be as inclusive as possible. At least half of the members of the CAG should be local community members (sometimes referred to as "near neighbors").

CAG membership should be drawn from the following groups:

- Residents or owners of residential property near the site and those who may be affected directly by site releases;
- Those who potentially may be affected by releases from the site, even if they do not live or own property near the site;

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- Local medical professionals practicing in the community;
- Native American tribes and communities;
- Representatives of minority and low-income groups;
- Citizens, environmental, or public interest group members living in the community;
- TAG recipients, if a TAG has been awarded at the site;
- Local government, including pertinent city or county governments, and governmental units that regulate land use in the vicinity of the site;
- Representatives of the local labor community;
- Facility owners and other significant PRPs;
- The local business community; and
- Other local, interested individuals.

Clearly, persons with an obvious conflict of interest at the site should not be members of the CAG, e.g., remedy vendors, lawyers involved in pending site litigation, non-local representatives of national groups, and others without a direct, personal interest in the site.

In order to prevent the PRP (or another interest group) from dominating CAG discussions, the community shall have the authority to limit the number of these representatives or designate them as ex-officio members.

4.3 Roles and Responsibilities of CAG Members

Generally, CAG members will be expected to participate in CAG meetings, provide data and information to EPA on site issues, and share information with their fellow community members. EPA (along with State/Tribal/local governments, as appropriate) should help the CAG clearly define and maintain these roles and responsibilities (see Section 10.2, under "Roles and Responsibilities").

4.4 Membership Solicitation

For the CAG concept to be successful, the membership of each CAG should reflect the diverse interests of the community in which the Superfund site is located. It is also important that each community have the lead role in determining the membership appropriate for its CAG. This will help encourage participation in and support for the CAG. EPA should not select or approve/disapprove individual CAG members but must certify that the CAG is representative of the diverse interests of the community.

EPA, in coordination with the State/Tribal/local governments, should inform the community about the purposes of the CAG and opportunities for membership and participation. This public outreach effort needs to be tailored to the individual community in which the CAG is to be formed. This is especially important at sites which are in the early stages of the Superfund cleanup process, sites at which opportunities for community participation have been limited, and/or sites where there has been relatively little community or media interest.

EPA (in coordination with others such as the State/Tribal/local governments) should make every effort to ensure that all individuals and groups representing community interests are informed about the CAG and the potential for membership so that each has the opportunity to participate in the CAG. For example, EPA

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may begin the public outreach effort regarding CAG membership before the CAG Information Meeting by distributing the CAG fact sheet and publishing public notices and news releases.

Depending on the results of community-wide efforts to solicit nominations for CAG membership, it may be necessary to refine and further focus efforts for specific groups. These efforts may be reinforced with a letter to individuals and groups representing diverse community interests. A sample letter regarding CAG membership is included as Appendix C. CAG information also can be mailed to those expressing interest generally in the site and/or specifically in the CAG. CAG information also should be made available through the local information repositories. The information also may be reformatted and posted in other visible locations such as information kiosks and community centers.

If there is not enough community interest to form a CAG after all solicitation efforts have been exhausted, EPA (in conjunction with others such as State/Tribal/local governments) may issue a public notice through all available outlets to announce that efforts to form a CAG have been unsuccessful. A sample of such a public notice is included as Appendix D.

4.5 Membership Selection Models

The selection of CAG members should be accomplished in a fair and open manner in order to maintain the level of trust needed for successful CAG operation. The members of the CAG should reflect the composition of the community and represent the diversity of local interests. In designing the method for developing a CAG that is most appropriate for the affected community, it may be useful for EPA (in conjunction with others such as State/Tribal/local governments) to offer some type of facilitation.

The following Membership Selection models are examples that may be used and adapted to best meet the particular needs of a community. Of course, each community is unique and no one model will work in all instances; in fact, it may be appropriate to develop an entirely different model for selecting CAG members. Similarly, formal membership selection models, such as those described in this section, may not always be necessary. For example, selecting a group may be as simple as widely advertising the opportunity to join the CAG and then recognizing the CAG as consisting of the respondents. The key is that the CAG represent the interests of the community and that the CAG be able to function as a group. The exact selection process is secondary, as long as the process is fair and open.

4.5.1 Screening Panel Model

Under this model, EPA, consulting with and involving the State/Tribal/local government, could assist the community in organizing a short-term Screening Panel to review nominations for membership on the CAG prior to final member selection. After the opportunity to form a CAG has been announced, the local community should identify (using a fair and open manner) CAG members who represent the diverse interests of the community. The panel should, to the extent practical, reflect the diversity of interests in the community since the panel would be expected to choose CAG members who are equally representative. The panel may select a chairperson from among its members.

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The Screening panel should consider establishing and publicizing the following:

- Procedures for nominating members for the CAG, including the way members of the community can nominate themselves to be CAG members (panel members also may nominate themselves to be CAG members.);
- The process for screening nominations and making recommendations for membership;
- The criteria to be used in screening nominations and determining membership recommendations; and
- A list of any recommended nominees for membership on the CAG.

The Screening Panel Chairperson may forward the panel's recommended list of nominees to the appropriate EPA Regional Administrator for review and comment (not for approval/disapproval of individuals) with regard to its ability to represent the interests of the community.

4.5.2 Existing Group Model

Under this model, an existing group in the community—such as a group with a history of involvement at the Superfund site—may be selected as the CAG for that community, if, in fact, it does represent the diverse interests in the community. If the group does not appear representative of the community, EPA may ask the group to expand its membership to include any community interests not represented.

4.5.3 Core Group Model

Under this model, EPA, consulting with and involving the State/Tribal/local governments, could select a Core Group that represents the diverse interests of the community. EPA (in conjunction with others such as State/Tribal/local governments) may remind the community that a person may nominate himself or herself through the application process. For example, members of the Core Group could include seven members representing the following interests: two local residents, local government, environmental, civic, labor, and business. The members of this Core Group then would select the remaining members of the CAG in a fair and open manner.

4.5.4 Self-Selecting Group Model

Under this model, after EPA (in conjunction with others such as State/Tribal/local governments) announces the opportunity to form a CAG, the local community identifies (in a fair and open manner) CAG members who they believe represent the diverse interests of their community. Realistically, it may take some communities a significant amount of time to fully select the CAG members.

4.5.5 Local Government Group Model

Under this model, the local government would select, in a fair and open manner, members of the community to serve on the CAG. This model may be appropriate at sites where a positive working relationship and established communication channels exist between the local government and the community.

5. CAG Member Training

Many of those selected as members of the CAG may require some initial training to enable them to perform their duties. EPA may work with the State/Tribal agencies, the local government(s), local universities, the PRP(s), and others, to provide training and prepare

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briefing materials for CAG members. EPA also may work with these organizations and appropriate local groups to develop a method for quickly informing and educating new CAG members about cleanup issues, plans, and progress. Every effort should be made to tailor the training to the specific needs of the CAG members. For example, some CAG members may require more extensive training than others; similarly, some may need training materials in alternative formats, such as in a language other than English. It is extremely important for the success of the CAG process that all members have an adequate opportunity to understand the Superfund process and the cleanup issues related to their respective sites. It also is important that the CAG function as a group, meaning some CAGs may need training on how to function effectively as a group.

Training may be accomplished at regular CAG meetings and/or through activities such as the following:

- Formal training sessions;
- Briefing books, fact sheets, and maps; and
- Site tours.

Every effort should be made to provide CAG members with appropriate and necessary training, subject to available resources.

Technical staff from local, State/Tribal, and Federal agencies involved in site cleanup may attend CAG meetings. They may serve as technical resources and provide information about their respective areas of expertise to CAG members.

6. Administrative Support for the CAG

EPA, together with State/Tribal governments, the local government(s), local universities, the PRP(s), and others may assist the CAG with administrative support on issues relevant to the Superfund site cleanup and decision-making process.

Resources permitting, EPA also may expand existing site contractor support work assignments, for example, to provide administrative support and translate documents with EPA staff oversight.

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;
- Translating or interpreting outreach materials and CAG meetings in cases where there is a

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significant non-English speaking portion of the community; and

- Facilitating CAG meetings and special-focus sessions, if requested by the CAG.

After CAG members have been selected, EPA, in coordination with the State/Tribal agencies and the local government, may assist the CAG in developing a news release or fact sheet announcing the startup of the CAG and providing the names of CAG members. The news release or fact sheet also can be used as a vehicle for publicly thanking all members of the community who expressed an interest in CAG participation, encouraging their continued involvement through attendance at CAG meetings, and announcing the first CAG meeting.

7. CAG Operations

> **Chairperson**
> **Mission Statement and Operating Procedures**
> **Meetings**

7.1 Chairperson

CAG members may select a Chairperson from within their ranks and determine an appropriate term of office. It may be useful to advise that the Chairperson be committed to the CAG and willing to serve for an extended period of time (e.g., two years) to ensure continuity. Members have the right and responsibility to replace the Chairperson as they believe necessary. The processes for selecting and dismissing a Chairperson should be detailed in the CAG's operating procedures.

7.2 Mission Statement and Operating Procedures

Each CAG should develop a Mission Statement describing the CAG's specific purpose, scope, goals, and objectives. The mission statement and subsequent CAG activities should focus on actions related to Superfund site issues consistent with the purpose of a CAG.

Each CAG should develop its own letterhead. Each CAG also should develop a set of procedures to guide day-to-day operations. Topics to be addressed in these operating procedures include the following:

- How to fill membership vacancies;
- How often to hold meetings;
- The process for reviewing and commenting on documents and other materials;
- How to notify the community of CAG meetings;
- How the public can participate in and pose questions during CAG meetings; and
- How to determine when the CAG has fulfilled its role and how it will disband.

7.3 Meetings

All CAG meetings should be open to the public. The meetings should be announced publicly (via display ads in newspapers, flyers, etc.) well enough in advance (e.g., two weeks) to encourage maximum participation of CAG and community members.

EPA personnel (and/or others such as State/Tribal/local governments) may facilitate CAG meetings, however, it may be preferable to use

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someone from the community with facilitation experience or a professional meeting facilitator. A neutral facilitator is particularly effective at sites where some controversy is anticipated. Facilitation may produce a better sense of fairness and independence, helping to ensure more productive discussions. If a facilitator is regularly used during CAG meetings, it may be helpful to further clarify both the Chairperson's and facilitator's roles to avoid direct conflict between the facilitator and Chairperson.

The intent of the CAG is to ensure ongoing community involvement in Superfund response actions. As such, regular attendance at CAG meetings by all CAG members should be anticipated. Even though they are not CAG members, the EPA Site Manager and the CIC may attend meetings and encourage representatives of other pertinent Federal agencies and State/Tribal/local governments to attend meetings as well. Governmental attendees should not be so numerous, however, as to inhibit meeting discussions. Consistent attendance, however, can demonstrate commitment to meaningful public participation in the cleanup process.

7.3.1 Meeting Frequency

CAG meetings should be scheduled on a regular basis. CAG members should determine the frequency of CAG meetings based on the needs at their particular site. Meetings should be held often enough to allow the CAG to respond to site issues within specified timeframes and allow for timely communication of CAG actions and site activities to the rest of the community. Frequency of meetings should be covered in the CAG's operating procedures.

7.3.2 Location

The CAG meetings should be held in a location agreed upon by CAG members. It is useful to consider a location convenient to CAG members, as well as central enough to encourage attendance by other interested members of the community. Meeting spaces such as local libraries, high schools, and senior centers may be acceptable locations. The location should meet requirements of the Americans with Disabilities Act and the Rehabilitation Act of 1994 (for example, accessibility for those in wheelchairs).

7.3.3 Meeting Format

The format for CAG meetings may vary depending on the needs of the CAG. A basic meeting format might include:

- Review of "old" business;
- Status update by the project technical staff and CAG member discussion;
- Discussion and question/answer session involving members of the public in attendance;
- Summary and discussion of "action items" for the CAG; and
- Discussion of the next meeting's agenda.

Prior to announcing each meeting, CAG members may wish to agree upon the meeting's purpose, agenda, and format. If necessary, arrangements should be made to provide a translator or interpreter and/or facilitator. EPA (in conjunction with others such as State/Tribal/local governments) may assist the CAG in making appropriate arrangements.

7.3.4 Special-Focus Sessions

The CAG also may consider holding special-focus sessions from time to time. These meetings would focus on a single topic and provide an opportunity for the CAG to solicit input, discuss, or gather information on a specific issue

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requiring attention. If an expert cannot attend a special-focus session—travel and attendance in person may not always be possible—it may be useful for the CAG to schedule a conference call with that expert to discuss a particular issue. EPA (in conjunction with others such as State/Tribal/local governments) may provide support for special-focus sessions on issues relevant to the Superfund site cleanup and decision-making process.

7.3.5 Meeting Documentation

The CAG should prepare a concise summary of each meeting, highlighting the topics discussed, agreements reached, and action items identified. EPA and others such as the State/Tribal/local governments may provide support for this effort. The CAG may want to consider preparing a summary, rather than a verbatim transcript, to facilitate effective communication with local communities. If a significant segment of the affected population is non-English-speaking or visually impaired, they also should translate the summary, as appropriate, for these members of the community.

The meeting summary should be available for public review in the information repositories and through other dissemination methods within one month of the meeting. Copies of the summary also may be mailed to all community members who attended the meeting and to those who are on the CAG mailing list. If the CAG mailing list is larger than EPA's site mailing list, EPA may expand its mailing list to include interested community members from the CAG list.

8. CAG Response to Requests for Comments

EPA (in conjunction with others such as State/Tribal/local governments) should make every effort to involve the CAG during the early stages of developing documents—for example, during the scoping stage.

When EPA offers CAG members the opportunity to review and comment on documents, it may be helpful for EPA's technical staff (and from other appropriate agencies) to conduct a brief walk-through of each document prior to the CAG members' review. This overview may include explaining the goals and significance of each document in the cleanup process.

EPA should consider making all documents available to the CAG for the same length of time as to other groups—such as the State/Tribal and peer review groups. The duration of comment periods for some Superfund site-related documents, such as the Remedial Investigation/Feasibility Study (RI/FS) and the Proposed Plan and Records of Decision (RODs), are already established. CAG members, however, may be asked to review and comment on a variety of documents and other information for which comment period durations have not been established. EPA should explain to the CAG that, in some cases, time allotted for review of these materials may have to be less than 30 days. In those cases, the CAG should be ready to complete its review and provide comments in the shorter time period.

The CAG may determine the most efficient way to respond to requests for review and comment on key documents. The CAG

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should choose, on a case-by-case basis, the most appropriate mechanism to ensure that comments are provided within specified time-frames. One option available for the CAG to gather input from its constituents is by holding a special-focus meeting. To assist in the process, EPA (in conjunction with others such as State/Tribal/local governments) should prepare executive summaries in plain language describing the document and its key points.

9. EPA Response to Comments from the CAG

Since EPA representatives may attend CAG meetings regularly, EPA may have the opportunity to respond to many CAG comments on key documents and other issues in the context of meeting discussions. These responses should be documented as part of the interchange during the CAG meeting and, unless otherwise stated, should not be considered part of the formal Agency "Response to Comments" (as required under Sections 113 and 117 of CERCLA and 40 CFR 300 of the National Contingency Plan). EPA should recognize the nature of the comments (whether statements of individual preferences or statements supported by all CAG members), and give the comments corresponding weight for consideration. In cases where there are numerous comments to address in a meeting context, EPA may respond to them in writing.

10. Roles and Responsibilities

- **CAG Chairperson**
- **CAG Members**
- **EPA (as Lead Agency)**
- **State/Tribal Regulatory Agency**
- **CAG - TAG Interface**

EPA is committed to early, direct, and meaningful public involvement. Through CAGs, community members have a direct line of communication with EPA (as well as with the State/Tribal/local governments, depending on their level of involvement) and many opportunities for expressing their opinions. As a representative public forum, CAG members are able to voice their views on cleanup issues and play an important role in cleanup decisions. This is especially important before key points in the cleanup process. For example, CAG members may express preferences for the type of remedy, cleanup levels, future land use, and interaction with the regulatory agencies. Since the CAG, by definition, is intended to be representative of the affected community, the regulatory agencies will give substantial weight to the preferences expressed by CAG members. This is particularly important if the preferences reflect the position of most CAG members or represent a consensus from the CAG. EPA must not only listen to views expressed by CAG members but address their views when making site decisions.

EPA, the State/Tribal/local governments, the CAG Chairperson, and CAG members each have an important role to play in the development and operation of the CAG and in contributing to its effectiveness as a forum for meaningful public participation in Superfund response actions.

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The following list, while not comprehensive, includes some of the key functions of each player.

10.1 CAG Chairperson

1. Prepare and distribute an agenda prior to each CAG meeting.
2. Ensure that CAG meetings are conducted in a manner that encourages open and constructive participation by all members and invites participation by other interested parties in the community.
3. Ensure that all pertinent community issues and concerns related to the Superfund site response are raised for consideration and discussion.
4. Attempt, whenever possible, to reach consensus among CAG members by providing official comments or stating positions on relevant issues and key documents.
5. Facilitate dissemination of information on key issues to the community.

10.2 CAG Members

1. Serve as a direct and reliable conduit for information flow to and from the community. CAG members have a responsibility to share information with other members of the affected community—the people they represent. Their names should be publicized widely within the local community to ensure that community members and interest groups have ready access to CAG members. If CAG members do not wish to have their phone numbers listed publicly, an alternative contact system should be explored to ensure that the community has access to CAG members.
2. Represent not only their own personal views, but also the views of other community members while serving on the CAG. CAG members should honestly and fairly present information they receive from members of the community; tentative conclusions should be identified properly as such.
3. Review information concerning site cleanup plans, including technical documents, proposed and final plans, status reports, and consultants' reports and provide comments and other input at CAG meetings and other special-focus meetings.
4. Play an important role at key points in the cleanup decision-making process by expressing individual community preferences on site issues.
5. Attempt, whenever possible, to achieve consensus with their fellow members before providing official comments or stating positions on relevant issues and key documents.
6. Assist the Chairperson in disseminating information on key issues to the community.
7. Attend all CAG meetings.
8. Be committed to the CAG and willing to serve for an extended period of time (e.g., two years). Terms may be staggered for continuity.
9. Serve voluntarily and without compensation.

10.3 EPA (as Lead Agency)

1. Provide information on the opportunity to form the CAG.

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2. Attend CAG meetings to provide information and technical expertise on Superfund site cleanup.
3. Facilitate discussion of issues and concerns relative to Superfund actions.
4. Listen and respond to views expressed by CAG members, giving them substantial consideration when making site decisions, especially when views are those of most or all CAG members.
5. Work with others, as appropriate, to support and participate in training to be provided to CAG members.
6. Assist the CAG with administrative and logistical support and meeting facilities.

10.4 State/Tribal Regulatory Agency

1. Attend all CAG meetings.
2. Serve as an information referral and resource bank for the CAG on State- or Tribal-related issues.
3. Support training to be provided to CAG members.
4. If the lead agency, assume responsibilities under Section 10.3.

10.5 CAG - TAG Interface

TAG recipients can use their TAG funds to hire their own independent Technical Advisor to help them better understand and more effectively participate in the decision-making process at Superfund sites.

If a TAG has been awarded to a community group for work at this particular site (with the CAG), the Region should encourage a representative of the TAG group to be a member of the CAG. The Regions also should encourage the TAG and CAG to work together toward common goals with respect to site remediation.

If no TAG currently exists for this site, community members are still eligible and are encouraged to apply for a TAG. *Having a CAG at a site in no way precludes an eligible group at that same site from receiving a TAG.*

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Points to Keep in Mind Regarding Community Advisory Groups

- Consult with and involve appropriate State and Tribal Governments.
- Consult with and involve appropriate local governments.
- Involve communities EARLY in the Superfund process.
- Maintain open communication channels.
- Share information.
- Be sincere.

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11. Appendices

COMMUNITY ADVISORY GROUP (CAG)
(*Name and Location of Site*)

The U.S. Environmental Protection Agency (EPA) believes it may be useful for the community (*communities*) of (*name of community or communities affected*) to establish a Community Advisory Group (CAG) to ensure that all segments of the community have an opportunity to participate in the decision-making process at (*name of the site*).

The Superfund program under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) covers the cleanup of sites involving the improper disposal of hazardous substances throughout the country. Community involvement is an important element of the Superfund process, and EPA encourages it. EPA's comprehensive Community Involvement Program for (*name of the site*) began in (*date*). (*Provide a brief description of accomplishments of the Community Involvement Program at this site, if possible.*)

EPA, in cooperation with (*name of the State/Tribal Regulatory Agency and any other parties to the cleanup agreement*), has begun work to cleanup (*name of the site*).

(*Provide a brief description of the site and the cleanup-related activities to date.*)

A Community Advisory Group (CAG) provides a setting in which representatives of the local community can get up-to-date information about the status of cleanup activities, as well as discuss community views and concerns about the cleanup process with EPA, the State/Tribal regulatory agency, and other parties involved in cleanup of the Superfund site. **The CAG is a public forum in which all affected and interested parties in a community can have a voice and actively participate in the Superfund process.**

Getting Involved. CAGs are made up of members of the community. CAG membership is voluntary and members should be willing to serve two-year terms. CAG members will meet regularly and review and comment on technical documents and plans related to the environmental studies and cleanup activities at (*name of site*). Members will help EPA and the community exchange information about site activities and community concerns. CAG members will meet with individuals and groups in the community to obtain their views and hear their concerns related to site cleanup. **All CAG meetings will be open to the public.** CAG members will be chosen from among nominations submitted by individuals and groups in the community. (*May provide more details about the specific membership selection model here.*) **The deadline for membership application is (*date*).**

For More Information Contact: (*local contact name, address, and telephone number*).

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(*Name and Location of Site*)
Formation of Community Advisory Group

The U.S. Environmental Protection Agency (EPA) believes it may be useful for the community (*communities*) of (*name of community or communities affected*) to establish a Community Advisory Group (CAG) to ensure that all segments of the community have an opportunity to participate in the decision-making process at (*name of the site*).

The Superfund program involves cleaning up hazardous waste sites throughout the country. EPA encourages community involvement and considers it to be an important element of the Superfund process.

The CAG will provide a setting in which representatives of the local community can get up-to-date information about the status of cleanup activities, as well as discuss community views and concerns about the cleanup process with EPA, the State regulatory agency, and other parties involved in cleanup of the site. **The CAG will be a public forum in which all affected and interested parties in a community can have a voice and actively participate in the Superfund process.**

EPA will sponsor a meeting on (*date*) at (*time*) to discuss the purpose of the CAG, provide information on how CAG members should be chosen, and answer questions concerning cleanup plans and activities at the site. (*Provide a brief description of specific site-related issues to be discussed.*) The meeting will be held at (*meeting location address*).

The CAG will be made up of members of the community. CAG membership is voluntary and members serve without compensation. Members should be willing to serve two-year terms. The CAG will meet regularly to review and comment on technical documents and plans related to the environmental studies and cleanup activities at (name of site) and to relay community views and concerns related to the site. **All CAG meetings will be open to the public, and all members of the community are encouraged to participate.**

For more information about the CAG, contact: (*local contact name, address, and telephone number*).

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APPENDIX C: Sample CAG Letter

Dear (*name of Community Member/Organization*):

The community (*communities*) of (*name of community or communities affected*) is establishing a Community Advisory Group (CAG) to ensure that all segments of the community have an opportunity to participate in the decision-making process at (*name of the site*).

The Superfund program involves cleaning up hazardous waste sites throughout the country. EPA encourages community involvement—an important element of the Superfund process.

The CAG will provide a setting in which representatives of the local community can get up-to-date information about the status of cleanup activities, as well as discuss community views and concerns about the cleanup process with EPA, the State/Tribal regulatory agency, and other parties involved in cleanup of the site.

The CAG will be made up of members of the community, and members should reflect the diverse interests in the community. CAG membership is voluntary and members serve without compensation. Members should be willing to serve two-year terms. The CAG will meet regularly to review and comment on technical documents and plans related to the environmental studies and cleanup activities at (*name of site*) and to relay information between EPA and the community about the ongoing activities at the site. They will be expected to meet often with individuals and groups in the community to obtain their views and hear their concerns related to site cleanup issues.

CAG membership offers an outstanding opportunity to represent the community and help ensure the most effective remediation of the (*name of site*).

If you have any questions about CAGs, please call _____ at _____.

Sincerely,

(name of EPA Regional CIC
and, if possible, a local community leader)

Enclosure

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(*Name and Location of Site*) Insufficient Community Interest for Community Advisory Board (CAG)

The U.S. Environmental Protection Agency (EPA) believed it would be useful for the community (or communities) of (*name of community or communities affected*) to establish a Community Advisory Group (CAG) to ensure that all segments of the community have an opportunity to participate in the decision-making process at (*name of the site*).

The CAG would provide a setting in which representatives of the local community could get up-to-date information about the status of cleanup activities, as well as discuss community views and concerns about the cleanup process with EPA, the State/Tribal regulatory agency, and other parties involved in cleanup of the site. **The CAG would be a public forum in which all affected and interested parties in a community would have a voice and could participate actively in the Superfund process.**

Efforts to encourage members of the community to serve as CAG members began on (*date*). These efforts included direct communication with individuals and organizations in the community (*be specific in terms of the outreach effort*) as well as a public meeting in which the purpose of the CAG and the roles and responsibilities of CAG members were discussed.

Despite these efforts, members of the community have not expressed enough interest so far to ensure full participation by all segments of the community. Since these efforts to stimulate interest in a CAG in (*name of community*), have not been successful, EPA will not continue to encourage a CAG to form at (*name of site*). If in the future, community members express an interest in forming a CAG, EPA may reconsider this decision.

If You Have Any Questions Contact: (*local contact name, address, and telephone number*).

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APPENDIX E: List of Community Involvement Managers Nationwide

Region 1 CT, ME, MA, NH, RI, VT
US EPA - Region 1 (RPS-74)
John F. Kennedy Federal Bldg.
Boston, MA 02203-0001
1-888 EPA-REG1 (1-888-372-7341)*
617-565-4592

Region 2 NJ, NY, Puerto Rico, & Virgin Islands
US EPA - Region 2 (26-OEP)
290 Broadway, 26th Floor
New York, NY 10007
212-637-3673

Region 3 DE, DC, MD, PA, VA, WV
US EPA - Region 3 (3HS43)
1650 Arch Street
Philadelphia, PA 19103-2029
1-800-553-2509*
215-814-5131

Region 4 AL, FL, GA, MS, KY, NC, SC, TN
US EPA - Region 4
Waste Management Division
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303
AL, FL, GA, MS: 1-800-435-9234
KY, NC, SC, TN: 1-800-435-9233

Region 5 IL, IN, MI, MN, OH, WI
US EPA - Region 5 (PS19-J)
Metcalfe Federal Bldg.- 19th floor
77 W. Jackson Blvd.
Chicago, IL 60604-3507
1-800-621-8431*
312-353-2072

Region 6 AR, LA, MN, OK, TX
US EPA - Region 6 (6 SF-P)
Wells Fargo Bank
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733
1-800-533-3508*
214-665-8157

Region 7 IA, KS, MO, NE
US EPA - Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-800-223-0425*
913-551-7003

Region 8 CO, MT, ND, SD, UT, WY
US EPA - Region 8 (8-OC)
Office of Communications
999 18th St., Suite 500
Denver, CO 80202-2466
1-800-227-8917*
303-312-6312

Region 9 AZ, CA, HI, NV, & U.S. Territories
US EPA - Region 9 (SFD-3)
Office of Community Relations
75 Hawthorne Street
San Francisco, CA 94105
1-800-231-3075*

Region 10 AK, ID, OR, WA
US EPA -Region 10 (ECO-081)
Community Relations & Outreach Unit
1200 6th Ave.
Seattle, WA 98101
1-800-424-4372*
206-553-1272

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<u>Headquarters</u>
Community Involvement and Outreach Center
Office of Emergency and Remedial Response
US EPA (5204G)
401 M St., SW
Washington DC 20460
Suzanne Wells
703-603-8863
Leslie Leahy
703-603-9929

*800 & 888 numbers only work within the Region

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