

**Hudson River PCB Superfund  
Community Advisory Group  
Operating Procedures  
Revised October 2023**

**I. Purpose of the Community Advisory Group (CAG)**

The CAG can and shall serve as a forum for learning, discussion, input, and engagement regarding (1) the implementation and post-construction monitoring of the Record of Decision (ROD) for the Hudson River remediation, (2) the investigation, feasibility, decision, implementation, and monitoring of remediation for the River's floodplains, and (3) related work in the lower Hudson.

The CAG does not serve as a decision-making body. It is not a voting entity and does not set policy or make decisions regarding project design or implementation.

**II. CAG Size and Membership**

a. Composition. The CAG shall consist of between 15 – 45 seats at any one time. The goal is to maintain a balance among a variety of relevant and representative interests, including but not limited to local communities (generally county government), agriculture and land and cultural conservation, environmental organizations, economic development, tourism and recreation, and the next generation.

b. Definition. A CAG member will be any stakeholder group and/or organization except in the case of ad hoc seats, which may be held by individuals. Member entities will designate representatives in a primary or alternate capacity.

c. Recruitment and Appointment. Members will be recruited and appointed as follows:

- i. The CAG decides which types of interests should be represented on the CAG and allocates seats to particular interests accordingly. Organizations and municipalities that match a particular interest/seat will be asked to designate individuals as their representative(s) and, if they choose, one alternate for each seat.
- ii. The CAG can add new member seats by consensus at any time, if CAG members identify key interests and concerns that need representation on the CAG. CAG members do not have term limits if they carry out their roles and responsibilities, including attending regularly. (See responsibilities section below). The CAG may remove a member seat or representative, if it determines that member's representation to no longer be relevant or needed or if the individual has failed to meet the CAG expectations listed below.
- iii. If a representative and/or alternate chooses to step down, he or she should notify the facilitation team. That member group shall select new representatives as soon as possible, notify the facilitation team, and brief the new representative on CAG operating procedures, key issues and previous work before they begin attending CAG meetings as a representative.

### III. CAG Roles and Responsibilities

- a. General. All individuals with a formal role on the CAG (members and alternates, liaisons, and facilitators) are expected to:
  - i. Attend all regularly scheduled meetings.
  - ii. Be prepared: Arrive at each meeting prepared to discuss the issues on the agenda, having reviewed recent meeting summaries and any other materials distributed prior to CAG meeting. Participate in educational briefings on past and present aspects of the site, as needed, to ensure a shared knowledge of key issues, technologies, and the Superfund process.
  - iii. Adhere to the rules of conduct listed below. Strive throughout the process to engage in respectful, constructive dialogue with other members of the group, bridge gaps in understanding, and seek creative resolution of differences.
  
- b. Members and Alternates. In addition to the general roles and responsibilities listed above, CAG members and alternates shall:
  - i. Attend meetings regularly. In order to be sure that people who can speak for key perspectives and constituents are present at CAG meetings,
    - 1) CAG member organizations are expected to send a member or alternate to at least half of the CAG meetings in a given calendar year.
    - 2) If a member is not able to attend a meeting, they may communicate views through their alternate, another CAG member or the facilitators.
    - 3) If a seat is unfilled for more than half of the meetings in a calendar year without any communication with the facilitation team, the CAG will consider that representative to have stepped down and will seek another representative who is able to fulfill the attendance requirements following the process above.
  - ii. Share their views.
    - 1) Represent the views of their constituents (i.e. organizations, businesses, or communities) as well as their own individual views.
    - 2) Provide input to EPA and others by providing individual comments and suggestions at CAG meetings.
    - 3) Develop recommendations or statements of principle or direct input to EPA for individual CAG members to sign on to, with the caveat that the purpose of the CAG is to obtain the advice of CAG members, not to obtain consensus advice or recommendations, although many, or all, individual CAG members may agree on certain issues.
  - iii. Communicate with their constituents.
    - 1) Provide information to the public and to constituents to ensure that the larger public is kept informed of the CAG's efforts.
  
- c. Liaisons. State and federal agencies with an interest in the superfund cleanup and the responsible party may identify one or more people to serve as their CAG liaisons. At a minimum, the following entities shall provide liaisons to the CAG because of their role in the overall remediation effort: the New York State Department of Environmental Conservation (NYSDEC), the New York State Department of Health (NYSDOH), the New York State Canal Corporation (NYSCC), the New York State Attorney General, the Trustees for Natural Resource

Damage claims, and General Electric, Inc. (GE). CAG liaisons serve as a resource to the CAG. In addition to the general roles and responsibilities listed above, liaisons shall:

- i. When invited, if available, participate in and conduct educational briefings on relevant technical, legal, and other pertinent cleanup issues related to the Hudson River PCBs site to help ensure shared knowledge of key information.
- ii. Provide responses and input during CAG discussions, as needed and appropriate.
- iii. Consider, seriously and in good faith, the input of the CAG.

d. U.S. Environmental Protection Agency (EPA). EPA is the lead agency for the CAG and will be the primary respondent to issues regarding the Hudson River PCBs site, remedial design and implementation. In addition to the general roles and responsibilities listed above EPA shall:

- i. Assist the group in formulating its agendas and workplans and, in particular, help the CAG coordinate its work with the technical program and schedule.
- ii. Prepare and provide presentations on relevant technical, legal, and other pertinent cleanup issues as requested by the CAG and feasible. Participate in and conduct educational briefings on the past and the present of the site, as needed, to ensure a shared knowledge of key issues, technologies, and the Superfund process.
- iii. Respond to action items and other requests of the CAG in a clear, direct, and timely manner.
- iv. Consider, seriously and in good faith, the input of the CAG and provide responses to that input so that the CAG is able to see the impact of its input.
- v. Provide resource support to the CAG such as technical assistance through TASC or other grants and funding for facilitation.
- vi. Manage the CAG website, ensuring that current meeting announcements and recent CAG materials are posted in a timely fashion.

e. Facilitation Team. The facilitation team shall:

- i. Assist the CAG Administrative Subcommittee in formulating CAG meeting agendas.
- ii. Distribute information pertinent to meeting agendas (the meeting agenda and any background materials) in advance of CAG meetings.
- iii. Facilitate CAG meetings. Identify and synthesize points of agreement and disagreement. Help CAG members comply with ground rules. Assist in building agreement among members, when and as needed.
- iv. Serve as a confidential communication channel for members or observers as needed. In the event that a member is unable to speak about a concern directly to another member, he or she may contact the facilitators. The facilitators may serve as a channel for such concerns and may work with parties between meetings, as necessary, to resolve conflict. Upon request, all information or views shared during conversations with the facilitators will be kept confidential.
- v. Prepare CAG meeting summaries including issues discussed, input offered, action items. Distribute meeting summaries in draft form to CAG members and alternates for review and approval.
- vi. Track suggested topics for future CAG meeting agendas.
- vii. Give notice of CAG meetings to members via email and, when requested, mail.

- viii. Advocate for a fair, effective, and credible process, but remain impartial with respect to individual sectors or interests and the outcome of CAG deliberations.

#### IV. Public Attendance

CAG meetings are held primarily for the benefit of CAG members and to encourage dialogue among the CAG and project liaisons from EPA and other organizations. The public is invited and encouraged to attend any and all CAG meetings, with the caveat that opportunity for public comment may be limited and that attendance is mainly in an observer's capacity. The public is expected to contact CAG members directly, outside of CAG meeting times, to ask questions or make comments regarding CAG-related issues.

#### V. Planning CAG Meetings

- a. Meeting CAG meeting frequency and location. **The project team** selects meeting times and places balancing proximity to the project, venue availability, relevant project-related schedule and participant travel. The frequency of CAG meetings is determined on an as-needed basis by the CAG. The CAG meets approximately four (4) times each year at varied meeting locations on or near the Hudson River and remedial activities. CAG meetings are generally three hours long, but both meeting length and frequency are determined by content.
- b. Planning CAG meeting agendas.
  - i. The facilitators will keep track of proposed future agenda items that arise in CAG meetings. CAG member may propose agenda items for upcoming CAG meetings to the facilitation team at any time.
  - ii. The facilitators and CAG Administrative Subcommittee work to develop CAG meeting agendas that are acceptable to all. There is space for "brief updates and future agenda items" at the end of each CAG meeting.
  - iii. Facilitators distribute the agenda in advance of the CAG meeting. The agenda is also posted to the CAG web site, [www.hudsoncag.ene.com](http://www.hudsoncag.ene.com).

#### VI. Managing CAG Meetings

- a. Facilitation. Because the CAG is facilitated, it shall not designate a chair.
- b. Sitting at the CAG table. Due to space considerations and the desire for a balanced group of participants, each CAG seat may be represented at the table by either its representative or its alternate at a given meeting. EPA staff and GE representatives are also invited to sit at the CAG table.
- c. CAG member ground rules. In order to facilitate an open and collaborative discussion, members and the public who attend meetings shall abide by the following rules:
  - i. Speak one at a time and do not interrupt when another person is speaking.
  - ii. Express her or his own views rather than speaking for others at the table.

- iii. Refrain from personal attacks or statements blaming others for specific actions or outcomes.
- iv. Avoid grandstanding and filibustering (extended comments and questions) in order to allow everyone a fair chance to speak and to contribute. The facilitator will ask members to hold their comments and allow time for others to comment, as needed.
- v. Make every effort to stay on track with the agenda and to move deliberations forward.
- vi. Members are expected to communicate concerns, interests and ideas openly and to make the reasons for any disagreements clear.
- vii. When speaking with others outside the CAG, members will be clear that they are representing their views and concerns as an individual or as an organizational representative and cannot speak for the CAG as a whole.
- viii. Members and alternates will abide by these ground rules when communicating with one another on CAG business via phone, email, and other means.

d. CAG member interaction with the media

- i. Members are free to make statements to the press regarding their own opinions, but agree not to attribute statements to others involved in the process. No member should presuppose to speak for the group as a whole. In order to facilitate productive deliberations, members will make every effort to abide by the ground rules under this section while interacting with the media.

e. Recording

- i. In order to encourage open dialogue, meetings will not be tape-recorded or videotaped by the facilitators. However, given that meetings will be open to the public, individuals may tape record and/or videotape meetings, as they deem useful and necessary as long as they notify the group of such action publicly and clearly prior to taping and keep recording equipment out of the way of members and their discussion.

f. Media rules of conduct. CAG meetings are open to the media to ensure transparent information sharing and deliberation. The CAG respectfully requests the following of media representatives:

- i. Keep cameras, recording devices, and any other equipment within the area designated by the CAG facilitation team and EPA. Roaming equipment (microphones, cameras, etc.) is not permitted during CAG meetings to avoid disruptions.
- ii. Be respectful of CAG members and recognize that CAG meetings are a deliberative process for them. Any disruptions to CAG members during meetings will not be tolerated.
- iii. Seek quotes and information from EPA, liaisons, and CAG members and alternates before meetings, at breaks, or after meetings so as not to disrupt the dialogue.

## **VII. CAG Meeting Materials**

CAG meeting materials are available on the CAG website ([www.hudsoncag.ene.com](http://www.hudsoncag.ene.com)). The site is managed by EPA. The site contains announcements of upcoming CAG meetings, the list of current CAG members and liaisons, and all presentations and summaries from past CAG meetings.

## **VIII. CAG Subcommittees and Working Groups**

There is a standing Administrative Subcommittee of the CAG, comprised of EPA representatives, CAG members and/or alternates, and the facilitation team, that meets via phone to plan CAG meeting agendas. All CAG members and alternates are welcome to join this group at any time.

The CAG may form ad hoc subcommittees or working groups as needed on relevant and key topics. Ad hoc subcommittees may talk or meet between meetings. This between-meeting work has included, for example, CAG conference calls or webinars, meetings held prior to the full CAG meeting, and subcommittee meetings scheduled around participants' schedules. Subcommittees will be supported by the facilitation team and EPA staff as available and appropriate.

## **IX. Communicating with the CAG**

Contact information for CAG liaisons is available on the CAG website ([www.hudsoncag.ene.com](http://www.hudsoncag.ene.com)). CAG members may be reached by contacting the CAG facilitator and asking for a message to be forwarded to one or more CAG members.

## **X. CAG Review**

Every few years, the CAG will review its ground rules and efforts to-date and make adjustments, as necessary, to improve its operations and effectiveness.