

OPERATING PROCEDURES

SPRING VALLEY RESTORATION ADVISORY BOARD

These operating procedures are for the Spring Valley Restoration Advisory Board (RAB) that the US Army Corps of Engineers convened as part of its environmental remediation of, but not limited to, arsenic and related munitions materials resulting from historical activities at the American University Experimental Station, a Formerly Used Defense Site.

1. PURPOSE

- 1.1. The purpose of the Board is to provide a forum and mechanism to ensure: a) independent community awareness, b) review and assessment of proposed actions by the Corps and c) the Corps' consideration of community concerns as they proceed with environmental testing, analysis, remediation and restoration of the Spring Valley neighborhood, pursuant to the contamination and potentially dangerous material remaining in ground as a result of activities of the American University Experimental Station, a Formerly Used Defense Site.

2. AUTHORITY

- 2.1. The US Army Corps of Engineers is the designated lead agency for environmental cleanup of a Formerly Used Defense Site and operates under the authority delegated by the US Army as the executive agent for DOD in implementing the Defense Environmental Restoration Program (DERP) in 10 USC 2701-2708. and CERCLA [42 USC 9601-9675].
 - 2.1.1. The DERP was established to provide for cleanup of hazardous substances associated with DOD activities consistent with the provisions of CERCLA, 42 USC Sec 9601 *et seq.* CERCLA is implemented through the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 USC Part 300; and Executive Order 12580, 52 Fed. Reg. 2923 (Jan 23, 1967).
 - 2.1.2. Contamination is defined to include both CERCLA hazardous substances (HRTW) as well as ordnance and explosives, a category known as OEW. The latter encompasses military munitions and chemical agents intended or designed to cause damage through explosive force, incendiary action or toxic effects. Cleanup may take the form of removal or remediation.
- 2.2. The basis and authority for a Restoration Advisory Board derive from 10 USC 2705(d), part of the statute establishing the Defense Environmental Restoration Program (DERP).

3. FUNCTIONS AND RESPONSIBILITIES

- 3.1. The functions and responsibilities of the Board are defined in part by the basis of membership of its members.

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- 3.1.1. The representatives of government agencies are the partners of the Corps in this project and serve *ex officio*; as such on this Board they function as resources for the community members.
 - 3.1.1.1. The government agencies, beside the Corps, for this project are the US Environmental Protection Agency, Region III, and the DC Department of Health.
- 3.1.2. Certain categories of interests and institutions are represented by designated persons to ensure that their views are heard in an open forum and that there is a direct and public interchange with them by community members.
 - 3.1.2.1. The categories of institutional interests represented are a) local business (WC & AN Miller Company, the original and major property developer of Spring Valley), b) childcare and education (Horace Mann Elementary School), and c) the American University (owner of the World War I American University Experimental Station).
- 3.1.3. The community members are individual residents in the area whose home properties may be under test and who provide their advice, opinions and judgments as individuals.
 - 3.1.3.1. There are fourteen community individuals on the Board, as listed below in section 9.
- 3.2. The Board functions to provide a full spectrum of views to the Corps; and, therefore, all views and comments are to be taken into account regardless of any particular consensus by community members or the entire Board.
 - 3.2.1. The community members, and the entire Board, may provide their views by consensus in articulating their advice or requirements to the Corps. In such instances, it is understood, however, that this will not be construed as the advice of a formal committee under the Federal Advisory Committee Act.
 - 3.2.1.1. In such instances, consensus will be determined by informal majority vote, with the proviso that all comments noted are to be considered by the Corps per Sec 4.2 above.
- 3.3. The Corps is responsible for timely public communications about Board meetings and timely circulation of meeting materials and other requested information to Board members.
 - 3.3.1. The Corps as part of its responsibility to conduct a positive community relations program will make every reasonable effort to include in its public communications,

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as the occasion arises, certain statements or documents that the membership of the Board authors or authorizes.

4. MEMBERSHIP

- 4.1. The membership of the Board is defined above in Section 4 and is detailed as of the signatory date in Section 8 below.
 - 4.1.1. The Board may be expanded if a majority of community members determines that there is a need to do so and the Corps concurs.
 - 4.1.2. Changes in the entity representing an institutional category of membership are to be reviewed and approved by a majority of the community members. The Corps is responsible for proposing a replacement for a categorical vacancy.
 - 4.1.2.1. Any selection for replacing an institutional member or filling an institutional vacancy must be approved by the Deputy District Engineer for Spring Valley under his responsibility to "ensure that RAB members reflect the diversity of the community."
- 4.2. Community members are to serve terms of two years and are expected to attend all meetings. The term may be renewed.
- 4.3. Vacancies occurring within term or at end of term shall be filled by a recruitment committee of the Board in conjunction with the Corps.
- 4.4. Failure to attend three or more meetings within a twelve-month period may be considered as cause for removal from the Board.
 - 4.4.1. Each community member is expected to notify the Community Co-Chair in advance of a Board meeting if he or she is unable to attend.
 - 4.4.2. The decision to remove a member is to be made by majority vote of the community members of the Board.
- 4.5. The Community Co-Chair is elected by a majority of the community members of the Board and will serve for a six-month term, which may be renewed by majority vote of the community members of the Board. This majority may also vote to alter the term for the Community Co-Chair at the end of a term.
 - 4.5.1. The Community Co-Chair may be removed for good cause as determined by majority vote of the community members and as approved by a majority vote of the community members.

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5. MEETINGS

5.1. The meetings of the Board shall be held regularly and monthly unless otherwise agreed by a majority vote of the Board. The meeting-place shall be convenient and accessible to the public who may attend.

6. AMENDMENT

6.1. These operating procedures may be amended by formal motion with subsequent approval by a majority vote of the Board members present, which number must include a majority of the community members.

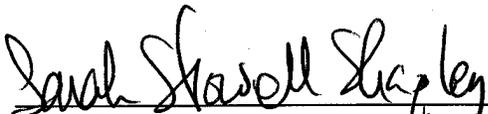
7. ANNEXES

7.1. Chapter 3 of the following pamphlet by the US Army Corps of Engineers is an annex to this document: "Public Participation in the Defense Environmental Restoration Program (DERP) for Formerly Used Defense Sites (FUDS)", #EP 1110-3-8, 1 December 1999.

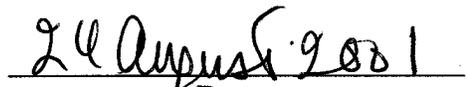
7.2. Appendix 10-1 of the DERP-FUDS Program Manual (EC-200-3-7, Official Interim Version, 30 Sept 99) is an annex to this document.

8. SIGNATURES

For the Community:



Sarah Stowell Shapley, Community Co-Chair



Date

For the US Army Corps of Engineers:



Major Michael Peloquin, USACE Co-Chair



Date

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9. MEMBERS OF BOARD AS OF SIGNATORY DATE

Major Michael Peloquin	U.S. Army Corps of Engineers (Military Co-Chair)
Sarah S. Shapley	Community Member (Community Co-Chair)
Dorothy Zolandz	Community Member
Paul Wallach	Community Member
Geza Teleki	Community Member
Kent Slowinski	Community Member
David Rossi	Community Member
Davis Robinson	Community Member
Mark Leone	Community Member
Debra Perkins	Community Member
Amy Jackson	Community Member
Priscilla Holmes	Community Member
William Hall	Community Member
Karen Egbert	Community member
Pamela Denby	Community Member
Sheila Ford	Horace Mann School
James Girard	American University
Patrick Brown	Miller Company/ Business representative
Jim Sweeney	District of Columbia Dept of Health
Frank Vavra	US Environmental Protection Agency