

SPRING VALLEY RESTORATION ADVISORY BOARD

OPERATING PROCEDURES

SPRING VALLEY RESTORATION ADVISORY BOARD

As Revised November 14, 2006

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). The final RAB rule was promulgated in Federal Register 71(92) on May 12, 2006.

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 and/or workers in the area who may be affected by environmental restoration activities in the Spring Valley FUDS, 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 majority vote, with the provision that all comments noted are to be considered by the Corps per Sec 3.2.1 above.
 - 3.2.2.2** A majority vote is defined as a simple majority of community RAB members present, provided that a quorum is present.
 - 3.2.2.3** A quorum is defined as 50% +1 of the community RAB members.
- 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

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program will make every reasonable effort to include in its public communications, 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. The membership shall be determined according to the procedure.
 - 4.1.1. The Board may be expanded if a majority vote 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 vote 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.
 - 4.2.1. Vacancies occurring within term or at end of term shall be filled by a recruitment committee of the Board in conjunction with the Corps.
 - 4.2.2. Community members selected for the Spring Valley RAB must live and/or work in the affected community, or be affected by the installation’s environmental restoration program.
- 4.3. Failure to attend three or more meetings within a twelve-month period may be considered as cause for removal from the Board.
 - 4.3.1. 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.
 - 4.3.2. The decision to remove a member requires approval by a 2/3’s majority of the total number of the community members of the Board.
- 4.4. The Community Co-Chair is elected by a majority vote and will serve for a one-year term, which may be renewed by majority vote. A majority vote can also be used to alter the term for the Community Co-Chair at the end of a term.
- 4.5. The Community Co-Chair may be removed for good cause as determined by majority vote of the Community Members *present* and as approved by a 2/3 (two-thirds) majority of the Community Members, *allowing for absentee votes*.

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- 4.6. A community member of the Board may be removed for good cause as determined by a majority vote of the Community Members *present* and as approved by a 2/3 (two-thirds) majority of the Community Members, *allowing for absentee votes*.

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.

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.

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Attachment A

SV RAB Membership Procedures

- 1) A continuing announcement will be placed in local newspapers, project newsletters, and on the project web site stating that new members are elected each June and December to start two year terms commencing in July and January, respectively. Prospective candidates will be directed to application forms.
- 2) Current RAB members who wish to serve another term will also be asked to fill out a new application form.
- 3) All applications forms received by the date of the May (November) RAB meeting will be considered by the nominating committee for membership.
- 4) The nominating committee (three community RAB members) will be elected at the May (December) RAB meeting. Nominations will take place between the dates of the May and June (November and December) RAB meetings. All candidates, including incumbent RAB members, will be placed on a single slate. Candidates will be elected by secret ballot. Each RAB member will vote for up to three candidates.
- 5) Nominations for the community co-chair will be accepted between the dates of the November and December RAB meetings. A candidate will be elected by secret ballot at the December meeting. Each RAB member will vote for one candidate.
- 6) All elections for new RAB members, new nominating committee members, and community co-chair will be coordinated by the nominating committee.
- 7) The nominating committee will review all applications and produce a list of all acceptable new and incumbent candidates along with a brief description of the candidate and/or a few sentence statement by the candidate about their qualifications. These lists will be distributed at the June (December) RAB meeting. Items that will be considered to determine a candidate's acceptability will include but not be restricted to:
 - a) Home owner and residence in the FUDS
 - b) Ability to attend meetings
 - c) Amount of time living in the area
 - d) Personal impact of FUDS project
 - e) Communication skills
 - f) Specialized experience or expertise that may benefit the RAB
- 8) Prior to voting, the nominating committee will be available to answer questions regarding each candidate, and discussion will be encouraged.
- 9) At the June (December) RAB meeting, each community member will vote by secret ballot in person or by proxy for their choice of new RAB members. The number of allowed votes per RAB member will be equal to or less than the number of open positions.
- 10) Terms of current RAB members that end in mid year will be extended to the following June so that they are synchronized with the other members.
- 11) Positions vacated for any reason will not be filled until the next regularly scheduled election (June or December).

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Attachment B

Spring Valley - RAB Community Member

Conflict of Interest Policy

The Application and Community Interest Form (the "Form") for the Spring Valley RAB shall be revised to include the following questions that seek information about relationships which, while not a basis for automatic disqualification, nonetheless may be relevant to consideration by RAB members in voting for a Community Member Applicant.

a. Please identify whether you or any member of your immediate family (spouse, children, siblings) is employed by the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, the D.C. Department of Health, or an entity performing work involving the investigation, health assessment, or cleanup of the Spring Valley FUDS or related activities. Also please identify their employer and job title and describe in detail their work duties.

b. Please state whether you are employed by an entity which contracts with the U.S. Environmental Protection Agency, the Army Corps of Engineers, the D.C. Department of Health, or an entity performing work involving the investigation, health assessment, or cleanup of the Spring Valley FUDS or related activities. If so employed, please identify your employer and job title and describe in detail the scope of such contracts and your personal involvement in such contracting work.

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Attachment C

GROUND RULES

Revisions Adopted at April 2011 RAB Meeting

1. Meetings will start and end on time, unless the group agrees to extend or shorten the venue.
2. Meetings will have an agenda with focused topics for presentation and discussion. The agenda will include a set aside time for both open discussion and public comments.
3. All dialogue will be respectful. Disrespect produces defensiveness; defensiveness does not contribute to progress. (Respectful dialogue deals with the particulars of the situation without impugning individuals, their motives, or their organizations.)
4. There is only one meeting; no side conversations—only one person may talk at a time.
5. The privacy of FUDS residents will be respected.
6. The USACE meeting minutes remain the only official meeting record. While unobtrusive audio recording is permitted, video recording is not allowed.
7. Necessary decisions will be made by consensus whenever possible; formal votes are a last resort. Decisions made by the group, once reached, will be supported by all the members.
8. No surprises or secrets. All relevant information concerning the site will be shared by all parties, except where privacy or security requirements apply. Information dissemination is one of the major responsibilities of the USACE and all RAB members.
9. Meeting participants are asked to identify themselves when speaking for the record.