

DRAFT – 9/11/2000

OPERATING RULES DUPONT CHAMBERS WORKS FUSRAP SITE RESTORATION ADVISORY BOARD

I. Name

This organization shall be known as the DuPont Chambers Works FUSRAP Site Restoration Advisory Board (RAB). This organization will operate in accordance with the U.S. Department of Defense's Guideline for Restoration Advisory Boards.

II. Mission Statement

The Restoration Advisory Board (RAB) is a broad-based group of individuals who reflect the diverse interests in the community. The RAB will review the progress and participate in dialogue with government decision makers (including the U.S. Army Corps of Engineers and the Department of the Army, the United States Environmental Protection Agency, and the New Jersey Department of Environmental Protection) about the environmental restoration activities at the DuPont Chambers Works FUSRAP site. The RAB meetings will provide a forum:

- to identify problems
- to learn and educate
- to communicate to the community
- to provide local input on the decision making process
- to provide accurate information to the public.

III. Authority

The basis and authority for this charter is the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), particularly Sections 120(a), 120(f) and 121(f) and 10 U.S.C. 2705, enacted by Section 211 of CERCLA.

IV. Membership

A. ***Government Representation*** - The RAB shall consist of representatives from the following governmental organizations:

U.S. Army Corps of Engineers

U.S. Environmental Protection Agency, Region II
New Jersey Department of Environmental Protection

B. **Community Representation** - The RAB shall also consist of a representative from DuPont and volunteers from the surrounding local community. RAB members should provide a fair and proportionate representation of the diverse community interest. DoD guidance recommends that the RAB will consist of no more than 20 members.

C. **Role of RAB Members** - Community RAB members have been chosen to serve as individuals and not represent any particular institution or jurisdiction. Members should express their own viewpoints on all matters considered by the RAB and bring to the RAB any concerns of the community. The RAB is not a decision making body, therefore there is no liability incurred by individual RAB members for participation.

D. **Adding New RAB Members** - New community members may be added at any RAB meeting by majority vote of community RAB members. The addition of new members shall be subject to the goal of fair and proportionate RAB composition. Voting procedures shall be consistent with those set forth in these rules.

E. **Compensation** - Community members shall serve without compensation. All personal expenses, including travel shall be borne by the respective member or the member's organization.

F. **Conflict of Interest** - The Restoration Advisory Board should not be used as a forum for soliciting business from the U. S. Army Corps of Engineers.

G. **Attendance** – Regular on time attendance is a requirement for continued RAB membership. Members are expected to attend every meeting. However, when they are unable to attend, an alternate will be acceptable but will not be eligible to vote on administrative matters. Community members who are no longer able to serve or no longer desire to serve on the RAB are expected to resign. Failure to attend three consecutive scheduled meetings will be deemed a resignation unless the community member notifies either co-chair prior to the third absence and requests to remain a member.

H. **Terms of Service** - RAB members will serve a two-year term. RAB members may serve additional terms and will be contacted by either the community co-chair or facilitator at the end of each term to determine whether the RAB member is still interested in participating.

V. Structure and Operating Procedures

A. **Chairing** - The RAB shall be co-chaired by a government co-chairperson and a community co-chairperson. The U.S. Army Corps representative will serve as the government co-chairperson of the RAB. The community members shall separately elect a community co-chairperson and an alternate community co-chairperson. The community co-chairperson and alternate community co-chairperson shall serve for a period not to exceed two years, at which time new elections shall be conducted. No limit exists as to the number of times a member may be nominated or elected to either position.

(1) Following the initial vote for co-chair, the community members will provide nominations for individuals to serve as the community co-chairperson. At the conclusion of the nominations a vote will be held, provided that a quorum of community members are present. The nominee receiving a majority of the votes cast shall be elected as the community co-chairperson. For purposes of determining a majority, an abstention shall not be counted as a cast vote.

(2) In the event that no nominee receives a majority of the votes cast, a run-off election will be held between the two nominees receiving the highest vote totals in the prior election. No other nominations can be recognized in a run-off election.

(3) Upon election of the community co-chairperson, the community members shall elect an alternate community co-chairperson in a manner consistent with the rules prescribed for the co-chairperson's election. The alternate co-chairperson shall serve as the community co-chairperson in the event that the community co-chairperson is absent from a meeting or is otherwise removed.

B. **Voting** - Voting will be done by community members only and will be limited to administrative matters (i.e. membership, operating rules). However, the RAB can provide consensus opinions on scoping issues and these opinions will be documented in the RAB meeting summaries. No voting shall be conducted unless a quorum is present. For purposes of these rules, a quorum shall be defined as no less than a majority of community members. Any motion made at a meeting shall be approved only by a majority of votes cast by the members present at the meeting in favor of said motion. In all voting procedures, votes may only be cast by members physically present at the RAB meeting. Proxy votes shall not be recognized. An absent member may have his written comment presented by a member in attendance prior to any vote. However, such presentations shall in no way constitute a vote.

C. **Meetings: Frequency** - Meetings are open to the public and will be held as needed (three to four times a year) on Monday evenings until such time as the RAB members vote to change meeting frequency.

1. **Responsibilities of RAB administrative contractor support as designated by government co-chairperson** - The contractor shall be responsible for meeting room

coordination and notifying RAB members of any changes in the meeting site, date and time. The contractor shall be responsible for coordinating and disseminating meeting agendas and the previous meeting's minutes. Approval of prior meeting minutes will be an agenda item for each meeting. Comments on the proposed agenda and previous meeting minutes may be provided to either co-chairperson. The contractor shall send copies of relevant documents to the members or notify members where they may obtain the documents for review.

2. Procedure of Meeting Agendas. - The meeting agenda for the next scheduled meeting is generated by the community co-chair at the end of each meeting with input from the RAB members.

D. *Written response to comments and requests for information* - Responses to comments or requests for information shall be provided in writing. All action items will be listed in the meeting minutes of the meeting for which they are assigned. Progress on each action item will be briefed at each RAB meeting. When an action item is closed, the written response will be summarized in the meeting minutes.

E. *Administrative record/information repository* - Final documents, members' comments reviewed by the RAB (to include dissenting opinions), responses to action items, and RAB meeting minutes will become part of the administrative record/information repository which also contains information on final decisions or actions taken. The administrative record/information repository will be available for public review.

VI. Adoption and Amendment of Rules

These rules shall be adopted upon approval by a majority of community RAB members present. A members' approval shall be indicated by the member affixing his or her signature to this document. Any rule is subject to modification, amendment or invalidation upon a majority vote of the members present.

VII. Termination of RAB

This organization's existence shall be terminated by any of the following events: (a) termination of RAB program due to change in the law or funding; (b) majority vote of the community members, provided a quorum exists; or (c) failure of the community members to establish a quorum for three consecutive scheduled meetings.

