

# Guidance for Supporting Community Advisory Groups at Superfund Sites



Office of Superfund Remediation and Technology Innovation  
U.S. Environmental Protection Agency  
9230.0-138 | August 2020

## NOTICE AND DISCLAIMER

The policies set out in this document 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. The Agency also reserves the right to change this guidance at any time without public notice.

The Guidance for Community Advisory Groups at Superfund Sites (Guidance) was originally published in December 1995. This version supersedes the original Guidance.

## ACKNOWLEDGMENTS

The *Guidance for Supporting Community Advisory Groups at Superfund Sites* is the product of the efforts of many people with individuals from EPA Regional Offices and EPA Office of Land and Emergency Management (OLEM) offices. We would like to acknowledge the efforts of writers, reviewers, editors, and other contributors who made the Guidance update possible.

**For more information, please contact:**

Community Involvement and Program Initiatives Branch  
Office of Superfund Remediation and Technology Innovation  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

## TABLE OF CONTENTS

Acronyms and Abbreviations .....	i
1.0 Introduction.....	1
1.1 Definition of a Community Advisory Group.....	1
1.2 Background.....	1
1.3 Purpose of this Guidance .....	2
2.0 CAG Overview and Development.....	3
2.1 Scope of Authority.....	3
2.2 Role of a CAG .....	3
2.3 Determine Need for a CAG .....	4
2.4 Membership Solicitation.....	5
2.5 Publicly Announce Efforts to Form a CAG.....	6
2.6 CAG Information Meeting.....	6
2.7 CAG Development Timeline .....	9
3.0 CAG Membership.....	10
3.1 Size of the CAG.....	10
3.2 Membership Selection Models .....	11
4.0 Roles and Responsibilities of CAG Members .....	13
4.1 All CAG Members.....	13
4.2 CAG Chair/Co-Chair .....	13
4.3 EPA Site Team.....	14
4.4 Representatives of Other Federal, Tribal, State, or Local Governments or Regulatory Agencies.....	14
5.0 EPA’s Role in Support of a CAG .....	15
5.1 Providing CAG Oversight.....	15
5.2 Offering Facilitation Services.....	15
5.3 CAG Member Training and Technical Assistance .....	16
5.4 Administrative Support.....	17
5.5 Requesting Comments from the CAG .....	18
6.0 CAG Operations.....	19
6.1 CAG Chair/Co-Chairs.....	19
6.2 Mission Statement and Operating Procedures .....	19
6.3 Charter and Bylaw Procedures.....	19
6.4 Meetings.....	19

7.0	Maintaining an Effective CAG .....	22
7.1	Maintaining Interest and Momentum.....	22
7.2	The CAG Role at Various Points in the Cleanup Process .....	24
7.3	CAG/TAG Interface.....	25
7.4	Ineffective CAGs, and How EPA Can Help .....	27
8.0	Ending EPA Support to a CAG .....	30
9.0	Important Considerations for CAGs .....	31

## ACRONYMS AND ABBREVIATIONS

ADA	Americans with Disabilities Act
ADR	alternative dispute resolution
ATSDR	Agency for Toxic Substances and Disease Registry
CAG	community advisory group
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980, also referred to as Superfund
CIC	community involvement coordinator
CIP	community involvement plan
CIPIB	Community Involvement and Program Initiatives Branch
CPRC	Conflict Prevention and Resolution Center
DoD	Department of Defense
EE/CA	engineering evaluation/cost analysis
EJ	environmental justice
FACA	Federal Advisory Committee Act
FS	feasibility study
NCP	National Oil and Hazardous Substances Pollution Contingency Plan, or National Contingency Plan
NEJAC	National Environmental Justice Advisory Council
NPL	National Priorities List
NTCRA	non-time-critical removal action
OLEM	Office of Land and Emergency Management (successor to OSWER)
OSC	on-scene coordinator
OSWER	Office of Solid Waste and Emergency Response (now OLEM)
OU	operable unit
O&M	operations and maintenance
PRAP	Proposed Remedial Action Plan
PRP	potentially responsible party
RI	remedial investigation
RI/FS	remedial investigation and feasibility study
ROD	Record of Decision
RPM	remedial project manager
SRI	Superfund Redevelopment Initiative
TAG	Technical Assistance Grant
TANA	Technical Assistance Needs Assessment
TASC	Technical Assistance Services for Communities

## 1.0 INTRODUCTION

The U.S. Environmental Protection Agency (EPA) is committed to early, direct, and meaningful public involvement and providing numerous opportunities for the public to participate in the Superfund process. EPA recognizes that when communities are meaningfully engaged in the decision-making process at Superfund sites, communities benefit and the Agency makes better decisions. Interacting with communities in ways that promote trust and constructive dialogue is essential to successful community involvement. Working with Community Advisory Groups (CAGs) is one way to promote community involvement at National Priority List (NPL) sites and non-NPL sites, including sites with Superfund Alternative Approach agreements.

### 1.1 Definition of a Community Advisory Group

A CAG is a representative committee, task force, or board composed of community members and other stakeholders affected by the Superfund site. It should represent the broad range of views and perspectives of members of the community. A CAG is designed to serve as the focal point for the exchange of information among the local community and EPA, the State regulatory agency, and other pertinent Federal agencies involved in the cleanup of the Superfund site. It provides a public forum for community members to present and discuss their needs and concerns related to the Superfund decision-making process. A CAG can assist EPA in making better decisions on how to clean up a site. It offers EPA a unique opportunity to hear – and seriously consider – community preferences for site cleanup and remediation. However, the existence of a CAG does not eliminate the requirement for the Agency to keep the community informed about plans and decisions throughout the Superfund process.

CAGs also help ensure representation and participation of some populations that may be disproportionately affected by environmental issues or have been overlooked in past efforts to participate in the Superfund decision-making process. CAGs can also facilitate the exchange of information, including the perspectives of community members with important institutional knowledge of site issues and practices and can help the community promote and ensure long-term stewardship of the site after cleanup. EPA recognizes the importance of a community establishing a CAG to work with the agency on Superfund site issues. A CAG is officially recognized by EPA once the CAG members and chairs have been selected, and the group begins to form.

### 1.2 Background

The formation of CAGs at Superfund sites was first recommended by the EPA Office of Solid Waste and Emergency Response (OSWER)<sup>1</sup> Environmental Justice (EJ) Task Force in its 1994 report, *OSWER Environmental Justice Task Force Draft Final Report Executive Summary*. The task force saw CAGs as a way to improve community involvement and outreach at sites with EJ concerns. While initially EPA focused the CAG concept and guidance on communities with environmental justice characteristics, it became clear that CAGs could play a useful role in community involvement at many other Superfund sites, regardless of whether the community

---

<sup>1</sup> EPA's Office of Solid Waste and Emergency Response (OSWER) is now the Office of Land and Emergency Management (OLEM).

faced EJ concerns. As a result, CAGs have become an invaluable resource for bringing EPA and communities together to discuss a wide range of issues related to Superfund cleanups.

## 1.3 Purpose of this Guidance

EPA has an important role to play in encouraging the formation of CAGs. This guidance is designed to assist EPA staff – particularly community involvement coordinators (CICs) and other members of a site team – interested in working with CAGs at Superfund sites.

This guidance is designed to help promote a consistent national approach for the formation and maintenance of a CAG. It is not a required community involvement statute or a regulation. This guidance is based on the EPA's experience in carrying out required and recommended community involvement activities pursuant to the [Comprehensive Environmental Response, Compensation, and Liability Act \(CERCLA\)](#), as amended, the [National Oil and Hazardous Substances Pollution Contingency Plan \(NCP\)](#), and policy documents issued by EPA and other federal agencies. It also draws on concepts articulated in the [President's 1994 Executive Order 12898 on Environmental Justice](#), and the [Guidance for Community Advisory Groups at Superfund Sites \(1995\)](#), which this document supersedes.

This comprehensive document addresses the objectives, functions, membership, scope of authority, and operation of CAGs, as well as the role of CAGs. Because each CAG will be different based on the community's needs and the uniqueness of the site, CAGs need not conform to all aspects of this guidance. Rather, this guidance is intended to provide a starting point or frame of reference to help groups organize, set up meetings, and operate effectively. It emphasizes practical approaches and activities and is designed to be flexible enough to meet the unique needs of individual communities.

While this document is written for EPA staff, the information also is appropriate for other federal, tribal, or state agencies when they are the lead agency at a site. As an overarching principle, coordination and cooperation between agencies should occur regardless of which agency has the lead role. Although not always specifically stated within the guidance, it is important that EPA work in conjunction with other federal, tribal, state, and local counterparts throughout the process of forming and maintaining a CAG.

As part of the update, EPA expanded the guidance to reflect regional experiences with CAGs and lessons learned since the original guidance was issued in 1995. As a result, updated case study examples and the following new sections were added:

- EPA's Role in Support of a CAG.
- Maintaining an Effective CAG.
- EPA ending support to a CAG.
- Important Considerations for CAGs.

## 2.0 CAG OVERVIEW AND DEVELOPMENT

CAGs are important tools for enhancing community involvement during the Superfund process. Working with a community to form a CAG is an intensive undertaking that is well worth the investment of time and resources. An effective CAG strengthens a community's ability to have a voice in decision-making and provides EPA an opportunity to have direct, regular, and meaningful consultation with all interested parties in a community throughout all stages of a response action.

The effectiveness of a CAG depends on how well it is set up initially. Often, the more careful attention and upfront work by EPA prior to and during the CAG formation process, the more smoothly and effectively the CAG tends to operate throughout the Superfund cleanup process. EPA can provide valuable assistance to a community to help ensure that its CAG is representative of the community, operates efficiently, and meets the needs and capabilities of its membership and the community it serves.

### 2.1 Scope of Authority

CAGs are not decision-making bodies. EPA, by law, is responsible for all final decisions at a Superfund site. However, CAGs play a key role in helping EPA make more informed decisions by providing an independent forum for communicating the perspectives of the local community throughout the Superfund process.

EPA will not establish or control CAGs; however, the Agency will assist interested communities in CAG activities as they relate to site issues. EPA may also withdraw its support for a CAG if it is no longer functioning as intended or appropriately. Further, EPA anticipates that the CAGs will serve primarily as a means to foster interaction among interested members of an affected community, to exchange information, and to express individual views of CAG participants while attempting to provide, if possible, consensus recommendations from the CAG to EPA.

A CAG is not intended to be the only mechanism for community involvement at a site. EPA or another lead agency at a site continues to have the obligation to inform and involve the entire community through a variety of community involvement mechanisms and activities.

### 2.2 Role of a CAG

Defining the role of a CAG is important so that the CAG's function is clearly understood by members of the community and by EPA. At a minimum, a CAG should act as a forum for:

- **Exchanging information about the site.** A CAG provides a central forum that allows the Agency to exchange information with members of the affected community and encourages CAG members to discuss site issues and activities among themselves. An effective CAG can provide a public service to the affected community by representing the community in discussions regarding the site and by relaying information from these discussions back to the community-at-large. In this way, CAGs also help increase community understanding of the cleanup process and educate the public on site-related information.



- **Developing the community’s understanding of each other’s views and desired outcomes.** The CAG is a forum in which community members can discuss issues and develop an understanding of the views of various stakeholders throughout the community. The community can identify issues and concerns and articulate desired outcomes throughout the cleanup process.
- **Providing input to EPA or other involved agencies.** The CAG provides a forum through which the community can offer input and feedback to EPA on site decision-making. In addition, because community members who have lived near the site for a long time often have rich institutional memories of the site, the CAG often provides a mechanism through which community members can share knowledge about the site and its history with EPA. The CAG also can provide a forum during the operation and maintenance (O&M) stage by remaining informed about the site and continuing to relay information to the community and to EPA, thus contributing to the long-term stewardship of the site.
- **Collaborating with EPA.** Once the CAG has expressed its concerns and desired outcomes to EPA, the two can work together toward common goals. A well-functioning CAG can help EPA and other agencies disseminate information to the community and answer questions about EPA’s work. In addition, CAGs can play a valuable role by providing input to EPA and local officials about any planned redevelopment activities or potential future use after the site is cleaned up.

### 2.3 Determine Need for a CAG

There are many factors to consider when EPA is assessing whether to recommend formation of a CAG at a Superfund remedial or removal site.

The CIC should consult with other members of the site team (including the remedial project manager (RPM), on-scene coordinator (OSC), and legal counsel) to assess whether a CAG might be a good idea at a site. Among the factors the site team might consider are the following:

- Feedback during the community interview process about community interest in a CAG.
- The history of community involvement at the site.
- The likelihood of long-term cleanup activity at the site.
- A high level of community interest and concern about the site.
- The existence of community groups similar to a CAG.
- The existence of groups with competing agendas at the site.
- Environmental justice concerns related to the site.

Depending on the status of the cleanup process at the site, substantial information may exist about the community. The community involvement plan (CIP), which generally is developed during the remedial investigation/feasibility study (RI/FS) phase, often is the best source of information about the community. When developing a CIP, the information gathered for the community profile through community interviews or a Technical Assistance Needs Assessment (TANA), if appropriate, can be very useful. The site team can use this information and its other interactions with community members to assess whether the site might benefit from formation of a CAG.

## Sites That Usually Are a Good Fit for a CAG

In general, CAGs are a good fit in communities where there is a high level of interest and concern about site activities. Other sites for which formation of a CAG should be considered include:

- Sites that lack an existing inclusive, representative community group interested in site issues.
- Sites with several community groups interested in site issues, if these groups are able to work together effectively. (In some cases, EPA may consider providing the services of a neutral third-party facilitator to help competing groups work together.)
- Sites with environmental justice concerns.
- Sites where there is a need to coordinate diverse community views and provide a means for the community to seek consensus.
- Sites where there are sufficient time and resources to support formation and operation of a CAG. While formation of a CAG can be considered at removal sites, consider the time and resources necessary to form and keep a CAG operating effectively.

## Sites Where CAGs May Not Be a Good Fit

CAGs might not be necessary or appropriate in some situations. Examples include:

- Sites where there is a low level of interest or concern about site issues.
- Sites with an existing, active group that is representative of the local community. For example, a local environmental group that has been active on site issues or an existing [technical assistance grant \(TAG\)](#) recipient sometimes can fulfill a CAG's role.
- Sites where competing groups cannot work effectively together, even with facilitation, and it proves impossible to form a representative group willing to work together.

## When to Form a CAG

A CAG can be formed at any point in the cleanup process. Generally, the earlier a CAG is formed, the more opportunities exist for the CAG to participate in and influence site activities and cleanup decisions. However, a CAG also can be formed later in the process whenever the need for, or potential benefit of, a representative community forum becomes apparent. For example, if site reuse issues emerge relatively late in the process, a CAG would still be an effective community engagement tool.

## 2.4 Membership Solicitation

When EPA has made the decision to encourage a community to form a CAG or when a community requests one, it is important to conduct outreach to announce the formation of the CAG and to solicit membership. For the CAG 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 important for the community to have the lead role in determining the membership appropriate for its CAG. This helps encourage participation in and support for the CAG. While EPA cannot select, approve, or disapprove individual CAG members, EPA can assist the community in advertising the opportunity and should encourage the CAG to broaden its membership. Setting up a thorough and thoughtful process for CAG membership solicitation and selection helps to

ensure a representative CAG. Well organized CAGs allow for more effective interaction between the Agency and community.

EPA, in coordination with the tribal, state and local governments, can help support public outreach to inform the community about forming a CAG, including information about the purposes of the CAG and opportunities for membership and participation. EPA should make an effort to ensure that all individuals and groups representing community interests are informed about the CAG and are aware of the potential for membership. Limited English language proficiency and lack of Internet access should be considered during this initial outreach and as activities at the site develop.

### 2.5 Publicly Announce Efforts to Form a CAG

The public outreach effort for CAG formation can begin early. This outreach might include distributing a CAG fact sheet and publishing public notices and news releases about forming a CAG and membership opportunities. The first step in CAG formation often is an EPA-led CAG information meeting. Early outreach generally includes announcing the CAG information meeting. Public outreach regarding the CAG is especially important at sites that are in the early stages of the Superfund cleanup process, sites at which opportunities for community participation have been limited, and sites where there has been relatively little community or media interest in site issues.

### 2.6 CAG Information Meeting

The purpose of the CAG information meeting is to introduce the CAG concept to the community; educate the community about a CAG's purpose, their relationship with EPA, how they are generally structured and how they operate; and to discuss potential membership models. The meeting also is an opportunity to address questions from the community about CAGs and to explain what assistance EPA can provide if the community decides to form one. The CAG information meeting also is an opportunity to gauge community interest in forming a CAG. CAG information meetings are especially important at sites where the community may have had relatively limited participation in the Superfund process. While all subsequent CAG meetings are the CAG's responsibility to plan, the CAG information meeting is typically sponsored by EPA.

#### **Planning for and Conducting the CAG Information Meeting**

The CAG information meeting is an important step for soliciting membership in a CAG. It is important that the meeting is well organized and carefully planned.

*CAG Information Meeting Location:* The CAG information meeting should be held in a central location and at a convenient time for community members. The meeting location should be accessible and meet the requirements of the [Americans with Disabilities Act \(ADA\)](#) and the Rehabilitation Act of 1994, which means choosing a location that is accessible to all. A translator or interpreter should be available when participants are likely to need such assistance. EPA often can assist the CAG in making appropriate arrangements.

*Administrative Support:* EPA should provide necessary administrative and logistical support for the meeting, including preparation of a meeting summary documenting the proceedings. The summary should be made available for public review in the information repositories and through other dissemination methods as soon as possible following the meeting. Resources permitting,

EPA should provide administrative support for any additional meetings leading to formation of a CAG, and if possible and appropriate, for subsequent meetings of the CAG after it is formed. (See Section 5.4, Administrative Support.)

*CAG Information Meeting Agenda:* Prepare a simple agenda for the initial CAG information meeting in advance. The following topics usually are appropriate to discuss at the meeting:

- A brief overview of site cleanup plans and progress.
- A short discussion of the community's role, and EPA's interest in meaningful community involvement.
- The mission and role of a CAG and reasons to consider forming a CAG, with the goal of representing diverse community interests.
- The appropriate role of a CAG and its relationship to other site-related community involvement activities.
- Examples of CAG mission statements and operating procedures (including community leadership).
- Ways to determine CAG membership, including suggested member selection processes and timetable.
- Discussion of what CAG members should expect and suggested member responsibilities.
- Discuss the optional use of a neutral third-party facilitator.
- Open discussion/question and answer period.
- Discussion of next steps.

The agenda for the CAG information meeting should reflect important community concerns related to the Superfund site, to the extent known to EPA. Again, the results of community interviews and, if appropriate, the TANA conducted for development of the CIP or other community involvement activities may provide important information and background about community concerns. An awareness of and sensitivity to concerns expressed by the community is an important way to demonstrate EPA's commitment to listening to the community and the potential benefits of a CAG.

*Meeting Facilitation:* When EPA sponsors a CAG information meeting, there are several options for effective meeting facilitation. In some cases, EPA personnel facilitate the CAG information meeting or someone from the community with facilitation experience leads or co-leads the meeting. Often, it is a good idea to arrange for a professional facilitator to facilitate the meeting. A neutral third-party facilitator can be particularly effective at contentious or controversial sites, sites where there is limited trust of EPA, and sites where there may be competition between groups or factions in the community. Facilitation may produce a better sense of fairness and independence, helping to ensure more productive discussions. (See Section 5.2, Providing Facilitation Services, for a discussion of facilitation, mediation, and other related services available for CAGs through EPA contracts and other sources.)

### **Outreach for CAG Information Meeting**

There are many ways to conduct effective outreach to the community and outreach techniques will vary in each community. The ideas discussed in this section should be considered as

suggestions. (Consult the [Community Involvement Handbook](#) and [Toolkit](#) for a full discussion of community involvement tools and techniques.)

The CIP can provide the site team with valuable information and insights about the most effective outreach mechanisms for each community. If community interviews have not yet been conducted for the CIP, EPA staff may wish to start by interviewing a few local officials and community leaders about the idea of forming a CAG. It is a good idea to make a special effort to contact leaders who represent or are trusted by segments of the community that may have potential environmental justice concerns.

It is best to use a variety of outreach mechanisms to reach all community members with information about CAGs and to publicize the CAG information meeting. If the community is tech-savvy, information about CAGs and the CAG information meeting can be disseminated online via community newsletters, email announcements to a community listserv, or a local community or site Facebook or Twitter page. In other instances, it may be useful to issue a press release or to make announcements that will appear in local newspapers or other local media outlets (for example, public service announcements on the radio, public access channels on cable television, and in free-circulation newspapers). Other outreach mechanisms include flyers, announcements at local churches, door-to-door distribution of meeting announcements, and signs posted in local businesses.

As should be the case with all site communications, no matter what combination of outreach mechanisms is used, be sure to provide the information in a manner that is understandable to all. Disseminate information through mechanisms that will reach all segments of the community. For example, if a significant segment of the community is non-English speaking, materials should be translated into other languages and distributed through outreach mechanisms and organizations that reach these segments of the community.

The following are just a few of the outreach mechanisms that generally are used to inform the community about CAGs and to publicize the CAG information meeting:

*Fact Sheet:* Preparing a brief CAG fact sheet is a good idea. The fact sheet should describe the purpose and role of the CAG, describe how to form a CAG, describe what the CAG generally does and how it operates, discuss how to determine membership, and delineate the role of CAG members. The CAG fact sheet can be distributed before or at the CAG information meeting. If it is distributed prior to the CAG information meeting, it also should provide information about the date, time and location of the CAG information meeting. Copies of the CAG fact sheet also should be available in the site's information repository.

*Public/Meeting Notice:* No formal public notice is required for a CAG information meeting but preparing a public notice or informal notice for the meeting is suggested to ensure a good turnout. Prepare and distribute a meeting notice two to four weeks in advance of the meeting. Include the following information in the notice:

- Time and location of the meeting.
- A statement that the meeting is open for public attendance and participation.
- Topics for consideration at the CAG information meeting.

- General information about the purpose of a CAG and membership opportunities.
- The roles and responsibilities of CAG members.
- Name and phone number of contact person(s) to obtain more information.
- Links to the EPA CAG webpage and the site profile page.

If necessary, prepare a public notice or display ad for publication in general circulation newspapers serving the affected communities. When publishing a formal notice or display ad in a newspaper, it should appear in a prominent section, where it is likely to be read by community members. A formal public notice or an informal meeting notice also can be distributed via email to local listservs, through social media, as a flyer posted in visible locations, or as a mailing to the site mailing list.

*Direct Outreach:* Ask community leaders to help spread the word about the CAG information meeting. This includes talking to pastors of local churches and leaders of community organizations. If possible, EPA staff should attend community events and meetings to announce the CAG formation. Reach out to groups that serve non-English-speaking populations, the elderly, or other hard-to-reach segments of the population and those that serve minority and low-income neighborhoods with potential EJ concerns. This will help ensure successful outreach to all segments of the community, including those who might not be reached effectively through traditional outreach mechanisms.

*News Release:* Consider preparing a simple news release advertising the CAG information meeting and distributing it to local media. The news release should include the basic information announcing the meeting (see the list in the “Public Meeting/Notice” subsection above), along with general information about CAGs, the site, and EPA’s commitment to encouraging community involvement in site decisions. Depending on local media coverage of the site or other local environmental issues, it may be appropriate to prepare a more extensive information packet for the media with information about the site, site activities, community involvement activities, and overall response plans and progress. Send the news release to appropriate news outlets in time to meet their deadlines and to allow for publication or broadcast announcement of the meeting notice well in advance of the meeting date.

### 2.7 CAG Development Timeline

After the CAG information meeting, a subsequent meeting should focus on the details about CAG structure, operating procedures, and begin the process of determining CAG membership. The time period between the CAG information meeting and the implementation of a fully functional CAG will vary from site to site. To maximize their input and effectiveness in the Superfund cleanup decision-making process, EPA should encourage CAGs to be in full operation within six months of the CAG information meeting. There are several key activities that should be completed during this time period to ensure successful CAG operation. These activities are described in the sections that follow.

### 3.0 CAG MEMBERSHIP

At least half of CAG members should be members of the local community directly affected by the site (sometimes referred to as “near neighbors”). Membership also should include one or more representatives of the EPA or lead agency site team, acting in the capacity of ‘*ex officio*,’ as a non-voting member. CAG membership should also draw from some or all of the following groups:

- Residents and owners of residential property near the site.
- Those who may be affected by releases from the site, even if they do not live or own property near the site (e.g., people who work or attend school nearby, or otherwise visit the site).
- Local medical professionals practicing in the community.
- Native American tribes and communities.
- Representatives of minority and low-income groups.
- Representatives of local community, environmental, or public-interest groups.
- If a TAG has been awarded at the site, a representative of the TAG recipient group (see Section 7.3, CAG/TAG Interface).
- Local government, including pertinent city or county governments, and governmental units that regulate land use in the vicinity of the site.
- Academia (local universities).
- Representatives of the local labor community.
- Representatives of the local business community.
- Facility owners and other significant potentially responsible parties (PRP).
- Other local, interested individuals.

PRPs can be included in CAG membership if the community decides that it wants PRP representation. However, to prevent the PRP (or another interested group) from unduly influencing CAG discussions, it is important that the community has the authority to limit the number of these representatives or designate them as *ex-officio* members.

Clearly, persons with obvious conflicts of interest should not be members of the CAG (e.g., remedy vendors, attorneys representing parties involved in pending site litigation), nor should the CAG include non-local representatives of national groups and others without a direct, personal interest in the site.

#### 3.1 Size of the CAG

The number of members in a CAG will vary from site to site depending on the needs and composition of the affected community. The community should determine the size of its CAG membership.

When doing so, the following factors should be considered:

- Is the CAG membership representative of most segments, points of view, and community groups in the community?
- Is the CAG workload manageable for the CAG leadership and members?

Most CAGs have about 20 members, but the size of a CAG varies according to the needs of the community. The CAG should be large enough to adequately reflect the diversity of community interests regarding site cleanup and reuse but it also should be small enough to ensure that everyone has an opportunity to participate and the group can achieve closure on discussions.

## 3.2 Membership Selection Models

CAG members should be selected through a fair and open process. This is essential to maintaining the level of trust necessary for a CAG to operate successfully. Of course, each community is unique and can decide how to structure CAG membership, as long as the goal is always the same: CAG membership should reflect the composition of the community, represent the diversity of local interests, and the CAG must be able to function effectively as an organization.

Many times, community members will come together easily and agree readily on what they want their CAG to look like. In other cases, they may need some assistance thinking through these issues. When there is significant distrust, competing interests or divisive issues in the community, providing the services of a neutral third-party facilitator to help the community through the process of forming a CAG is a good idea.

There are several membership selection models that communities can use or adapt as guides when deciding on the composition of its CAG:

### Screening Panel Model

Under this model, EPA can help the community form a short-term screening panel to review nominations for CAG membership before final members are selected. After the opportunity to form a CAG has been announced, EPA works with the local community to select a few people to form a screening panel to identify and nominate potential CAG members. (Nominees may include members of the screening panel.) For this approach to work, the screening panel itself should, to the extent practicable, reflect the diversity of interests in the community. The panel may select a chairperson from among its members.

The screening panel should consider establishing and publicizing the following:

- Procedures for nominating members for the CAG, including a procedure allowing members of the community to nominate themselves to be CAG members. (Screening panel members also may nominate themselves for CAG membership.)
- The criteria and process the panel will use to screen nominations and make recommendations for CAG membership.
- A list of any recommended nominees for membership on the CAG.



The chairperson of the screening panel forwards the panel's list of recommended nominees to the CIC for review and comment regarding its ability to represent the diverse interests of the community. EPA will not approve or disapprove individual members but may comment on the overall representativeness of the nominees.

### **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 recognized as the CAG for that community. If the group does not appear to be representative of the community, EPA may ask the group to expand its membership to include any community interests that are not currently represented.

### **Self-Selecting Group Model**

Under this model, after EPA announces the opportunity to form a CAG, members of the community nominate people to serve on the CAG who they believe are representative of their community. Creating a CAG using this model can take more time than the other models because it may take some communities a while to select a full roster of CAG members.

## 4.0 ROLES AND RESPONSIBILITIES OF CAG MEMBERS

The CAG chair or co-chairs, CAG members, and representatives from EPA, other federal, tribal, or state agencies, or local governments all have important roles to play in the development and operation of the CAG. Each of these players can contribute to the CAG's effectiveness as a forum for meaningful public participation in Superfund response actions. It is important that everyone who plays a role in the CAG understands their responsibilities, as well as the roles and responsibilities of others.

The following lists, while not comprehensive, include some of the key responsibilities for various CAG participants.

### 4.1 All CAG Members

All CAG members are expected to:

- Serve voluntarily and without compensation.
- Be committed to the CAG and willing to serve for an extended period of time (e.g., two years, or the full term of office specified in the CAG bylaws). Terms of office may be staggered for continuity.
- Attend all CAG meetings. Because the CAG can play such an important role in representing the community in the Superfund site decision-making process, CAG members should be committed to attending CAG meetings regularly.
- Serve as a direct and reliable conduit of information to and from the community. CAG members have a responsibility to share information with other members of the affected community. Their names should be publicized widely within the local community to ensure that community members and interest groups have ready access to them. 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 can easily reach CAG members.
- Represent the views of other community members – not only their own personal views – while serving on the CAG. CAG members should honestly and fairly present information they receive from other members of the community.
- 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.
- Play an important role at key points in the cleanup decision-making process by expressing community concerns and preferences on relevant site issues.
- Assist the chair or co-chairs in disseminating information on key issues to the broader community.

### 4.2 CAG Chair/Co-Chair

In addition to the responsibilities of all CAG members, as defined above, the CAG chair/co-chairs should:

- Prepare and distribute an agenda prior to each CAG meeting.
- 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.
- Ensure that all pertinent community issues and concerns related to the Superfund site response are raised for consideration and discussion.
- Ensure that CAG meetings are conducted in a way that encourages civil and productive discussions and deliberations.
- Provide comments or state CAG positions to EPA on relevant issues and key documents.
- Facilitate dissemination of information on CAG meetings and key site-related issues to the broader community.

### 4.3 EPA Site Team

By consistently attending CAG meetings, EPA's site team demonstrates the Agency's commitment to meaningful public participation in the cleanup process. Responsibilities of the site team representatives include:

- Providing information to the community about the opportunity to form the CAG.
- Attending CAG meetings to provide information and technical expertise on the Superfund site cleanup.
- Facilitating discussion of issues and concerns relative to Superfund actions at the site.
- Listening and responding to views expressed by CAG members, giving them substantial consideration when making site decisions, especially when views expressed represent most or all CAG members.
- Working with others, as appropriate, to support and participate in training to be provided to CAG members.
- Assisting the CAG with administrative and logistical support.

### 4.4 Representatives of Other Federal, Tribal, State, or Local Governments or Regulatory Agencies

The EPA site team should encourage representatives of other pertinent federal agencies, tribal, state and local governments to attend CAG meetings. Keep in mind, however, that if too many governmental representatives attend the CAG meetings, it could inhibit discussions. Representatives of other pertinent federal agencies also can be official members of the CAG; in which case their main responsibility is to attend all meetings. Responsibilities for representatives who are not official CAG members include:

- Attending CAG meetings, when appropriate or requested.
- Serving as an information-referral and resource bank for the CAG on tribal or state issues.
- Providing support to CAG members as needed.

## 5.0 EPA'S ROLE IN SUPPORT OF A CAG

EPA's role in a CAG will vary based on the needs and organizational capabilities of the community. Some CICs favor a hands-on approach, while others favor a more hands-off approach. In communities that are new to the Superfund process or which have not been active in site issues in the past, it may be necessary for EPA to provide more hands-on support. However, in communities where community members are active in site issues or where there is an existing well-functioning community group, the CAG may need less direct assistance from EPA.

### 5.1 Providing CAG Oversight

EPA does not direct a CAG; the CAG belongs to the community. To maintain legitimacy in the community, each CAG should operate on its own. EPA should be available to provide feedback and support to the CAG when needed. This is especially important during the start-up period for a new CAG.

Because EPA does not establish or control CAGs, they are not subject to the [Federal Advisory Committee Act \(FACA\)](#).

### 5.2 Offering Facilitation Services

In many cases, it is a good idea to procure the services of a neutral third-party facilitator to help the community, especially during the CAG formation period. For example, a facilitator can conduct the CAG information meeting and assist the community in the CAG membership selection process. In cases where there is tension within the community, a facilitator or mediator can help community members work through issues and resolve differences. A facilitator also can help the community make initial decisions, assist in CAG formation, and help the CAG function properly. A facilitator also can help a CAG on a continuing basis by planning and conducting meetings in a fair and open manner, ensuring that all voices are heard, and keeping meetings on track and productive.

For many sites, it may not be necessary to use a facilitator. However, at contentious sites or at sites with diverse constituencies whose varied interests may seem incompatible, a skilled facilitator can be particularly useful. There are two main vehicles through which EPA can provide the assistance of facilitators or mediators to communities, as follows:

#### **EPA Conflict Prevention and Resolution Center**

EPA's Conflict Prevention and Resolution Center (CPRC) provides a range of alternative dispute resolution (ADR) services to the Superfund program and throughout EPA, including resources and training for communities and site team members to work through difficult situations.

Through CPRC's contract, EPA can quickly provide mediation or facilitation services to a CAG. CPRC staff can help the site team secure facilitation or mediation services that fit the CAG's needs. Participating offices contribute funding for facilitation services through the CPRC's ADR services contract. CPRC also has limited funding available to contribute to facilitation or mediation expenses for CAGs. For more information, visit the [CPRC website](#).

### Technical Assistance Services for Communities Contract

The Technical Assistance Services for Communities (TASC) program provides independent technical assistance through an EPA contract to help communities better understand the science, regulations, and policies of environmental issues and EPA actions. While the primary focus of TASC is providing technical information assistance to communities, the TASC contract can provide facilitation services to a CAG at no cost to the community. TASC services are not a grant. There are no funds awarded to the recipients of the assistance services. These services are delivered under a contract that is funded, administered and managed by EPA.

To obtain facilitation under TASC, an EPA site team member or a CAG member should contact their Region’s TASC Coordinator listed on EPA’s [TASC website](#) under the “Contact Us” tab.

EPA evaluates all requests for TASC services. TASC resources are limited, and EPA will consider each community request alongside requests from other communities across the country.

### Considerations for Offering Facilitation Services

Consider procuring facilitation services for the CAG:

- at contentious sites with numerous stakeholders;
- in high-conflict situations;
- at sites with numerous competing interests;
- where there is mistrust among participants;
- when leadership is not clear;
- where participants mistrust the federal government;
- where there are environmental justice interests; or
- where the community may need assistance forming the organization and conducting effective meetings.

### 5.3 CAG Member Training and Technical Assistance

For a CAG to succeed, all members should fully understand the Superfund process and the cleanup issues related to their site. EPA can provide training or prepare briefing materials for CAG members tailored to their specific needs. In some cases, organizational capacity-building training will be necessary to enable members to run their CAG effectively. This type of training can also be provided through contractors under the TASC program or through other sources. In addition, the TASC or CPRC contracts may be available to provide support developing and presenting training tailored to a CAG’s specific needs.

Many of those selected as members of the CAG may need some initial training to perform their duties effectively. Keep in mind that some members may need training materials in alternative formats or in a language other than English. Training may be provided at regular CAG meetings, or through (either individually or in combination):

- formal training sessions;
- online training, if available and appropriate;
- briefing books, fact sheets, and maps; and
- site tours.

Often, technical staff from other federal agencies or tribal, state and local governments involved in site cleanup who attend CAG meetings can serve as technical resources. They can provide information about their respective areas of expertise to CAG members, as needed.

Where to Go for Training Support	
Resource:	Services Provided:
<a href="#"><u>Conflict Prevention and Resolution Center (CPRC)</u></a>	<ul style="list-style-type: none"> <li>• Training on alternative dispute resolution.</li> <li>• Neutral third-party facilitation.</li> <li>• Mediation.</li> </ul>
<a href="#"><u>Technical Assistance Services for Communities (TASC)</u></a>	<ul style="list-style-type: none"> <li>• Community training.</li> <li>• Education presentations.</li> <li>• Conducting technical assistance needs assessments (TANAs).</li> <li>• Reviewing and explaining technical information.</li> <li>• Help with forming CAGs.</li> <li>• Facilitating community meetings.</li> <li>• Developing information materials for communities.</li> </ul>

The need to provide training to CAG members usually is greatest when the CAG is new. Recommended training should be provided on an ongoing basis. Because CAG membership will be fluid over time, EPA and the CAG should develop a method for quickly informing and educating new CAG members about cleanup issues, plans and progress as they begin their tenure. Some examples are developing and distributing hardcopy or electronic materials, meetings and discussions with existing CAG members, or a combination of methods.

## 5.4 Administrative Support

EPA may assist a CAG by providing administrative support to the group. The goal is to assist the CAG during its development and to prepare the community to assume responsibility as soon as possible. Resources permitting, EPA may be able to offer some of this assistance to the CAG in the form of contractor support. EPA’s administrative support to the CAG may include the following:

- Arranging for meeting space in a central location.
- Preparing and distributing meeting notices and agendas.
- 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 and on listservs and websites.
- Maintaining CAG mailing lists.
- Translating outreach materials and CAG meeting summaries, in cases where there is a significant non-English speaking population in the community.
- Facilitating CAG meetings and special focus sessions, or providing an interpreter, if requested by the CAG.

### 5.5 Requesting Comments from the CAG

In some cases, the EPA site team may provide the CAG with the opportunity to review near-final documents, such as a sampling plan. EPA may choose to allow the CAG a certain amount of time to review and provide comments on near-final documents. However, it is important for CAGs to understand that, while EPA will consider their comments, EPA is not required to accept their comments. If appropriate and consistent with regional practices, the site team might consider offering the CAG an opportunity to review and comment on draft documents.

If a CAG provides comments on a document or issue, EPA may respond to the comments at a CAG meeting. It is particularly important that in instances where an EPA decision or response differs from a stated CAG preference regarding site cleanup, EPA explains its decision and/or response to CAG members. EPA's responses to comments at CAG meetings do not fulfill the Agency's responsibility to formally respond to comments in situations where they are required by CERCLA and/or the NCP. If an EPA action includes a formal comment period and response to comments under CERCLA or the NCP, EPA should ensure that the CAG is informed about how the CAG can submit formal comments as part of that process.

## 6.0 CAG OPERATIONS

To ensure that a CAG operates successfully, strong leadership, thorough operating procedures, and regular and productive meetings are necessary. Based on CAG experience, without an organized structure, CAGs run the risk of becoming ineffective and unproductive. This section describes some of the necessary elements of a CAG's organizational structure.

### 6.1 CAG Chair/Co-Chairs

CAG members may select a chairperson or co-chairs (usually no more than two) from within the group and determine an appropriate term of office. The chairs should be committed to the CAG and willing to serve for an extended period of time (e.g., two years) to ensure continuity. Members should have the right and responsibility to replace the chair or co-chairs as necessary. The processes for selecting and dismissing chairs should be detailed in the CAG's operating procedures.

### 6.2 Mission Statement and Operating Procedures

Every CAG should develop a mission statement that describes the CAG's purpose, scope, goals, and objectives. Subsequent activities should focus on actions related to Superfund site issues consistent with the CAG's purpose. A set of operating procedures also should be developed to guide day-to-day operations. Topics to be addressed when developing operating procedures include the following:

- How to fill membership vacancies.
- How often to hold meetings.
- How to review and comment 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.
- How to determine whether the CAG has fulfilled its role and how it will disband.

### 6.3 Charter and Bylaw Procedures

CAGs intending to incorporate or seek non-profit status will need to set up a charter and bylaws and follow state and federal guidelines. In this circumstance, the charter (or often called articles of incorporation) and bylaws are legal documents. CAGs that are not intending to incorporate or seek non-profit status can set up bylaws to provide clarification about CAG activities. In this circumstance, bylaws need not be public documents.

### 6.4 Meetings

All CAG meetings should be open to the public. The meetings should be announced publicly (e.g., via newspaper ads or announcements, flyers, social media posts, mass emails) at least two weeks in advance to encourage maximum participation of CAG members and community members.



## Meeting Frequency

Meetings should be scheduled on a regular basis. Meetings should be held often enough to allow the CAG to respond to site issues within specified timeframes and to communicate CAG actions and site activities to the rest of the community. CAG members should determine the frequency of meetings and this should be specified in the CAG's operating procedures. Over the course of the Superfund process, the need for regular meetings may decrease as site activities ebb and flow. CAGs should meet regularly during the periods when major milestones and actions take place, but the CAG may decide to meet less frequently when there are fewer activities at the site.

## Meeting Location

CAG meetings should be held in a location agreed upon by CAG members. The location should be convenient for CAG members and in a central location that makes it easy for community members to attend. Local libraries, high schools, and senior centers are acceptable locations. As discussed previously with the CAG information meeting, the meeting location should meet ADA requirements and be accessible to all.

## Meeting Format

The format for CAG meetings may vary depending on the needs of the CAG. Before announcing each meeting, CAG members should define the meeting's purpose and agree on an agenda and meeting format. A basic meeting agenda might include:

- review of discussions from the previous meeting;
- status updates by the project technical staff, followed by discussion;
- discussion and a question/answer session between attendees and the site team;
- summary and discussion of action items; and
- discussion of the next meeting's agenda.

## Special-Focus Sessions

The CAG also might consider holding special-focus sessions. Special-focus sessions generally address a single topic and provide an opportunity for the CAG to gather information, solicit input, and discuss a specific issue that requires attention. Sometimes it is useful to invite an expert or experts to attend a special-focus session. EPA may be able to provide support for special-focus sessions on issues relevant to the Superfund site cleanup and decision-making process.

## Meeting Facilitation

In many cases, the chairperson leads the meeting, but sometimes a separate facilitator can help ensure effective and well-run meetings. Consider offering facilitation services to the CAG if the CAG chair is uncomfortable moderating meetings, if there is potential controversy or the possibility of confrontation, or if facilitating inhibits the chair from participating in the group discussion. While it is permissible for an EPA staff person to facilitate CAG meetings, it generally is preferable to have someone from the community with facilitation experience or a professional meeting facilitator fulfill this role. A neutral third-party facilitator is recommended for CAGs at sites where some controversy is anticipated. Facilitation may produce a sense of fairness and independence that can lead to more productive discussions. If a facilitator is regularly used for CAG meetings, it may be helpful to clarify the roles of the chairperson and the facilitator so there is no confusion or conflict.

### **Meeting Documentation**

The CAG should prepare a concise summary of each meeting that highlights the topics discussed, agreements reached, and action items. Sometimes, EPA or other federal agencies, tribal, state, or local governments can provide this type of support. There is no need to prepare a meeting transcript.

The meeting summary should be prepared and made available for public review in information repositories as well as through other outreach methods. If a significant segment of the affected population is non-English-speaking or visually impaired, the summary should be translated into the relevant languages or made available in audio format. Copies of the summary also may be mailed or emailed to all meeting attendees and to the CAG mailing list. All CAG records provided to EPA are likely going to be subject to release under the Freedom of Information Act. The CAG should make its records available to the public upon request in the interest of openness.

## 7.0 MAINTAINING AN EFFECTIVE CAG

An effective CAG communicates regularly with the broader community and encourages community members to attend meetings and participate in CAG discussions about site issues. It operates in a way that enables CAG members to communicate freely with each other (including representatives of EPA and other federal, state and tribal agencies, or PRPs, if applicable) and with the community.

CAGs continue to be effective as long as there is a core group committed to the organization's mission. The challenge comes when an initial period of high energy passes, or the founders move on. To maintain effectiveness, a CAG needs to work actively by retaining a sense of purpose, inclusiveness, and transparency; and continuing to inspire the investment of time and energy by CAG members and the broader community.

### 7.1 Maintaining Interest and Momentum

Maintaining an effective organization takes work, but there are some simple things that a CAG can do to help ensure its effectiveness and longevity:

**Define a mission and set realistic goals for the CAG.** Developing a mission and goals helps the CAG look ahead to anticipate its role at various points in the Superfund cleanup process. Periodically, the CAG may wish to assess and adjust its role, the frequency of meetings, and overall level of involvement to ensure that the CAG is continuing to meet its goals and fulfill its overall mission.

**Regularly hold meetings and report to the broader community.** Maintaining the interest and commitment of CAG members over time, or when there is a lull in the cleanup process can be challenging and may result in less frequent meetings. It is important to keep at least a skeleton schedule of “check-in” meetings so interest does not wane and the group does not become dormant. It is also important to look for opportunities to provide information to the community or schedule additional check-in meetings with the CAG.

**Resist the temptation to become insular.** It is important that the CAG invite and welcome participation by members of the affected community and nurture the interest of people who may want to become CAG members in the future. This way, as the initial core group of committed CAG members moves on there are other committed members ready to take their places. Similarly, the CAG membership should make a conscious effort to share the work so that one or two members do not dominate or carry too much of the workload. This situation can lead to burnout, as well as disinterest by members who no longer feel needed or feel they do not have a stake in the CAG's work. CAG chairpersons should ask members to take on specific projects or responsibilities and try to keep members actively engaged.

**Make adjustments to meet changing needs and remain representative of community interests as site work progresses.** Sometimes, a CAG whose membership is representative at one point in the process may no longer be representative of the community interests as work progresses. It may be a good idea for a CAG to reassess its membership and operations periodically as site needs change. This should occur at key points in the cleanup process or when site activities at a large site move from one geographical area to another. The key is to ensure

that CAG membership continues to represent the diverse interests of stakeholders on site-related issues. In some cases, this may result in an existing CAG disbanding; in other cases, the CAG may recruit new members who are more affected by or interested in site issues as these issues change over time.

For example, when the conversation at a site turns to site reuse, concerns may arise that the existing CAG no longer fully represents the views of the community. A change in membership could be necessary to ensure that the CAG continues to effectively address the issues most important to affected community members. In such cases, EPA can voice its concerns to the CAG and recommend that the CAG reconstitute its membership to encompass current community interests, or even consider disbanding.

The need to reassess CAG membership to maintain representativeness may be particularly important at large sites with several operable units. CAGs at such sites should consider recruiting new members or disbanding if its membership no longer represents the affected community. See the case study below.

Of course, it is up to the CAG to make necessary adjustments. EPA can share its observations and offer recommendations about revising CAG membership or suggest ways to improve operations. EPA also can offer technical assistance to the CAG through the TASC program or CPRC contract if appropriate. (See Section 5.3, CAG Member Training and Technical Assistance.)

### Case Study Change in Site Work Sparks Opportunity to Create New Vision for CAG

When work at a site in Region 2 transitioned from one operable unit to another, the CAG that served the site for 12 years took the opportunity to reassess how it was functioning and plan for its future. Because future site work would affect different stakeholders than the previous work, the CAG wanted to ensure that it included representation from the new stakeholder groups. Of the options discussed, the prevailing two choices were to 1) form a new CAG; or 2) continue as one larger CAG with membership representative of both components of the site work. EPA provided resources via the TASC program to assist with the CAG's "self-assessment" and possible reorganization. The assessment focused on three key questions:

- How has the CAG been functioning?
- How can the CAG function better?
- What is the vision for the future of the CAG?

The TASC contractor, who provided an independent perspective on the CAG, prepared recommendations on how to improve the CAG's operations and helped the CAG envision its future. In addition to interviews with individual CAG members to solicit their feedback, the contractor held separate visioning sessions with a small sub-group of the existing CAG. With the help of a facilitator, CAG members in the two visioning sessions decided not only to maintain a single CAG but also broaden the existing group to include additional interest groups not currently represented.

## 7.2 The CAG Role at Various Points in the Cleanup Process

A CAG can play an important role at virtually any point in the Superfund process. At a minimum, the CAG can be a place for the exchange of community views. Sometimes, the CAG can provide a forum that enables community members to reach agreement or consensus and speak with a unified voice to EPA regarding relevant site issues.

The CAG can help the community learn about, discuss, and provide comments or input to EPA on community preferences at key points in the Superfund removal or remedial process including:

- Engineering Evaluation/Cost Analysis (EE/CA).
- Non-Time-Critical Removal Action (NTCRA).
- Remedial Investigation/Feasibility Study (RI/FS).
- Proposed Remedial Action Plan (PRAP).
- Record of Decision (ROD).
- Proposed significant post-ROD changes or ROD amendment, if applicable.
- Future land use and redevelopment.

### Site Reuse and Redevelopment Planning

A CAG can help the community define and express its preferences regarding reasonable anticipated future uses of the property throughout the cleanup process – from the early stages before the proposed plan is issued, through remedy construction, and into the operation and maintenance phase and five-year reviews. The CAG can provide a useful forum for community members to discuss and debate options for site reuse. This involves articulating the community's overall vision for the property, and often for the surrounding neighborhood or area as well. Redevelopment of a Superfund site sometimes can be a catalyst for revitalization of an entire neighborhood or area. Considering options for site reuse can help community members move beyond the difficulties and negative impacts from a Superfund site by focusing on the opportunities to build a better future for the site, and often for the entire community.

Additional information about community involvement as it relates to considering reasonably anticipated future land use is in OSWER Directive 9355.7-19, [\*Considering Reasonably Anticipated Future Land Use and Reducing Barriers to Reuse at EPA-lead Superfund Remedial Sites\*](#), and on the [Superfund Redevelopment Initiative website](#).

## Case Study

### CAG Addresses Reuse Throughout the Superfund Process

The Woolfolk Alliance Group, a CAG at the Woolfolk Chemical Works, Inc. Superfund site in Fort Valley, Georgia, focused on reuse of the site throughout the Superfund process. The Alliance started discussing site reuse *before* the proposed plan for the site was developed. The Alliance also administered a TAG for the site and used some of its TAG funding for a technical advisor to help the community consider potential options for future use of the site. The community proposed redeveloping a portion of the site, Operable Unit 2 (OU-2) into a public library, adult education center, and city government office space. As a result, EPA was able to take the community's preferences into account when it developed the Proposed Plan for OU 2 in 1995. Cleanup of OU-2 was completed in 1998 and is now the site of the Peach County Public Library and the Fort Valley Welcome Center.

EPA also worked with the Alliance to engage in an extensive dialogue with community members about future reuse for another portion of the Woolfolk site, OU-3. This dialogue took place after EPA's Proposed Plan for OU-3 was issued, but before cleanup work had begun. The Agency worked with the community, land-use planners, and local government officials to facilitate the reasonably anticipated future land use for the site reflected the community's vision as well as the cleanup standards that EPA established in the 1998 ROD for OU-3. The Superfund remedy selection process enabled community members to voice their views and concerns about site reuse and their hopes about how the site would be reused once the cleanup was complete. A 2007 final report described three potential scenarios combining commercial, recreational, and public use for this portion of the site. The cleanup was completed in 2009.

As a result of its efforts on behalf of the community, EPA Region 4 presented the community of Fort Valley, Georgia its "Excellence in Site Reuse" award in 2009 on the 10th anniversary of the Superfund Redevelopment Initiative. The Woolfolk Alliance Group won EPA's Citizen Excellence in Community Involvement Award in 2010, as part of EPA's National Notable Achievement Awards.

### 7.3 CAG/TAG Interface

A TAG provides funding to community groups to procure their own technical advisor to interpret and explain technical reports, site conditions, and EPA's proposed cleanup and decisions. While CAGs and TAGs are two distinct community involvement resources, there can be overlap at the same Superfund site. When the TAG is administered by a separate group from the CAG, EPA should encourage the CAG and the TAG recipient group to share information and work together. In some cases, a CAG can apply for and administer a TAG on behalf of the affected community. However, some CAGs may not be eligible to receive TAG funding. A CAG must meet the TAG eligibility requirements detailed in [40 CFR §35.4020](#). A community group is eligible for a TAG if they are:

- a group of people who may be "affected" by a release or a threatened release at any facility listed on the NPL or proposed for listing under the NCP where a "response action" under CERCLA has begun; or

- a group that meets the minimum administrative and management capability requirements found in [2 CFR §200.302](#) by demonstrating they have or will have reliable procedures for record-keeping and financial accountability related to managing the TAG (these procedures must be in place before the group incurs any expenses).

A CAG is NOT eligible for a TAG if:

- the PRP is a member of the CAG, receives money or services from a PRP, or represents a PRP;
- the CAG is affiliated with a national organization;
- the CAG is an academic institution;
- the CAG is a political subdivision (for example, a township or municipality); or
- the CAG is established or presently sustained by ineligible entities above or if any of these ineligible entities are represented in your group.

As an additional eligibility requirement, as stated in the TAG rule at [40 CFR §35.4020](#), all TAG recipients must be incorporated as a nonprofit organization with the appropriate State agency. If the CAG is not incorporated as a nonprofit, they are not eligible to receive a TAG.

If members of the CAG are one of the ineligible entities listed above, it is possible to restructure the CAG so that none of the ineligible members have a role in the CAG that presents a conflict of interest. Follow the criteria set forth in [40 CFR §35.4025](#) to determine if an ineligible CAG may be restructured to be eligible for TAG funding.

There can be only one TAG at a site at any given time. If a TAG recipient and the CAG are separate organizations, both should help the community provide input to EPA, and both should represent the affected community and maintain two-way communication with the broader community.

One way to promote communication and cooperation between the CAG and a TAG recipient group is to include a representative from the TAG recipient group in the CAG membership. Conversely, a CAG representative should participate in the TAG recipient group, as long as that representative does not affect the TAG's eligibility. The two groups should provide regular updates to each other and share reports as appropriate. While the CAG cannot direct the TAG recipient group's technical advisor, the CAG can ask the TAG recipient group to allow its technical advisor to make presentations or brief the CAG on technical issues. Doing so can help the TAG recipient group fulfill its responsibility for sharing the technical assistance it receives with the broader community.

For more information, please visit the [TAG website](#).

## 7.4 Ineffective CAGs, and How EPA Can Help

Sometimes, a CAG that has functioned effectively in the earlier stages of the cleanup process may cease to be effective because it no longer is representative of the community or it no longer addresses the needs of the affected community. In other cases, CAGs may become ineffective due to internal problems, such as the existence of factions, competition between groups in the community, and differences among members in their visions for the CAG or its mission and role. There also can be internal issues related to leadership of the CAG and how it operates. It is important to help a CAG address issues as they arise, while such problems may still be small and manageable. Otherwise, the problems are likely to increase, and the CAG may become ineffective as an organization.

Sometimes a CAG's ineffectiveness is related to the inexperience of its members or chairperson, a lack of knowledge or unwillingness to run meetings appropriately, disruptive participants, or ineffective communication between members. The CAG or its chairperson also may need assistance or training to learn how to manage contentious meetings or handle domineering or disruptive participants at a meeting. These issues often can be addressed easily.

EPA can help by observing the CAG's operations and offering a perspective on potential problems or practices. Whenever possible, the CIC may suggest steps that CAG members or CAG leadership could take to alleviate an existing or potential problem. Many CICs have the expertise to provide advice informally about preparing an effective meeting agenda, using proper rules of order for a meeting, and other operational issues. CICs also may be able to help a CAG that needs to improve its internal or external communications. In many cases providing simple, basic advice and assistance on an informal basis will be sufficient. If more involved assistance is in order, the CIC may be able to offer the CAG training, facilitation services or organizational capacity-building assistance available through the TASC or CPRC contracts. (See Section 5.2, Providing Facilitation Services.)

In some cases, as mentioned previously, a CAG will face more serious challenges due to differing visions for the CAG. The CAG needs to address these issues for itself, but EPA can offer assistance, if appropriate. Again, offers of training or contractor support for organizational capacity-building or facilitation services could help.

### **When Problems Persist**

When a CAG no longer can make decisions, operate as an effective organization, or effectively communicate internally or with the broader community, this condition signals a need to identify specific issues and problems and consider corrective measures. The CAG may need to make changes to its leadership, management structure, or operating procedures or take other actions necessary to "reset" the organization so that it can function more effectively. If this happens, it is important to emphasize that the CAG belongs to the community, not to EPA. EPA can offer its perspective and advice, offer technical assistance (facilitation services, mediation, or organizational capacity-building assistance provided by contractors, for example), but it is up to the CAG and its leadership whether to listen to EPA, follow advice, or accept any assistance that is offered.

Sometimes, when a CAG is no longer meeting goals or objectives as it pertains to the Superfund site, or is not actively addressing the problems, EPA may withdraw its support to the



organization given the agency's limited resources. This withdrawal could mean no longer participating in the CAG (if EPA has a representative on the CAG) or attending CAG meetings. EPA also can suspend any administrative or technical support if it was providing such assistance to the organization. In rare cases, EPA may decide that the Agency no longer will recognize the CAG as a credible voice for the community.

If organizational problems persist, it usually is a good idea for the site team to maintain a detailed written record (e.g., emails, call logs, letters to the CAG, or notes to the file) to document issues and attempts to address problems. Having a record is useful in case EPA decides to withdraw administrative support or decides to no longer recognize the CAG. It is particularly important for EPA to maintain a record if the Agency considers sidestepping the CAG to work with another group or helping community members form a new CAG or similar organization.

If problems persist with a CAG, EPA may suggest that the CAG be reorganized into another type of community forum. This could include smaller working groups, technical committees, or a larger group of stakeholders that would comprise a "roundtable." As noted above, however, the CAG belongs to the community, so whether and how to reorganize is ultimately the decision of the CAG.

### Case Study Making Adjustments by Convening a Roundtable

A large and complex Superfund site, which covers a heavily populated area with environmental justice communities, had a CAG that was widely regarded as being effective in informing and engaging community members about site issues. When the record of decision (ROD) for the site was released, it mandated the convening of an advisory group to address impacts on the affected communities.

EPA conducted approximately 65 interviews with community, government, business, and tribal representatives to update its community involvement plan (CIP). As part of the interview, EPA asked interviewees about their preferred form and composition of the ROD-mandated advisory group. In these interviews, EPA learned that while the current CAG was effective in reaching community members, it was not inclusive of all stakeholder interests (e.g., government, business, broader geographic communities, federally-recognized tribes), and therefore would not reflect the widespread impacts of the cleanup on all affected parties.

To address the findings from these interviews, EPA proposed a two-pronged approach to help ensure responsiveness to stakeholders during the design and construction of the cleanup:

- Maintain the existing CAG as the CAG for the site so they could continue their work as a liaison to community members.
- Convene another group with a broader membership than the CAG. This broader membership would enable a range of interested parties to come together to make recommendations to the EPA during the design and implementation of the cleanup. Twelve groups were identified for representation on the new "roundtable," including

PRPs, federally recognized tribes, government agencies, and community groups not affiliated with the CAG.

In the CIP, EPA noted that the launch of the site “roundtable” would not take the place of:

- the CAG;
- government-to-government tribal consultation;
- formal public involvement and public comment opportunities offered by EPA; or outreach to other coalitions, consortia, and community groups.

## 8.0 ENDING EPA SUPPORT TO A CAG

Constant and consistent evaluation of community involvement efforts at Superfund sites can help the site team improve outreach and continuously improve its community involvement approach. As part of a routine evaluation of community involvement activities, EPA carefully considers the existing role and function of the CAG. In doing so, EPA evaluates the effectiveness of the CAG to work in collaboration with EPA; its ability to serve the broader community by keeping them updated about EPA's work and notifying EPA of any concerns and; its ability to maintain a diverse membership that represents the needs of the broader community on site-related issues. Should the evaluation conclude that the CAG is no longer meeting these parameters and no longer functioning appropriately, EPA can withdraw its support for the CAG and indicate that the Agency no longer recognizes the CAG as a useful vehicle for community involvement for the Superfund site. EPA may re-visit support for a CAG should the affected community wish to re-establish and maintain a CAG that is designed to work in collaboration with EPA to address site-specific concerns related to the Superfund site cleanup.

Problems that are significant enough to necessitate ending EPA's support for a CAG usually persist for a considerable period of time. As soon as issues come to light, it is a good idea for the site team to initiate and maintain a detailed written record (e.g., emails, call logs, letters to the CAG, or notes to the file) to document issues and attempts to work with the CAG to address problems.

It also is important for EPA to clearly communicate with the community-at-large when EPA discontinues support for a CAG. Doing so ensures that the community understands the reasons for EPA's action and does not confuse the Agency's withdrawal of support for the CAG with a lack of support for community involvement in site decisions.

For example, a CAG at a site became contentious with many groups clashing over separate agendas. The region decided that the CAG was not effectively reaching the public and withdrew its recognition of the organization. To carefully inform the community about why support was being discontinued, the region prepared a statement and created a list of questions and answers about its action. It was important to ensure that the community understood that EPA was still committed to communicating regularly with the community and encouraging robust community involvement, even though the Agency no longer would attend CAG meetings and was withdrawing support for the CAG.

If most of the site work is finished or if the work of the CAG becomes less necessary, the group may decide to disband. A CAG also could choose to continue, but to meet annually or as needed during the five-year review process.

## 9.0 IMPORTANT CONSIDERATIONS FOR CAGS

CAGs are important forums for involving the public in the Superfund process and assisting EPA in building trust with a community. Consider the following points when establishing a new CAG or working with an existing CAG:

- Involve communities early in the Superfund process. Address the possibility of creating a CAG as soon as a community expresses interest.
- Maintain open communication channels, share information, and be sincere with the community. Forming a CAG can create an effective communication channel in many communities.
- A CAG should represent the range of diverse views and perspectives of members of the community.
- Forming a CAG is time-intensive and well worth the investment of time and resources. The effectiveness of a CAG often depends on how well it is set up.
- Work with other federal, tribal, state, and local counterparts throughout the process of forming and maintaining a CAG. Take advantage of local partners for resources and technical assistance when possible: local health departments, ATSDR, local universities, and colleges, etc.
- When there is conflict, procure facilitation and mediation resources early on to stop problems from persisting and to avoid future conflict.

Forming a CAG at a Superfund site can be mutually beneficial to the community and EPA. CAGs can facilitate the exchange of information, including the perspectives of community members with important institutional knowledge of site issues and practices and can help the community promote and ensure long-term stewardship of the site after cleanup. EPA's role in a CAG will vary based on the needs and organizational capabilities of the community.