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PROCEDURES FOR ESTABLISHING AND MAINTAINING A RESTORATION ADVISORY BOARD (RAB)

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Engineer Technical Letter

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DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
Washington, D.C. 20314-1000

Technical Letter
No. 1110-1-169

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Engineering and Design
PROCEDURES FOR ESTABLISHING AND MAINTAINING
A RESTORATION ADVISORY BOARD (RAB)

1. Purpose. This Engineering Technical Letter (ETL) presents the procedures for establishing and implementing RABs at Formerly Used Defense Sites (FUDSs) for authorized projects including Hazardous, Toxic, and Radioactive Waste (HTRW) and Ordnance and Explosives (OE). The purpose of RABs is to serve as forums for discussion and exchange of information between agencies and affected communities. They provide an opportunity for stakeholders to have a voice and actively participate in the review of technical documents, to review restoration progress, and to provide individual advice to decision makers regarding restoration activities.

2. Applicability.

a. This ETL applies to Headquarters, U.S. Army Corps of Engineers (HQUSACE) elements and all USACE commands who have responsibility for establishing and implementing RABs at FUDSs under the Defense Environmental Restoration Program (DERP). This ETL is applicable to Potentially Responsible Party (PRP) projects only when, based on a formal PRP agreement, USACE serves as the lead for execution of the response actions and agrees to establish and implement a RAB. RABs will be established at all National Priority List (NPL) sites and NPL-proposed sites. Where FUDS Technical Review Committees (TRCs) exist, they will be modified to become RABs. RABs will be established at all other FUDSs only where there is sufficient, sustained community interest as determined by the FUDS Project Manager (PM). Such interest is evidenced by any one of the following:

- (1) A state, federal, or local government requests that a RAB be formed.

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(2) Fifty local residents sign a petition requesting that a RAB be formed.

(3) The District Commander where the PM resides determines that a RAB is needed.

b. This ETL is applicable to:

(1) Any FUDS that currently has a TRC. The TRC will be expanded to a RAB in accordance with paragraph 8d below.

(2) For OE projects, the RAB process will be initiated when the Engineering Evaluation/Cost Analysis (EE/CA) is initiated provided any one of the criterion listed in paragraph 2a exists.

(3) For HTRW projects, the RAB process will be initiated when the Remedial Investigation/Feasibility Study (RI/FS) is initiated provided any one of the criterion listed in paragraph 2a exists.

3. References. References cited in this document are listed below:

a. Defense Environmental Restoration Program (DERP), 10 USC 2705.

b. Privacy Act , 5 USC, 552a of 1974, as amended.

c. Federal Advisory Committee Act (FACA), Public Law (PL) 92-463 of 1972, as amended.

d. Robert's Rules of Order, Newly Revised Edition of 1970.

4. Distribution. Approved for public release, distribution is unlimited.

5. Explanation of Abbreviations. Abbreviations used in this document are explained in the glossary (Appendix F).

6. Background. The policy guidance issued by the Department of Defense (DOD) and the Department of the Army (DA) on the establishment of RABs primarily addresses the

RAB process as it applies to the Installation Restoration and Base Realignment and Closure programs under DERP. This DOD and DA guidance has been modified to cover the procedures for establishing RABs at FUDSs and to provide program-specific implementation requirements. These procedures will be incorporated into the next revision of the DERP-FUDS Program Manual as part of the general policy guidance on the execution of the FUDS Program.

7. Determining the Need for a RAB.

a. It is the responsibility of the district where the PM resides to determine when there is sufficient, sustained community interest to establish a RAB. When more than one FUDS is located within a 5 to 10 mile range of each other, a regional RAB covering both sites will be considered. When a FUDS is located near an installation that already has an established RAB, the PM should coordinate with the installation for inclusion of the FUDS restoration activities in their RAB. In addition, regional joint RABs covering restoration activities being conducted by the different services may be an option for inclusion of the FUDS. This option should be considered and evaluated by the PM as appropriate. Contact HQUSACE, Directorate of Military Programs, for further information regarding regional joint RABs.

When there is no existing RAB near the FUDS, the PM will determine that at least one of the three criteria listed in paragraph 2a exists. Once this requirement has been met, various community involvement techniques should be used to determine whether a RAB should be formed. The minimum steps that must be followed are as follows:

(1) Review correspondence files to determine what community comments have been received regarding the FUDS or other environmental issues related to the community.

(2) Review media coverage to evaluate the extent, type, and duration of such coverage.

(3) Determine interest of local community members through advertisement and public service announcements.

(4) Conduct interviews with officials and others involved in the environmental restoration process.

(5) Advertise in local newspapers.

(6) Review the Community Relations Plan (CRP) to determine if the residents indicated an interest in forming a RAB. Send letters and fact sheets to individuals on the mailing list to solicit their interest.

b. Local surveys also can be conducted to determine interest. If soliciting for community interest reveals that there is none, evidence of such solicitation and the fact that there was no expressed interest will be documented. That documentation will be included in the CRP and the information repository.

c. If no interest is expressed in forming a RAB, the PM will reassess every 12 to 18 months, or when project circumstances change, to determine if interest develops in forming a RAB.

8. RAB Responsibilities. The responsibilities of the RAB include:

a. Providing individual advice on environmental restoration issues to USACE and regulatory agencies.

b. Conducting regular meetings, open to the public, at convenient times and locations, in most cases after normal duty hours.

c. Recording minutes of all meetings and making them available to interested parties.

d. Encouraging community involvement.

e. Developing and using a mailing list of interested parties who wish to receive information on the environmental restoration process.

f. Reviewing and evaluating documents; for example, Archives Search Reports, sampling and analysis data, EE/CAs, and other technical documents.

g. Identifying project requirements.

- h. Recommending priorities among sites or projects.
- i. Proposing cleanup levels consistent with planned land use.
- j. Developing a RAB mission statement.
- k. Developing RAB operating procedures.

9. Composition of RABs.

a. RABs will be comprised of the FUDS PM (or a higher level manager designated by the District Commander), state regulatory agency representatives, other federal, state and local agencies as appropriate, local and tribal governments as appropriate, and affected members of the local community. The RAB at a NPL site will also have a representative of the U. S. Environmental Protection Agency (EPA). At non-NPL sites, EPA membership will be at the discretion of the EPA Regional Administrator. The FUDS PM will ensure that RAB members reflect the diversity of the community.

b. RAB members will be selected in a fair and open manner, as outlined in paragraph 10 below. All selections will be made in cooperation with the appropriate Federal, state, and local regulators and affected community members. The size of the RAB will depend on the complexity of the situation, the number of stakeholders, and the level of community interest. The number of RAB members should be large enough to reflect community diversity, yet small enough to be workable. It is recommended that the RAB consist of no more than 20 members.

c. The RAB will be jointly chaired by the FUDS PM and a community representative. The FUDS PM co-chairperson and community co-chairperson will share leadership responsibilities. The FUDS PM should obtain training in "Robert's Rules of Order" to ensure that meetings are effectively conducted. The responsibilities of each chairperson listed in paragraph 11 below will be defined in the RAB's operating procedures.

d. RABs will meet the requirements of 10 USC 2705(c) of the Defense Environmental Restoration Program statute which required DOD to establish TRCs. Where TRCs or other similar groups already exist, they will be expanded or modified, in consultation with the state and where appropriate EPA, to become RABs, rather than creating a separate board. These modifications will include the selection of additional

community representatives, the selection of a community co-chairperson, and the establishment of a policy whereby meetings are open to the public. As a general rule, TRC members should be given preference in obtaining seats on the RAB in order to preserve the continuity of the restoration process. In all cases, the diversity of the current TRC membership should be evaluated to ensure that the RAB is representative of the community's diverse interests.

e. The RAB will remain active until the response alternative(s) for the site has been selected through the Record of Decision, for HTRW, or the Action Memorandum, for the OE program. During the remedial/removal action phase, RAB meetings will be held either once a quarter or semi-annually at a minimum. More frequent meetings may be held as appropriate based on the RAB Operating Procedures. The RAB will be disestablished when remedial/removal action is complete.

10. RAB Formulation and Selection, Announcement, and Training of RAB Members.

a. RAB Formulation. The FUDS PM should begin informing and educating the community about the purpose of the RAB and opportunities for membership and participation before any RAB formulation meetings are held. Sample documents that may be used in the RAB formulation process are provided at appendices A, B, C, and D. All community members identified on a local public-participation mailing list should be contacted. This process should be completed in consultation with the state, the EPA, and the existing TRC.

b. Selection of RAB Members.

(1) A selection panel made up of community members will be formed. This panel will recommend the community members who will serve on the RAB. This panel will be organized by the FUDS PM, with support from the district Public Affairs Office, in consultation with EPA, as applicable, and state regulators. Members of the selection panel may not serve as RAB members. The selection panel should represent a cross section of the community and its views. Representatives of minority populations and low-income groups should be included in the process. Panel members can be drawn from the following sources:

(a) Local residents/community members.

- (b) Current TRC members.
- (c) Local environmental groups/activists, civic groups.
- (d) Business and religious community, school districts.
- (e) Low income and minority groups.
- (f) Local Government, local regulatory agencies.
- (g) Homeowner Associations.
- (h) Native American tribes/tribal governments.
- (i) Landowners of FUDS properties.

(2) The selection panel must reflect the diverse community interests and be made up of community members only. A number of options may be used when forming a selection panel provided that the membership selection process reflects balance and diversity. The FUDS PM, in consultation with EPA and the state, may choose any of the following:

- (a) Organize a selection panel of community members to nominate RAB members.
- (b) Identify a neutral facilitator to establish the selection panel.
- (c) Have community representatives choose the members of the selection panel.
- (d) Place paid public notices in the local newspapers asking for volunteers to serve on the selection panel.
- (e) Ask existing community members of the TRC to act as the selection panel.
- (f) Have the FUDS PM, the EPA, and the state representatives nominate community members to serve on the selection panel.

(3) The selection panel will identify the diverse community interest groups that need to be represented on the RAB. This process will be carried out with support from

and in consultation with the district Public Affairs Office. Based on this identification, the panel will develop a solicitation process and establish criteria for selection of RAB members.

(4) Once the selection panel has established the selection criteria for RAB membership, the selection process should be initiated. The following selection process is recommended in order to ensure that members are selected from the diverse interest groups and to allow any other interested community members to be considered for RAB membership:

(a) Announce participation opportunities through news releases and paid public notices (see sample at appendix A).

(b) Develop a community interest form to determine community concerns and their interest in participating (see sample at appendix B).

(c) Establish a time period for receipt of the community interest forms.

(d) Mail letters of invitation (see sample at appendix C), fact sheets (see sample at appendix D), and community interest forms to all community members on the existing mailing list and to the groups identified by the selection panel.

(e) Place fact sheets and community interest forms in information repositories and at other locations where the public may normally look for community information such as libraries, community centers, supermarkets, etc.

(f) Hold an initial public meeting about the RAB to discuss purpose, member solicitation process, and membership responsibilities; provide fact sheets and community interest forms to meeting attendees.

(5) After the designated solicitation period ends, the selection panel will convene to develop a list of suggested RAB members who reflect the diverse interests of the community. The community interest forms submitted will be used in developing this list. The selection panel will submit the list of suggested RAB members, along with full explanation establishing the fact that the members represent the diverse interest groups of the community, to the FUDS PM for the District Commander's approval.

The District Commander, in consultation with EPA and state representatives, must accept the list unless it is determined that the diverse community interests are not fully represented. If this determination is made, the District Commander will specify the weaknesses to be corrected. The selection panel will be instructed to develop a new list for review and approval. Once the list is approved, the selection panel will be disbanded.

c. Announcement of RAB Members.

(1) RAB membership should be announced by the district Public Affairs Office, based on information provided by the FUDS PM, in the following manner:

(a) Send letters to the selected RAB members to notify them of their selection. Send news releases to the local newspapers announcing the formation of the RAB and the date of the first meeting.

(b) Send letters to those who submitted community interest forms but were not selected, announcing the names of the RAB members, thanking those not selected for their interest, encouraging them to attend future RAB meetings, and notifying them that their interest forms will be kept on file in case future membership openings should occur.

(c) Distribute a brief fact sheet announcing the RAB members and meeting schedule and publicly thanking all community members who expressed an interest in RAB participation and encouraging ongoing community attendance and participation at future RAB meetings.

(2) Additions to and deletions from the RAB can be made at any time the RAB deems necessary. Procedures for additions and resignations should be outlined in the operating procedures discussed in paragraph 12 below. A sample Operating Procedures for RABs is provided at appendix E.

d. Training of RAB Members. RAB members will require some initial orientation to enable them to perform their duties. The FUDS PM should work with the state, EPA, and environmental groups to develop methods to inform and educate RAB members. This training may be accomplished at initial RAB meetings or at special orientation sessions. RAB members will be provided instruction on the relative risk process, the budgeting process, and how these affect the sequencing of restoration actions so that

RABs can provide informed advice. Technical support staff from state, federal, and local agencies should be requested to attend such sessions to provide information and explanation to RAB members. In addition, contractors who are performing work at the FUDS can provide technical support.

11. Member Roles and Responsibilities.

a. FUDS PM Co-Chair. It is the responsibility of the FUDS PM co-chair to:

(1) Coordinate with the community co-chair to prepare and distribute an agenda prior to each RAB meeting.

(2) Ensure that USACE participates in an open and constructive manner.

(3) Ensure that the RAB has the opportunity to participate in the restoration decision process.

(4) Ensure that community issues and concerns related to restoration are addressed when raised.

(5) Ensure that documents distributed to the RAB are also made available to the general public.

(6) Ensure that an accurate list of interested/affected parties is developed and maintained. This will be done with the assistance of the RAB and the district Public Affairs Office.

(7) Provide relevant policies and guidance documents to the RAB in order to enhance the RAB's operation.

(8) Ensure that adequate administrative support is provided to the RAB.

(9) Refer issues not related to restoration to appropriate District officials for action.

(10) Report back to the USACE District.

b. Community Co-Chair. It is the responsibility of the community co-chair to:

- (1) Coordinate with the FUDS PM co-chair and RAB community members to prepare an agenda prior to each RAB meeting.
- (2) Ensure that community members participate in an open and constructive manner.
- (3) Ensure that community issues and concerns related to restoration are raised.
- (4) Assist with the dissemination of information to the general public.
- (5) Report back to the community.
- (6) Serve without compensation.

c. RAB Community Members. It is the responsibility of RAB community members to:

- (1) Attend meetings as required by the RAB's operating procedures.
- (2) Provide individual advice and comments on restoration issues to decision makers.
- (3) Represent and communicate community interests and concerns to the RAB.
- (4) Act as a conduit for the exchange of information among the community, the USACE District(s), and environmental agencies regarding the restoration program.
- (5) Review, evaluate, and comment on documents and other such materials related to restoration activities.
- (6) Serve without compensation.

d. State Regulatory Agency Member. It is the responsibility of the state regulatory agency member to:

- (1) Attend RAB meetings as required by the RAB operating procedures.

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(2) Serve as an information, referral, and resource bank for the community, the USACE District, and involved Federal, state, and local agencies regarding restoration activities.

(3) Review documents and other materials related to restoration.

(4) Ensure that applicable environmental standards and regulations are identified and addressed by USACE.

(5) Facilitate flexible and innovative resolutions of environmental issues and concerns.

(6) Assist in education and training for RAB members.

e. EPA Member. Where EPA participates, it is the responsibility of the EPA members to:

(1) Attend RAB meetings as required by the RAB operating procedures.

(2) Serve as an information, referral, and resource bank for the community, the USACE District, and involved Federal, state, and local agencies regarding installation restoration.

(3) Facilitate flexible and innovative resolutions of environmental issues and concerns.

(4) Ensure that applicable environmental standards and regulations are identified and addressed by USACE.

(5) Assist in education and training for RAB members.

12. RAB Operations.

a. RAB Operating Procedures.

(1) The RAB is responsible for developing its operating procedures. These

procedures should cover attendance requirements, meeting frequency, removing/replacing co-chairs and replacing/adding members, terms of service (1- or 2-year terms should be considered), methods for resolving disputes, process for reviewing and responding to public comments, and methods for public participation. These procedures should reflect the fact that all advice provided by the RAB is to be understood to be the advice of the individual RAB members, not consensus advice of the RAB. The RAB is not an advisory committee, as that term is used in the FACA. If consensus advice is determined by the RAB to be necessary, legal counsel should be consulted regarding FACA applicability. A sample Operating Procedures for RABs is provided at appendix E.

(2) Each RAB will develop a brief mission statement that specifies its overall purpose. For example, "The RAB mission is to establish and maintain a forum with all stakeholders for the exchange of information in an open and interactive dialogue concerning the environmental restoration activities at this site."

b. RAB Support. The FUDS PM must ensure that adequate administrative support is provided to establish and operate the RAB. This support will typically include the following:

- (1) Providing meeting facilities, organizing and facilitating public meetings.
- (2) Preparing and distributing meeting minutes, management of RAB mailing lists, mailings, and other routine word-processing tasks.
- (3) Copying/printing and distributing RAB documents, notices, and fact sheets.
- (4) Translating and distributing outreach and other RAB materials.
- (5) Modifying Community Relations Plans (CRPs) to incorporate RAB requirements.

c. Funding.

(1) The formation and operations of a RAB will require funding for technical and administrative support. The USACE district will manage all funding and contracting requirements for the needed support with the exception of Technical Assistance Grants (TAG) or Technical Outreach Services to Communities (TOSC) discussed in paragraph

d below). The amount of funding needed will depend on the community involvement activities already in place and whether or not there is a TRC that can be expanded into a RAB. Additional funding may be required. For example, additional funding may be needed when larger facilities must be rented to hold meetings and extra copies of materials are required due to an increase in public participation. The taking and distribution of meeting minutes, the need for translators or facilitators, public notices, press releases, and the development of mailing lists for interested parties may also necessitate additional funding.

(2) Public participation on the RAB will be strictly voluntary, i.e., RAB members will receive no reimbursement of expenses, with the exception of reimbursements to state representatives authorized under the Defense and State Memorandum of Agreement process. The FUDS PM must ensure that this is understood by the public during the member-recruitment process and prior to any final commitment by a public representative to serve on the RAB.

d. TAG, TOSC, and Administrative Funding. RABs may be eligible for TAGs from EPA to cover costs associated with NPL sites. For non-NPL sites, RABs may be eligible for TOSC from EPA. RAB members or other community groups may form an organization and apply for a TAG or TOSC to obtain funding for technical support. RABs are also eligible for funding under the Defense Environmental Restoration Account to cover costs associated with administrative support. USACE Districts should plan and program for funding to support RAB administrative requirements. RAB administrative funding includes those expenses which are directly related to the operation of the RAB such as RAB establishment, member selection costs, orientation training, meeting announcements, meeting logistics, facilitators, preparation of meeting agendas, materials and minutes, and document reproduction for RAB members, and contractor support expenses. RAB administrative funding does not include general community involvement expenses, such as preparation of fact sheets or other information materials for public distribution, mailings, repository costs, or salaries for USACE personnel.

e. Technical Support. To ensure that RAB members clearly understand the technical issues involved, some level of technical support may be necessary. In most cases, the technical support deemed necessary will be obtained through the MSCs, the HTRW Center of Expertise (CX), the OE CX, the U.S. Army Environmental Center

(USAEC) or the U.S. Army Center for Health Promotion and Preventive Medicine (USACHPPM), U.S. Army Technical Center for Explosives Safety, or U.S. Naval Explosive Ordnance Disposal Technical Center. Contractual support to explain technical data and related technical issues will be provided by USACE, MSCs, or USAEC. In many cases, the technical support needed will be provided by USACE contractors already performing work at the FUDS. USACE Districts should coordinate with their respective Divisions to ensure that the type and level of contractual support necessary is included in planned contract acquisitions.

f. Technical Assistance for Public Participation (TAPP). The National Defense Authorization Act of 1996 (P.L. 104-106 Section 324) provided authority for DOD to establish the TAPP program. The purpose of TAPP is to facilitate public participation in the DERP. TAPP enables RABs to receive assistance from independent sources in interpreting scientific information and engineering issues regarding the nature of environmental hazards at FUDSs. TAPP can also be used for the training of community RAB members to understand the CERCLA process or a particular cleanup technology. TAPP encompasses those activities that will contribute to the public's ability to participate in the decision-making process by improving the public's understanding of overall conditions and activities involved in environmental restoration.

Examples of the types of technical assistance that may be appropriate include the review and interpretation of documents concerning potential health and environmental impacts posed by site conditions, RI/FSSs, EE/CAs, records of decision, remedial/removal design, selection and construction of remedial actions, review of proposed restoration technologies, participate in relative risk site evaluations, and training in subject areas that are directly related to restoration activities. There are no provisions for RABs to use TAPP in the performance of their own sampling, well drilling and testing at FUDSs. In addition, there are no provisions under the TAPP program for public outreach or community relations efforts, litigation or underwriting legal actions, political activity, the reopening of final response decisions or conducting disputes with USACE. TAPP cannot be used to send RAB members to structured courses or to obtain academic degree or certification except 40-hours safety certification.

The following general guidelines apply:

(1) RABs which are comprised of at least three community members are eligible to apply for TAPP. Any request for TAPP must represent the desires of the majority of the

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RAB members. Participation in EPAs TAG or TOSC program does not preclude eligibility for TAPP.

(2) RABs are required to seek other available avenues of assistance prior to submitting an application for TAPP. These sources include tasks appropriate for USACE contractors, the procurement of volunteer services from local universities or other experts, or assistance from state and local health and environmental organizations. When applying for TAPP, RABs must be able to demonstrate that the technical expertise necessary for the proposed TAPP is not available through any Federal, state, or local agencies or that the selection of an alternate provider will contribute to environmental restoration activities and the community acceptance of such activities. Once the RAB has made the determination that other sources of assistance are unavailable or unlikely to contribute to the community acceptance of environmental restoration activities at the FUDS, the RAB will notify the District Commander of its intent to pursue TAPP.

(3) The RAB, with assistance from the Co-Chairs, will complete and submit a formal TAPP application specifying the type of assistance required and, if possible, one or more sources for this assistance. The project description should contain sufficient detail to enable USACE to determine the nature and eligibility of the project, identify potential providers and estimate costs, and prepare a statement of work to begin the procurement process. TAPP applications may be obtained from HQUSACE, Directorate of Military Programs or from the FUDS PM Co-chair.

(4) The completed TAPP application will be submitted to the District Commander through the FUDS PM Co-Chair. The District Commander will review the proposed application to determine whether the proposed project conforms to the eligibility requirements and if funding is available. TAPP applications will be denied when they fail to meet all requirements related to the restoration activities at the FUDS. The RAB will be provided the rationale for the disapproval in writing and the process for appeals. They will also be advised in the disapproval letter that they may resubmit the TAPP application after objections to approval have been resolved. Appeals will be considered within the chain-of-command, and, in general, will be resolved at the lowest possible

level. Inherently governmental functions, such as records of decision, are not subject

to appeal, and issues regarding contracting must be governed by the Federal Acquisition Regulation (48 CFR Part 37).

(5) Required TAPP services will be obtained by the district's contracting function through the local purchase order process. The total dollar limit for TAPP is \$100,000 with a yearly limit of \$25,000 or one percent of the sites total projected restoration cost-to-complete, whichever is less. Funding for TAPP services will come from the project's monies and not from a separate funding source. The contracting function will attempt to contract with the RABs preferred provider when possible.

(6) All final documents developed for the RAB by a technical assistance provider will be provided to USACE for inclusion in the information repositories and the Administrative Record for the FUDS as appropriate. The RAB will provide USACE a final report which will include a description of the TAPP project, a summary of services and products obtained, and a statement regarding the overall satisfaction of the RAB with the quality of service and/or products received.

(7) The RAB will submit a yearly progress report, financial status report and a final report to the responsible USACE district on the assistance received under the TAPP program. These reports will be prepared by the technical assistance provider as specified in the contract. The final report will document TAPP project activities over the entire period of support and describe the achievements with respect to stated TAPP project purposes and objectives.

13. Community Involvement. The RAB should encourage the public to participate in discussions throughout the environmental restoration process. Many communication techniques are available for use in encouraging public involvement. The RAB should work closely with the district Public Affairs Office to ensure continued public involvement by means of the following:

a. A CRP should be in place to specify a plan of action for keeping the community involved and informed. At a minimum, this CRP should contain the following:

(1) Project and site information, including known contaminants, and a short history of the site as well as communication strategies to keep the following informed, if applicable:

(a) USACE and other Army representatives and state and EPA regulators.

(b) Local community (including businesses, religious groups, and school districts) and local residents.

(c) Minority and low-income groups.

(d) Local officials/agencies.

(e) Current landowners of FUDS properties.

(f) Other groups (environmental organizations, Homeowners Associations, TAG recipients, TRC members, civic/public interest groups, etc.).

(2) Information on such communication techniques as news releases, fact sheets, letters, public meetings, site tours, briefings, "hotline" telephone numbers, etc.

(3) A mailing list.

(4) Newspaper clippings related to the environmental restoration program.

(5) Locations of information repositories and meeting places.

b. If a CRP already exists for a FUDS, that plan should be amended by inserting RAB information (such as meeting minutes, descriptions of public involvement activities, etc.) as addenda to the plan. The plan and addenda should be placed in the information repositories. When the project is nearing completion, the basic plan should be revised to incorporate this addenda.

c. A mailing list of RAB members, elected officials, the local media, community groups, members of the public, and USACE points of contact (technical and public affairs) should be developed and maintained. Public notices, fact sheets, and other handout materials should be sent to all individuals on the mailing list. (Note that the Privacy Act prohibits release of names, addresses, and phone numbers without prior consent.)

d. Information repositories should be established in the local area (at or near the site). These repositories, generally located at libraries or other publicly accessible locations, should contain documents reflecting ongoing environmental restoration

d. Information repositories should be established in the local area (at or near the site). These repositories, generally located at libraries or other publicly accessible locations, should contain documents reflecting ongoing environmental restoration activities, e.g., EE/CA reports, the RI/FS, proposed plans, the CRP, RAB meeting minutes, Public Notices, public comments and responses to those comments, etc.

e. The FUDS PM will solicit and respond (in writing) to comments. Public comment periods will be provided as specified in law and applicable regulations. In general, all draft and final documents distributed to the RAB for review and comment should be made available to the general public for a minimum of 30 days before comments are due. For documents where a review period is shorter than 30 days for regulatory staff, this same shorter review period would also apply to the review by the RAB and community members. Every effort should be made to provide the RAB and community members with an adequate review period. Special-focus meetings of the RAB may be called to review and comment on key documents. Formal, written responses should be prepared to all substantive comments received from the RAB and the general public.

FOR THE COMMANDER:

6 Appendices

APP A - Sample RAB Public Notice

APP B - Sample RAB Community
Interest Form

APP C - Sample RAB Letter of Invitation

APP D - Sample RAB Fact Sheet

APP E - RAB Operating Procedures

APP F - Glossary



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Chief, Environmental Division
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APPENDIX A
SAMPLE RAB PUBLIC NOTICE

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SAMPLE RAB PUBLIC NOTICE

Public Notice
(Name of US Army Corps of Engineers (USACE) district)
Formation of Restoration Advisory Board (RAB)
Membership Solicitation

The Department of the Army recognizes the importance of stakeholder participation in the Defense Environmental Restoration Program. Therefore, (name of District) is announcing the establishment of a RAB. The RAB is being created in order to improve public participation by involving the community in the environmental restoration of the Formerly Used Defense Site at (list site).

The RAB will include community members who reflect the diverse interests of the local community. RAB members will be asked to review and comment on plans and technical documents relating to the ongoing environmental studies and restoration activities at (name of FUDS). RAB members will have the opportunity to provide comments that may accelerate the restoration. Members will also be expected to serve as voluntary liaison between the community and the USACE district and be available to meet with community members and/or groups. Community RAB members will receive no compensation for their service. RAB meetings will be open to the public.

Community interest forms can be obtained by contacting:
(List name(s), title, address and telephone number of contact)

Members will be expected to serve a 1- to 2-year term and attend RAB meetings regularly. Forms will be reviewed by the selection panel. The selection panel will make recommendations to the geographic District Commander for approval of RAB members. The selection panel members will be representatives from the (name of District), the (name of state environmental agency), the community, and the U.S. Environmental Protection Agency, as appropriate. To qualify, interested parties must be local residents of (name of cities or counties) who are affected by (name of FUDS).

The initial meeting to form the RAB will be held (list location, date, and time). For additional information, please contact (name, address, and telephone number of contact).

APPENDIX B
SAMPLE RAB COMMUNITY INTEREST FORM

Community Interest Form
(Name of FUDS) Restoration Advisory Board (RAB)

RAB members are volunteering to serve a 1-to 2-year term and to attend all RAB meetings. Duties and responsibilities will include reviewing and commenting on technical documents and activities associated with the Defense Environmental Restoration Program at (name of FUDS). Technical experts will be made available to the RAB. Members will be expected to be available to community members and groups in order to facilitate the exchange of information and/or concerns between the community and the RAB. RAB community members can expect to devote approximately (number of hours/days) per year to the RAB. RAB members will receive no compensation for their service.

Priority for RAB membership will be given to local residents who are impacted/affected by the (Name of FUDS).

Name: _____

Address: _____
Street Apt # City State Zip

Phone: () () ()
Daytime Home Fax

1. Are you affiliated with any group related to environmental restoration activities? If yes, list the group and your position, if applicable.
2. Briefly state why you would like to participate on the RAB.
3. What experience have you had working as a member of a diverse group with common goals?
4. The community co-chairperson will be selected by community members of the RAB. Please indicate whether or not you are interested in being considered for the community co-chairperson position on the RAB.

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_____ Yes, I would like to be considered.

_____ No, I would not like to be considered.

5. Are you willing to serve as a volunteer on the RAB?

_____ Yes, I am willing to serve.

_____ No, I am not willing to serve as a volunteer.

6. By submitting this form, you are indicating that you are aware of the time commitment which this appointment will require of you.

Privacy Act Notice

Authority: 10 U.S. Code (USC) 2705.

Principal Purpose: To identify members of the local community who are interested in serving on the RAB.

Routine Uses: The requested information will be used to develop a list of interested persons from which the community members of the RAB will be selected. The information will also be used by the Army to contact the individuals who are selected.

Disclosure of the requested information is voluntary. Failure to provide all the requested information may prevent selection to serve on the RAB.

Applicant Signature Date

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APPENDIX C SAMPLE RAB LETTER OF INVITATION

Dear (Community Member):

The Department of the Army recognizes the importance of stakeholder participation in the Defense Environmental Restoration Program. Therefore, (name of District) is announcing the establishment of a Restoration Advisory Board (RAB). The RAB is intended to improve public participation by involving the community in the restoration decision-making process.

The RAB will include community volunteer members who reflect the diverse interests of the local community. RAB members will have an opportunity to provide comments on restoration activities. RAB community members can expect to spend (number of hours/days) per year supporting the RAB.

RAB members will be asked to meet regularly to review and comment on technical documents and plans relating to the ongoing environmental studies and restoration activities at (name of FUDS). RAB members will be expected to serve as liaison with the community and be available to meet with community members and groups. Members will be expected to serve a (state length of service) term. All RAB meetings will be open to the public.

If you are interested in serving on the RAB for (name of FUDS), please complete the enclosed form and return it to the following address not later than (deadline for applications):

(Name, address, and phone number of contact)

Forms will be reviewed by the RAB selection panel. The selection panel will submit recommendations for RAB membership to the District Commander for approval. The RAB selection panel will be comprised of representatives from the (name of District), the community, the (name of state agency), and the U.S. Environmental Protection Agency, as appropriate.

Sincerely,

(Name of Panel Member)

Enclosure

APPENDIX D

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SAMPLE RAB FACT SHEET

Fact Sheet
Restoration Advisory Board
(Name and Location of FUDS)

Background

The U.S. Army Corps of Engineers (USACE), (name of District), is pursuing environmental restoration activities at (name of FUDS) as part of the Defense Environmental Restoration Program. (Provide a brief description of the restoration activities projected at the FUDS.)

What is a Restoration Advisory Board?

A Restoration Advisory Board (RAB) is an advisory body designed to act as a focal point for the exchange of information between (name of District) and the local community regarding restoration activities. The RAB is intended to bring together community members who reflect the diverse interests within the local community, enabling the early and continued two-way flow of information, concerns, values, and needs between the affected community and the District.

RAB members will be asked to meet regularly to review and comment on technical documents and plans relating to the ongoing environmental studies and restoration activities at (name of FUDS). Members will be expected to serve as liaison with the community and be available to meet with community members and groups. Membership terms will be decided by the RAB. All RAB meetings will be open to the public. Technical support staff will be available to provide informational support and explanation to RAB members.

How to Become a RAB Member

Community members interested in finding out more about the RAB are invited and encouraged to attend a community meeting. (Name of District) will conduct this meeting on (date and time). At the meeting, you will learn about the purpose of the RAB and RAB membership opportunities and responsibilities and will hear an update

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on the status of restoration activities and future plans. RAB membership applications will be available at the community meeting. The community meeting will be held at the following address:

(Location, address, date, and time)

If you have questions about the RAB or are interested in applying for RAB membership, community interest forms may also be obtained by contacting:

(List name, title, address, and telephone number of contact)

All Community Interest Forms must be received by (deadline for forms). Forms will be reviewed by the selection panel which will make recommendations to the District Commander for approval. The selection panel will be organized by the Formerly Used Defense Site Project Manager of (name of USACE District). The selection panel members will be representatives from the USACE District, the state, the community, and the U.S. Environmental Protection Agency, as appropriate.

Responsibilities

Community members are expected to serve as volunteers on the RAB and to provide individual advice to decision-makers on restoration plans for (name of FUDS).

APPENDIX E

SAMPLE RAB OPERATING PROCEDURES

Operating Procedures for (name of FUDS) Restoration Advisory Board

1. Mission Statement of (name of FUDS) Restoration Advisory Board (RAB). The mission of the (list FUDS) RAB is to establish and maintain a forum with all stakeholders for the exchange of information in an open and interactive dialogue concerning the environmental restoration activities at (name of FUDS). The RAB will review technical documents and provide comments and advice to the U.S. Army Corps of Engineers (USACE), (name of USACE district), on the proposed environmental restoration activities.
2. Responsibilities of the RAB. Responsibilities of the RAB are as follows:
 - a. Provide advice on environmental restoration issues to USACE and regulatory agencies.
 - b. Hold regularly scheduled meetings that are open to the public and held at convenient times and locations, normally after duty hours.
 - c. Prepare public notices to promote public participation in RAB meetings.
 - d. Review, evaluate, and provide comments to the (name of USACE district), USACE, on documents related to environmental restoration activities.
 - e. Identify applicable cleanup standards presented in the Comprehensive Environmental Response, Compensation and Liability Act and other applicable city, county, state, and Federal law and recommend cleanup levels consistent with planned reuse.
 - f. Recommend priorities among sites or projects.
 - g. Record minutes of RAB meetings and make them available to interested parties.

- h. Develop RAB mission statement and operating procedures.
3. RAB membership will consist of members from USACE, other Federal, state and local regulatory agencies, and the local community. RAB membership will reflect the diversity of the community.
- a. Community members may be drawn from, but are not limited to, the local community (including residents; various local government agencies; businesses; school districts; local environmental groups (including activist groups); civic/public interest organizations; religious groups; local regulatory agencies; Homeowners Associations; the medical community; the economically disadvantaged; African-American, Native American, Hispanic, and other minority groups; other state and Federal governments; trustees; and local and tribal governments). Community members will provide information, seek independent technical advice when appropriate and feasible, communicate public concerns to the RAB, and provide information and progress reports to the public.
 - b. Other RAB members will be as follows:
 - (1) Formerly Used Defense Sites (FUDS) Project Manager (PM) C0-Chair. Responsibilities of the FUDS PM Co-Chair are listed in paragraph 7a below.
 - (2) State Regulatory Agencies. Responsibilities of the state regulatory agency member(s) are listed in paragraph 7d below.
 - (3) U.S. Environmental Protection Agency (EPA). Responsibilities of the EPA member(s) are listed in paragraph 7e below.
4. RAB Formation. General guidelines applicable to the formation of a RAB are as follows:
- a. A RAB will consist of no more than 20 members.
 - b. A selection panel made up of community members will recommend RAB members to the USACE District Commander (name of FUDS and name of District) for approval.
 - c. RAB members will serve a (stipulate 1- or 2-year) term. RAB members may

submit an application to serve another term (not to exceed 2 years) when their first term has been completed. Total service will not exceed 4 years.

d. A Community Co-Chair will be elected by the RAB members. The procedures for conducting this election are specified in paragraph 6 below. The Community Co-Chair will serve a 1-year term, with re-election limited to one additional term.

e. The FUDS PM will serve as the FUDS Co-Chair.

5. RAB Meetings. RAB members will comply with the following meeting procedures:

a. Each community member will have one vote on the RAB's operating procedures in RAB meetings. Minutes of each RAB meeting will be recorded for inclusion in the Administrative Record.

b. Each RAB member will act individually in discussions, in providing comments on documents, and in providing advice to USACE. The RAB is not an advisory committee, as that term is used in the Federal Advisory Committee Act. All advice will be offered by RAB members as individuals and is not to be construed as Aconsensus@ advice.

c. Regular, on time attendance is a requirement for continued RAB membership. The RAB will meet once a month or any other period specified in the RAB operating procedures. Members are expected to attend every meeting. After a member has missed two meetings without appropriate explanation, the FUDS and Community Co-Chairs will send a 14-day written notice to the member requesting written explanation within 14 days, of these absences and indicating that after three missed meetings, the RAB will assume that the member is no longer interested and will terminate his or her membership.

d. Member participation will follow a process similar to that presented in *Robert=s Rules of Order*. An agenda will be followed at RAB meetings, with full and open discussions encouraged. A time for public comments or questions from the public on matters not included in the agenda will be held either at the beginning or near the end of the meeting. An effort should be made to complete the agenda, including public comments and questions, between (state specific beginning and ending times). A Co-Chair will ask the members for a motion to adjourn and approval of such motion in order to end each meeting.

e. The RAB will encourage public participation. Co-Chairs, or other designated representatives, will respond to questions raised by the public. If sufficient information is not available to provide an accurate response at the meeting, the issue will be recorded in the meeting transcript. A written response to all issues raised will be provided. The response provided will be an agenda item for discussion at the next regularly scheduled meeting. All public comments will be considered by the RAB and recorded in the meeting transcript.

f. RAB community members must have prior approval of the RAB before speaking for the RAB during press interviews or other public relations activities.

g. When a RAB member is unable to participate in RAB meetings, the member should submit a written resignation to a RAB co-chairperson. Resigning members may nominate new members to replace themselves. Replacement members will also be sought from those individuals who were notified of their nonselection when they initially completed the Community Interest Forms. New members must continue to reflect the diversity of the community.

h. A Procedures Committee will be established to resolve issues regarding compliance with the operating procedures and to accept proposals from RAB members to change the procedures. This committee will be composed of the two Co-Chairs and one RAB member appointed by the RAB.

i. A Nomination Committee will be established to accept nominations for election of the Community Co-Chair. The procedures for conducting the election are listed in paragraph 5 below.

j. Disputes within the RAB will be resolved by means of a three-step process. First, the RAB Co-Chairs will attempt to resolve the issue. When these efforts are not successful, an independent facilitator may be brought in to resolve the issue. Disputes which cannot be resolved by the Co-Chairs or a facilitator may be formally presented to the USACE District Commander for resolution.

k. A quorum of RAB members must be present in order to hold a RAB meeting. A quorum is defined as both Co-Chairs, one regulatory agency member, and 51 percent of the remaining RAB members.

6. Election of Community Co-Chair. An election will be held in (specify month) of each year to elect a Community Co-Chair. The Community Co-Chair will be elected by a majority vote of the community RAB members, by written ballot. A Nomination Committee consisting of three RAB members will be appointed in (specify month) by the existing Community Co-Chair to recommend a nominee for the Community Co-Chair position for the upcoming year. Other members may be nominated from the floor at the (specify month) RAB meeting. Write-in candidates and self-nomination are other avenues for election to the Community Co-Chair position. The Nomination Committee will count the written ballots and announce the results at the (specify month) RAB meeting. The Co-Chair elect will assume the position at the (specify month) RAB meeting.

7. RAB Member Responsibilities.

a. Responsibilities of the FUDS Co-Chair are as follows:

(1) Coordinate with the Community Co-Chair to prepare and distribute an agenda prior to each RAB meeting.

(2) Communicate with all RAB members regarding environmental restoration activities at (name of FUDS).

(3) Publicly announce RAB meetings at least 15 days prior to and on the day preceding the meeting dates.

(4) Ensure that USACE participates in an open and constructive manner.

(5) Ensure RAB members are educated and trained regarding their responsibilities as a member of the RAB.

(6) Ensure that the RAB is provided access to documents for its review and comment. Ensure that an adequate review period is allowed for the RAB members. Ensure that documents distributed to the RAB are also made available to the public.

(7) Maintain a mailing list of interested and affected parties in the environmental restoration activities at (name of FUDS).

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(8) Ensure that adequate administrative and technical support is provided to the RAB.

(9) Ensure that community issues and concerns related to environmental restoration activities are addressed when raised.

(10) Ensure that the RAB is fully informed during all phases of the environmental restoration process and that it has opportunities to participate in advising decision makers before final decisions are made.

(11) Provide all relevant guidance documents to the RAB to enhance the operation of the RAB.

(12) Report back to the USACE district and refer issues not related to environmental restoration to appropriate officials for action.

b. Responsibilities of the Community Co-Chair are as follows:

(1) Coordinate with the FUDS Co-Chair and the RAB members to prepare and distribute an agenda prior to each RAB meeting.

(2) Coordinate, as required, with the FUDS Co-Chair to ensure that RAB questions and concerns are answered in an appropriate and timely manner.

(3) Encourage open and constructive community participation at RAB meetings.

(4) Ensure that RAB members are trained regarding their responsibilities as RAB members.

(5) Communicate with RAB members regarding environmental restoration activities.

(6) Ensure that community issues and concerns related to environmental restoration are adequately addressed and that relevant information is communicated back to the community.

(7) Assist in the dissemination of information to the general public.

(8) Serve without compensation.

c. Responsibilities of RAB community members are as follows:

- (1) Attend RAB meetings as required by the RAB operating procedures.
- (2) Provide advice on environmental restoration activities to decision makers.
- (3) Communicate community interests and concerns to the RAB.
- (4) Serve as a conduit for the flow of information among the community, the USACE district, and other involved Federal, state, and local agencies regarding the environmental restoration issues at (name of FUDS).
- (5) Review, evaluate, and provide comments on documents related to environmental restoration activities.
- (6) Serve without compensation.

d. Responsibilities of state regulatory agency member(s) are as follows:

- (1) Attend RAB meetings as required by RAB operating procedures.
- (2) Serve as an information, referral, and resource bank for the community, the USACE district, and other involved Federal, state, and local agencies regarding environmental restoration activities at (name of FUDS).
- (3) Review and provide comments on documents and other materials related to environmental restoration activities.
- (4) Ensure that state environmental standards and regulations are identified and addressed by USACE.
- (5) Facilitate flexible and innovative resolutions of environmental issues and concerns.
- (6) Assist in the training of RAB members.

e. Responsibilities of the EPA member(s) are as follows:

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- (1) Attend RAB meetings as required by RAB operating procedures.
 - (2) Serve as an information, referral, and resource bank for the community, the USACE district, and other involved Federal, state, and local agencies regarding environmental restoration activities at (name of FUDS).
 - (3) Facilitate flexible and innovative resolutions of environmental issues and concerns.
 - (4) Ensure that Federal environmental standards and regulations are identified and addressed by USACE.
 - (5) Assist in the training of RAB members.
8. Amendments to RAB Operating Procedures. Amendments to RAB operating procedures may be made with a three-fourths majority vote of a quorum of all RAB members. Proposed amendments will be referred to a Procedures Committee for evaluation and recommendation. Proposals shall be voted on by all RAB members after they receive the Procedures Committee's written recommendations. These recommendations will be provided to the RAB members at least 20 days prior to the meeting in which the proposed amendments will be addressed.

APPENDIX F

GLOSSARY

Community Relations Plan	CRP
Center of Expertise	CX
Defense Environmental Restoration Program	DERP
Department of Defense	DOD
Engineering Evaluation /Cost Analysis	EE/CA
Environmental Protection Agency	EPA
Engineer Technical Letter	ETL
Federal Advisory Community Act	FACA
Formerly Used Defense Site	FUDS
Hazardous, Toxic, and Radioactive Waste	HTRW
Major Army Command	MACOM
Major Subordinate Command	MSC
National Priority List	NPL
Ordnance and Explosives	OE
Professional Engineer	P.E.
Project Manager	PM
Restoration Advisory Board	RAB
Remedial Investigation/Feasibility Study	RI/FS

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Technical Assistance for Public Participation	TAPP
Technical Assistance Grant	TAG
Technical Outreach Services to Communities	TOSC
Technical Review Committee	TRC
U.S. Army Corps of Engineers	USACE
U.S. Army Environmental Center	USAEC

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