

APPENDIX B

FFERDC Charter and Ground Rules

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ADVISORY COMMITTEE CHARTER

FEDERAL FACILITIES ENVIRONMENTAL RESTORATION DIALOGUE COMMITTEE

1. PURPOSE. This charter renews the Federal Facilities Environmental Restoration Dialogue Committee, which was originally established on April 29, 1992, in accordance with the provisions of the Federal Advisory Committee Act (FACA) 5 U.S.C. App. 2 §9(c).
2. AUTHORITY. It is determined that renewal of this Committee is in the public interest and supports EPA in performing its duties and responsibilities under Section 120 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), Section 6001 of the Resource Conservation and Recovery Act (RCRA), and other authorities pertaining to the environmental restoration of Federal facilities.
3. OBJECTIVES AND SCOPE OF ACTIVITY. The Committee will provide a forum to refine and further develop issues related to environmental restoration activities at Federal facilities. The forum will facilitate the exchange of ideas and information among interested parties. It is hoped that consensus may be possible on these issues, but at a minimum, EPA would like to ensure that issues are thoroughly refined and that differing positions, as well as the reasons for those differences, are identified. At this time, and during the upcoming two years of our deliberations, the Committee does not plan to produce a final report, but may decide to supplement, amend, or expand upon the Interim Report.
4. FUNCTIONS. As indicated above, the Committee's function is to assist directly in the development of EPA and Federal agency efforts to address Federal facility environmental restoration programs. With the participation of knowledgeable and affected parties, EPA expects to develop a practical approach to Federal agency environmental restoration efforts that will best protect human health and the environment within guidelines and principles that have broad public support and national applicability.
5. COMPOSITION. The Committee will consist of approximately fifty (50) members, appointed by the EPA Deputy Administrator. Members will represent the following interests in an appropriate mix and balance:

Categories of Members:

- Public interest/environmental groups
- Tribal governments and Native American representatives
- State government representatives

- Local government representatives
- Federal agency representatives
- Environmental justice representatives
- Other interested and Affected Parties

Appropriate members shall be selected and appointed for the duration of the Committee's charter. A full-time salaried official or regular employee of the Agency will serve as the Designated Federal Officer and will be present at all meetings. The Designated Federal Officer is authorized to adjourn any meeting whenever it is determined to be in the public interest to do so. The Committee is authorized to form work groups for any purpose consistent with this Charter. Such work groups shall report back to the full Committee. Work groups have no authority to make decisions on behalf of the full Committee nor can they report directly to the Agency.

Under the Federal Advisory Committee Act, EPA may pay travel and per diem expenses when necessary and appropriate. The Committee's estimated annual operating cost is approximately \$200,000, which includes .5 work years of staff support. EPA's Office of Solid Waste and Emergency Response will provide administrative and process support to the Committee.

6. MEETINGS. Meetings shall be held as necessary, at the call of the Chair, with an agenda for each meeting approved in advance by the Designated Federal Officer. Committee meetings will be called, announced, and held in accordance with the EPA Committee Management Manual. This manual contains the Agency's policies and procedures for implementing FACA. Among other things, FACA requires open meetings and an opportunity for interested persons to file comments before or after meetings, or to make statements to the extent that time permits.
7. DURATION. The Committee charter is hereby renewed for two years from the date it is filed with Congress. The charter may be renewed as authorized in accordance with Section 14 of the FACA.

Agency Approval Date

Robert M. Sussman
Deputy Administrator

Date Filed with Congress

GSA Consultation Date

**GROUND RULES
FEDERAL FACILITIES ENVIRONMENTAL RESTORATION
DIALOGUE COMMITTEE**

I. Objective of the FFER Dialogue Committee

As stated in its charter, the FFER Dialogue Committee will provide a forum to refine and further develop issues related to environmental restoration activities at Federal facilities. The forum will facilitate the exchange of ideas and information among interested parties. The goal of the FFER Dialogue Committee is to develop consensus policy recommendations aimed at improving the process by which federal facility environmental restoration decisions are made such that federal facility cleanups better reflect the priorities and concerns of all stakeholders.

It is hoped that consensus may be possible on how to address these issues, but at a minimum, EPA would like to ensure that issues are thoroughly refined and that differing positions, as well as the reasons for those differences, are identified. A final report describing the results of the dialogue will be prepared. The output of the FFER Dialogue Committee will be made available to various decision-makers who are concerned with federal facility environmental restoration issues.

II. Membership in the FFER Dialogue Committee

Membership on the FFER Dialogue Committee will be limited to:

- three from the U.S. Environmental Protection Agency;
- one each from the Department of Defense, Army, Navy and Air Force;
- three from the Department of Energy;
- one each from the Department of Interior, Department of Agriculture, National Oceanic and Atmospheric Administration, National Aeronautics and Space Administration, and the Agency for Toxic Substances Disease Registry;
- ten state government and/or state government association representatives;
- six Native American/Tribal government representatives;
- four local government representatives; and
- fifteen environmental, citizen, environmental justice, and labor representatives.

Committee members may identify alternates who may participate in Committee meetings in their absence or in work groups that are established by the full Committee. To the degree possible Committee membership should not change once it has been announced. A representative of the Office of Management and Budget will participate as an ex-officio member of the Committee.

III. Decision-making

The Committee will operate by consensus with regard to any recommendations that are made by the Committee on substantive policy issues. However, if consensus on specific substantive proposals is not possible, the Committee will make every effort to articulate in writing in its final report both the areas of agreement and disagreement and the reasons why there continues to be differences. The term consensus means that a proposal can be considered to have achieved consensus if there is no dissent by any member of the Committee. Major procedural issues, including but not limited to whether to add new members to the Committee and whether to issue a final report, will also be made by consensus. For routine procedural matters, the Committee's facilitator will make every effort to find a consensus solution.

IV. Meetings of the FFER Dialogue Committee

The FFER Dialogue Committee will operate as a federal advisory committee under the provisions of the Federal Advisory Committee Act. Accordingly, all meetings of the FFER Dialogue Committee will be open to the public, subject to the exemptions granted in the Government in the Sunshine Act. Adequate notice of the time and location of future PDC meetings will be published in the Federal Register and meeting summaries will be kept and made available to the public. At the very least, at each Committee meeting, a half-hour at the end of the meeting and, if possible, at the end of each meeting day, will be reserved to provide an opportunity for members of the public to comment on the deliberations of the Committee.

V. Use of Work Groups, Subcommittees and Caucuses

The FFER Dialogue will generally operate as a committee of the whole. When necessary and appropriate, the Committee may create work groups and subcommittees to pursue certain topics. Decisions on the creation of work groups and subcommittees will be made by consensus. Every effort will be made to ensure that all work groups that are officially formed by the Committee reflect roughly the same balance that has been achieved in the Committee as a whole. When necessary and appropriate, Committee members may request a break in the deliberations in the Committee to meet for a reasonable period of time in a private caucus with other Committee members.

VI. Issuance of a Final Report

Subject to final consideration by the FFER Dialogue, it is envisioned that the Committee will issue a report separate from the individual meeting summaries that will be prepared to summarize the outcome of the Committee's deliberations at each full Committee meeting. This report will include any consensus agreements that are reached by the group and their associated recommendations, as well as any remaining areas of disagreement and the substantive reasons for these disagreements. This report will be prepared by the facilitator with assistance from Committee members and will be issued in draft form to the Committee, with ample time for comments and revisions, prior to being issued as a final report. As noted above, the decision of the Committee as to whether to issue a final report will be made by consensus.

