May 7, 2009

Alameda Point Restoration Advisory Board Rules of Operation

A. Background

1. The Navy is responsible for implementing the Installation Restoration Program at the former Naval Air Station, Alameda, now known as Alameda Point.

2. The Restoration Advisory Board (RAB) Rules of Operation, herein referred to as the "Rules of Operation", are entered into by the following parties; Base Realignment and Closure (BRAC) Program Management Office West (Navy); U.S. Environmental Protection Agency (USEPA), Region 9; California Department of Toxic Substances Control (DTSC), Region 4; California Regional Water Quality Control Board, (RWQCB), and RAB community co-chair.

3. The basis and authority for these Rules of Operation are contained in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986, particularly Sections 120 (a), 120 (f), and 10U.S.C. 2705, enacted by Section 211 of SARA.

4. The RAB has a Mission Statement, originally authored in 1996, which is attached to these Rules.

B. Purpose and Scope

1. The purpose of the Restoration Advisory Board (RAB) is to review, comment, and make recommendations to the Base Realignment and Closure (BRAC) Cleanup Team (BCT on matters pertaining to the environmental restoration of Alameda Point to facilitate the cleanup and conversion of Alameda Point in a timely manner. In addition, the RB is the primary public forum for interest groups and regulatory agencies.

2. The Navy will provide the RAB with information and documentation that is relevant to these activities. The RAB shall be conducted in accordance with all applicable DOD and Environmental Protection Agency (EPA) guidelines.

3. The Navy developed a Community Relations Plan that outlines the details of the community involvement program. The RAB supplements the community involvement effort.

4. Each member of the RAB is encouraged to provide comments, suggestions, and recommendations and participate in open discussion about all environmental issues related to the cleanup of Alameda Point.

C. RAB Structure

1. The RAB shall be co-chaired by a Navy co-chair and a community co-chair (or Vice community co-chair). The responsibility of presiding over each meeting will be the joint responsibility of the Navy and RAB community co-chairs. In the instance that the co-chairs are unable to effectively run the meeting, the Navy will provide an independent facilitator.

2. The RAB community membership is responsible for terminating a community co-chair who is ineffective or detrimental to the progress of the RAB. Community co-chair removal is determined by a majority vote of the RAB community members present at the meeting for which it was placed on the agenda.

3. The RAB will meet once a month at a time, day and location acceptable to the RAB. More frequent meetings may be held if deemed necessary by the RAB. Schedule changes must be placed on the agenda and passed by a majority vote of the RAB community members, the Navy, City Representatives and the Regulators, affected by the change, who are present at the meeting for which it was placed on the agenda.

4. All meetings of the RAB shall be open public, and all persons shall be permitted to attend any meeting of the RAB or its subcommittees, including special meetings.

5. The Navy co-chair will prepare the draft RAB agenda after consultation with the community co-chair. The co-chairs will coordinate agenda items to permit mailing of the agenda not later than seven days prior to the RAB meeting. The Navy will provide written notification to all RAB members of the upcoming agenda, date, time, and place of RAB meetings. The agenda will provide for a comment period during which the public and RAB will make their comments. Usually, comments by the public and other community members will only be made during this period.

6. The RAB may vote to extend the agenda times at the meeting. However, the maximum length of a RAB meeting will not exceed three hours unless previously specified in the agenda as described in C.5 above. Agenda items that are incomplete will automatically be added to the next meeting's agenda or, if necessary, another future meeting at the discretion of the co-chairs.

7. The Navy co-chair shall be responsible for recording and disseminating meeting minutes. Draft copies of the meeting minutes shall be supplied to the members and the ARRA/City Council approximately seven days before the next meeting for correction at the next scheduled meeting. The Navy co-chair shall collect a written list of attendees at each meeting, which will be sent to all RAB members in the monthly agenda packet and will be made available for public review in the Navy's Information Repository (listed below).

8. The Navy will arrange for a timely presentation of current documents at RAB meetings for review and comment. The RAB may request that the Navy provide training to increase the RAB's understanding of environmental restoration issues and processes. The Navy may also suggest training opportunities.

9. Where necessary, special focus groups of the RAB may be called to review and comment on key documents. A focus group can be suggested by RAB members, and membership to the group will be by self-nomination. The RAB or focus groups should review, discuss and provide comments on a wide variety of technical documents and plans. Focus meetings will typically be held outside of the normal RAB meeting times at a location and time agreed upon by the focus group. Normally, focus groups will be comprised of community and institutional RAB members. If deemed appropriate by the focus group, the Navy, regulatory agencies, ARRA, City, or other participants may be invited to attend.

10. Written comments from RAB members, RAB focus groups, and TAPP (Technical Assistance for Public Participation) contractors will be submitted directly to the Navy co-chair, which will provide them to the BCT. Verbal discussion is to be promoted as much as possible. To facilitate communication, individual RAB members may comment directly to the Navy, if they prefer. Any written response by the Navy shall also be placed in the Information Repository.

11. The RAB may request a written response to written comments.

12. The Navy has established an information repository for public documents related to environmental restoration activities at Alameda Point and will maintain the repository. RAB members are expected to report to the Navy co-chair if the documents appear out of order or out of date. The RAB section should include minutes of RAB Meetings, member and BCT comments/responses, an administrative record index, these rules of operation, any supplemental RAB procedures, as well as all relevant technical publications arising from the environmental restoration activities. The repository is located at:

    City Hall West Annex
    950 West Mall Square
    Alameda, CA 94501
    Rooms 240 and 241
    (415) 743-4713

D. Membership

1. RAB community membership is voluntary and shall serve without compensation. The community membership shall serve without compensation. The RAB should consist of the following:
   a. Designated representatives of the Navy, Federal and State Regulatory agencies.
   b. Designated representatives of the ARRA/Alameda City Council, and Alameda Unified School District.
   c. Community members including representatives of environmental organizations, local businesses, community based non-profits and residents at large.
   d. An alternate, selected by a member, will be allowed to vote.

2. Members should be willing to communicate with local community people and interest groups concerned with general or specific base cleanup issues. Members serve as a direct conduit for the flow of information to and from the community.

3. All RAB community members are expected to attend regular meetings. If any member has four or more unexcused absences in a calendar year, he or she will be automatically removed from the RAB. Inactive members may be retained at the discretion of the RAB. RAB community members who have been removed for absences can reapply.

4. Although the RAB has no power to force government agency representatives or members designated by government agencies to attend the meeting, the RAB may write letters to the respective agency to encourage their participation or request their appointed representatives(s) be replaced.

5. The community co-chair and vice co-chair shall serve a term of one year from January 1, through December 31. Prior to the expiration of the Community co-chair term, the RAB will announce the availability of the co-chair or vice co-chair position. Interested RAB members will have the opportunity to "self nominate" or nominate a member of the RAB for the co-chair and vice co-chair position. At the first regular meeting of the RAB, prior to the community co-chair and vice co-chair term expiration, a majority of the RAB members shall elect a co-chair and vice co-chair. The community co-chair or vice co-chair may be re-elected for another term. If the community co-chair or vice co-chair resigns or loses his/her seat, a new co-chair or vice co-chair will be elected and will finish out the term and then have the opportunity to run for re-election to a subsequent term.

6. When necessary, the community co-chair will convene a membership selection panel. The panel will announce the vacancy (ies), evaluate the applications and submit one or more nominees to the RAB. Community groups, citizens, and interest groups reflecting the diverse interests of the community may be referred to the RAB membership selection panel. The selection panel will seek consultation from the navy co-chair on the diversity of the RAB. Nominations are to be approved by a majority vote of the RAB community members present at a RAB meeting for which the nomination was placed on the agenda.

E. Membership Selection Criteria

1. The membership selection panel or entire RAB membership will use, at a minimum, the following criteria for selecting RAB members. Additional criteria may be established at any time by the membership subcommittee or the entire RAB. Members will be evaluated for:
   a. Willingness to meet the purpose of the RAB.
   b. Ability to work effectively and cooperatively with other RAB members.
   c. Ability to make a positive contribution to the RAB by virtue of experience, education, community interest or area of expertise.
   d. Willingness to serve for a minimum of two years.
   e. No apparent conflict of interest.

2. Applicants are required to be present at the RAB meeting when his/her membership is being brought to vote.

F. Voting

The following general process will be followed:

1. A motion must be made and seconded by a RAB member, (or their alternate).

2. The RAB members will hold discussion on the matter.

3. The community will be afforded a reasonable amount of time to add comment on the matter, if requested.

4. The motion will be put forth for a vote by the RAB members, (or alternates).

5. Members who become aware of a potential conflict of interest will abstain from voting.

6. Navy and regulatory agency (USEPA, DTSC, and Water Board) are not voting RAB members.

G. Effective Date and Amendments

1. The effective date of these Rules of Operation shall be May 7, 2009 – subject to prior approval. These Rules of Operation shall replace the RAB Rules of Operation dated May 26, 1996.

2. These Rules of Operation may be amended by a majority vote of the RAB members present at the meeting for which it was placed on the agenda. Amendments must be consistent with the CERCLA and SARA statutes as stated previously. A Rules of Operation Committee may be appointed bi-annually to look at any proposed amendments to be then brought back to the membership for discussion and a determination.

H. Termination

Generally, these Rules of Operation will remain in effect until amended or until dissolution of the RAB in accordance with Department of Defense RAB Final Rules 32 CFR Part 202.10 RAB Adjournment and Dissolution, dated May 12, 2006.

I. Signatories to the RAB Rules of Operation

MAY 7 2009

Community co-chair, Dale Smith

5-7-09

DTSC Representative, Dot Lofstrom

5-7-09

Navy co-chair, George Patrick Brooks

5-7-09

RWQCB Representative, John West

5-7-09

USEPA Representative, Anna-Marie Cook

NAS ALAMEDA
RESTORATION ADVISORY BOARD

MISSION STATEMENT

The mission of the Alameda Point Restoration Advisory Board is to encourage and facilitate the participation of the community in the environmental cleanup decision making process. The RAB's goal is to ensure that the cleanup of Alameda Point: 1) protects human and ecological health; 2) responds to the diverse interests, needs, and concerns of the community; and 3) promotes environmental restoration to the greatest extent possible in a manner that facilitates timely transfer of the base to civilian and public use.

The RAB endeavors to achieve its mission and goals by pursuing the following objectives:

- *to serve as a forum for effective communication and consensus building among the community, the Navy, and the environmental agencies on cleanup issues*
- *to promote community awareness and to educate and inform the community on issues related to the cleanup process*
- *to review and comment on cleanup activities, documents and plans*
- *to assist in the identification and resolution of environmental issues in a manner satisfactory to the community*