

Naval Weapons Station Seal Beach, Detachment  
Concord

**RESTORATION ADVISORY BOARD**

**CHARTER & BYLAWS**

**ADOPTED NOVEMBER 4, 2002**

Submitted by:

**Procedures and Operations Subcommittee**

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**DEFINITIONS & ABBREVIATIONS:**

- 1
  - 2
  - 3 **AGENCY** = Federal, state or local government organization (i.e., Navy, EPA, DTSC, RWQCB, and other
  - 4 agencies). The **Lead Agency** is the principal agency responsible for the environmental restoration program.
  - 5 **CDFG** = California Department of Fish and Game
  - 6 **CERCLA** = Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended
  - 7 **CLEAN-UP** = Activities to protect human health and the environment from hazardous substances
  - 8 **CNO** = Chief of Naval Operations
  - 9 **DTSC** = California Department of Toxic Substance Control
  - 10 **DOD** = U.S. Department of Defense, including the U. S. Navy
  - 11 **DON** = Department of the Navy
  - 12 **EPA** = U.S. Environmental Protection Agency
  - 13 **FFA** = Federal Facility Agreement; CERCLA Section 120
  - 14 **NOAA** = National Oceanic and Atmospheric Administration
  - 15 **NWSSBDC** = Naval Weapons Station Seal Beach, Detachment Concord
  - 16 **RAB** = NWSSBDC Restoration Advisory Board
  - 17 **RWQCB** = Regional Water Quality Control Board, San Francisco Bay Region (Region 2)
  - 18 **USFWS** = United States Fish and Wildlife Service
  - 19
  - 20
-

1                    **Naval Weapons Station Seal Beach, Detachment Concord**  
2                    **Restoration Advisory Board**

3  
4                    **CHARTER and BYLAWS**

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7                    **Article I. NAME and AUTHORITY**  
8

9     **NAME:** The name of the organization is "The Naval Weapons Station Seal Beach, Detachment Concord  
10 Restoration Advisory Board," commonly known as the "Restoration Advisory Board" or "RAB."

11  
12     **AUTHORITY:** The Restoration Advisory Board is authorized pursuant to the following:  
13

- 14             a. Defense Environmental Restoration Program (DERP) 10 U.S.C. 2705(c);  
15             b. The President's Executive Memorandum of July 2, 1993 entitled "Five-Part Plan for Revitalizing  
16 Base Closure Communities;"  
17             c. The Under Secretary of Defense for Acquisition's memorandum of September 9, 1993 entitled  
18 "Fast Track Cleanup at closing Installations" ;  
19             d. The CNO's memorandum of February 9, 1994 entitled "Establishment of Restoration Advisory  
20 Boards;"  
21             e. DOD's April 14, 1994 "Management Guidance for Execution of the FY94/95 and Development of  
22 the FY96 Defense Environmental Restoration Program;"  
23             f. "Restoration Advisory board Implementation Guidelines" dated September 27, 1994 and issued  
24 jointly by the DOD and the EPA on December 5, 1994;  
25             g. DON memorandum dated October 18, 1994 entitled "Establishment of Restoration Advisory  
26 Boards;"  
27             h. "DOD Strategy on Environmental Justice" issued on March 24, 1995;  
28             i. "Final Report of the Federal Facilities Environmental Restoration Dialogue Committee" dated  
29 April, 1996;  
30             j DOD Instruction No. 4715-7, dated April 22, 1996;  
31             k. The memorandum issued by the Deputy Secretary of Defense on May 18, 1996 entitled "Fast  
32 Track Cleanup at Closing Installations," specifically the section entitled "DOD Guidance on  
33 Improving Public Involvement in Environmental Cleanup at Closing Bases;"  
34             l. The Proposed Rule entitled "Restoration Advisory Boards" in the Federal Register, Volume 61,  
35 No. 152, pages 40764-40772;  
36             m. The DOD guidance dated September, 1996 and entitled "The Restoration Advisory Board (RAB)  
37 Resource Book;"  
38             n. The DOD's "Management Guidance for the Defense Environmental Program" dated March, 1998;  
39             o. The DON's "Navy/Marine Corps Installation Restoration Manual" dated 2001;  
40             p. The Federal Facilities Agreement signed by the DON and EPA in June, 2001,  
41             q. The DOD's "Management Guidance for the Defense Restoration Program" dated September,  
42 2001.

43  
44     See Appendix A for synopsis of the above authorities' mandates to the RAB.  
45

1  
2 **Article II. MISSION**

3  
4 The mission of the this Restoration Advisory Board (RAB) is to provide a forum for communication in  
5 an open environment between all interested parties in order to ensure that the Concord Naval Weapons  
6 Station is cleaned up to the community's satisfaction.  
7

8  
9  
10  
11 **Article III. DUTIES**

12  
13 The duties and responsibilities of the Restoration Advisory Board are:

- 14  
15 **1. The RAB will give advice to the DON and appropriate regulatory agencies during**  
16 **decision-making activities relating to the environmental restoration of the Naval Weapons**  
17 **Station Seal Beach, Detachment Concord, based upon legislation and guidance that have**  
18 **created opportunities for the public to give advice.** This advice may be communicated by  
19 individual members, groups of members or a consensus of members in a variety of formats  
20 including comments either written or presented orally.  
21
- 22 **2. Protection of public health and the environment is a serious community concern. The**  
23 **RAB will consider all issues introduced by its members and the general public that are**  
24 **current, future or potential threats to human health and the environment, and their**  
25 **impact on the approved reuse plan and on the community.** Pertinent subjects and concerns  
26 may include issues defined by CERCLA along with the following: asbestos-containing materials,  
27 lead-based paint, radiological-biological-chemical substances, contents of landfills, unexploded  
28 ordnance, depleted uranium, pesticides, herbicides, military batteries, magazines, missile  
29 facilities, above-ground storage tanks, underground storage tanks, and other environmental  
30 issues of concern to the community.  
31
- 32 **3. Examination of facts and findings is essential to giving sound advice; the RAB will review,**  
33 **evaluate and comment on environmental clean-up project reports, work plans, budgets,**  
34 **schedules and other documents.** Completion of these tasks requires access to a variety of  
35 technical data and documents relevant to the cleanup decision-making process and the allowance  
36 of normal review periods as specified Federal regulations and guidance. The RAB anticipates  
37 the cooperation of the DON and regulatory agencies in meeting these requirements and will be  
38 diligent in actively seeking that cooperation and in requesting the provision of documents and  
39 other data and extensions of review periods in accordance with the FFA when necessary.  
40
- 41 **4. The RAB will identify and recommend environmental clean-up requirements, standards,**  
42 **priorities, schedules and goals for each fiscal year.** Meaningful public participation requires  
43 that the RAB engage in substantive dialogue with restoration decision-makers before clean-up  
44 decisions are made. Community Member representation and input will be included in decision-  
45 making meetings as appropriate.  
46
- 47 **5. Public meetings are essential to meaningful public participation; the RAB will hold regular**  
48 **meetings at convenient times and locations.** The meetings will be held at a location agreed  
49 upon by members. A complete, corrected transcript of each meeting will be made available to  
50 the public through the principal information repository and other means agreed upon by the  
51 stakeholders.

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6. **Public participation is fundamental to protecting public health. A Community Relations Plan for the NWSSBDC clean-up program will be developed with input from the community.** As a means of distributing information, the RAB will develop, maintain and use a mailing list of interested persons, organizations, associations, and community groups that have requested to receive information.
  7. **The RAB will develop, maintain and amend, as needed, the Bylaws as the operating procedures for membership, public participation, discussion and comment, dispute resolution, communication of information, and other operations of the RAB.**
  8. **It is essential for community laypersons to understand complex technical data. The Community Members will solicit technical information and support from the DON, EPA, DTSC, RWQCB, USFWS, CDFG, NOAA and other agencies to ensure members clearly understand the technical issues involved.** The RAB requests that the following types of technical support be provided by the appropriate agency:
    - a. Program presentations, updates, briefings, handouts, and status reports on ongoing restoration programs and site-specific clean-up projects;
    - b. Working groups to explain technical, risk assessment data, models and conclusions, and incorporate community concerns and recommendations into remedial actions as agreed upon by all parties;
    - c. Educational sessions and periodic tours of clean-up sites, particularly for new members who require initial orientation to enable them to perform their duties;
    - d. Prompt responses to questions on technical issues submitted by Community Members.
  9. **A wide range of remedial alternatives has been proposed for contaminated areas of the NWSSBDC. The RAB will interact with the DON or other land use planning bodies to discuss future land use issues relevant to environmental restoration decision-making.** The RAB will review documentation related to the transfer, lease, and reuse of property as necessary for its input into the cleanup decision-making process.
  10. **Environmental justice is a serious concern to the Community. RAB Members will seek to ensure that clean-up activities at the NWSSBDC are consistent with Executive Order 12898 (February 11, 1994) on Environmental Justice.**
-

1                    **Naval Weapons Station Seal Beach, Detachment Concord**  
2                    **Restoration Advisory Board**

3  
4                    **BYLAWS**

5  
6                    The following Bylaws present procedures that govern the organization and internal affairs of the  
7                    Restoration Advisory Board.  
8

9                    **Article IV. MEMBERSHIP**

10  
11 **IV-A. REPRESENTATIVES:** Membership in the Restoration Advisory Board is open to persons  
12                    interested in the environmental clean-up at the NWSSBDC. Interested parties could include  
13                    community residents and representatives from neighborhood associations, special interest groups,  
14                    the business community, local environmental groups, tribes, homeowners associations, diverse  
15                    economic and ethnic groups, and other civic groups. Government and regulatory agencies,  
16                    including representatives from the Navy, EPA, DTSC, RWQCB and other agencies may  
17                    participate.  
18

19                    There shall be two categories of membership as described below:  
20

21                    1. **COMMUNITY MEMBERS:** Community Members may be individuals who are interested in  
22                    the environmental clean-up of the NWSSBDC or representatives of community or environmental  
23                    organizations that are interested in the clean-up. A community or environmental organization may  
24                    nominate a representative for membership and an alternate representative, who may serve in the  
25                    absence of the representative. The number of Community Members should be large enough to  
26                    reflect the community's diversity, yet of a size capable of fulfilling their responsibilities in a  
27                    reasonably manageable way. There shall be a minimum of 5 and a maximum of 15 Community  
28                    Members, provided, however, that the maximum number may be increased at any time if a  
29                    majority of Community Members present at a meeting votes to do so. Each Community Member  
30                    shall have one vote on issues voted upon at RAB meetings. A Community Member shall serve a  
31                    minimum two-year term. Nominees for Community Member or Alternate Community Member  
32                    shall be subject to the selection procedures set forth in these Bylaws.  
33

34                    3. **AGENCY MEMBERS:** The DON, EPA, DTSC, and RWQCB may each have one member.  
35                    Other agencies may apply for membership and, if approved by a two-thirds vote of all voting  
36                    members present at a meeting, each shall be entitled to have one member. The Natural Resource  
37                    Trustees (USFWS, CDFG, and NOAA) are encouraged to appoint representatives from their  
38                    agencies. Each Agency Member shall have one vote. Agency Members shall be appointed by their  
39                    agencies for terms determined by each agency, subject to replacement and termination at the will  
40                    of the agency. At the agency's discretion, an alternate member may be appointed to serve in the  
41                    absence of the regular Agency Member.  
42

43 **IV-B. ADDITION OF NEW MEMBERS:** Nominees for RAB membership shall be subject to the  
44                    following selection procedures:  
45

46                    1. **COMMUNITY MEMBERS:** Community Members and Alternate Community Members may be  
47                    added at any time. Community membership is determined through the following application and  
48                    review procedure with membership subject to approval by the Community Members.  
49

- 1 a. Application for membership shall be forwarded to the Community Co-Chair and presented by  
2 the Community Co-Chair to the RAB.  
3
  - 4 b. The RAB, in executive session, shall review each application and determine, by majority vote of  
5 all committee members, whether to recommend the applicant for membership.  
6
  - 7 c. If there are unfilled community membership positions that the RAB determines should be filled,  
8 candidates will be invited to attend meetings and introduce themselves as prospective  
9 Community Members.  
10
  - 11 d. No more than 40 days after such submission, a vote shall be taken at a regular RAB meeting to  
12 determine whether the applicant shall be accepted for membership. A two-thirds vote of those  
13 Community Members present shall be required for approval of the applicant for membership.  
14
  - 15 e. If there are no unfilled Community Membership positions or if the RAB shall determine that  
16 additional members are not then required, the RAB shall establish and maintain an eligibility list  
17 of those applicants who are qualified, but have not yet been proposed for membership.  
18
- 19 **2. AGENCY MEMBERS:** Agency Members may be appointed and replaced only at the individual  
20 agency's discretion and authority.  
21

#### 22 **IV-C. RESPONSIBILITIES**

- 23
- 24 **1. COMMUNITY MEMBERS:** Community Members represent an important component in the  
25 clean-up program. They have a direct responsibility to represent the interests and concerns of their  
26 constituents, and of the community as a whole. The responsibilities of Community Members shall  
27 include the following:  
28
- 29 a. Regularly attending RAB meetings, committee meetings, training sessions, site tours, and  
30 participating in reviewing the NWSSBDC clean-up program.  
31
- 32 b. Giving advice and comment on the clean-up effort and environmental restoration program.  
33
- 34 c. Regularly reporting back to the constituency/community they represent. Members are  
35 responsible for soliciting comment and opinion from their constituents on clean-up issues.  
36
- 37 d. Providing for the distribution of environmental clean-up information to and from the  
38 constituency/community they represent.  
39
- 40 e. Reviewing and providing comments on documents related to the clean-up effort on the  
41 NWSSBDC.  
42
- 43 **2. AGENCY MEMBERS:** Agency Members represent an important part of the clean-up program.  
44 They have a direct responsibility to meet their statutory and regulatory mandates and to maintain an  
45 awareness of the interests and concerns of the community as a whole. The responsibilities of  
46 Agency Members shall include the following:  
47
- 48 a. Attending meetings and providing their agency's position and reasoning regarding the clean-up  
49 issue under review and discussion. Agency Members will make best efforts to facilitate flexible  
50 and innovative resolutions of environmental issues and concerns.  
51

- 1 b. Reviewing and providing comments on documents relative to the clean-up effort. RAB  
2 Community Members may request that Agency Members provide these comments for assistance  
3 in formulating their own comments.  
4
- 5 c. Informing Community Members of agency positions concerning the clean-up of the NWSSBDC.  
6 Agency Members serve as an information, referral and resource bank for communities regarding  
7 the NWSSBDC's restoration. All participating RAB Agencies will make best efforts to provide  
8 timely and accurate information and relevant comments to Community Members.  
9
- 10 d. Ensuring that applicable, relevant and appropriate environmental standards and regulations are  
11 identified and addressed as part of the NWSSBDC's environmental restoration program.  
12
- 13 e. Maintaining a close working relationship with the Community Members. Agency Members will  
14 make best efforts to ensure that community input, involvement and acceptance is actively  
15 solicited and considered in clean-up decision-making.  
16

17 **IV-D. COMPENSATION:** Community Members and the presiding officer shall serve in a voluntary  
18 capacity without compensation.  
19

20 **IV-E. CONFLICT OF INTEREST:** A conflict of interest shall exist if an issue is brought before the  
21 RAB, or any of its committees or subgroups, for discussion or vote and the outcome of the  
22 discussion or vote could result in financial gain, either direct or indirect, to a Community  
23 Member or any of that member's relatives or any/all potentially responsible parties (PRPs) at this  
24 site, their parent companies, subsidiaries, affiliates, subcontractors, contractors, and current  
25 clients or attorneys and agents or, if within the actual knowledge of the Community Member, to  
26 any organization the member represents or in which he or she is an active participant or to  
27 individual persons or entities within any such organization. A Community Member must  
28 immediately disclose to the RAB any conflict of interest at the time such conflict becomes  
29 known to the Community Member. A Community Member shall not participate in discussions  
30 of or deliberations on motions and shall not vote if the issue, motion or vote constitutes a  
31 conflict of interest for that Community Member.  
32

33 **IV-F. LEAVES OF ABSENCE:** A Community Member may take one leave of absence of up to 90  
34 days during each two-year period by notifying the Membership Committee in writing of the  
35 dates of the proposed absence. During any such leave of absence, the member's position shall  
36 be deemed vacant under the bylaw provisions governing attainment of a quorum and rules on  
37 voting and motions. Additional leaves of absence or leaves of absence for longer periods must  
38 be requested in writing addressed to the Community Co-Chair and shall be granted only if at the  
39 next following RAB meeting, a majority of the Community Members present at the meeting  
40 votes to approve the request. Any such approval of a request for leave of absence shall be  
41 subject to the following conditions: (1) during the leave of absence, the member's position shall  
42 be deemed vacant for all purposes under these bylaws, including, without limitation, attainment  
43 of a quorum, rules on voting and motions, and addition of new members; and (2) upon  
44 expiration of the leave, the member may be reinstated as an active Community Member only if  
45 there are fewer than the maximum allowed number of Community Members serving on the RAB  
46 at that time.  
47

1 **IV-G. RESIGNATION & TERMINATION:**  
2

- 3 1. **RESIGNATION:** A Community Member may resign at any time by informing a Co-Chair of his  
4 or her election to resign, preferably in writing. A resigning Community Member may nominate a  
5 new member as a replacement by written notification to the Community Co-Chair, and such  
6 nominee will be considered pursuant to the membership procedures at Section IV-B.1. of these  
7 Bylaws.  
8
- 9 2. **TERMINATION:** Regular attendance at meetings is necessary to ensure ongoing and  
10 consistent involvement by Community Members. The procedure for termination of a  
11 Community Member is as follows:  
12
- 13 1. Unless a leave of absence has been approved pursuant to these Bylaws, the absence of a  
14 Community Member from three consecutive regular RAB meetings, or from four regular  
15 meetings in any calendar year, or the censure of a Community Member as provided in these  
16 Bylaws, shall be cause for termination.  
17
  - 18 2. In any such event, the Community Co-Chair will prepare notice of termination and cause it to  
19 be sent to the member by regular U.S. mail delivery to the member's address listed in the  
20 membership roster.  
21
  - 22 3. A member notified in writing of termination may appeal within 35 days after mailing of the  
23 termination notice by sending the Community Co-Chair a request in writing for reinstatement of  
24 membership. Reinstatement of membership must be approved by a majority vote of  
25 Community Members present at a regular RAB meeting.  
26
  - 27 4. If the member does not appeal within 35 days after mailing of the termination notice, or if the  
28 appeal is not approved by a majority vote of Community Members, the termination stands and  
29 no further appeal is allowed.  
30
- 31 3. **AGENCY MEMBERS:** An Agency Member may be appointed, replaced or terminated at the  
32 individual agency's discretion and authority.  
33

34 **IV-H. CENSURE:** Censure is an extreme measure to be used judiciously only in cases of severe  
35 disruption to RAB operations or violation of the Bylaws. The procedure for censure of a  
36 member is as follows:  
37

- 38 1. Any RAB Member may be censured for unbecoming or inappropriate conduct by a two-thirds  
39 vote of the voting members present at a meeting.  
40
- 41 2. A censured Community Member shall be terminated as a member pursuant to the termination  
42 provisions in these Bylaws.  
43
- 44 3. A censured Agency Member is not subject to termination. However, a letter requesting that a  
45 censured Agency Member be replaced and explaining the circumstances may be sent to the  
46 Agency Member's manager.

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4 **Article V. OFFICERS**  
5

6 **V-A. CO-CHAIRS:** The RAB shall have four Co-Chairs [the Community Co-Chair, the Alternate  
7 Community Co-Chair, the Agency Co-Chair, and the Agency Alternate Co-Chair who shall serve  
8 as officers. The Community Members shall elect the Community Co-Chair and the Alternate  
9 Community Co-Chair. The DON shall appoint an Agency Co-Chair and Agency Alternate Co-  
10 Chair..

11  
12 **V-B. ELECTION OF OFFICERS:** Nominations for the Community Co-Chair and Alternate  
13 Community Co-Chair shall be solicited from Community Members. Candidates must be aware of  
14 the general duties and responsibilities of the offices, be committed to serve as the focal point for  
15 community outreach, and be prepared to report to the community as a whole. The Community  
16 Co-Chair and Alternate Community Co-Chair shall each be elected by a majority vote of the  
17 Community Members present at a regular meeting.  
18

19 **V-C. TERM OF SERVICE:** The Community Co-Chair and Alternate Community Co-Chair shall  
20 serve for a term of one year. After one year, both Community Co-Chairs serve on a month-to-  
21 month basis until replaced by an election that must be held if a petition requesting an election is  
22 submitted by at least five Community Members. Notwithstanding these provisions, a Community  
23 Co-Chair or Alternate Community Co-Chair may be terminated at any time by (1) voluntary  
24 resignation or (2) recall by the Community Members. The DON Co-Chair shall be appointed,  
25 replaced or terminated at the sole discretion of the DON.  
26

27 **V-D. DUTIES OF THE COMMUNITY CO-CHAIR:** In order to promote the official activities of  
28 the RAB, the elected Community Co-Chair shall perform the following duties:  
29

- 30 1. Preside over meetings or delegate the responsibility, subject to these bylaws, to a Facilitator or  
31 Agency Co-Chair.
- 32 2. In close coordination with the DON Co-Chair, prepare and assist in distributing a meeting  
33 announcement and agenda prior to each regular and special RAB meeting.
- 34 3. Assist the Agency Co-Chair in providing documents in a timely manner to the RAB and its  
35 committees on request.
- 36 4. Serve as the focal point for community outreach and report back to the community as a whole  
37 on environmental clean-up issues.
- 38 5. Ensure that community issues and concerns relating to clean-up are included in the meeting  
39 agenda and such issues receive substantial discussion and deliberation at meetings.
- 40 6. Encourage Community Members to participate at all meetings in an open and constructive  
41 manner.
- 42 7. Represent the NWSSBDC RAB at functions and events.
- 43 8. Attend certain Project Status or equivalent meetings, and solicit other Community Members to  
44 attend such meetings.
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9. Serve as the principal liaison on behalf of the Community Members between the Lead Agency, the appropriate regulatory agencies and the Community Members.
  10. When requested by the Agency Co-Chair, meet and confer with him or her regarding specified problems, issues or questions.
  11. Solicit and appoint committee members.

**V-E. DUTIES OF THE ALTERNATE COMMUNITY CO-CHAIR:** The duties of the Alternate Community Co-Chair are to support the RAB and Community Co-Chair, and serve in the Community Co-Chair's absence, performing the Community Co-Chair's duties as presented above.

**V-F. DUTIES OF THE DON CO-CHAIR:** In order to support the activities of the RAB, the DON will make best efforts to perform the following duties as administered by the DON Co-Chair:

1. In close coordination with the RAB Community Co-Chair, prepare and distribute a meeting notice and agenda prior to each regular and special meeting.
2. Organize and provide the necessary administrative support for regular and special meetings of the RAB and of its committees. For regular and special RAB meetings, supply an appropriate meeting room, a sound system, and various support materials (name tags, name markers, podium, overhead projector, slide projector, as requested). For committee meetings, supply an appropriate meeting room.
3. Provide a complete, corrected transcript of regular monthly and special RAB meetings and ensure that Community Members have timely access to the corrected transcript.
4. Arrange for technical support as requested by the RAB and as agreed upon by all parties, organize the necessary administrative and technical support for working groups approved by the RAB.
5. Provide documents related to the NWSSBDC environmental clean-up to the RAB and its committees and make such documents available to the public at public meetings and information repositories.
6. Coordinate the updates and progress reports given at each regular RAB meeting. Keep the community involved and informed on environmental clean-up efforts. Provide and mail a packet of handout materials to absent members as requested following each regular and special meeting.
7. Provide quarterly Document Tracking Sheets to RAB Members (document review schedules)
8. Coordinate the organization and maintenance of the administrative record and information repositories and ensure that official information repositories have updated and current documents available for public review. Provide an information repository that is easily accessible to the public. The repository should contain at a minimum, those current documents relating to the environmental clean-up of the NWSSBDC (draft and final technical documents, proposed and final plans, etc.) Repository administrators shall be instructed not to allow the documents to be removed from the premises.

- 1 9. Provide Community Members with access to certain Project Status, Remedial Project Managers',  
2 and other equivalent meetings. Provide prior notice to the Community Co-Chair and other  
3 regular RAB attendees to such meetings. Provide a copy of handouts and other distributed  
4 materials to the Community Members at the meeting. Ensure that the Community Members have  
5 the opportunity to participate in the restoration decision-making process.  
6
- 7 10. When requested by the Community Co-Chair or Alternate Community Co-Chair, meet and  
8 confer with them regarding specified problems, issues or questions.  
9
- 10 11. Maintain a mailing list of community neighborhood associations, local media, local  
11 environmental groups, local homeowners associations, diverse ethnic and economic groups,  
12 community officials, civic groups, interested individuals affected by the closure and conversion  
13 of the NWSSBDC, and other persons, agencies or interest groups that have expressed an interest  
14 in the clean-up effort and make this list available to RAB members. The RAB will not release  
15 the names, addresses and phone numbers of individuals to non-RAB members without the  
16 person's prior consent. Maintain a current roster of RAB Members and provide an updated  
17 roster quarterly to RAB Members.  
18
- 19 12. Provide for public participation by public announcements in local newspapers (including paid  
20 notices as necessary) to announce date, time and location of RAB meetings, to solicit new  
21 Community Members, and to announce the availability of documents. Provide for news  
22 releases, fact sheets, letters, site tours, special focus briefings, etc. as needed, in consultation with  
23 Community Members.  
24
- 25 13. Make use of Information Technology tools such as Web Sites teleconferencing and e-mail to  
26 facilitate activities covered in items 5-12.  
27

28 **V-G. RECALL:** The Community Co-Chair and Alternate Community Co-Chair may be recalled by the  
29 Community Members pursuant to the following procedure:  
30

- 31 1. Community Members may prepare a written petition to recall the incumbent Community Co-  
32 Chair or Alternate Community Co-Chair, which must be signed by a minimum of 40%  
33 (rounded to the next higher whole number) of Community Members. The signed petition shall  
34 be submitted to the DON Co-Chair for inclusion in the next regular RAB meeting's agenda.  
35
- 36 2. At the next regular RAB meeting, the Facilitator will open the recall petition for discussion  
37 according to the meeting procedures in these Bylaws. Discussion on the recall issue is restricted  
38 to Community Members. The incumbent Co-Chair shall be provided an opportunity to defend  
39 his or her conduct. On conclusion of the discussion on the recall petition, a motion may be  
40 made by a Community Member to recall the incumbent Co-Chair. Only the Community  
41 Members may vote on a motion for recall. To recall the officer, the motion to recall must be  
42 approved by a two-thirds vote of the Community Members present at the meeting.  
43
- 44 3. If the Community Co-Chair or Alternate Community Co-Chair is recalled, an election to elect a  
45 new Co-Chair shall be held as soon as feasible according to the election procedures in these  
46 Bylaws. The Alternate Community Co-Chair shall perform the duties of a recalled Community  
47 Co-Chair until a new Community Co-Chair has been elected.  
48

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**Article VI. COMMITTEES**

**VI-A. GENERAL PROVISIONS:** Committees shall conform to the following provisions:

- 1. **COMMITTEE MEMBERSHIP:** Any RAB Member may volunteer to serve on any committee. The Community Co-Chair shall appoint members of standing committees and a chairperson for each committee shall be chosen by majority vote of all committee members. Agency Members may participate in committee discussions.
- 2. **AD HOC COMMITTEES:** The RAB, by majority vote of members present at a meeting, may form special committees, working groups or other select committees of interested members and technical advisors, to perform specific tasks as determined by the RAB. The Community Co-Chair shall designate an initial meeting time and place for newly formed committees.
- 3. **RESIGNATIONS & REPLACEMENTS:** Committee members may resign at any time by informing the Chairperson of the resignation. In the event of a resignation, the Community Co-Chair may appoint a replacement committee member.

**VI-B. STANDING COMMITTEES:** Standing committees may be established. These standing committees shall meet at times and places designated by the committee members or Chairperson. Meetings shall be open to all RAB Members and to other persons invited by the committee to attend.

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**Article VII. MEETINGS**

**VII-A. ORGANIZATION:** The RAB shall hold regular meetings to facilitate public participation and the review, evaluation and comment on environmental restoration program issues. The following meetings serve to promote the business of the RAB:

- 1. **RAB MEETINGS:** Regular monthly meetings shall be open to the public. The regular monthly meeting will convene on the first Monday of each month, at 7:00 p.m. The meeting time or place may be changed by agreement of the Community Co-Chair and the DON Co-Chair. A change in meeting location and time shall be effective only if proper notice is given as provided in these Bylaws.
- 2. **SPECIAL MEETINGS:** Subject to approval by a majority of all RAB Members present at a meeting, special meetings may be scheduled to provide additional presentation or discussion on pertinent NWSSBDC clean-up issues. Special meetings shall be open to the public and conform to the notification requirements and procedures for meetings set forth in these Bylaws.
- 3. **COMMITTEE MEETINGS:** The focus and purpose of committee meetings shall be authorized by a majority vote of Community Members present at a meeting. Committee meetings shall be open to all RAB Members and invited participants. Each committee shall determine, by majority vote of committee members present, the schedule and agenda of committee meetings.

1 **VII-B. MEETING NOTIFICATION:** The following notification requirements apply to the meetings  
2 provided for by these Bylaws:  
3

4 1) **RAB MEETINGS:** A meeting announcement and agenda will be provided to each member  
5 and posted on information bulletin boards at least three calendar days prior to the regularly  
6 scheduled monthly meeting. Meeting announcements to members may be provided by phone  
7 call, e-mail, fax, mail or any combination thereof, as long as all members receive timely notice.  
8 Public announcement of regular meetings shall also be published in local newspapers and  
9 appropriate Web sites.

10  
11 2) **SPECIAL MEETINGS:** Special meeting announcements (giving the date, time and place of  
12 the special meeting along with a general statement of the purpose of the meeting) shall be  
13 provided to each member and posted on information bulletin boards at least seven calendar  
14 days prior to the special meeting. Special meeting announcements may be provided to  
15 members by phone call, e-mail, fax, mail or any combination thereof. Public announcement of  
16 special meetings shall also be published in local newspapers and appropriate Web sites.  
17 .

18  
19 3) **COMMITTEE MEETINGS:** Committee meeting location, date, time, and place shall be  
20 announced to RAB Members at the previous regular monthly RAB meeting, previous committee  
21 meeting or at least three calendar days prior to the scheduled committee meeting. Committee  
22 meeting announcements may be given verbally at meetings or by phone call, e-mail, fax, mail  
23 appropriate Web sites or any combination thereof.  
24

25 **VII-C. AGENDA:** An agenda, following the order of business provisions in these Bylaws, will be  
26 prepared jointly for each regular and special RAB meeting by the Community Co-Chair and  
27 DON Co-Chair. The Community Co-Chair shall solicit input from Community Members on  
28 items and issues for presentation, discussion, review, and comment for inclusion in the agenda.  
29 Although the length of the meeting must be judiciously controlled, no reasonable request for  
30 inclusion of an agenda item shall be refused. The DON Co-Chair shall provide a draft agenda  
31 to the Community Co-Chair at least ten days prior to regularly scheduled RAB meeting for  
32 review, revision, and agenda item additions. The agendas for upcoming meetings will be made  
33 available on appropriate Web Sites.  
34

35 **VII-D. FACILITATOR:** The RAB may engage a Facilitator from outside the RAB or any member of  
36 the RAB. The Membership Committee shall evaluate Facilitator candidates, select a candidate  
37 and present the nominee for Facilitator at a regular RAB meeting. The appointment of a  
38 Facilitator shall be subject to the approval of a majority of the RAB Members present at a  
39 regular meeting. The Facilitator is to focus on the process of the meeting and seek an orderly  
40 and productive meeting, under the rules and procedures in these Bylaws. The Facilitator serves  
41 at the pleasure of the RAB and may be terminated by a majority vote of the members present at  
42 a regular meeting.  
43

44 **VII-E. RULES OF ORDER:** Robert's Rules of Order shall informally guide the conduct of regular  
45 and special meetings unless in conflict with these Bylaws, in which case the Bylaws shall  
46 control. These Bylaws do not require a strict interpretation of Robert's Rules of Order to  
47 govern the conduct of meetings.  
48

49 **VII-F. QUORUM:** A quorum for the transaction of official business shall be 51 percent of the  
50 Community Members, rounded upward to the next whole number. For example, if there are 15

Community Members then  $0.51 \times 15 = 7.65$  or 8 Community Members are required to be present for a quorum.

**VII-G. RULES ON VOTING & MOTIONS:** The following procedures apply to voting and motions at regular and special RAB meetings:

1. Prior to a vote by either the entire Board or only the Community Members, a motion should be clearly stated by a member and seconded by a different member. The Co-Chair or Facilitator shall announce the motion to the assembly ensuring that members clearly understand the question.
2. Only one vote is allowed for each member including the co-chairs. A member may assign his or her voting proxy on a specific agenda item by a written statement delivered to the Community Co-Chair and shall be reviewed by the DON Co-Chair. All proxy statements shall be made a permanent part of the RAB meeting minutes.
3. The number of votes required to approve an issue shall be calculated based upon the number of members entitled to vote on that issue who are present at the meeting at which the vote is being taken. The term "whole" shall mean all members (i.e. Agency and Community Members) present in person or by valid proxy at the meeting. The term "community" shall mean those Community Members who are present in person or by valid proxy at the meeting. Voting at meetings shall be pursuant to the following requirements:

<u>ISSUE</u>	<u>WHO VOTES</u>	<u>REQUIRED VOTES</u>
Adjourn	whole	majority
Agenda (approval)	community	majority
Bylaws (amending)	whole	2/3
Clean-up Issues (advice)	community	majority
Censure of Member	whole	2/3
Committees	community	majority
Community Co-Chair (elect)	community	majority
Community Co-Chair (recall)	community	2/3
Facilitator (authorize & appoint)	whole	majority
Facilitator (terminate)	whole	majority
Membership (new appointment)	community	2/3
Membership (reinstatement and leaves)	community	majority
Motion (amend and accept)	community	majority
Minutes (authorization)	community	majority
Minutes (amend & approval)	community	majority
Ad Hoc Committee Meetings	whole	majority

**VII-H. ORDER OF BUSINESS:** In addition to the provisions described in other parts of these Bylaws, the business of regular and special RAB meetings shall be conducted according to the following order and procedures, which shall be presided over by the Community Co-Chair or designated Facilitator:

1. Announce the commencement of the meeting and determine the existence of a quorum. If a quorum is not present, official votes may not be taken, but the meeting may continue if a

1 majority of the Community Members present agrees to do so. Official votes may occur later in  
2 the meeting if a quorum is achieved.

- 3
- 4 2. Review meeting procedures (rules, motions, and voting) as necessary for the orderly conduct  
5 of the meeting.
- 6
- 7 3. Request that new members, visiting agency regulators, and technical advisors present at the  
8 meeting identify themselves for the record.
- 9
- 10 4. Invite members of the public to provide comment on matters not on the agenda.
- 11
- 12 5. Open the published agenda for the meeting to discussion by members. Request any motions  
13 of addition, deletion, or other modification to the published agenda. Proceed with the  
14 meeting's order of business including any modifications approved by a majority vote of  
15 Community Members present.
- 16
- 17 6. Approval of prior meeting minutes.
- 18
- 19 7. Present committee reports and announcements of upcoming committee meetings by the  
20 Community Co-Chair and/or representative of each active committee.
- 21
- 22 8. Review old business: Discussion and comment on matters, issues, or tasks discussed but not  
23 resolved at past meetings.
- 24
- 25
- 26
- 27 9. Open for new business by the discussion and comment on agenda items as published and  
28 modified.
- 29
- 30 10. Review technical presentations, discussions and comments on agenda items as published and  
31 modified.
- 32
- 33 11. Present status and progress reports of ongoing clean-up activities, important and relevant  
34 decisions, and the anticipated dates of the release of related documents as provided by the  
35 DON Co-Chair or representative.
- 36
- 37 12. Invite members of the public to provide comment.
- 38
- 39 13. Request agenda items for the next scheduled meeting.
- 40
- 41 14. Present motion to adjourn subject to approval by a majority of members present.
- 42

43 **VII-I. DISCUSSION AND COMMENT:** For each agenda item, discussion and comment shall be  
44 entertained on each scheduled topic. The following procedures shall govern the orderly conduct  
45 of discussion and comment at regular and special RAB meetings:

- 46
- 47 1. Discussion and comment will normally be accepted only on the current agenda item in the  
48 following sequence of speakers: members, technical advisor(s), and the public. The  
49 Community Co-Chair or Facilitator shall judiciously limit the duration of discussion and  
50 comment to allow the remaining order of business to be completed.
- 51

- 2. During discussion and comment periods, a speaking time of no more than five minutes per person is essential to a fair, open, orderly and productive debate. When the issue or topic is of such a nature that more than five minutes per person may be necessary, the length of each speaker's remarks and the duration of the discussion and comment period shall be determined by a majority vote of RAB Members present.

**VII-J. TRANSCRIPT OF MEETINGS:** The DON Co-Chair shall arrange for a complete, corrected transcript of each regular and special RAB meeting. The meeting transcript shall be the official record of the meeting. The DON Co-Chair shall maintain the meeting transcripts in the official information repository as part of the Administrative Record. The transcripts shall be available for inspection at the repository during normal business hours with a goal of being made available no later than two weeks following the meeting. The complete, corrected transcript, in a standard word processing format such as Microsoft Word, shall be provided by e-mail to the Community Co-Chair with a goal of being made available no later than two weeks following the meeting.

**VII-K. MINUTES OF MEETINGS:** At the discretion of a majority vote of Community Members, minutes of regular and special RAB meetings may be prepared. The minutes shall not replace the complete, corrected transcript of the meeting. If minutes are prepared, the following procedures apply:

- 1. **Preparation of Minutes** - Minutes of regular or special RAB meetings may be prepared under the direction of the DON Co-Chair. Minutes shall reflect an accurate and objective summary of motions, discussion, debate, and voting on procedural and initiative matters.
- 2. **Authentication of Minutes** - Minutes shall be signed by the DON and Community Co-Chairs. If, on approval of the minutes at the next meeting, changes are directed by the RAB, then an addendum to the minutes will be prepared reflecting such changes and this addendum shall be signed by the DON and Community Co-Chairs and attached to the approved minutes.
- 3. **Disposition of Minutes** - Copies of the minutes shall be provided to each member at the regular RAB meeting following approval. Approved copies of minutes, with addendum if any, will be made available to the general public present at meetings and will be placed in information repositories and on appropriate Web Sites, provided to regulators upon request and made a part of the official Administrative Record.

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**Article VIII. ANTI-DEFICIENCY ACT**

Nothing in these Bylaws shall be construed to require the obligation, transfer, or payment of funds by any federal government entity in violation of the Anti-Deficiency Act or any other laws.

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**Article IX. AMENDMENT**

**IX-A. VOTING:** Amendment to the Charter & Bylaws may be made by a two-thirds vote of the voting members who are present, in person or by valid proxy, at the regular RAB meeting during which adoption of the amendments is brought to a vote.

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**IX-B. PROCEDURE:** The procedure for amending the Charter & Bylaws is as follows:

1. A proposed amendment shall be referred to an Ad Hoc Committee for writing. If it so chooses, the RAB may act as a committee. On completion of work by the Committee, the Committee Chairperson shall submit the proposed amendment to the Community and DON Co-Chairs.
2. The Co-Chairs shall distribute copies of the proposed amendment to all members and shall place the amendment on the agenda for a regular meeting to be held at least 14 days, but not more than 60 days, after distribution of the proposed amendment to all members.
3. The proposed amendment shall be introduced at the meeting by a member of the Ad Hoc Committee who shall move for the adoption of the proposed amendment. The RAB shall debate the motion under the procedures for discussion and comment in these Bylaws. The proposed amendment must be approved by a two-thirds vote of those voting members present, in person or by valid proxy. The amended Charter & Bylaws shall become effective on the date of approval by the RAB.
4. The amended Charter & Bylaws shall be authenticated by being signed by the Community Co-Chair and DON Co-Chair; filed with the approved record copy of the Charter & Bylaws and retained as part of the Administrative Record.



APPENDIX A: Synopsis of Authorities' Mandates to the RAB

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3 1. As mandated by 10 USC 2705(f), the RAB will provide the Secretary of Defense with  
4 consultation and advice on the following issues:
  - 5 a. Identifying environmental restoration activities and projects at the installation or  
6 installations.
  - 7 b. Monitoring progress on these activities and projects.
  - 8 c. Collecting information regarding restoration priorities for the installation or  
9 installations.
  - 10 d. Addressing land use, level of restoration, acceptable risk, and waste management and  
11 technology development issues related to environmental restoration at the installation  
12 or installations.
  - 13 e. Developing environmental restoration strategies for the installation or installations.
- 14  
15 2. As per Section 34.6 of the Federal Facilities Agreement, to afford a forum for cooperation  
16 between the U.S. Navy and EPA, local community representatives, and natural resource  
17 trustees on actions and proposed actions at the Site.
- 18  
19 3. As per Section 34.2 of the Federal Facilities Agreement, the RAB shall meet for the  
20 purpose of:
  - 21 a. Reviewing progress under the Federal Facilities Agreement.
  - 22 b. Providing advice to the installation, EPA, State regulatory agencies, and other  
23 governmental agencies on environmental activities and community involvement.
  - 24 c. Providing advice on priorities among sites or projects.
  - 25 e. Interacting with the LRA or other land use planning bodies to discuss future land use  
26 issues relevant to environmental restoration decision-making.
  - 27 f. Acting as a conduit for exchange of information between the community, DOD  
28 installation, and environmental oversight agencies regarding the installation's  
29 restoration and reuse programs.
- 30  
31 4. In accordance with the memorandum entitled "DoD Guidance on Improving Public  
32 Involvement in Environmental Cleanup" issued by the Deputy Secretary of Defense on  
33 May 18, 1996, and the Department of Defense's RAB Resource Book, September 1996,  
34 the RAB will:
  - 35 a. act as a forum for discussion and exchange of cleanup information between  
36 Government agencies and the public;
  - 37 b. conduct regular meetings, open to the public, at convenient times;
  - 38 c. keep meeting minutes and make them available to the public;
  - 39 d. develop and maintain a mailing list of names and addresses of stakeholders who wish  
40 to receive information on the cleanup program;
  - 41 e. review and evaluate documents;
  - 42 f. identify project requirements;
  - 43 g. recommend priorities among sites or projects;
  - 44 h. identify applicable standards and, consistent with Section 121 of the Comprehensive  
45 Environmental Response, Compensation, and Liability Act (CERCLA), propose  
46 remedies consistent with planned land use.

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5. In accordance with the recommendations of the April, 1996 Final Report of the Federal Facilities Environmental Restoration Dialogue Committee, the RAB will:
  - a. Provide input on:
    - 1) the consideration of risk and risk reduction potential in relation to other relevant priority-setting factors and in determining what those factors are;
    - 2) the determination and consideration of reasonably anticipated future site use as it relates to cleanup standards and remedy selection;
    - 3) how to keep the cost of accomplishing the cleanup mission as low as is reasonably possible;
    - 4) the sequencing of cleanup activities;
    - 5) the priorities that should be included as milestones in negotiated agreements; and
    - 6) what constitutes a credible environmental cleanup program, particularly at a facility level, that is protective of human health and the environment and achieves satisfactory progress in site cleanup over a reasonable period of time.
  - b. Improve the decision-making process by:
    - 1) Providing a setting for direct, regular contact between agencies and a diverse set of public stakeholders;
    - 2) Providing a forum for public stakeholders, local governments, and agencies to understand the competing needs and requirements of the government and affected communities;
    - 3) Providing a forum for discussing citizen issues and concerns, thus enabling the development of a more complete and satisfactory plan or decision;
    - 4) Enabling citizen review and the evaluation of plans and their technical adequacy in more depth than is possible in single opportunity public participation efforts;
    - 5) Permitting a more detailed consideration of issues than is possible as a result of the minimal legal requirements identified in various state and federal laws; and
    - 6) Allowing cleanup decisions to consider values as well as technical data.
  - c. Advise both the regulated and regulating agencies on key policy and technical issues and decisions related to cleanup at the facility such as:
    - 1) ensuring that appropriate measures (both interim and permanent) to protect human health and the environment against substantial and imminent risks are implemented as early as possible;
    - 2) identifying cleanup activities and projects;
    - 3) tracking progress on those activities/projects;
    - 4) providing information and perspectives on cleanup priorities;
    - 5) tracking possible implications for other communities along transportation corridors and in areas of waste storage facilities when discussing final waste disposition possibilities;
    - 5) evaluating possible employment opportunities and associated risks, local economic benefits provided by the cleanup process, and appropriate vehicles for providing this information to the public;
    - 6) addressing important issues related to cleanup, such as land use, level of cleanup, risk management strategies, waste management, technology and economic development issues related to cleanup; and
    - 7) developing cleanup strategies.

- 1           d. Hear presentations on the social, economic, cultural, aesthetic, public health, and  
2           worker health and safety effects of cleanup and waste management and technology  
3           development issues related to cleanup.  
4
- 5           6. To supplement the DON's fulfillment of its requirement under the National Oil and  
6           Hazardous Substances Pollution and Contingency Plan, specifically 40 CFR  
7           300.430(c)(2)(ii), to ensure the public appropriate opportunities for involvement in a wide  
8           variety of site-related decisions, including site analysis and characterization, alternatives  
9           analysis, and selection of remedy.  
10