

Climate Ready Water Utilities Working Group Charter and Ground Rules

November 25, 2009

Establishment and Charge

The Climate Ready Water Utilities (CRWU) Working Group is established and charged by the National Drinking Water Advisory Council (NDWAC), a Federal advisory committee established and operating under the requirements of the Federal Advisory Committee Act (FACA). The CRWU Working Group is a Working Group to the NDWAC and is not a Federal advisory committee. The NDWAC charges the CRWU Working Group to evaluate the concept of “Climate Ready Water Utilities” and provide findings and recommendations on the development of an effective program that will enable water and wastewater utilities to develop and implement long-range plans that account for climate change impacts. Findings and recommendations are to cover:

1. Defining and developing a baseline understanding of how to use available information to develop climate change adaptation and mitigation strategies (i.e., identify the behaviors that characterize a “climate ready utility” for purposes of both adaptation and mitigation), including ways to integrate this information into existing complementary programs such as the Effective Utility Management and Climate Ready Estuaries Program;
2. Identifying climate change-related tools, training, and products that address short-term and long-term needs of water and wastewater utility managers, decision makers, and engineers (i.e., explore how to best enable climate ready utility behaviors), including ways to integrate these tools and training into existing programs; and
3. Exploring mechanisms to provide recognition or incentives that facilitate broad adoption of climate change adaptation and mitigation strategies by the water sector for incorporation into existing EPA Office of Water recognition and awards programs or new recognition programs.

The CRWU Working Group will interpret the scope of its deliberations to include all water and wastewater operations, from source water to tap and from collection system to discharge. The final report will strive to provide specific, concrete pragmatic recommendations that are adaptable, implementable, and amenable to broad distribution.

The CRWU Working Group will present its findings and recommendations to the NDWAC in the form of a written report for the Council’s consideration. The CRWU Working Group will not issue findings or make recommendations directly to EPA or any other agency or entity. However, individual CRWU Working Group members are not restricted from discussing their views as they so choose. Upon receipt of the CRWU Working Group findings and recommendations, the NDWAC will consider the findings and recommendations and may pass them to EPA unchanged, may amend them to reflect their own views, or may choose not to forward findings and recommendations to EPA.

Decision Making and Desired Outcomes

The CRWU Working Group will be a “consensus seeking” body. Consensus is defined as findings and recommendations with which all can live. Progress and ultimate decision-making, however, will not be strictly tied to consensus, and full consensus is not necessary to enable a balanced and well-informed final decision process. The facilitation team will ensure that perspectives of CRWU Working Group members—particularly in cases where consensus is lacking—are gathered throughout the process and made available to the NDWAC for consideration during their final decision making. The Working Group’s final report will capture the range of views, if necessary, and those views will not be attributed to individual members or interests. Working Group members also will have an opportunity to submit up to three pages of individual, attributed comments. Individual comments will be appended to the Working Group report without modification.

Participants and Participation

Working Group Member Participation

Working Group members do not formally represent their specific affiliated organization, but rather seek to provide input reflective of their individual expertise and their broad understanding of water sector needs and interests. All CRWU Working Group members have equal representation with one vote per member.

The NDWAC expects that all CRWU Working Group members will participate through the entire process and that the Working Group’s final report will reflect consensus or the range of views that exist within the group. Any member may, however, withdraw from the process at any time without prejudice. In the event a member chooses to withdraw, he/she should communicate the reasons for withdrawal to EPA, and EPA may fill the vacancy with a representative with similar expertise and experience.

Co-Chairs

The CRWU Working Group will be served by two co-chairs. One of the co-chairs will be a member of the CRWU Working Group who is also a member of NDWAC. EPA will identify both co-chairs in consultation with the NDWAC members serving on the CRWU Working Group. The role of the CRWU Working Group co-chairs is to interact with the facilitation team between CRWU Working Group meetings, open and close the meetings, coordinate with the facilitation team to structure discussions at meetings, and approve meeting summaries after the facilitation team has addressed comments by CRWU Working Group members. The co-chairs will participate in deliberations and decision making as full members of the CRWU Working Group. The co-chairs do not determine the CRWU Working Group findings or recommendations any more or less than other CRWU Working Group members.

Substitution

Working Group success depends on the direct participation of all members. For that reason, members are asked to make every effort to attend all Working Group meetings and participate in all Working Group conference calls. Members who are not able to attend a particular meeting or conference call may send an alternate. The alternate must be a peer of the CRWU Working Group member, and must be fully briefed on past and current CRWU Working Group discussions and decisions prior to the meeting or call. Alternates may be asked to contribute to CRWU Working Group deliberations by offering their opinion and expertise; however, they will not participate in CRWU Working Group decision making. If an alternate is needed, the suggested alternate will be recommended to and discussed with EPA and the co-chairs in advance to ensure there will be an appropriate balance and representation during discussions.

Staff and Supporting Organizations

CRWU Working Group members may be staffed by individuals from their organizations or by individuals from sponsoring/nominating organizations. Every effort will be made to facilitate CRWU Working Group members' participation in the CRWU Working Group process by ensuring that staff have access to CRWU Working Group materials, including internal draft documents. However, staff are not members of the Working Group. To the extent that staff prepare draft comments or other responses for the CRWU Working Group member they support, staff must do so in coordination with and as a representative of the CRWU Working Group member; actual comments or responses must be submitted by the CRWU Working Group member, not by staff.

Facilitation

A facilitation team will support the Working Group. The facilitation team is a neutral third party with no stake in the outcome of the discussions. The facilitation team, although under contract to EPA, works for the process and treats all Working Group members as equal "clients."

The facilitation role includes: developing, in consultation with EPA and the co-chairs, draft agendas, meeting summaries, report documents, and other materials; managing CRWU Working Group deliberations at meetings; focusing and facilitating Working Group discussions to ensure that the perspectives of all CRWU Working Group members come forward; working with Working Group members and EPA between meetings and conference calls to support understanding and consensus building; working with Working Group members and EPA to identify, organize, synthesize, and provide information and other material needed to support Working Group deliberations; and, in general, coordinating Working Group activities.

Federal Resource Personnel and Outside Experts

In addition to the facilitation team, the CRWU Working Group will be supported by a number of resource personnel from federal agencies with interest and expertise in climate change and water sector utility operations. It may also be necessary to identify and consult with additional outside

experts on specific topics. As needed, and as resources allow, federal resource personnel and outside experts will be invited to participate directly in CRWU Working Group discussions and will sit at the table during CRWU Working Group meetings to be easily accessible to Working Group members. However, Federal resource personnel and outside experts will not participate in CRWU Working Group decision making.

Meeting Discussions and Procedures

All CRWU Working Group members are expected to:

- Engage in honest and direct communications;
- Participate fully in meetings and act in good faith; and
- Participate in the identification, review, and analysis of options.

The following principles will guide all CRWU Working Group deliberations:

1. Consistent with the NDWAC charge to the CRWU Working Group, the fundamental working premise for all CRWU Working Group deliberations is that climate change represents an important challenge for the water sector necessitating its consideration during long-range planning. This premise does not, however, dismiss the degree and challenge of uncertainty that exists related to specific, community-level impacts.
2. Members are encouraged to frame observations in terms of needs and interests, not in terms of positions; opportunities for finding solutions increase dramatically when discussion focuses on needs and interests.
3. The facilitation team will manage the discussions, using more or less structure depending on the nature and tenor of the discussions.
4. Members and/or the facilitation team may request a caucus break at any time during CRWU Working Group discussions. Individual caucus breaks are not to exceed 15 minutes.
5. The Working Group will operate under the Chatham House Rule – individual observations made during Working Group discussions are not for attribution. A general summary of meeting discussions will be prepared; observations contained in the summary will not be individually attributed. Members can submit attributed comments directly to the NDWAC for consideration. Meeting summaries and all written comments will be publicly available.
6. To help the process stay on track, agreed-upon, non-mainstream issues may be recorded and dealt with at a later date or referred to other, more appropriate forums.
7. All meetings will strive to begin and end on time.

Meeting Materials

As much as possible, meeting agendas and supporting materials will be distributed by the facilitation team at least one week before CRWU Working Group meetings and conference calls. After CRWU Working Group meetings and conference calls, the facilitation team will prepare summaries of key discussion points, tentative areas of agreement, and action items and provide them to Working Group members for review. All CRWU Working Group documentation and correspondence will be distributed to all CRWU Working Group members. Electronic communication mechanisms will be used to the greatest extent possible to distribute CRWU Working Group meeting materials, summaries, and references.

Observation

Consistent with the ground rules for Working Groups established by the NDWAC, CRWU Working Group meetings will be announced in the *Federal Register*. CRWU Working Group meetings will be designed as working sessions, not as public education meetings; however CRWU Working Group meetings will be open to the public for observation and will include an opportunity for observers to offer oral or written comments. Observers are welcome at meetings, but are not participants in CRWU Working Group deliberations, and their oral comments will be strictly limited to no more than two minutes.

Task Teams

The CRWU Working Group may choose to establish Task Teams to work on information gathering and analysis related to specific elements of the charge between meetings of the full CRWU Working Group. Task Team members must be CRWU Working Group members and Task Team meetings are not open to the public.

Communications

Working Group communications will adhere to the following guidelines:

1. Individual observations made during Working Group deliberations are not for attribution outside the meetings and calls.
2. Working Group members may share information about the project's process and activities with peers outside the Working Group, as long as the communications make clear that the information is not an official product of the Working Group. CRWU Working Group members agree to notify the co-chairs before sharing draft documents outside of the Working Group, their immediate co-workers and managers, and/or the supporting staff from within their respective organization or within their sponsoring/nominating organization.

3. The way in which Working Group deliberations are publicly characterized will affect the group's ability to operate effectively. In this context, individuals who choose to speak with the press should limit their remarks to personal views and to refrain from characterizing the views of, or attributing comments to, the full Working Group, other individual members, or the NDWAC. In communicating with the press, individuals should, to the greatest extent possible, reference completed Working Group products such as finalized meeting summaries. As a courtesy, individuals are asked to notify the CRWU Working Group co-chairs of any contact with the press.

Schedule

It is anticipated that the CRWU Working Group will meet in person five times and by conference call three times between October 2009 and October 2010. The CRWU Working Group will commence with a conference call in Fall 2009. Final Working Group recommendations will be presented to the NDWAC at the Fall 2010 Council meeting.