

# Section 5 Study Oversight Team

## Meeting Summary

**Place:** Maclure Library, Pittsford, VT

**Date:** 30 January 2006

**Time:** 6:00-7:45 p.m.

**Meeting Attendees** (in alphabetical order):

Name	Affiliation
Sen. Claire Ayer (Until 7pm)	VT Legislature
Ernie Brod	RCO
Tony Colak	Omya
Julie Hackbarth	ANR
Jim Hamilton	CLFV
Matt Levin	VCE
Don Nickless	Pittsford
Bev Peterson	RCO
Umbert Rosato	Florence
Lynn Silloway	Florence
Jasmine Tanguay	CLFV
Dano Weisbord	CLFV

### I. Welcome and Introductions

- Dano Weisbord welcomed the group and the participants re-introduced themselves and their affiliation. One new participant, Matt Levin, was present representing VCE in place of Annette Smith.

### II. Approval of meeting summary for 18 January Meeting

- Jasmine Tanguay distributed copies of the draft meeting summary from January 18<sup>th</sup> to the group and opened the floor for comments or corrections.
- Several changes were requested and will be made, and the group approved the 18 January summary to be posted with changes. The meeting summary will be posted on the website [www.OmyaInVermont.net](http://www.OmyaInVermont.net).

### III. Phase 1 Scope of Work

- The team continued the discussion about the Scope of Work to be performed under the study.

- There were numerous concerns presented about the use of the term “professional opinion” in the language of the scope, and the group supported using “assessment” along with accompanying quality assurance criteria instead of simply “opinions.”
- Written comments and suggested revisions were received from Nancy Hayden and shared with the team for review.
- Julie Hackbarth presented the team with suggested changes to the draft scope that was circulated to the team after the last meeting.
- No other team members submitted written changes, but the discussion informed changes that will be made by CLFV staff to respond to the group’s needs and concerns.
- The group agreed that it was important to capture the question that the legislation is asking consultants to answer for each of the subsections of the Section 5 legislation.
- The use of old data was discussed. Some team members were concerned about the use of old data because they feel that it could skew the results of subsequent investigations. They worried about a bias resulting from seeing others’ conclusions prior to reaching their own conclusion. Bev Peterson gave the example of Chris Covell, who did work without using any old data. Others felt that old data is a critical part of answering the questions and that more knowledge will only help to further the depth of the investigation.
- Ernie Brod made the point that the consultants need to have complete information about Omya’s operations (e.g., chemicals used), but that the work should be “a fresh start” (i.e., no old findings used).
- The Team discussed providing information concerning OMYA's waste to the consultants asked to bid on the work. A distinction between background information and previous study findings was made. Consultants should have access to complete background information at the start of their work (pre-proposal if possible) in order to have an understanding of the work involved.
- Matt Levin emphasized that the study is not just looking “forward,” but also “backward” in the sense that historical activities may impact current findings.
- Matt Levin suggested that these issues be posed to the consulting firms during evaluation interviews so that the team can evaluate their response.
- To assist the firms in implementing the Scope of Work, the text of the legislation will be used to define research questions.
- The Scope of Work sequence that the group suggests is: 1) a specific question or theme for each scope segment is developed and agreed upon by the Oversight Team; 2) consultant candidates are asked to prepare a proposal detailing their approach to answering the questions; 3) Selected consultant begins work to answer question, using existing data (once validated) where appropriate and identifying additional work to be

conducted, if needed. A detailed proposal of any additional work will become the Phase II scope for the Study.

- CLFV will redraft scope such that it reflects agreed upon changes.

#### **IV. The Consultant Selection Process**

- CLFV distributed a document summarizing background information about candidate firms. Two team members (VCE, ANR) had submitted consultants to be included in the initial round.
- The firms will be invited to submit proposals and finalists will be invited to give presentations and interviewed by the team
- RCO asked about the proportion of business versus community clients that the firms typically handle. Jim Hamilton said that all the firms have a mix, and that they work for those clients who can pay them, but was uncertain about the exact percentages. The question can be posed to firms during the interview process.
- There was some interest in whether the firms that CLFV recommended for short-listing have enough hydrogeological expertise to perform those elements of the study. CLFV responded that the forms all had some form of hydrogeology capability, but that those who had less expertise would be expected to subcontract out that portion of the scope.
- Julie Hackbarth expressed interest in getting a firm that has some specific experience with mining or in a limestone bedrock environment. She discussed the issues and chemicals unique to this situation, and noted that MacTec had some experience in that domain.
- Short-listing of consultants was completed. Four firms were selected to receive the RFP.

#### **V. RFP Process**

- CLFV will distribute a draft Request for Proposals (RFP) document. The document will include language to ensure the independence of consultants, such as screening criteria to prevent any conflict of interest, and notice that team members and their respective organizations must not be in contact with the candidate firms during the RFP stage to ensure fairness of the process.
- Julie Hackbarth agreed to provide RFP language that the state uses to assist in RFP preparation.

#### **VI. Next Steps**

- CLFV will be sending out a redraft of the scope and a draft RFP to the team in advance of the next meeting.
- The next meeting is scheduled for February 13<sup>th</sup> at 6pm in the Maclure Library.