

## CHAPTER 2 RESPONSIBILITIES

### 2-1. Introduction.

- a. This chapter describes the responsibilities and functional roles of the USACE organizations and potential stakeholders in the OE response process.
- b. ER 1110-1-8153, OE Response, provides further detail regarding the roles and responsibilities of USACE elements (i.e., HQUSACE, MSCs, districts, OE Design Centers, and OE MCX) involved in the management and execution of OE response projects. ER 1110-1-8153 provides responsibility matrices delineating organizational responsibilities throughout the process.
- c. Throughout this document, district review and approval responsibilities for project activities are discussed. These responsibilities have been delegated by the MSC to the assigned district within their geographic area.
- d. Districts requiring additional information beyond that discussed in this document should contact the OE MCX.

### 2-2. USACE Organizational Responsibilities.

- a. MSC Commanders are assigned overall responsibility for the safe and efficient execution of OE response actions for all projects for which they are the PM in accordance with ER 5-1-11.
- b. The responsibilities detailed herein are FUDS specific. For projects under the management of an active or transferring installation, the installation may want to retain some degree of management control. In such cases, the PM will hire the appropriate OE Design Center to provide USACE assistance in a manner that is transparent to the customer, but the PM will remain the interface with the installation.
- c. It is the responsibility of all USACE personnel involved with the OE Program to safely execute OE response projects in accordance with applicable laws, regulations, and policies. All USACE organizations will ensure that all personnel involved with on-site activities at project sites are familiar with and have access to copies of the approved Safety Plans prepared for the site-specific activities to be conducted. In addition, each organization will ensure that such personnel have received appropriate training, medical surveillance, and personal protective equipment required by the safety plan, contract specifications, Occupational Safety and Health Administration (OSHA) Standards, USACE regulations, and applicable DOD and DA regulations.

d. All USACE elements will ensure that OE response actions include provisions for meaningful stakeholder involvement pursuant to all applicable laws, regulations, and policies.

e. The Director, Military Programs, will assign the OE mission and delegate appropriate authorities to a proposed OE Design Center. The proposed center's MSC and the OE MCX will provide written positions to the Director, Military Programs, outlining capabilities, missions, and functions recommended for the proposed OE Design Center.

2-3. Functional Roles. The following section provides a general description of key functional roles in the OE response process.

a. PM. The PM is located at the district executing the OE response project. The PM leads the OE project team, coordinates all project activities, serves as a liaison with other stakeholders, and reviews/approves project documents as required. The PM will manage OE response projects in accordance with ER 5-1-11.

b. OE Design Center Point of Contact (POC). The OE Design Center POC is the central figure responsible for coordination of the OE Design Center functions for the OE response project, and acts as the liaison between the OE Design Center and the PM.

c. Safety. Safety is a primary consideration during all OE response projects. Safety-specific functional roles for OE response are discussed below.

(1) OE Safety Manager. The OE Safety Manager is located in the OE Design Center. Responsibilities of the OE Safety Manager include:

(a) Executes and approves Site Safety and Health Plans (SSHP).

(b) Ensures OE response activities occur in accordance with OSHA guidance; Engineer Manual (EM) 385-1-1, U.S. Army Corps of Engineers Safety and Health Requirements Manual; and ER 385-1-92, Safety and Occupational Health Requirements for Hazardous, Toxic and Radioactive Waste and Ordnance and Explosives Activities.

(c) Ensures project document reviews are coordinated with the appropriate systems safety function within the organization.

(d) Executes and approves Abbreviated SSHPs (ASSHPs) for the Site Inspection and EE/CA Reconnaissance.

(e) Executes and approves Work Plans for OE response projects prior to field activities.

(2) OE Safety Specialist. The OE Safety Specialist is located within the USACE element executing the OE response project. The functions of the OE Safety Specialist include:

- (a) Provides on-site safety support for OE activities.
  - (b) Verifies UXO qualifications of contractor employees.
  - (c) Advises the contractor on safety procedures.
  - (d) Coordinates exclusion zone activities with and advise the PM, OE Design Center POC, and the OE Safety Manager.
  - (e) Facilitates military Explosive Ordnance Disposal (EOD) response, when needed.
  - (f) Provides technical OE safety support to USACE districts and contractors.
  - (g) Conducts government quality assurance inspections of completed work.
  - (h) If located at a district, the OE Safety Specialist will assist with the review of Statements of Work (SOW), Work Plans, SSHPs, and Explosive Safety Submissions (ESS) (if required). If located at an OE Design Center, the OE Safety Specialist will assist with the execution and approval of SOWs, Work Plans, SSHPs and ESSs (if required).
- d. OE MCX.
- (1) Responsibilities of the OE MCX include:
    - (a) Reviews federal, DOD, and DA regulations related to OE and propose implementation guidance to HQUSACE to ensure USACE compliance.
    - (b) Reviews and approve OE and OE-related products in accordance with ER 1110-1-8153.
    - (c) Provides OE technical support throughout USACE.
    - (d) Reviews and evaluates OE detection and removal technology.
    - (e) Develops OE-specific contract requirements and maintain current OE contract Data Item Descriptions (DID).
    - (f) Assists HQUSACE in identifying OE program training requirements.
  - (2) Additional OE MCX responsibilities are presented in ER 1110-1-8153.
- e. Engineering. The OE Design Center provides multi-discipline engineering support to the OE project team. Engineering support during OE response projects may include, but is not limited to, the following:

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- (1) Engineering design of structures, facilities, and excavations.
- (2) Blast effects analysis.
- (3) Surveying.
- (4) Geographic Information Systems.
- (5) Geophysical investigations.
- (6) Soil sampling and analysis.
- (7) Risk assessment.
- (8) Permitting.
- (9) Planning.
- (10) Cost estimating.
- (11) Systems safety.
- (12) Other efforts requiring engineering and technical expertise contained within the OE Design Center.

f. Contracting.

- (1) The appropriate contracting function provides acquisition support to the OE project team on all acquisition matters. Responsibilities include:
  - (a) Assures all OE-related Request for Proposals (RFP), Commerce Business Daily (CBD) Announcements, new contracts, SOWs, and delivery orders have been reviewed by an OE Safety Specialist prior to issuing/awarding.
  - (b) Assures an OE Safety Specialist is a member of the proposal evaluation team for all OE-related contracts.
  - (c) Assures current OE Data Item Descriptions (DID) are used in all OE-related contracts. Current DIDs are available on the OE MCX website at <http://www.usace.army.mil/oew>.
  - (d) Plans, directs, coordinates, and accomplishes actions required to select, negotiate, award, administer, modify, and terminate contracts for OE projects.
  - (e) Appoints a Contracting Officer's Representative (COR) when applicable.

(2) The Contracting Officer (CO) is the only person with the authority to enter into, administer, or terminate contracts. The CO and the officially designated COR may bind the government only to the extent of the authority delegated to them. Regardless of the exigencies of the site, the CO/COR are the only individuals who can “direct” a contractor to perform work, within the limits of delegated authority.

g. Construction. The district Construction Division oversees field activities outside of the exclusion zone; administers construction contracts; provides administration support; and may be assigned as the COR on a case-by-case basis.

h. Office of Counsel (OC).

(1) The district OC renders legal assistance to the OE project team. The OC provides legal interpretation and advice on applicability of environmental statutes and regulatory requirements, contract acquisition and claim issues, including review for legal sufficiency of all associated settlement agreements and environmental restoration decision documents.

(2) Due to the nature of OE response projects, the OC should be consulted on all matters involving questions of regulatory or statutory authority or requirements. The OC supporting the OE MCX is available to the OE project team for consultation.

i. Real Estate. The district Division of Real Estate performs real estate functions to support an OE response action, such as obtaining rights-of-entry, reviewing deed restrictions, and preparing real property transfer documents.

j. Public Affairs. The district Public Affairs Office (PAO) provides for planning, developing, and managing public involvement and media relations for OE response projects. PAO personnel will coordinate with the OE Safety Specialist prior to discussing any specific OE-related matters. The district PAO should contact the OE Design Center POC and PAO to coordinate OE technical content prior to release.

2-4. Other Stakeholders’ Roles. Stakeholders will actively participate in the OE response process. Additional information on stakeholder involvement during OE response projects will be published in EP 1110-3-8, Public Participation in the Defense Environmental Restoration Program. Stakeholders typically include: private landowners; federal land managers; Indian Tribal Governments; Restoration Advisory Boards; and federal, state, and local regulators. A description of the roles of these stakeholders is presented below.

a. Landowners.

(1) Provide rights-of-entry or other real estate interest, as applicable, for activities performed on their property.

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(2) Review and provide comments on technical documents.

b. Federal Land Managers.

(1) Provide rights-of-entry for activities performed on property under their control.

(2) Serve as a member of the OE project team.

(3) Review project documents and provide concurrence on formal decision documents.

c. Native American Tribal Governments. Native American Tribal Governments are recognized as domestic dependent nations under the protection of the United States and with the right to self-government. As such, additional considerations are required throughout OE response projects which affect tribal lands. This includes coordination with Native American Tribal Governments in order to obtain rights-of-entry and designation of a POC within or designated by the tribal government to serve as a member of the OE project team. The affected Native American tribe must have the opportunity to review project documents and provide concurrence on formal decision documents.

d. Restoration Advisory Boards.

(1) Review technical documents.

(2) Provide comments/concerns and individual advice to the OE project team.

e. Regulators.

(1) Review environmental and historical aspects of project documents.

(2) Provide comments on formal decision documents.