

CHAPTER 3

Response Action Execution

3-1. Introduction.

a. This chapter discusses the requirements for USACE elements involved at RCWM response projects. Several requirements for RCWM response actions are identical to those for munitions response to MEC. These requirements include: business management practices; project prioritization; the PDT approach; project management plans; scheduling; project funding; reporting requirements; contracting; estimating; and real estate activities.

b. Project Management for RCWM projects will be implemented IAW ER 5-1-11.

3-2. Property Management. As a general policy, contractors are normally required to furnish all equipment and materials necessary to perform their contract tasks. However, when deemed to be in the best interest of the government, equipment/materials (e.g., vehicles, engineering controls, explosives, magnetometers, etc.) may be provided to the contractor by the government.

a. There is some Government Furnished Property (GFP) available for use at RCWM projects. This equipment has been used at past RCWM projects and has been contaminated with chemical agents. It has been properly decontaminated and the agent is no longer detectable at the action levels and is categorized as 3X. This category of equipment must remain under government control. This equipment can be used at future RCWM projects by government contractors with the proper procedures in place. The intent of using these pieces of equipment in lieu of buying or leasing new equipment is financial efficiency. If any of this category of GFP is necessary at the RCWM project, coordination will be accomplished between USAESCH, the contractor, and the supporting agency.

b. If GFP is not provided but the contract requires specialized equipment or materials that are not included in the contractor's overhead rate, procurement or lease may be authorized. In all cases, property management will comply with the Federal Acquisition Regulation (FAR), other applicable DOD and DA policies, and with the internal policies of the USACE District or USAESCH CW-DC, as appropriate.

c. Additional information on property management is provided in EP 1110-1-18. Topics discussed include: GFP provided to the contractor, acquisition planning, acquisitions, property management plan, and contract surveillance.

3-3. Quality Management. Quality assurance (QA) and quality control (QC) requirements are discussed in EP 1110-1-18, EM 200-1-6, and EM 1110-1-4009.

3-4. Public Participation. Public participation is an integral component of the RCWM response process. The USACE is committed to providing public participation activities during RCWM response actions. The requirements for public participation during a RCWM response action are presented in ER 200-3-1 and additional information is in EP 1110-3-8.

3-5. Coordination with Regulators. USACE is required to coordinate with the appropriate regulatory agencies throughout the RCWM response process. The requirements for regulatory coordination during a RCWM response action, including identification of the lead regulator, are presented in ER 200-3-1.

3-6. Environmental Considerations.

a. The District, in consultation with their Office of Counsel (OC) and the OC supporting the MM CX, as required, is the lead USACE agency on environmental issues related to RCWM response actions and is responsible for coordinating with regulators on these issues. Environmental issues will be addressed in project work plans prior to the commencement of fieldwork.

b. RCWM response actions must be conducted consistent with CERCLA and the NCP. There are some unique Federal requirements that may apply to RCWM actions, as well as some state considerations. The District must ensure that it has evaluated the applicable requirements and addressed those that are specific to that particular site. The impact of these regulations will not be the same at each site due to differences in site geography and differences among state/local regulations, for example. Vigilance must be constantly exercised to ensure that applicable changes in Federal, state, or local regulations are addressed. Additional information on Federal statutes and regulations, state laws and regulations, and local regulations is presented in ER 200-3-1.

c. Table 3.1 presents a selection of DOD directives, instructions, and regulations relevant to the environmental aspects of RCWM response actions. This table is not all-inclusive but may be used, in consultation with the OC, to assist with the determination of applicable environmental requirements for a specific project.

Table 3.1
Directives, Instructions and Regulations for RCWM Response Actions

Directive/Regulation	Title	Contents/Regulations	Applicable (Y/N)
29 CFR 1910	Labor	Describes labor specific requirements for working on potentially contaminated sites that may involve employee exposure or the reasonable possibility for employee exposure to safety or health hazards.	
29 CFR 1926	Construction	Describes Safety and Health regulations for Construction activities	
DOD 6055.9-STD	Ammunition and Explosives Safety Standards	Primary DOD regulation that requires unexploded ordnance cleanup of DOD lands prior to transfer.	
DOD Directive 1000.3	Safety and Occupational Health Policy for the Department of Defense	Establishes the basis for all DOD safety, fire protection, and occupational health programs	
DOD Directive 4165.60	Solid Waste Management-Collection, Disposal, Resource Recovery and Recycling Program	Sets DOD policy and procedures for the DOD comprehensive program of solid waste collection, disposal, material recovery, and recycling IAW USEPA guidelines, NEPA, and RCRA.	
DOD Directive 4500.9	Transportation and Traffic Management	Describes general DOD transportation and traffic management policies.	
DOD Directive 4700.4	Natural Resource Management Program	Sets DOD policy for management and protection of natural resources.	

Table 3.1 (continued)
Directives, Instructions and Regulations for RCWM Response Actions

Directive/Regulation	Title	Contents/Regulations	Applicable (Y/N)
DOD Directive 4710.1	Archeological and Historical Resources Management Program	Establishes DOD policies and procedures for protection and management of archeological and historical resources.	
AR 50-6	Chemical Surety	Prescribes policies, procedures and responsibilities for the Army Chemical Surety Program. Chapter 10, Recovered Chemical Warfare Materiel and Chapter 4, Chemical Accident or Incident Response and Assistance/Event Reporting, apply to RCWM sites. The rest of the chapters discuss chemical surety requirements which do not apply to non-stockpile RCWM sites.	
AR 190-11	Physical Security of Arms, Ammunition, and Explosives	Prescribes standards and criteria for the physical security of sensitive conventional arms, ammunition, and explosives.	
AR 190-59	Chemical Agent Security Program	Specifies criteria and standards for the storage, handling, and movement of chemical surety materiel.	
AR 200-1	Environmental Protection and Enhancement	Prescribes Army policies, responsibilities, and procedures to protect and preserve the quality of the environment.	
AR 200-2	Environmental Effects of Army Actions	Contains Army procedures for implementing National Environmental Policy Act (NEPA).	

Table 3.1 (continued)
Directives, Instructions and Regulations for RCWM Response Actions

Directive/Regulation	Title	Contents/Regulations	Applicable (Y/N)
AR 200-3	National Resources – Land, Forest, and Wildlife Management	This regulation sets forth policy, procedures, and responsibilities for the conservation, management, and restoration of land and the associated natural resources, consistent with the military mission and in consonance with national policies.	
AR 200-4	Cultural Resources Management	This regulation prescribes Army policies, procedures, and responsibilities for meeting cultural resources compliance and management requirements.	
AR 385-10	Army Safety Program	This regulation provides DA policy, responsibilities, and procedures to protect and preserve personnel and property against accidental loss. It provides for public safety incident to Army operations and activities. This regulation assures statutory and regulatory compliance. This regulation also provides the risk assessment model for use on MEC sites.	
AR 385-61	The Army Chemical Agent Safety Program	Provides policy on the management of the chemical agent safety program. It provides procedures for requesting waivers and exemptions to these standards.	

Table 3.1 (continued)
Directives, Instructions and Regulations for RCWM Response Actions

Directive/Regulation	Title	Contents/Regulations	Applicable (Y/N)
AR 385-64	U.S. Army Explosives Safety Program	Provides protection guidance for sites involving MEC. It sets explosives safety standards to protect the public, the workforce and the environment. It is to be used with DA Pam 385-64.	
DA Pam 40-173	Occupational Health Guidelines for the Evaluation and Control of Occupational Exposure to Mustard Agents H, HD, and HT	Explains medical occupational policies and provides procedures pertinent to mustard agents H, HD, and HT. The medical policies and procedures are prescribed in AR 50-6.	
DA Pam 40-8	Occupational Health Guidelines for the Evaluation and Control of Occupational Exposure to Nerve Agents GA, GB, GD, and VX	Explains medical occupational policies and procedures pertinent to nerve agents GA, GB, GD, and VX. The medical policies and procedures have been aligned with AR 50-6.	
DA Pam 50-6	Chemical Accident or Incident Response and Assistance Operations	Explains the policies and procedures prescribed for Chemical Accident or Incident Response and Assistance (CAIRA) operations in AR 50-6. Chapter 6 discusses the medical support requirements on RCWM sites, Chapter 11 discusses environmental monitoring, and Chapter 17 discusses training requirements (e.g., table top exercises and pre-operational surveys).	

Table 3.1 (continued)
Directives, Instructions and Regulations for RCWM Response Actions

Directive/Regulation	Title	Contents/Regulations	Applicable (Y/N)
DA Pam 200-1	Environmental Protection and Enhancement	This pamphlet describes, in detail, DA procedures and methodology to be followed in preserving, protecting, and restoring environmental quality IAW AR 200-1.	
DA Pam 200-4	Cultural Resources Management	This pamphlet Provides guidance for implementation of the Army's policy as prescribed in AR 200-4 Cultural Resources Management.	
DA Pam 385-61	Toxic Chemical Agent Safety Standards	Establishes the Army safety program for all aspects of military toxic chemical agents. Provides guidance on management of the toxic chemical agent safety program, as well as specific toxic chemical agent safety technical requirements.	
DA Pam 385-64	Ammunition and Explosives Safety Standards	The purpose of pamphlet explains the Army's safety criteria and standards for operations involving ammunition and explosives prescribed by AR 385-64.	
ER 1110-1-263	Chemical Data Quality Management for Hazardous, Toxic, Radioactive Waste Remedial Activities	This regulation prescribes chemical data quality management responsibilities and procedures for HTRW remedial activities.	

Table 3.1 (continued)
Directives, Instructions and Regulations for RCWM Response Actions

Directive/Regulation	Title	Contents/Regulations	Applicable (Y/N)
ER 1110-1-8153	Ordnance and Explosives Response	Establishes roles and responsibilities for USACE elements in managing and executing munitions responses and authorizes and provides for the delegation of such roles and responsibilities.	
ER 200-3-1	Formerly Used Defense Sites (FUDS) Program Policy	Provides guidance on FUDS eligibility, restoration response, potentially responsible party, internal procedures, execution, public participation, coordination, and management.	
ER 385-1-92	Safety and Health Requirements for Hazardous, Toxic, and Radioactive Waste (HTRW) Activities	Identifies the safety and occupational health documents and procedures required to be developed and implemented by USACE elements and their contractors responsible for executing HTRW activities.	
ER 385-1-95	Safety and Health Requirements for Ordnance and Explosive Operations	Identifies safety and health requirements, responsibilities, and procedures for MEC operations.	
EP 200-1-2	Environmental Quality - Process and Procedures for RCRA Manifesting	Provides a guide to the procedures and responsibilities associated with manifesting hazardous waste IAW RCRA and DOT regulations.	

Table 3.1 (continued)
Directives, Instructions and Regulations for RCWM Response Actions

Directive/Regulation	Title	Contents/Regulations	Applicable (Y/N)
EP 385-1-95a	Basic Safety Concepts and Considerations for Munitions Response to Munitions And Explosives of Concern Operations	Establishes operating procedures for dealing with MEC.	
EP 385-1-95b	Explosives Safety Submission	Provides procedural guidance for preparing ESSs for conventional munitions response actions.	
EP 415-1-266	Construction - Resident Engineer Management Guide (REMG) for Hazardous, Toxic, and Radioactive Waste (HTRW) Projects	Provides information regarding remedial design activities, response actions involving HTRW, and response actions to MEC. It highlights the unique requirements of which resident engineers must be aware to complete environmental project successfully.	
EP 1110-1-18	Ordnance and Explosives Response	Provides procedures for the management and execution of munitions responses to MEC.	
EP 1110-3-8	Public Participation in the Defense Environmental Restoration Program (DERP) for Formerly Used Defense Sites (FUDS)	Provides information on public participation in the DERP for FUDS through discussion of procedures for establishing and maintaining community relations programs, Restoration Advisory Boards, and Administrative Records.	

Table 3.1 (continued)
Directives, Instructions and Regulations for RCWM Response Actions

Directive/Regulation	Title	Contents/Regulations	Applicable (Y/N)
EM 200-1-2	Technical Project Planning (TPP) Process	Provides procedures for the TPP process.	
EM 200-1-3	Requirements for the Preparation of Sampling and Analysis Plans	Provides guidance for the preparation of project-specific sampling and analysis plans for the collection of environmental data.	
EM 200-1-6	Chemical Quality Assurance for HTRW Projects	Provides specific guidance, procedures, criteria, and tools for chemical implementation of the USACE HTRW QA Program.	
EM 385-1-1	Safety and Health Requirements Manual	This manual prescribes the safety and health requirements for all Corps of Engineers activities and operations.	
EM 1110-1-1200	Conceptual Site Models for Ordnance and Explosives (OE) and Hazardous, Toxic, and Radioactive Waste (HTRW) Projects	Provides procedural guidance to develop conceptual site models at sites that may contain MEC, HTRW, or both.	
EM 1110-1-4009	Munitions Response to Munitions and Explosives of Concern	Provides procedures to be used to perform engineering and design activities for all phases of munitions response actions involving MEC.	

Table 3.1 (continued)
Directives, Instructions and Regulations for RCWM Response Actions

Directive/Regulation	Title	Contents/Regulations	Applicable (Y/N)
CESO-E Memorandum	SUBJECT: Applicability of Biological Warfare Materiel and Non-Stockpile Chemical Warfare Materiel Response Activity Interim Guidance	Directs the implementation of the DACS-SF Memorandum at all USACE activities.	
DA, Office of the Assistant Secretary Installations Logistics and Environment Memorandum *	SUBJECT: Interim Guidance for Biological Warfare Materiel and Non-Stockpile Chemical Warfare Materiel Response Activities, 5 Sep 97	The purpose of this Interim Guidance is to ensure the protection of workers, the public, and the environment during RCWM response activities and ensure that these activities are conducted IAW safety and environmental laws and requirements. It defines RCWM, risk assessments, characterization, recovery, packaging, and CSSs.	
DASA-ESOH Memorandum	Interim Guidance on Nerve and Mustard Agent Decontamination and Medical Services in Industrial Activities	Provides requirement sand procedures for safer, more effective chemical agent decontamination and medical treatment.	

Table 3.1 (continued)
Directives, Instructions and Regulations for RCWM Response Actions

Directive/Regulation	Title	Contents/Regulations	Applicable (Y/N)
DACS-SF Memorandum*	SUBJECT: Approval of Safety Submissions for Non-Stockpile Chemical Warfare Materiel Response Activities, 29 Feb 00	This document outlines procedures for the coordination, review and approval of CSSs and changes to CSSs.	
DACS-SF Memorandum	SUBJECT: Applicability of Biological Warfare Materiel and Non-Stockpile Chemical Warfare Materiel Response Activity Interim Guidance, 19 Mar 98	Assists local commanders, installation commanders, and district commanders in determining if the Interim Guidance is to be followed at projects where construction, or environmental response actions other than a RCWM investigation or removal action is conducted at a site with a history of RCWM.	
DACS-SF Memorandum	Notification of DDESB for Explosives and Chemical Agent Mishaps, 13 Jan 98	Describes notification requirements in the event of an explosive and/or chemical agent mishap.	
DACS-SF Memorandum	Amendments and Corrections to Safety Submissions for Non-Stockpile Chemical Warfare Materiel Response Activities, 20 Sep 00	Describes the procedures for issuing amendments and corrections to safety submissions for RCWM response actions.	

EP 1110-1-18 presents additional tables of other environmental laws that may be applicable to RCWM response actions, and additional environmental laws and regulations that may be applicable at specific sites containing RCWM hazards.

3-7. Geophysical Considerations. Detailed procedures for geophysical considerations for RCWM projects are provided in EM 1110-1-4009.

3-8. Location Surveying and Mapping. An overview of location surveying and mapping considerations for munitions response actions involving MEC is provided in EM 1110-1-4009. Detailed surveying, mapping, and Geographic Information System (GIS) requirements may be found on the MM CX website at <http://www.hnd.usace.army.mil/ow>.

3-9. GIS. The GIS assembles all the data required to associate the non-intrusive subsurface geophysics investigative data to the correct geographical location, the relational database, mapping, and remote sensing data. It provides a standard methodology to assist in the assembly of all past, current, and proposed MEC project information into a common reference for analysis, management, and storage in a digital format for the response action's administrative record.

3-10. Sampling and Analysis Considerations. Requirements for sampling and analysis are provided in ER 1110-1-263 and EM 200-1-3. Agent and agent breakdown product (ABP) analyses must be performed IAW the U.S Army Chemical Agent Standard Reference Material (CASARM) QA Plan and the laboratory's (ECBC's or approved contractor facility's) QA/QC plan.

3-11. Innovative Technologies in RCWM Response Actions.

a. Innovative technologies, like any other engineering tool, must be applied appropriately to a RCWM response action. The best available technology for each RCWM response action may vary due to differing, as well as highly unpredictable, site conditions.

b. The MM CX has been charged with reviewing, evaluating, and approving the implementation of the best available RCWM detection and removal technologies for RCWM response actions. The MM CX ensures that the implementation of innovative technologies is efficient and effective. The MM CX defines current technology and functional requirements, provides consulting services for response actions, identifies technology gaps, provides seed money to field improved technologies, and supports other technology programs. To assist with these functions, the MM CX maintains a MEC Innovative Technology Program.

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30 Nov 04

c. Additional information on the Innovative Technology Program and the Innovative Technology Advocate is provided in EP 1110-1-18.