



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CEMP-RS (200-1a)

05 NOV 1992

MEMORANDUM FOR: See Distribution

SUBJECT: EPA Superfund Program - Policy on Enforcement
Interagency Agreements (IAGs)

1. Reference, ER 1110-2-500 (dated 31 Aug 86).
2. The purpose of this memorandum is to clarify existing policy regarding the administration of enforcement IAGs.
3. In fiscal year (FY) 1992, USACE formulated a decentralization plan for hazardous/toxic/radiological waste (HTRW) design workload and established a component of the Missouri River Division as the Corps Mandatory Center of Expertise (MCX). These factors have a direct bearing on how the Corps will support customers in the HTRW arena. For the EPA Superfund Program, design decentralization is already in place for EPA regions 1, 7, 8 and 10.
4. Currently, there are two class/subclass categories for enforcement projects. These are B23 for design enforcement; and B2A for remedial action (construction) enforcement assignments. Prior to FY 1992, the B23 category was the only one which covered all enforcement IAGs. Because this did not allow us to segregate design activities from remedial action, in FY 92, we implemented the B23 and B2A categories for enforcement assignments.
5. Per ER 1110-2-500, IAGs for projects should be accepted and executed by the Corps district which will provide support to an EPA region.
 - a. For B23 IAGs, the Corps district providing lead support to an EPA region should be the HTRW design district under the geographic division. For example, a design enforcement IAG associated with a site located in the state of New Jersey (NJ) should be accepted by the Baltimore District (NAB), the HTRW design district under the North Atlantic Division, and recorded in the 3011 financial data base by the accepting district. Also, where any additional support is needed, such as bid-ability/

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constructibility/operability (BCO) reviews or familiarization of the project, the HTRW design district will issue funds to another appropriate Corps district possessing the expertise required. Pointing to the aforementioned example, what this means is CENAB would issue funding to the New York (CENAN) or Philadelphia district (CENAP).

b. For B2A IAGs, the Corps district providing lead support to an EPA region will be the local geographic district under the geographic division. For example, a construction enforcement IAG associated with a site located in the State of NJ would be accepted by CENAN or CENAP, and recorded in the 3011 financial data base by the accepting district. Also, where any additional support is needed, such as HTRW design support, the local geographic district will issue funds to the HTRW design district under the geographic division. For this example, that HTRW design district is CENAB.

6. Due to circumstances caused by responsible parties under the EPA Superfund Program, a B23 assignment accepted by the Corps from an EPA region may be changed to a Federal Lead design assignment (category classes B31 or B34). Should this occur, the HTRW design district would remain the same for B31 and B34 assignments under EPA regions 1, 7, 8, and 10, since design decentralization is already in-place for these regions. For other EPA regions, however, an EPA region could utilize one of two Corps HTRW design districts:

a. The HTRW design district under the geographic division which is already familiar with the B23 assignment, or

b. The HTRW design district at Omaha (CEMRO) or Kansas City (CEMRK) which has traditionally supported EPA for B31 and B34 assignments.

Determination of which Corps HTRW design district will execute either the B31 or B34 assignment will be made by HQUSACE (CEMP-RS). This determination will be made in consultation with the affected EPA region, i.e., regions 2, 3, 4, 5, 6, and 9, and in coordination with affected Corps divisions.

7. Note that this policy generally applies to similar assignments involving design or remedial action performed by others, e.g.,

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supporting an EPA design conducted by one of their contractors.
For further information, please contact Paul Lancer, CEMP-RS,
202-272-8884.

FOR THE DIRECTOR OF MILITARY PROGRAMS:



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