



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
441 G STREET, NW  
WASHINGTON, DC 20314-1000

CECW-CO

SEP 19 2011

MEMORANDUM FOR CHIEFS, OPERATIONS DIVISIONS, MAJOR SUBORDINATE  
COMMANDS AND DISTRICT COMMANDS

SUBJECT: Legacy Contamination Evaluations on USACE Property

1. Reference ER 200-2-3, Environmental Compliance Policies, 29 Oct. 2010.
2. Subject memo provides a questionnaire and process flow charts supporting implementation of the Legacy Contamination requirements of ER 200-2-3, Section 13-2, *Procedures for Addressing Legacy Contamination on USACE Property*. The Legacy Contamination requirements in ER 200-2-3 comprise the USACE response to Army Audit Agency Recommendations A-1 and A-2 in Audit Report A-2007-0245-FFE (28 September 2007), *Civil Works Environmental Liabilities*.
3. The bottom-line requirement is for each USACE facility (including outgrants) to complete the questionnaire (Enclosure 1) during the first external environmental compliance (ERGO) assessment they undergo after the date of this memo. This is a one-time requirement for each USACE-owned facility. The questionnaire documents that a Legacy Contamination evaluation was conducted, as well as the USACE conclusion. Hard-copy information resulting from the Legacy Contamination evaluation is to be compiled and retained by the District Environmental Compliance Coordinator, and ultimately recorded in EC OMBIL as soon as OMBIL supports the required data entry. Our goal is to establish this capability in EC OMBIL by the end of FY12.
4. The latest version of the Legacy Contamination Questionnaire is available electronically at <http://corpslakes.usace.army.mil/employees/envcomp/topics.html>. The questionnaire has been updated over the past several months, so any Legacy Contamination evaluations conducted with earlier versions must be transcribed into the latest format. The flow charts at Enclosure 2 outline the business process to be used when executing the Legacy Contamination evaluation process.
5. My point of contact for questions related to this matter is John Coho, (202) 761-4722 or [John.W.Coho@usace.army.mil](mailto:John.W.Coho@usace.army.mil).

2 Encls

  
MICHAEL G. ENSCH  
Chief, Operations  
Directorate of Civil Works

Legacy Contamination Questionnaire (Version: 08 August 2011)

The primary purpose of this questionnaire is to assess legacy contamination concerns at USACE-owned property in response to AAA Report # A-2007-0245-FFE, 28 Sep 2007. **This questionnaire does not apply to sites which are already being actively managed (already reported or under investigation/cleanup) or to sites that have already been identified as USACE environmental liabilities.**

PART I: LEGACY CONTAMINATION ASSESSMENT

Date of Assessment:

Project:

Area Assessed (complete separate questionnaires for each area evaluated):

Assessor(s) name and contact information:

Responsible District and District POC for site being assessed, and contact information:

Individuals interviewed. Provide names, titles or job responsibilities, and contact information (address, phone number, email address):

1. Is there a reasonable suspicion of the presence of CERCLA hazardous substances (listed in 40 CFR 302.4) or pollutants or contaminants requiring a response under CERCLA, or of petroleum in amounts that could be a danger to humans or the environment?

- Yes
- No (If no, Skip 2-9 and complete # 7)

Basis for conclusion: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Examples: (1) No - This is a non-industrial recreation area so likelihood of significant contamination is remote, neither personnel interviews nor available records indicate any reason to suspect contamination. (2) No – The disposal area had an operating permit and based on employee interviews and available records, no release of contamination is known. (3) No- This is an industrial area, but based on employee interviews and available records, no release is suspected. Employee interviews and records indicate wastes are routinely disposed of offsite. (4) No – There was a HS release, but it was reported to the NRC, cleaned up, and no further action is needed. (5) Yes – Records indicate that solvents may have been disposed of prior to environmental regulation, but has not been investigated. (6) Yes – Based on credible employee interview statement, contamination is suspected because....

Note: Spills which were immediately cleaned up and areas where hazardous materials were merely used, not disposed, do not constitute a reasonable basis for suspecting contamination. Known historic release of hazardous substance or disposal of hazardous substance, based on written records, historic photographs, or personnel interview statements constitute a reasonable basis for concern.

2. Is area of suspected contamination owned by USACE?

- Yes
- No

3. Type of contaminant suspected (check all that apply)

- CERCLA hazardous substance
- RCRA hazardous waste
- TSCA regulated PCB
- Petroleum
- Other \_\_\_\_\_
- Unknown

4. If contamination is suspected at only a portion of the USACE-owned property, describe the specific portion of concern (This will limit area requiring PA/SI if reported to Federal Facilities Docket):

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5. Have regulators been involved in any way (e.g., notification)?

- No (Provide detail below)
- Yes. (Provide any available references (agency involved, POC at that agency, report information, if relevant, memo reference, etc.)

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6. Is it suspected that parties other than USACE contributed to the contamination?

- Yes. List party \_\_\_\_\_.
- No
- Unknown

7. Comment Block (Record any other pertinent information not captured above): \_\_\_\_\_

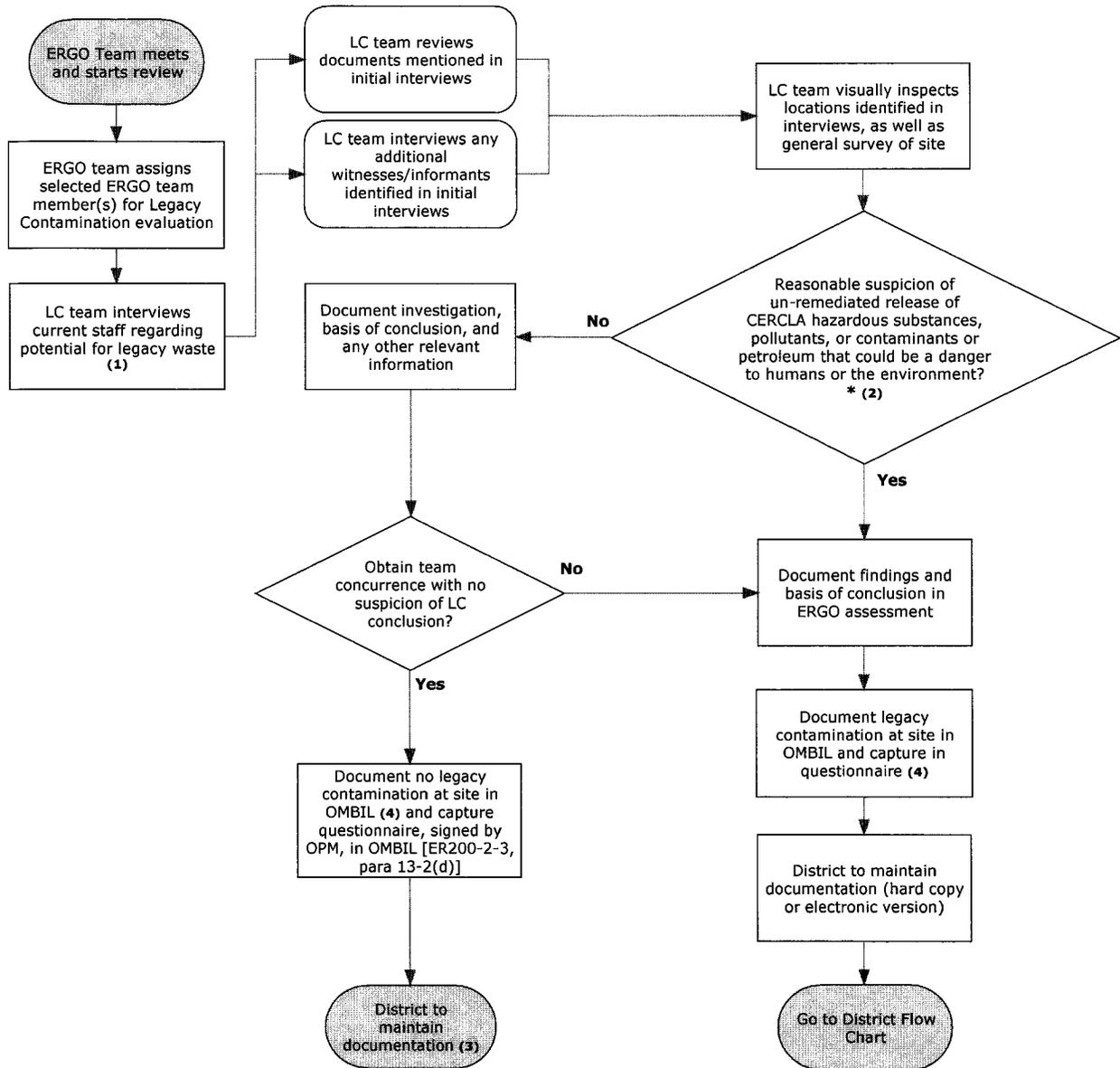
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8. Obtain Operations Project Manager (OPM) acknowledgment of ERGO assessment finding.

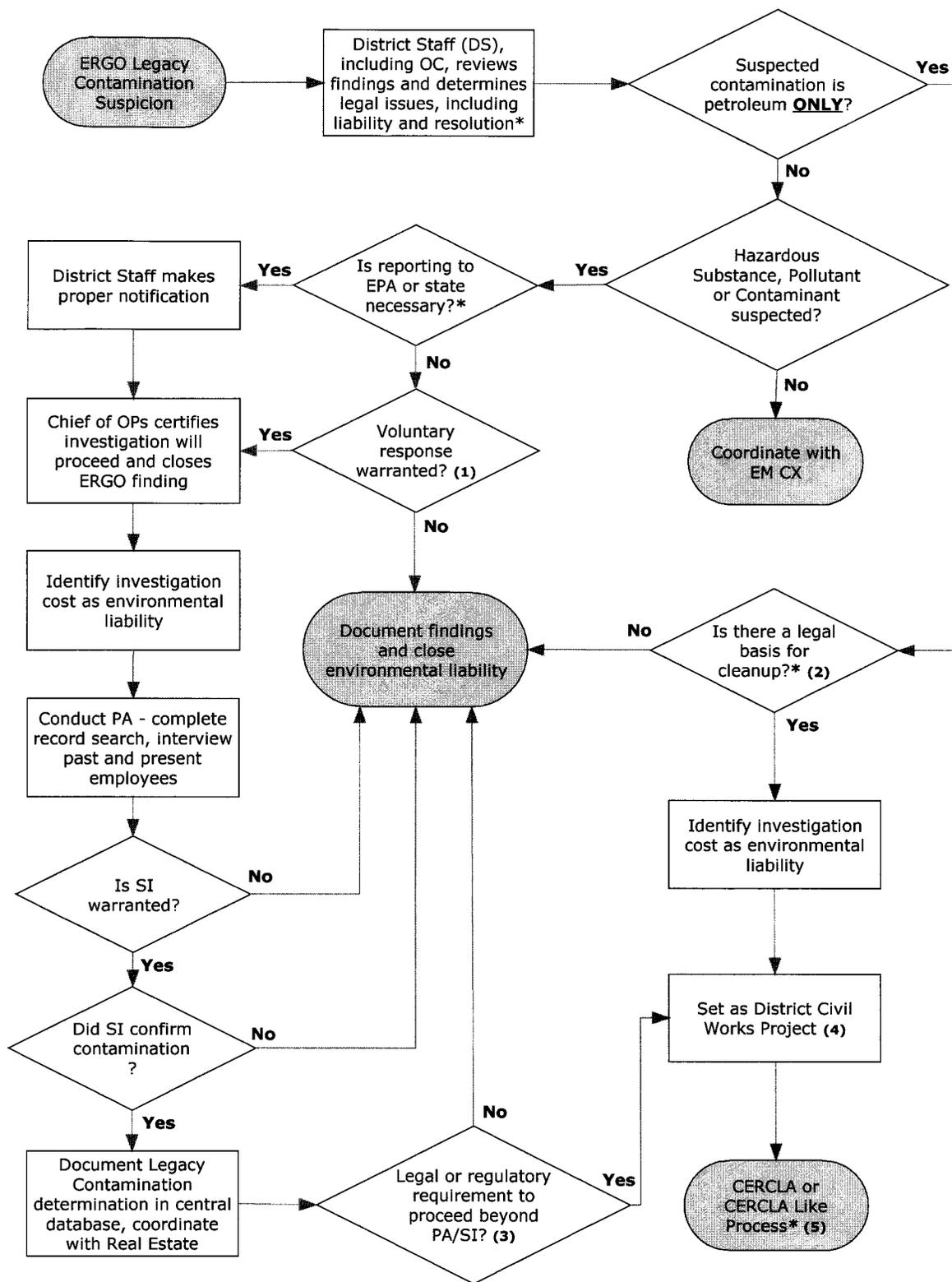
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## ERGO Legacy Contamination (LC) Flow Chart



\* indicates that the EM CX is available to assist.

- (1) LC team interviews current staff regarding potential for legacy contamination, for example: Local ECC, District ECC, HTRW staff, Tech Chief, OPM, Natural Resource Mgr, Lead Ranger, Maintenance staff, others as appropriate.\*
- (2) Based on all evidence gathered, is there a reasonable suspicion of the presence of CERCLA hazardous substances or pollutants or contaminants requiring a response under CERCLA, or of petroleum in amounts that could be a danger to humans or the environment? \*
- (3) District to maintain documentation (hard copy or electronic version)
- (4) Until OMBIL is capable of capturing data, District ECC maintains data for future entry into OMBIL.



\* indicates the EM CX is available to assist.

- (1) While reporting to the appropriate regulator may not be necessary, a voluntary response may be made if the team feels it is warranted and the OPM concurs.
- (2) Is there a legal basis for cleanup? (Rule, legal liability, danger to human health or environment)\*
- (3) Is there a legal or regulatory requirement to proceed beyond PA/SI phase? (coordinate with EM CX\*)
- (4) Set as District Civil Works Project to complete for funding, scheduling, etc.
- (5) CERCLA for HS, pollutant/contaminant. CERCLA-Like for petroleum only – investigate, study alternatives, propose action, document decision, remediate.