



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

CECW-P

FEB 16 2018

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Implementation Guidance for Section 1154 of the Water Resources Development Act of 2016 (WRDA 2016), Clarification of Munition Disposal Authorities

1. Section 1154 of WRDA 2016 was completed and signed on 8 February 2018. The implementation guidance is posted in the U.S. Army Corps of Engineers website: <http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/>.
2. Questions regarding this implementation guidance should be directed to Lia Gaizick, Environmental Division, Military Programs, at (202) 761-0310 or Lia.M.Gaizick@usace.army.mil.

A handwritten signature in blue ink, appearing to read "J. Dalton".

JAMES C. DALTON, P.E.
Director of Civil Works

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**DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON, DC 20310-0108**

FEB - 8 2013

**MEMORANDUM FOR COMMANDING GENERAL U.S. ARMY CORPS OF
ENGINEERS**

SUBJECT: Implementation Guidance for Section 1027 of the Water Resources Reform and Development Act of 2014, as amended by Section 1154 of Water Resources Development Act of 2016 – Clarification of Munition Disposal Authorities

1. Section 1027 of WRRDA 2014, as amended by Section 1154 of WRDA 2016 (see 33 USC 426e-2), provides discretionary authority for the Secretary of the Army to implement, at full Federal expense, any response action that the Secretary deems necessary at a site where the Secretary has carried out a project under civil works authority that includes placing sand on a beach, and, as a result of the project, military munitions that were originally released as a result of Department of Defense (DoD) activities are deposited on the beach, posing a threat to human health or the environment. Further, Section 1027 specifies that any response action carried out under this authority shall be reimbursed from amounts made available to the agency within the DoD identified as responsible for the original release of the munitions. A copy of Section 1027 is enclosed.

2. Any U.S. Army Corps of Engineers (Corps) districts carrying out civil works projects that include placing sand on a beach shall follow safety protocols to prevent dredging of munitions and explosives of concern (MEC). All potential borrow sites shall be investigated for the potential to encounter MEC prior to selection. Due diligence in performing such investigations shall include searching available databases for historic and cultural resources, HTRW sites, and evidence of MEC. The Corps Environmental and Munition Center of Expertise (CEHNC-EM) shall be consulted as part of that investigation to assist in identifying potential borrow sites that may be locations that are known or suspected to contain MEC. Use of borrow sites which are identified as known or suspected to contain MEC must be avoided unless the Chief of Operations, HQUSACE approves use of the borrow site after considering the potential risks and the viability of other borrow sites. The Corps Safety Office (CESO) shall be consulted and approve the safety procedures for any project where munitions may be encountered, including the screening of dredged materials to prevent the deposition of MEC on a beach. With regard to such projects, at a minimum, the CEHNC-EM should be included in project planning to: review the MEC probability assessment for the site; assist in identifying appropriate MEC preventive measures and their implementation plan prior to project start; review dredging contractors' standard operating procedures (SOPs) with

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regard to MEC; and the procedures to be followed if MEC is encountered or inadvertently placed in an area requiring a response.

3. In the event MEC are discovered in carrying out a civil works project that includes placing sand on a beach, the District will take appropriate action immediately to ensure safety and will notify their respective Major Subordinate Command (MSC) and Regional Integration Team (RIT) of the MEC discovered and action taken. The RIT will coordinate with CEMP-CE, Environmental Division and CECC-E, Office of Counsel. CEMP-CE shall contact the Office of the Assistant Secretary of the Army for Civil Works (ASA(CW)), and, will coordinate with other offices as appropriate, e.g. the Deputy Assistant Secretary of the Army for Environment for Safety and Occupational Health. CECC-E will coordinate with Army and OSD OGC (fiscal and environmental offices) to identify an appropriate funding source for the disposal of the MEC. If the Civil Works program is approved to perform a response action to remove and dispose of the munitions associated with the Civil Works project to address any public health and safety risks, the work will be overseen by the appropriate Munitions Design Center within the Corps, to include the CEHNC-EM. The Corps district shall track all funds expended on a response action in order to appropriately claim reimbursement if an agency within DoD is able to be identified as responsible for the original release. If a Service Component is determined to be the source of the required funding and chooses to perform a response action, the Corps elements involved in the project shall cooperate with that Service Component in their response action.

4. Since Section 1027 contemplates a case-by-case determination, any findings and determinations, including an appropriate funding source, will be made through the coordination process described in paragraph 3, above.

5. Questions regarding this implementation guidance may be directed to Gib Owen, Office of the Assistant Secretary of the Army for Civil Works at gib.a.owen.civ@mail.mil or 703-695-4641.



RYAN A. FISHER
Principal Deputy Assistant Secretary of the Army
Civil Works

Encl

SEC. 1027. CLARIFICATION OF MUNITION DISPOSAL AUTHORITIES, as Amended

- (a) IN GENERAL. The Secretary may, at full Federal expense, implement any response action the Secretary determines to be necessary at a site where
- (1) the Secretary has carried out a project under civil works authority of the Secretary that includes placing sand on a beach; and
 - (2) as a result of the project described in paragraph (1), military munitions that were originally released as a result of Department of Defense activities are deposited on the beach, posing a threat to human health or the environment.
- (b) RESPONSE ACTION FUNDING A response action described in subsection (a) shall be reimbursed from amounts made available to the agency within the Department of Defense responsible for the original release of the munitions.