

CHAPTER 1 - INTRODUCTION

1-1. Purpose. This regulation establishes the policy for the management of environmental compliance-related operations and maintenance (O&M) activities at U.S. Army Corps of Engineers (USACE) civil works and military projects and facilities. The environmental compliance mission is to assure that all USACE facilities and associated lands (including outgrants) meet environmental standards contained in relevant Federal, state and local laws and regulations. The environmental compliance mission is also related to environmental stewardship. Therefore this regulation should be read in tandem with ER 1130-2-540, Environmental Stewardship Operations and Maintenance Policies. Environmental compliance categories include, but are not limited to:

- a. Air emissions management.
- b. Cultural resources management.
- c. Hazardous materials management.
- d. Hazardous waste management.
- e. Natural resources management.
- f. Pesticides management.
- g. Petroleum, oil, and lubricant management.
- h. Solid waste management.
- I. Storage tank management.
- j. Toxic substances management.
- k. Wastewater management.
- l. Water quality management.

1-2. Applicability. This regulation applies to all USACE commands having responsibility for civil works functions and to military-funded projects and facilities.

1-3. References. See Appendix A.

1-4. Glossary.

a. Cleanup Operation. A non-emergency operation where hazardous substances or oil are removed, contained, incinerated, neutralized, stabilized, cleared up, or in any other manner processed or handled with the ultimate goal of making the site safer for people or the environment. A clean up operation may be a post-emergency spill response or may be a clean up action without being preceded by an emergency phase.

b. Discharge. Including, but not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping. "Discharge" will not include any discharge authorized by a legal permit.

c. Emergency Spill Response. The response to a spill of oil or a hazardous substance that poses an immediate or potentially immediate threat to persons, property or the environment. The purpose of the response is to prevent the spill from entering or continuing to enter the environment. Once under control where the oil or substance is no longer an immediate threat to persons, property or the environment, the spill response becomes a non-emergency spill clean up.

d. Extremely Hazardous Substance. A substance listed as an "extremely hazardous substance" in Appendices A and B of 40 CFR Part 355.

e. First Responder. An emergency spill responder as defined in 29 CFR 1910.120(q) who works at either of the lowest two levels of response: First Responder, Awareness Level or First Responder, Operational Level.

f. Hazardous Material. Any material designated as a "hazardous material" pursuant to 49 CFR 172.

g. Hazardous Materials Technician or Specialist. An emergency spill responder as defined in 29 CFR 1910.120(q) who has at least 24 hours of specialized training and works at the third or fourth highest levels (of five levels): Hazardous Materials Technician (third highest level) or Hazardous Materials Specialist (second highest level.) For further definition, see EP 200-2-3.

h. Hazardous Materials Response Team (or HazMat Team). An organized group of responders who handle or control spills of oil or hazardous substances requiring possible close approach to the substance. The purpose of their response is to control and stabilize the incident. Note: First Responders are not part of the HazMat team.

i. Hazardous Substance. Any substance designated as a "hazardous substance" pursuant to 40 CFR Part 302. For the purposes of this guidance, references to "hazardous substance" include any hazardous chemical and extremely hazardous substance.

j. Hazardous Waste. Any waste designated as a "hazardous waste" pursuant to 40 CFR 260-261. All hazardous wastes are hazardous materials.

k. Hazardous Waste Site Worker. A non-emergency worker at a hazardous waste clean up site as defined in 29 CFR 1910.120(e) who usually has at least 40 hours of specialized training to work at hazardous waste clean-up sites.

l. Incident Command System (ICS). A formal system a HazMat team uses to manage the site of an emergency spill response. The system typically includes a designated incident commander, safety officer, and a logistics officer. (Note: For small scale emergency spill responses, these duties may all be performed by the same one or two individual(s).)

m. Lifecycle Basis. The analysis of the benefits or value added of a pollution prevention initiative using the total cost over the life of the initiative: first costs and average costs.

n. Oil. Oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with waste other than dredged disposal material.

o. On Scene Commander (OSC). The federal official predesignated by the Environmental Protection Agency (EPA) or the U.S. Coast Guard (USCG) to coordinate and direct federal responses under subpart D or the official designated by the lead agency to coordinate and direct removal actions under subpart E of the National Contingency Plan (as per 40 CFR 300.5).

p. Release. Any spilling, leaking, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment of any hazardous chemical, extremely hazardous substance, or CERCLA hazardous substances.

q. Reportable Quantity. The quantity of a spilled hazardous substance specified in 40 CFR 302 at which the owner or operator of the facility spilling that substance becomes subject to certain notification requirements.

r. Spill. The accidental or the deliberate but unpermitted discharge or release of reportable quantities of oil or a hazardous substance.

s. Spill Contingency Plan. A plan required for some non-transportation-related facilities that outlines specific operational and administrative procedures that can be used by facility personnel to respond to an accidental spill of oil or a hazardous substance. Spill contingency plans must comply with standards established in 40 CFR 112.7.

t. Spill Plan. Usually a Spill Prevention, Control, and Countermeasure Plan, often containing a Spill Contingency Plan. Some spill plans will also meet requirements for the facility's Emergency Response Plan (set forth in 29 CFR 1910.120) and/or for its Emergency Action Plan (set forth in 29 CFR 1910.38).

u. Spill Prevention, Control and Countermeasure Plan. A plan required at some non-transportation-related facilities pursuant to 40 CFR 112 that should describe what actions the facility will take to prevent a discharge or release of oil or a hazardous substance from reaching navigable waters. For more detail, see EP 200-2-3.

v. Spill Prevention and Response Plan. A plan that combines several required planning documents into a single organized document, including (1) the Spill Prevention, Control and Countermeasure Plan, (2) the Spill Contingency Plan, (3) the Emergency Response Plan, and (4) the Emergency Action Plan.

w. Spill Response. A response to a spill of oil or a hazardous substance. A "spill response" could include an Emergency Spill Response and/or a Cleanup Operation.

x. Spill Response Team. A team of trained, equipped spill responders that may be formed from USACE personnel, contractor personnel, MOA partner personnel, or any combination of these groups, to provide emergency spill response for a facility. Spill response teams may include First Responders.

y. USACE Operated Facility. Those facilities operated using USACE personnel, and those facilities operated by USACE contractors where the USACE has active, directive control

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and management of the facility. USACE operated facilities include structures such as buildings, dams, powerplants, locks, and pipelines, as well as public lands and waters. Conversely, non-USACE operated facilities are facilities operated by a non-USACE entity under an appropriate outgrant, such as leased areas where USACE personnel and/or USACE contractors do not have active direct control and management of the facility.

z. Vessel Response Plan. A shipboard oil spill emergency plan that outlines specific operational and administrative procedures that can be used by the vessel's crew to minimize the release and effects of an accidental oil spill. Vessel Response Plans must comply with the requirements of the international pollution prevention agreement, MARPOL 73/78 and 33 CFR Part 155, including the OPA-90 amendments.