DEPARTMENT OF THE ARMY
ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT
600 ARMY PENTAGON
WASHINGTON, DC 20310-0600

REPLY TO
ATTENTION OF

DAIM-ED-R

APR 2 5 2002

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Interim Notification Guidance on Documenting and Reviewing Land Use Controls (LUCs) developed under the Army Environmental Restoration Program

1. Reference memorandum, SFIM-AEC-ERP, 17 Aug 01, subject: Interim Army Management Plan for Land Use Controls Associated with Environmental Restoration Activities.

2. This memorandum is to clarify appropriate steps for documenting and reviewing LUCs in environmental restoration decision documents (DDs) or Records of Decision (RODs) at Army active and transferring installations, and at Formerly Used Defense Sites (FUDS). This topic has been a source of recent disagreements between the Department of Defense (DOD) and the U.S. Environmental Protections Agency (EPA) that have stalled the restoration process at a number of DOD installations. Accordingly, this guidance provides a process to be used until further guidance is developed to avoid such potential delays.

3. The major Army commands (MACOM), U.S. Army Corps of Engineers (USACE) divisions, installations, and USACE districts shall immediately notify the Office of the Director of Environmental Programs (ODEP) if a regulatory agency refuses to sign a DD/ROD because of land use control issues. In support of timely execution of environmental cleanup and protection of human health and the environment, the affected installations and USACE districts shall submit their DDs/RODs subject to such disagreement through their chain of command to ODEP for further guidance.

4. Active and transferring installations shall notify the U.S. Army Environmental Center (USAEC) of any DD/ROD that the installation anticipates to be controversial to the EPA, state regulatory agency, or the public in general regarding land use controls. Such notification should occur as soon as the issue has been identified but no later than during review of the draft DD/ROD by the USAEC. The point of contact at the USAEC is Mr. Derek Romitti, (410) 436-1506, fax (410) 436-1548, electronic mail Derek.romitti@aec.apgea.army.mil.

Printed on Recycled Paper

5. At FUDS properties, the USACE districts through their USACE division shall notify Headquarters, USACE of any DD or ROD that the district anticipates to be controversial to the EPA, state regulatory agency, or the public in general regarding land use controls. Such notification should occur as soon as the issue has been identified but no later than during review of the draft DD/ROD by the USACE. The point of contact at the USACE is Mr. Julian Chu, (202 761-4695, fax (202) 761-1960, electronic mail julian.t.chu@hq02.usace.army.mil.

6. The Army shall continue to follow the process for documenting LUCs outlined in the referenced Army Interim Land Use Control Management Plan. More specifically, the Army shall include the following information about LUC(s) in the decision document:

- the type of land use control;
- the reasonably anticipated future land use;
- the location and source of the contamination that the control addresses;
- the role of the LUC in achieving the remedial action objective;
- the means for terminating and/or modifying the control.

7. The Army shall not include details pertaining to LUC enforcement, monitoring, or reporting in the decision document. Such details should be documented instead in a secondary implementation plan. On a case-specific basis, the Army may enter voluntary agreements with regulatory agencies that identify LUC implementation activities and responsibilities. Such agreements will not be appended to – or otherwise associated with – formal remedial decision documents.

8. My points of contact in the ODEP for this action are: Susan Abston, (703) 693-0679, fax (703) 697-0338, e-mail susan.abston@hqda.army.mil; or Angela Atkins, (703) 693-0642, e-mail angela.atkins@hqda.army.mil.

VR,

R. L. VAN ANTWERP
Major General, GS
Assistant Chief of Staff
for Installation Management

DAIM-ED-R
SUBJECT: Interim Notification Guidance on Documenting and Reviewing Land Use Controls (LUCs) developed under the Army Environmental Restoration Program

DISTRIBUTION:
ENVIRONMENTAL OFFICE
(ATBO-GE/MR. HOLSINGER/MR. BLUMEWEAVER), (ATBO-R/ MR. LEDERLE/MS. MILLS), US ARMY TRAINING AND DOCTRINE COMMAND, 3A BENARD ROAD, BLDG 105A, FT MONROE, VA 23651-5000
(AMCIS-A/MR. GANTA/MR. SIMMONS/MS. ANDEREGG), (AMSCO/MR. POWELL) US ARMY MATERIEL COMMAND, 5001 EISENHOWER AVE, ALEXANDRIA, VA 22333-0001
(AFPI-ENE/MR. GRICIUS), (AFPI-BC/MR. BONILLA), US ARMY FORCES COMMAND, 1777 HARDEE AVE, SW, BUILDING 200, FT MCPHERSON, GA 30330-1062
(APEN-V/MR. KUBECKA), US ARMY, PACIFIC, BUILDING T-104, FORT SHAFTER, HI 96858-5100
(CEMP-RI/MR. GREGG/MR. BALLIF/MR. ROSS), (CELD-ZE/MR. ROBINSON), (CEMP-RF/MR. LUBBERT/MR. CHU), US ARMY CORPS OF ENGINEERS, 441 G STREET, NW, WASHINGTON, DC 20314-1000
(MCFA-E/MR. CARDENAS/MR. GONZALEZ), US ARMY MEDICAL COMMAND, 2050 WORTH RD, FORT SAM HOUSTON, TX 78234-6000
(ANSP-IS-EV/MR. KEYS), US ARMY MILITARY DISTRICT OF WASHINGTON, 103 THIRD AVE, BUILDING 42, FT LESLEY J. MCNAIR, 20319-5058
(ANEN-RO/MR. FRENCH), US ARMY MILITARY DISTRICT OF WASHINGTON, BASE TRANSITION OFFICE, PO BOX 485, CASCADE, MD 21719-0485
(MTPAL-FE/MR. DOUTHIT), (MTRM-M/MS. GRAVES), MILITARY TRAFFIC MANAGEMENT COMMAND, HOFFMAN BLDG II, 200 STOVALL STREET, ALEXANDRIA, VA 22332-5000
(AFRC-ENV-RC/MR. GRICIUS/MS. WATSON), US ARMY RESERVE COMMAND, 1401 DESHLER STREET, SW, FT MCPHERSON, GA 30330-2000
(CSTE-ILE-ENV/MR. VOGT), US ARMY TEST AND EVALUATION COMMAND, PARK CENTER IV, 4501 FORD AVENUE, ALEXANDRIA, VA 22302-1458
(NGB-ARE/MS. FATZ), NATIONAL GUARD BUREAU, ARMY NATIONAL GUARD READINESS CENTER, 111 SOUTH GEORGE MASON DRIVE, ARLINGTON, VA 22204-1382
(NGB-ARE-I/MR. HILYARD), NATIONAL GUARD BUREAU, BLDG E4430, 1ST FLOOR, ABERDEEN PROVING GROUND, MD 21010-5420
(SMDC-EN/MR. DAVIS), US ARMY SPACE AND MISSILE DEFENSE COMMAND, PO BOX 1500, HUNTSVILLE, AL 35807-3801
(MAEN-EV/MR. ROOD/MR. SHANDLING/MR. BOSKO), US MILITARY ACADEMY, OFFICIAL MAIL AND DISTRIBUTION CENTER, 646 SWIFT ROAD, WEST POINT, NY 10996-1905
(CON)

DAIM-ED-R
SUBJECT: Interim Notification Guidance on Documenting and Reviewing Land Use Controls (LUCs) developed under the Army Environmental Restoration Program

DISTRIBUTION: (CON)
CF:
HQDA
(SAIE-ESOH/MR. NEWSOME), 110 ARMY PENTAGON, WASH DC 20310-0110
(DAIM-BO/MS. FLYNT/MS. KIM) ACSIM, 600 ARMY PENTAGON, WASH DC 20310-0600
U.S. ARMY ENVIRONMENTAL LAW DIVISION, ATTN: DAJA-EL (MR. NIXON/MS. BARFIELD), 601 N. STUART ST., ARLINGTON, VA 22203-1837
U.S. ARMY ENVIRONMENTAL CENTER, ATTN: SFIM-AEC-ER (MR. CERAR/MR. ROMITTI), 5179 HOADLEY ROAD, ABERDEEN PROVING GROUND, MD 21010-5401
CREO, USAEC, ATTN: SFIM-AEC-CR, 601 E. 12TH ST., 647 FEDERAL BUILDING, KANSAS CITY, MO 64106-2896
NREO, USAEC, ATTN: SFIM-AEC-NR, 5179 HOADLEY ROAD, ABERDEEN PROVING GROUND, MD 21010-5401
SREO, U.S. ARMY TECHNICAL INSTITUTE, 101 MARRIETTA ST., SUITE 3120, ATLANTA, GA 30303-2711
WREO, USAEC, ATTN: SFIM-AEC-WR, C/O ROCKY MOUNTAIN ARSENAL, BUILDING 111, COMMERCE CITY, CO 80022-2108