

## UNDERSTANDING FUDS OE PAE/SI

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### Regulations and Policy

Much confusion and misunderstanding exists among regulators, community leaders, and other stakeholders about the policies and methods that the Corps of Engineers (USACE) uses to conduct the Preliminary Assessment of Eligibility (PAE) and Site Inspection (SI) phases of ordnance and explosives (OE) and Chemical Warfare Materiel (CWM) response actions for Formerly Used Defense Sites (FUDS). This paper should create a better understanding of USACE procedures.

The DERP-FUDS OE Program has three major stages: inventory, study, and removal. The inventory stage is culminated in the PAE, which consists of property identification, real estate search to verify previous Department of Defense (DoD) ownership or usage, and the determination of property and project eligibility. An Inventory Project Report (INPR) is prepared to report the findings of the PAE and the environmental contamination, if any, for project determination. The PAE is not intended to be equivalent to the CERCLA Preliminary Assessment (PA). The INPR includes a Risk Assessment Code (RAC) Worksheet for all OE/CWM project sites. The RAC information is used to assess the risk involved based on the confirmed and potential OE/CWM hazards identified at the site. The RAC is used solely for the prioritization of OE/CWM projects. In the past no party outside of USACE has had any input to the INPR. This has caused some conflict on the USACE determinations of No Further Action (NOFA) or, of late, No DoD Action Indicated (NDAI). The concerns of past determinations of NOFA/NDAI are being looked into between HQUSACE and USEPA. Future determinations of NDAI will be coordinated with regulators and stakeholders.

The approved INPR initiates the study stage, which includes the SI phase that is an on-site survey to augment the data collected in the PAE, generate additional historical field data, determine the nature of OE/CWM contamination on-site, and evaluate relative risk. The results of the SI are documented in an Archives Search Report (ASR). Regulators and other stakeholders are concerned about not being involved in the determination of areas of concern at a site and the courses of action selected. The SI does not determine the extent of OE/CWM contamination; therefore no intrusive sampling is performed. Some regulators do not understand why USACE does not conduct intrusive sampling for OE/CWM during the SI phase like that being done for other hazards. The study stage also includes the engineering evaluation and cost analysis (EE/CA) phase, which is similar to the remedial investigation and feasibility study (RI/FS) for a remedial project. Intrusive sampling may be conducted during the EE/CA phase. The removal stage consists of removal design, removal action, and long-term monitoring. Any time during the PAE and SI phase of OE response actions a situation may be recognized that meets the criteria for a Time-Critical Removal Action (TCRA).

