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QUALIFICATION OF AN ENGINEER FROM THE CORPS OF ENGINEERS AS
INDEPENDENT WITH RESPECT TO AN ARMY FACILITY

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

DEC 15 1987

MEMORANDUM

SUBJECT: Hazardous Waste Tank Regulatory Clarification

FROM: Marcia Williams, Director
Office of Solid Waste

TO: Robert L. Duprey, Director
Hazardous Waste Management Division

This is in response to your November 20, 1987 memorandum requesting a clarification concerning a hazardous waste tank regulatory issue submitted to you by the Utah Bureau of Solid and Hazardous Waste. The Bureau requested a determination concerning whether an engineer in the Army Corps of Engineers would meet the criteria for an independent, qualified, professional engineer for assessments, installation, and/or test for the Department of Army facilities (specifically Toole Army Depot).

The Corps of Engineers is "independent" in that the Corps is generally considered a separate entity from an Army facility like Tooele. As such, the Corps could provide the needed certifications. EPA believes that this reading is consistent with previous discussions of "independent" as described in the preamble to the July 1986 rule and the tank rule question and answer document (EPA/530-SW-87-012). The Corps' relationship to the owner/operator (e.g., Tooele) is similar to the relationship between a private company and a consultant. Thus, Tooele and the Corps maintain sufficient independence.

The Corps would continue to be considered "independent" even when it certifies its own design drawings, construction projects, etc. That is, if Tooele retained the Corps to design

or install a tank storage system, then the corps could also be retained to certify proper design or construction.

I hope I have adequately addressed your questions. If you should have further questions, please call Chester Oszman at (202) 382-4499 or Bill Kline at (202) 382-7917.

cc: Chester Oszman
Bill Kline
Carrie Wehling
Regional Tank Contacts