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## EXPLANATION OF SIGNIFICANT DIFFERENCES No. 2 BASEWIDE REMEDIAL INVESTIGATION SITE 33 FORMER FORT ORD, CALIFORNIA

*United States Department of the Army*

*September 13, 2022*

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### INTRODUCTION AND STATEMENT OF PURPOSE

#### Site Name and Location

The former Fort Ord is located along the Pacific Ocean in northwest Monterey County, approximately 80 miles south of San Francisco, California (Figure 1-1). The former Fort Ord served as a training and staging facility for infantry troops from 1917 until its closure in 1994. An approximately 2-acre area of Fort Ord known as Site 33, Maintenance Yard – Bayonet and Black Horse Golf Course, located at 1 McClure Way in Seaside, California (Figure 1-2) is the subject of this Explanation of Significant Differences (ESD). The golf course was established in the early 1950s. Site 33 is still used as a golf course maintenance area.

#### Identification of Lead and Support Agencies

The United States Department of the Army (Army) is the lead agency for investigating, reporting, and implementing cleanup actions at the former Fort Ord. Environmental investigations and remedial actions at the former Fort Ord have been conducted under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, 42 U.S.C. §§9601 et seq.). The lead regulatory agency is the U.S. Environmental Protection Agency (USEPA), and the support regulatory agencies are the California Department of Toxic Substances Control (DTSC), and the Central Coast Regional Water Quality Control Board (RWQCB). The Army and the USEPA jointly select environmental remedies at the site, in accordance with the Federal Facility Agreement (FFA), which became effective on 19 November 1990.

#### Statement of Purpose

This ESD documents a significant change made to the remedy for Site 33 to remove the residential use restriction. The remedy is described in the Record of Decision, Basewide Remedial Investigation Sites, Fort Ord, California (ROD; Army, 1997). This action is in compliance with CERCLA, §117(c) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP, 40 CFR Part 300) §§300.435(c)(2)(i) and 300.825(a)(2). Additionally, the Army's actions are in compliance with the Defense Environmental Restoration Program (DERP, 10 U.S.C. §2701 et. seq.).

The ROD, which was signed by the Army and the regulatory agencies in January 1997, and included the Site 33 remedy as a residential use restriction on the parcel. The remedy was protective of the property's intended use at the time, as a golf course maintenance area. In 2020, the current landowner conducted a voluntary remedial action at the site, achieving cleanup levels that allow for residential use. This ESD describes the nature of the significant change, summarizes the information that led to making the change, and affirms that the revised remedy complies with the NCP and the statutory requirements of CERCLA.

## **Circumstances Requiring an ESD**

This ESD highlights key information from the *Final Remedial Action Completion Report, Site 33 Maintenance Yard, Bayonet and Black Horse Golf Course* (RACR; GEM, 2021). This report details the additional voluntary cleanup activities undertaken by the current landowner at the site and presents confirmatory soil sampling results that establish that the site meets the requirements for unrestricted residential use. This information shows that the residential use restriction is no longer necessary for Site 33. For more information regarding the remedial action at Site 33, the RACR is available for review in the Fort Ord Administrative Record (as required by 40 CFR § 300.800). The Administrative Record number (AR #) is BW-2914.

The Army prepared this ESD to remove the residential use restriction remedy for Site 33 and to document that the site has now achieved Unrestricted Use/Unlimited Exposure, meaning no enduring CERCLA remedy will exist for Site 33. Per NCP §300.825(a)(2), this ESD will become part of the Administrative Record for the former Fort Ord and will be available to the public at the following location:

### **Administrative Record**

Fort Ord Administrative Record ([www.fortordcleanup.com](http://www.fortordcleanup.com))

Building 4463 Gigling Road, Room 101

Ord Military Community, California 93944-5008

(831) 393-9693

Hours: Mon-Fri 9:00 am-4:00 pm. Other hours by appointment. Closed daily, 12:00 pm-1:30 pm and federal holidays.

## **SITE HISTORY, CONTAMINATION, AND SELECTED REMEDY**

### **Site History and Contamination**

Site 33 totals approximately 2 acres of land within the boundaries of the Bayonet and Blackhorse Golf Course. The golf course was established in the early 1950s at the former Fort Ord military installation. Pesticides and herbicides were used regularly at the golf course since its operations began. The golf course maintenance area consisted of a pesticide mixing area, an unpaved surface drainage area, and a former pesticide storage area.

As summarized in the 1995 Remedial Investigation, pesticides, herbicides and metals were detected in soil at concentrations below preliminary remediation goals set for the intended reuse of the site at the time, which was a golf course maintenance yard. The Remedial Investigation included a human health risk assessment and ecological risk assessment. The human health risk assessment for soil at Site 33 evaluated exposure of a golf course maintenance worker to contaminants of potential concern. Based on the assessment, adverse health impacts were not expected. The quantitative ecological risk assessment did not find adverse impacts to plants or animals (AR# BW-1283A).

Site 33 was transferred to the City of Seaside in September 2004 under Finding of Suitability to Transfer (FOST) 6 (AR# OTH-207H). Site 33 is identified as Parcel No. F2.7.2. A deed restriction was implemented at the time of the land transfer to restrict the land use to non-residential. In August 2005, the City of Seaside entered into a binding development agreement with Seaside Resort Development, LLC (SRD) to

develop the golf course, including Site 33. Site 33 is currently slated for residential development, and removal of the use restriction is needed before that development can proceed.

### **Selected Remedy**

The remedial action selected for Site 33 is to maintain restrictions on the property for other than residential type use. Therefore, the ROD specified the selected remedy for Site 33 as a deed restriction on the property for nonresidential use only.

### **BASIS FOR THE ESD**

This ESD is prepared in accordance with Section 117(c) of CERCLA, 42 U.S.C. § 9617(c), and 40 CFR § 300.435(c)(2)(i) and § 300.825(a)(2), and documents a significant change to the remedy selected in the ROD. The ROD selected residential use restrictions for Site 33. The residential use restriction remedy precludes residential development or modification to residential restrictions without approval by the Army, USEPA, DTSC, and RWQCB.

A remedial action was conducted at Site 33 from August 3 through August 28, 2020. The goal of the remedial action was to remediate Site 33 to conditions that allow unrestricted residential use.

The chemicals of concern identified at Site 33 were dieldrin, chlordane, DDT, lead, and mercury. During the course of the remedial action, approximately 1,731 tons of soil were excavated from a total combined area of 0.35 acres to depths ranging from 1.0 to 7.0 feet below ground surface. The soil was loaded from the stockpile into on-road trucks for transport to the John Smith Road Landfill in Hollister, CA. Dump trucks were tarped before leaving Site 33. A July 2021 letter, DTSC indicated that removal of the residential use restriction at Site 33 was appropriate.

Site restoration activities started after completion of excavation activities and analytical results of confirmation samples showed that elevated chemicals of concern (COCs) had been removed. Site restoration consisted of grading the excavation using an excavator bucket and/or dozer blade to blend excavated areas with the surrounding topography. The area was backfilled with clean soil from a designated onsite borrow source.

The remedial action was completed in accordance with the Removal Action Workplan (RAW) [AR #BW-2915] prepared by GEM and approved by DTSC in August 2018 (AR #2915.2). The RAW described the protocols and procedures implemented during excavation, transportation, and disposal of contaminated soil. Confirmation soil samples were collected from the sidewalls and floor of the resulting excavation area. Remedial Action Objectives (RAOs) were established in the RAW. RAO 1 was to reduce concentrations of COCs in soil to minimize the human health-based risks associated with soil to achieve unrestricted land use. RAO 2 was to provide a site that is acceptable for closure under an unrestricted use scenario. Both RAOs were met and are protective of human health and the environment.

For comparison purposes, the Preliminary Remediation Goals established in the ROD and screening levels identified in the RAW are included in the table below:

Contaminant of Concern	PRG from ROD (mg/kg)	Screening Levels identified in Final RAW (mg/kg)
Dieldrin	0.80	0.034
Chlordane	0.97	0.43
DDT	8.0	1.9
DDD*	N/A	2.3
DDE*	N/A	2.0
Cadmium	34.0	5.2
Lead	240.0	80
Mercury	20.0	0.89

\* Breakdown product of DDT

N/A – not identified in ROD

Upon completion of remedial action, a RACR (AR #BW-2914) was prepared by GEM on behalf of SRD and submitted to DTSC for review and comment. Following comment and change incorporation, the RACR was approved by DTSC in July 2021 (AR #BW-2914.2). DTSC indicated in the July 2021 letter that removal of the residential use restriction at Site 33 was appropriate. The Army, USEPA, and RWQCB, as parties to the FFA, also concur with the DTSC’s conclusions and support this ESD.

## DESCRIPTION OF SIGNIFICANT DIFFERENCES

### Significant Differences with the Selected Remedy

The existing remedy for Site 33 conforms to the requirements of the 1997 ROD and includes a deed restriction on the property with reuse restricted to other than residential type use. This ESD modifies the remedy to remove the residential use restriction for Site 33.

### Changes in Expected Outcomes

These modifications to the remedy are expected to complete all CERCLA response actions at the site, and support termination of the restriction on residential development. The State of California has terminated the state land use covenant document, which previously restricted the property’s reuse to commercial or industrial. This site will be evaluated in the upcoming (sixth) CERCLA 5 year review to document the removal of the land use restriction. This site will not be evaluated during subsequent CERCLA 5 Year Reviews; however, any new contamination identified that is attributed to historic Army activities will still be subject to the CERCLA 120(h) covenant and addressed under an Army response.

## STATUTORY DETERMINATIONS

The remedy, including the actions described in this ESD, continues to satisfy the requirements of CERCLA §121. The Army, the USEPA, the DTSC and the RWQCB believe the remedy remains protective of human health and the environment and complies with federal and State ARARs.

## SUPPORT AGENCY COMMENTS

The USEPA, DTSC, and RWQCB agree that the modifications to the ROD as set forth in this ESD.

## PUBLIC PARTICIPATION COMPLIANCE

A notification to the public concerning this ESD will be made in a local newspaper after signature. The 1997 ROD and this ESD are available to the public at the following locations:

- Former Fort Ord Administrative Record, Building 4463, Gigling Road, Ord Military Community, California
- <http://www.fortordcleanup.com/reference-documents/records-of-decision/>

## REFERENCES<sup>1</sup>

California Department of Toxic Substances Control (DTSC), 2018. *Approval of Final Remedial Action Workplan, Site 33 Maintenance Yard, Bayonet and Black Horse Golf Course, 1 McClure Way, Seaside, CA 93950*. August 1. BW-2915.2.

DTSC, 2021. *Acceptance of Final Removal Completion Report, Site 33, Maintenance Yard, Bayonet and Black Horse Golf Course, 1 McClure Way, Seaside, CA 93950*. July 9. BW-2914.2.

GEM Group, Inc. (GEM), 2017. *Final Remedial Action Workplan, Site 33 Maintenance Yard, Bayonet and Black Horse Golf Course, 1 McClure Way, Seaside, CA 93950*. April 19. BW-2915.

GEM, 2021. *Final Remedial Action Completion Report, Site 33 Maintenance Yard, Bayonet and Black Horse Golf Course, 1 McClure Way, Seaside, CA 93950*. June 10. BW-2914.

Harding Lawson Associates (HLA), 1995a. *Final Basewide Remedial Investigation/Feasibility Study, Fort Ord, California, Volume II – Remedial Investigation: Introduction*. October 19. BW-1283A.

HLA, 1995b. *Final Basewide Remedial Investigation/Feasibility Study, Fort Ord, California, Volume II – Remedial Investigation, Sites 2 and 12 – Text Tables, and Plates*. October 19. BW-1283A.

HLA, 1995c. *Final Basewide Remedial Investigation/Feasibility Study, Fort Ord, California, Volume III – Baseline Human Health Risk Assessment*. October 19. BW-1283A.

U.S. Department of the Army (Army), 1997. *Final Record of Decision, Basewide Remedial Investigation Sites, Fort Ord, California*. January 13. RI-025.

U.S. Environmental Protection Agency (USEPA), 1988. *Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA*. October. EPA/540/G-89/004.

USEPA, 1999. *A Guide to Preparing Superfund Proposed Plans, Records of Decision, and other Remedy Selection Decision Documents*. July. EPA 540-R-98-031.

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<sup>1</sup> At the end of references included in the Fort Ord Administrative Record are the Administrative Record Numbers (e.g. BW-1234). To find the referenced document, this number may be typed into the online search tool at: <http://www.fortordcleanup.com/documents/search/>. Please note the referenced documents were available in the Fort Ord Administrative Record at the time this document was issued; however, some may have been superseded by more current versions and were subsequently withdrawn.

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FORMER FORT ORD, CALIFORNIA**

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United States Department of the Army

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Richard Ramsdell  
Chief, BRAC Branch  
Environmental Programs Division  
Installation Services Directorate

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Date

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**United States Environmental Protection Agency**

**JOHN**

**CHESNUTT**

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Angeles Herrera  
Assistant Director  
Federal Facilities & Site Cleanup Branch  
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U.S. Environmental Protection Agency  
Region 9

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**California Environmental Protection Agency  
Department of Toxic Substances Control**

The State of California, Department of Toxic Substances Control (DTSC) had an opportunity to review and comment on the ESD and its concerns were addressed.

**Hortensia  
Muniz**

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Hortensia Muniz  
Branch Chief  
Site Mitigation and Restoration Program  
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**California Environmental Protection Agency  
Regional Water Quality Control Board, Central Coast Region**

The State of California, Central Coast Regional Water Quality Control Board (RWQCB) had an opportunity to review and comment on the ESD and its concerns were addressed.

**Matthew T. Keeling**  Digitally signed by Matthew T. Keeling  
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Matthew T. Keeling  
Executive Officer  
California Environmental Protection Agency  
Regional Water Quality Control Board, Central Coast Region

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