

## **Explanation of Significant Differences**

### **Final Record of Decision No Action Regarding Ordnance-Related Investigation (Track 0 ROD) Former Fort Ord, California**

April 5, 2005

**United States Department of the Army**  
Base Realignment and Closure (BRAC)  
Fort Ord, California

## EXPLANATION OF SIGNIFICANT DIFFERENCES

### FINAL RECORD OF DECISION NO ACTION REGARDING ORDNANCE-RELATED INVESTIGATION (TRACK 0 ROD) FORMER FORT ORD, CALIFORNIA

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#### Introduction to the Site and Statement of Purpose

The former Fort Ord is located near Monterey Bay in northwestern Monterey County, California. Since 1917, portions of the former Fort Ord were used by cavalry, field artillery, and infantry units for maneuvers, target ranges, and other purposes. Military munitions were fired into, fired upon, or used on the facility in the form of artillery and mortar projectiles, rockets and guided missiles, rifle and hand grenades, land mines, pyrotechnics, bombs, and demolition materials. Both munitions and explosives of concern (MEC) and munitions debris (MD) are present at parts of the former Fort Ord.

In 2002, the Army published *Final Record of Decision, No Action Regarding Ordnance-Related Investigation, Former Fort Ord, California* (Track 0 ROD). The Track 0 ROD addresses areas at the former Fort Ord that contain no evidence of MEC and have never been suspected as having been used for military munitions-related activities of any kind based on then-current knowledge outlined in the Literature Review (HLA, 2000) and investigated under the basewide Munitions Response Remedial Investigation/Feasibility Study (MR RI/FS) Program at former Fort Ord. The Track 0 ROD presented the rationale for the selecting No Action for a number of Track 0 Areas listed in the ROD. In addition the ROD established a "Plug-In" process for documenting No Action determinations for other areas which meet the Track 0 criteria based on the ongoing MR RI/FS.

This Explanation of Significant Differences (ESD) clarifies the scope of the Track 0 Plug-In process.

In accordance with National Contingency Plan (NCP), Title 40 Code of Federal Regulations (40 CFR) Sections 300.435(c)(2)(i)(A) and 300.825(a)(2), this ESD will become part of the Fort Ord Administrative Record and also will be made available for public inspection in the local information repositories. Pursuant to NCP 40CFR Section 300.435(c)(2)(i), the Army will publish a notice in a major local newspaper briefly explaining the ESD. The addresses of the Fort Ord Administrative Record and information repositories are provided on page 4, Public Participation Compliance section of this ESD.

#### Site History

The reuse of the former Fort Ord following transfer of property increases the possibility of the public being exposed to explosive hazards. In November 1998, the Army agreed to evaluate MEC at former Fort Ord in an MR RI/FS consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). A Federal Facility Agreement (FFA) was signed in 1990 by the Army, EPA, and the California Environmental Protection Agency's Department of Toxic Substances control (DTSC; formerly the Department of Health Services or DHS). The FFA established schedules for performing remedial investigations and feasibility studies and requires that remedial actions be completed as expeditiously as possible. In April 2000, an agreement was signed between the Army, EPA and DTSC to evaluate MEC at the former Fort Ord subject to the provisions of the Fort Ord FFA.

The Army has been conducting military munitions sampling and removal actions at identified Munitions Response Sites (MRSs) and will continue these actions to mitigate imminent MEC-related hazards to the public while gathering data about the type of military munitions and level of hazard at each of the sites for use in the basewide MR RI/FS. The Army is performing its activities pursuant to the President's authority under the CERCLA Section 104, as delegated to the Army in accordance with Executive Order 12580 and in compliance with the process set out in CERCLA Section 120. Because this is a National Priority List (NPL) site, the Army and EPA jointly select remedial actions including No Action determinations. Therefore, regulatory agencies (EPA and DTSC) have been and will continue to be involved. The Army is preparing the MR RI/FS for Fort Ord to address MEC-related hazards. The MR RI/FS will review and evaluate past investigative and removal actions, as well as recommend future response actions deemed necessary to protect human health and the environment on the basis of proposed reuses specified in the Fort Ord Reuse Authority (FORA) Reuse Plan.

The information to be evaluated during the MR RI/FS will include site knowledge, the quality of the available information, work completed, and intended future land uses. The basewide MR RI/FS will contain a comprehensive evaluation of all MEC-related data for the entire former Fort Ord and will evaluate long-term response alternatives for cleanup and risk management of MEC.

The MR RI/FS is organized as a "tracking" process whereby sites with similar characteristics will be grouped to expedite cleanup, reuse, and/or transfer based on current knowledge. The Track 0 ROD addresses areas on the former Fort Ord that have been identified as requiring no munitions response to protect human health (public safety) and the environment (Track 0 areas). Other Track (1 through 3) areas will be addressed separately for the other lands that have or are suspected to have a history of military munitions-related use and investigations completed to date. Track 1 sites were suspected to have been used for training with military munitions but for which no further response action is required because they fall into one of the three categories defined in *Record of Decision, No Further Action Related to Munitions and Explosives of Concern—Track 1 Sites; No Further Remedial Action with Monitoring for Ecological Risks from Chemical Contamination at Site 3 (MRS-22); Former Fort Ord, California* (Army, 2005) (Track 1 ROD). Track 2 sites are areas at the former Fort Ord where MEC items were present, and MEC removal actions have been completed. Track 3 sites are areas at the former Fort Ord where MEC items are known or suspected to be present, but MEC investigations have not yet been completed.

All basewide MR RI/FS documents have been or will be prepared in cooperation with the EPA and DTSC in accordance with the Fort Ord FFA; made available for public review and comment; and placed in the Administrative Record and local information repositories.

## **Selected Remedy**

Because there is no evidence of MEC which would pose a threat to human health and the environment at Track 0 areas, no remedial action is necessary in those areas. In the future, should any ordnance-related item be found within any of the areas addressed in this ROD/ESD, the Army will take an appropriate immediate action (i.e., removing the found item, recording the incident), and within 90 days of the discovery, submit a plan for appropriate follow-on action to EPA and DTSC for consultation, pursuant to Section 7.7(b) of the Fort Ord FFA.

## **Basis for the Document**

The Track 0 ROD defined Track 0 area in Section 1.0 of the ROD, as “those that contain no evidence of OE [MEC] and are not suspected as having been used for OE [military munitions]-related activities of any kind.” Areas which do not meet this definition of Track 0 were included in the ROD and this definition, if taken literally could preclude from Track 0 consideration most areas of the former Fort Ord.

## **Description of Significant Differences**

This ESD clarifies the types of areas that the Track 0 ROD intended make eligible for consideration for No Action under the Track 0 “Plug-In” process. Because of the level of interest in the Track 0 process by the regulators and the public, this clarification is published in an ESD.

As stated in the Track 0 ROD, the Track 0 process (including the Plug-In process) addresses single or grouped areas at the former Fort Ord that have no history of munitions-related use and for which No Action is necessary to protect human health and the environment. Any area that meets these criteria, (areas that are similar to those already approved in the Track 0 ROD) are eligible for Track 0 consideration under the Plug-In process. Three specific circumstances that require clarification are discussed below.

### Incidental Munitions

The term “no evidence of MEC” could be interpreted as meaning that any incidental MEC or MD found in an area would disqualify the area from Track 0 Plug-in consideration without consideration of evidence of past military munitions training activities for the area. Because of Fort Ord’s history as a military base, the Army acknowledges the possibility that military munitions could be encountered anywhere at the former Fort Ord. Also because of Fort Ord’s history as a military base, there have been (and likely will be) discoveries of incidental MEC and MD that were not indicative of past military munitions training activities at that location.

Examples of the discovery of incidental munitions include:

- Stolen munitions transported from established range areas
- Munitions items collected at amnesty points
- Military munitions and/or munitions debris on roadsides
- Military munitions and/or munitions debris used as souvenirs, door stop, paper weight, etc.
- Munitions debris of signal or pyrotechnic types used as part of a training activity in another area, but was transported by wind (in the case of parachute signals, for example), water (in depressions where runoff collects), or by other means

The Track 0 ROD approved No Action regarding munitions response for a number of parcels at the former Fort Ord where incidental munitions items had been discovered, removed and reported. Similar areas of the former Fort Ord not suspected as having been used for military munitions-related activities of any kind, but where incidental military munitions have been discovered, should be eligible for Track 0 consideration.

### Special Case Track 0 Areas

The Track 0 ROD also approved No Action regarding munitions response for a Special Case Track 0 area. The Special Case Track 0 area included a former landfill where MD was found buried with refuse. No military munitions-related activities occurred in the area and the MD items and the refuse were entirely removed.

Although it was not specifically stated in the Track 0 ROD, the Track 0 ROD intended to make eligible similar areas for consideration for No Action under the Track 0 Plug-In process. This ESD provides that additional Special Case areas may be eligible for Track 0 consideration under the Plug-In process, where military munitions are found in a disposal area and the munitions items were fully excavated.

### Non-Firing Areas

As described in Section 2.7.5 of the Track 0 ROD, areas where military training might have occurred, but additional research under the MR RI/FS program clearly indicates that no live fire was conducted, will be eligible for evaluation under the Track 0 Plug-In process.

In addition, although of limited significance, this ESD provides that for the purposes of the Military Munitions Response Program (MMRP) at the former Fort Ord, including the Track 0 process, the definition of MEC does not include small arms ammunition (.50 caliber and below). Therefore the presence of small arms ammunition does not preclude a no action determination regarding military munitions response; nor does a no action determination indicate that small arms ammunition is not present.

## **Support Agency Comments**

The State of California, DTSC, had an opportunity to review and comment on the ESD and the ESD is consistent with DTSC's comments.

## **Statutory Determinations**

No remedial action is necessary to ensure the protection of human health and the environment. The selected remedy satisfies the requirements of Section 121 of CERCLA.

## **Public Participation Compliance**

In accordance with National Contingency Plan (NCP), Title 40 Code of Federal Regulations (40 CFR) Sections 300.435(c)(2)(i)(A) and 300.825(a)(2), this ESD will become part of the Fort Ord Administrative Record and also will be made available for public inspection in the local information repositories. Pursuant to NCP 40CFR Section 300.435(c)(2)(i), the Army will publish a notice in a major local newspaper briefly explaining the ESD.

The Track 0 ROD and this ESD are available to the public at the following locations:

- Seaside Branch Library, 550 Harcourt Street, Seaside, California
- California State University Monterey Bay (CSUMB) Library Learning Complex, 100 Campus Center, Building 12, Seaside, California

- Former Fort Ord Administrative Record, Building 4463, Gigling Road, Ord Military Community, California.

## References

Harding Lawson Associates (HLA), 2000. *Draft Final Literature Review Report, Ordnance and Explosives, Remedial Investigation/Feasibility Study, Former Fort Ord, California*. January 4.

U.S. Department of the Army (Army), 2002. *Final Record of Decision, No Action Regarding Ordnance-Related Investigation, Former Fort Ord, California*. June 19.

\_\_\_\_\_, 2005. *Record of Decision, No Further Action Related to Munitions and Explosives of Concern—Track 1 Sites; No Further Remedial Action with Monitoring for Ecological Risks from Chemical Contamination at Site 3 (MRS-22); Former Fort Ord, California*. March.

U.S. Environmental Protection Agency (EPA), 1999. *A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Documents*. EPA 540/R-98/031. July.

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FORMER FORT ORD, CALIFORNIA

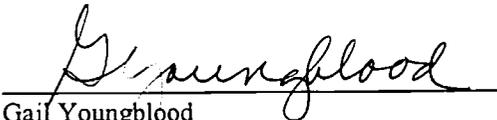
United States Department of the Army



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8 APR 2005

Date



Gail Youngblood  
BRAC Environmental Coordinator  
Fort Ord BRAC Office

8 Apr 2005

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United States Environmental Protection Agency

  
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Kathleen H. Johnson

Chief, Federal Facilities and Site Cleanup Branch  
U.S. Environmental Protection Agency  
Region IX

  
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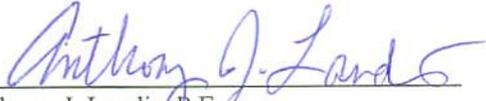
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California Environmental Protection Agency  
Department of Toxic Substances Control

The State of California, DTSC, had an opportunity to review and comment on the ESD and the ESD is consistent with DTSC's comments.



Anthony J. Landis, P.E.  
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4-12-05  
Date