

## **Group 1 Frequently Asked Questions**

(Acronyms and Glossary Follow)

1. When the land was transferred to FORA the Army imposed the restrictions of no residential development. Why does FORA seek to remove the restriction without adequate cleanup?

Response: The restrictions are in fact three environmental protection provisions listed in the FOSET that became a requirement of the federal deed. Those three environmental protections are:

- a. Access Restrictions – stating the site cannot be used for anything but cleanup or roads and utilities construction/maintenance until EPA has signed off stating that cleanup is complete
- b. Prohibit Excavation – excavation is prohibited unless construction support and MEC recognition and safety training are provided
- c. Residential Use Restriction – land use controls were placed on the property at the time of transfer. Those controls were placed to protect human health and the environment during cleanup with the requirement that the existing land use controls would then be modified to be consistent with CERCLA remedy.

FORA has performed remedial investigations for the Seaside MRA and Parker Flats MRA Phase II. Throughout this investigation, data has been shared with the EPA, DTSC, and Army and monthly updates have been provided by the FORA. EPA and DTSC are in the process of reviewing the Group 1 Remedial Investigation / Feasibility Study (RI/FS) Report, among other documents, and they will make the determination as to the adequacy of cleanup and whether further investigation is necessary before a final remedial decision is made, which could include removal of the residential use restriction, if appropriate.

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2. FORA should not authorize the lifting of residential restrictions on Parker Flats.

Response: FORA does not have the authority to modify or remove land use restrictions. The Army will modify the existing land use restrictions in the federal deed, as necessary, to reflect the final remedy for the Group 1 MRAs as agreed to by the EPA, DTSC, and Army. The final remedy will be documented in a Record of Decision.

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3. Why is FORA ignoring the 2003 Parker Flats Land Swap whereby the Army found that the land at Parker Flats was too dangerous for residential uses envisioned in the Base Reuse Plan and land use designations were “swapped” between East Garrison and Parker Flats?

Response: Designated residential reuse areas in the Parker Flats MRA are not located in the area where the “land swap” occurred. The land use designations within the Base Reuse Plan and land swap agreement have not been ignored or violated.

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**4:** Why is the planning directing the cleanup instead of cleanup directing the planning.

Response: The cleanup of former Fort Ord is being conducted under CERCLA, which requires that remedial action be conducted to support the reasonably anticipated future land use at a site. Cleanup levels under CERCLA are determined, in part, based on future land use. As a base closure site, the Army is required to clean up the site to support the reuse as identified in the Base Reuse Plan, as determined by local jurisdictions.

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**5:** Why isn't development being carefully planned and not exacerbating already serious water and environment problems?

Response: FORA does not make final land use decisions, their responsibility is the execution and completion of MEC remediation with oversight by EPA and DTSC. The jurisdictions are the final decision-makers on land use and the associated aspects of any development that may occur.

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**6:** Why has FORA replaced the slower and more careful federal clean up with a much quicker, less careful, and less capable private company? The private cleanup was hardly perceptible and mostly invisible.

Response: The FORA ESCA Remediation Program is implemented through an Administrative Order on Consent (AOC) with the EPA and is required to follow the same cleanup and quality requirements as the Army. One of the stated purposes of the ESCA is to accelerate cleanup and reuse of the property. Both the Army and FORA have hired independent firms to execute their respective cleanups – a standard procedure at BRAC sites across the nation.

An extensive public participation process is being implemented by FORA as part of the ESCA Remediation Program at the former Fort Ord. Beginning in 2007 the FORA ESCA RP has held public workshops on their MEC remediation work, participated in Army meetings and Bus Tours, produced newsletters, maintains a website and facebook page. The Seaside MRA and Parker Flats MRA Phase II are part of the ESCA Remediation Program. Information about the cleanup activities at the Group 1 MRAs has been presented to the community through newsletters, ESCA Informal Community Workshops, and Army Community Involvement Workshops.

See [www.foraescarp.com](http://www.foraescarp.com) for public outreach activities beginning in 2007 through the present.

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**7:** Can you direct me to the documentation of the risk assessment and cleanup process?

Response: The risk assessment for the Seaside MRA and Parker Flats MRA Phase II is included as Volume 2 of the Group 1 RI/FS Report, Document number: ESCA-0318. This document can be found on the Army's Administrative Record:

<http://fodis.net/fortorddocs/public/downloadpdf.aspx?arno=ESCA-0318%2f>

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**8:** Where else in the USA have former Army (or other military) live fire training areas ever been successfully and safely converted to residential use? Where are the examples?

Response: Former military training sites and ranges are currently being reused for residential development, including Benicia Arsenal in Benicia, California, former Camp Beale near Marysville, California.

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**9:** Strict residential protocols should be followed before the Army and DTSC's well-advised restrictions are lifted.

Response: See response to Question #1 above.

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**10:** Parker Flats was heavily used by the Army for practice warfare. The Army removed hundreds of grenades, mortars, bullets, and other hazards from Parker Flats, and still more items are being found, as indicated in this report on a second-round of cleanup in Parker Flats. The detection machines detect small metal objects, such as a grenade, only to a depth of 9-12 inches. Grenades have been found deeper than 12 inches. While some buried grenades and mortars have been removed, common sense predicts there are more that haven't been detected.

Response: Parker Flats MRA Phase II was used for Troop training and maneuvers. This included use of small arms ammunition. The projectile (or bullets) in small arms ammunition is not an explosive hazard. Small arms ammunition and other metallic debris items that may occasionally be observed in the Parker Flats Phase II area are likely items too small to present an explosive hazard. MEC and MD items recovered within the designated residential reuse areas were evaluated item-by-item in the Residential Protocol Implementation Technical Report. In the event that a live small arms ammunition item is found, it is not expected that the items would function by casual contact. In accordance with Alternative 2, LUCs, including the 3Rs of explosives safety (i.e., Recognize, Retreat, Report), are effective in mitigating potentially remaining MEC risks during development and reuse.

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**11:** The federal government requires that former munitions areas be 100% clear of munitions before residences may be built. Given the history of heavy warfare practice at

Parker Flats and the volume of munitions recovered, how does FORA conclude that all munitions have been recovered?

Response: The federal government does not have a cleanup standard as referenced above for the cleanup of munitions. Instead, each site is evaluated individually based upon the historical military use and the anticipated future land use. The EPA, DTSC and Department of Defense then work together to develop the best possible MEC remediation for each site.

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**12:** Among Fort Ord trail users it is common knowledge that significant debris remains in Parker Flats and other areas that have already undergone surface and subsurface clean-ups. This is particularly true after heavy rains when bullets and other metallic debris "percolate" to the surface. How can the public believe the area is clean to a "residential" standard when so many pieces of debris have been missed and are easily found with the naked eye?

Response: Troop training and maneuvers within the Parker Flats MRA Phase II area included use of small arms ammunition. The projectile (i.e., bullet) in small arms ammunition is not an explosive hazard. Small arms ammunition and other munitions debris items present in the Parker Flats MRA Phase II area are likely items too small to present an explosive hazard.

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**13:** The Army engaged in chemical warfare practices in Parker Flats, including use of tear gas and chlorine. Why has there been no efforts at chemical clean up?

Response: The scopes of the Group 1 RI/FS, Parker Flats MRA Residential Protocol Implementation (RPI) Technical Report, and Seaside MRA RPI Technical Report are limited to MEC and their explosive hazard. The potential for soil contamination from munitions constituents at the former Fort Ord is being addressed under the Army's Base-wide Range Assessment (BRA) Program. The BRA program investigated soil contamination, conducted soil remediation where necessary, and concluded that no further action was required for the Seaside MRA and Parker Flats MRA Phase II with EPA and DTSC review and approval.

For a listing and information on Army chemical weapons related responses and reports, see Army Document OE-0726 issued November 3, 2010 and titled "Technical Memorandum, CWM-Related Responses and Reports, Former Fort Ord available on the Army's Administrative Record site at:

[http://docs.fortordcleanup.com/ar\\_pdfs/AR-OE-0726//OE-0726.pdf](http://docs.fortordcleanup.com/ar_pdfs/AR-OE-0726//OE-0726.pdf)

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**14:** There are currently signs warning recreational users that the trails were unsafe to traverse due to the possibility of unexploded ordnance. If that danger is in fact real, how could it possibly be safe to release this land and open it up for the digging and construction of homes?

Response: As directed by the the regulators and the Army access to the Seaside MRA and Parker Flats MRA Phase II is restricted to roadways and designated access corridors until cleanup is completed, the site is determine to be safe for the intended reuse by the regulators, and the land has been transferred to the local jurisdictions. At the request of the EPA and DTSC, FORA posted signs along the roadways and access corridors to clearly delineate access corridors open to the public and enforce closure of restricted areas. Additionally, warning signs were posted during active field investigation activities as a safety measure, warning trespassers of potential dangers from field operations.

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**15:** The trails on Fort Ord have been used for years and there has never been any danger from munitions, why are the trails in Parker Flats now closed?

Response: It is important to remember that MEC and munitions can always pose a risk and caution is always warranted, this was true evenbefore ESCA remediation work began. When the FORA ESCA RP began, FORA was directed to restrict public access to ESCA properties during MEC cleanup. Under the terms of the agreement with EPA, access restrictions must remain in place until EPA has concurred that the final remedy is complete and the property has been transferred.

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**16:** There are signs along Parker Flats Road (between Parker Flats Cut-Off and 8th Street extension) that read "No Dumping in Training Area". This clearly implies that (1) This portion of Parker Flats was a training area and (2) Dumping of debris (munitions and chemicals etc.) occurred in that area and was an issue. Is this being addressed?

Response: The “No Dumping” signs located in the area are in response to recent instances of illegal dumping of trash and household items, such as appliances, sofas, mattresses, etc. This area was used as a troop training and maneuver area; however, there is no evidence of munitions or chemical dumping.

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#### Acronyms

Base Realignment and Closure (BRAC)

Department of Toxic and Substances Control (DTSC):

Environmental Protection Agency (EPA)

Environmental Services Cooperative Agreement (ESCA)

Fort Ord Reuse Authority (FORA)

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#### Glossary

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980: Authorizes federal action to respond to the release or threatened release of hazardous substances into the environment or a release or threatened release of a pollutant or contaminant into the environment that may present an imminent or substantial danger to public health or welfare.

Feasibility Study (FS): The primary objective of the FS is “to ensure appropriate remedial alternatives are being developed and evaluated and an appropriate remedy selected” [40 CFR 300.430(e)].

Finding of Suitability for Early Transfer (FOSET): A mechanism that allows the Department of Defense to transfer parcel(s) of land to a non-governmental entity before cleanup is complete with the concurrence of the state governor. The receiving entity then assumes cleanup responsibilities.

Land Use Control (LUC): Physical, legal, or administrative mechanisms that restrict the use of, or limit access to, real property, to manage risks to human health and the environment. Physical mechanisms encompass a variety of engineering remedies to contain or reduce contamination and/or physical barriers to limit access to real property, such as fences or signs.

Land Use Restriction: See Land Use Control (LUC)

Munitions Debris (MD): Remnants of munitions (e.g., fragments, penetrators, projectiles, shell casings, links, fins) remaining after munitions use, demilitarization, or disposal.

Munitions and Explosive of Concern (MEC): This term, which distinguishes specific categories of military munitions that may pose unique explosive safety risks means: (A) UXO as defined in 10 U.S.C. 101(e)(5)(A) through (C); (B) DMM, as defined in 10 U.S.C. 2710(e)(2); or (C) Munitions constituents (e.g., TNT, cyclotrimethylenetrinitramine [RDX]), as defined in 10 U.S.C. 2710(e)(3), present in high enough concentrations to pose an explosive hazard.

Munitions Response Area (MRA): Any area on a defense (military) site that is known or suspected to contain UXO, DMM, or MC. Examples include former ranges and munitions burial areas. A munitions response area is comprised of one or more munitions response sites.

Record of Decision (ROD): A legal document used to record the remedial action decision made at a National Priorities List (NPL) property. The ROD will be maintained in the project Administrative Record and project file.

Remedial Investigation (RI): An investigation to “adequately characterize the site for the purpose of developing and evaluating an effective remedial alternative” [40 CFR 300.430(d)]. In addition, the RI provides information to assess the risks to human health, safety, and the environment that were identified during risk screening in the site investigation.

Residential Protocol Implementation Technical Report: A report that documents the successful application of the DTSC Residential Protocol in designated future residential reuse areas. The report presents detailed information, including results, evaluation, and assessment of munitions response actions performed within the designated residential reuse area to assess quality and reliability of the data and effectiveness of the previous removal action and MEC remedial investigation and removal actions.

Risk Assessment (RA): Assesses the explosive safety risk based upon the findings of the remedial investigation and feasibility study.

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