



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
INSTALLATIONS, ENERGY AND ENVIRONMENT
110 ARMY PENTAGON
WASHINGTON DC 20310-0110

November 30, 2011

SAIE-ESOH

MEMORANDUM FOR

Assistant Chief of Staff for Installation Management/Commanding General, Installation Management Command, 600 Army Pentagon, Room 3E474 Washington, DC 20310-0600

Director, Military Programs Directorate, U.S. Army Corps of Engineers, 441 G. Street, NW, Washington, DC 20314-1000

SUBJECT: Army Policy for Sequencing Munitions Response Sites (MRS) for Munitions Responses

1. Reference: Department of Defense (DoD), Office of the Secretary, 32 Code Federal Regulations (CFR), Part 179, Munitions Response Site Prioritization Protocol (MRSP), 5 October 2005.

2. Purpose. This memorandum provides (enclosure) Army policy and procedures for sequencing munitions response sites (MRS) for munitions responses. Consistent with the MRSP and DoD policy, Army activities, including U.S. Army Corps of Engineers activities when executing Army responsibilities under the Formerly Used Defense Site Program:

a. Shall base sequencing decisions primarily on the MRS's relative priority as determined through the application of the MRSP. Therefore, an MRS that presents a greater relative risk to human health, safety, or the environment will normally be addressed before an MRS that presents a lower relative risk.

b. May consider other (risk-plus) factors in determining the sequence of munitions response actions. In evaluating such factors, Army activities may, when warranted, consider a broad range of factors including those factors in the enclosure and the reference, section 179.7.

c. Shall develop sequencing decisions, with consideration of regulator and stakeholder (e.g., community members of an installation's restoration advisory board or technical review committee) input, and document such decisions in the installation's Master Action Plan (MAP) or an equivalent document. If there is a change to the planned sequencing of munitions response actions, the MAP or equivalent document will be updated to document the sequencing change. Additionally, notice of the change

SAIE (ESOH)

SUBJECT: Army Policy for Sequencing Military Response Sites (MRS) for Action under the Military Munitions Response Site Prioritization Protocol (MRSP)

will be provided to those regulators and stakeholders that provided input to the sequencing process.

d. Shall include any information that regulators and/or stakeholders provide that may have influenced the sequencing of an MRS for munitions response actions in the Administrative Record and the Information Repository for the affected MRS.

3. My point of contact is Mr. J. C. King, Assistant for Munitions and Chemical Matters, at (703).697.5564; or email: jc.king@us.army.mil.

Encl



Hershell E. Wolfe
Deputy Assistant Secretary of the Army
(Environment, Safety and Occupational Health)

CF:

AUSD(ESOH) (w/encl)

DUSD(I&E) (W/encl)

Army Policy for Sequencing Munitions Response Sites for Munitions Responses

1. Reference. Department of Defense, Office of the Secretary, 32 Code Federal Regulations, Part 179, Munitions Response Site Prioritization Protocol (MRSP), 5 October 2005.

2. Background.

a. In the Fiscal Year (FY) 2002 National Defense Authorization Act, Congress directed the Department of Defense (DoD) to develop a methodology for assigning a relative priority for response actions conducted by DoD on defense sites (referred to as munitions response sites (MRS)) known or suspected to contain unexploded ordnance (UXO), discarded military munitions (DMM), or munitions constituents (MC). In response to this requirement, DoD, after coordination with the states and Tribes, promulgated and published the reference. Subsequently in 2007, DoD issued its DoD MRSP Primer that contained procedures for applying the MRSP to MRS. The Army, which issued policy for the MRSP's application in 2009, intends to issue guidance for implementing the MRSP in 2012. This guidance will also address sequencing.

b. Under DoD's Military Munitions Response Program (MMRP), the Army is applying the MRSP to all MRS in its inventory based on available MRS-specific data concerning the potential hazards present and MRS's conditions. The Army's inventory includes, MRS on active installations, Base Realignment and Closure (BRAC) installations, and Formerly Used Defense Sites (FUDS). The Army National Guard (ARNG) is also applying the MRSP to all MRS located on properties previously identified as Non-Department of Defense Owned, Non-Operational Defense Sites (NDNODS). The ARNG's Site Inspections (SI) at NDNODS is being funded under the Army's Active Sites Program; however, a determination of whether phases beyond the SI will be funded using Environmental Restoration, Army (ER,A) appropriations has not been made.

c. The MRSP's application results in determination of a relative priority for each MRS in the Army's MRS inventory based on the potential risk posed at each MRS relative to the potential risks posed at other MRS. The MRSP's application results in assignment of a relative priority of 1 to 8, with 1 representing the highest possible relative risk category among the scored MRS. As a matter of DoD policy, an MRS with a higher relative priority (potential risk) will be addressed before an MRS with lower relative priority. Application of the MRSP may also result in assignment of one of three "alternative ratings." These are: "No Longer Required," "No Known or Suspected Hazard," and "Evaluation Pending."

(1) An alternative rating of "No Longer Required" is used to indicate that an MRS no longer requires prioritization, typically because the Army has conducted a munitions response¹, and no further action, except for long-term management and recurring reviews, is required. This alternative rating may also be used for an MRS if it

¹ Response actions, including investigation, removal actions, and remedial actions, to address the explosive safety, human health, or environmental risks presented by UXO, DMM, or MC, or to support a determination that no removal or remedial action is required. (32 CFR 179.3)

is established that another party (also known as a Potentially Responsible Party (PRP)) will perform the required munitions response at the MRS and no additional DoD action will be taken. MRS that receive an alternative rating of "No Longer Required" are not sequenced, as they do not require additional munitions response actions.

(2) An alternative rating of "No Known or Suspected Hazard" is used to indicate that an MRS has no known or suspected hazards from explosives, chemical warfare materiel (CWM), or MC. MRS that receive an alternative rating of "No Known or Suspected Hazard" are not sequenced as they do not require additional munitions response actions.

(3) An alternative rating of "Evaluation Pending" is used to indicate that an MRS requires further evaluation. While future munitions response actions by Army may be required at MRS assigned this alternative rating, these MRS are generally not sequenced for a response action until the necessary degree of characterization has been completed and sufficient information to complete at least one of the MRSP's three evaluation modules is available. This alternative rating may also be assigned to an MRS on a FUDS that, consistent with DoD policy, has been determined to be a PRP project until such time as a final determination concerning responsibility for the performance of the required munitions response is made, regardless of whether sufficient information exists to populate the three hazard modules.

d. While an MRS's relative priority is the primary consideration when sequencing an MRS for munitions response actions, risk-plus (other) factors may also be considered. Examples of such factors, which are discussed below, are established in the MRSP (32 CFR, Part 179).

e. Because funds for Army restoration programs (active installations, BRAC, and FUDS) are appropriated to separate funding accounts, sequencing within each program is entirely independent of the other programs. For this reason and DoD policy, it is possible for an MRS with a lower relative priority within one of the Army's three restoration programs to be sequenced before an MRS with a higher relative priority from another program.

f. This policy provides the Army's policy and procedures for sequencing an MRS for a munitions response action based on its relative priority in consideration of its MRS priority and other risk-plus factors. Specifically, this memorandum provides Army policy for:

- (1) Sequencing an MRS for action based on:
 - (a) Relative priority.
 - (b) Risk-plus factors.
- (2) Involving regulators and stakeholders in the sequencing process.
- (3) Documenting sequencing decisions.

(4) Developing MRS Sequencing Implementation Plans (SIP).

g. For the purposes of this policy, all MRS within a single Army restoration program that have the same relative priority are considered equivalent.

3. Sequencing MRS Based on Relative Priority.

a. The sequencing of an MRS for a munitions response action shall be based primarily on the relative priority determined through the MRSP's application. As a matter of Army policy, an MRS that is assigned a higher relative priority will generally be addressed before an MRS that is assigned a lower relative priority.

b. With few exceptions, the Army reviews the relative priorities assigned to each MRS at least annually and reapplies the MRSP, when necessary, to reflect new information. Reapplication of the MRSP may result in a change:

- (1) Of the MRS's relative priority
- (2) From a relative priority to an alternative rating
- (3) Of the MRS's alternative rating; or
- (4) From an alternative rating to a relative priority.

c. Given the difficulties and costs associated with interrupting a munitions response once it has been initiated, reapplication of the MRSP will generally not occur until after the completion of the current phase of the munitions response. Once the current phase of a munitions response has been completed, the Army will reapply the MRSP to determine the MRS's relative priority based on MRS conditions and the potential hazards associated with any UXO, DMM or MC that are known or suspected to remain. After this reapplication, the MRS will be sequenced for any additional munitions response actions that may be required based on Army and DoD policies.

4. Consideration of Risk-Plus Factors During Sequencing:

a. Congress and DoD recognize that risk-plus factors may influence sequencing decisions. As such, the MRSP allows for risk-plus factors to be considered when sequencing munitions response actions. Consideration of these risk-plus factors during sequencing does not change an MRS's relative priority; however, it may influence the sequencing of an MRS for munitions response actions, such that a munitions response may be conducted at an MRS with a lower relative priority ahead of an MRS with a higher relative priority.

b. Examples of the risk-plus factors, which are based on 32 CFR, Part 179.7, that may be considered when sequencing an MRS for munitions response actions are

outlined below. The importance of these and other risk-plus factors during sequencing will often vary based on MRS-specific conditions.

- (1) Concerns expressed by regulators or stakeholders.
- (2) Cultural or social factors.
- (3) Economic factors, including considerations pertaining to environmental justice issues, economies of scale, evaluation of total life-cycle costs, and estimated valuations of long-term liabilities.
- (4) Findings of health, safety, or ecological risk assessments.
- (5) Plans for development of the property in near term and other considerations related to reasonably anticipated future land use.
- (6) Community's reuse requirements.
- (7) Protection of endangered species, critical habitat, the ecology and/or cultural artifacts.
- (8) Specialized considerations of tribal trust lands (held in trust by the United States for the benefit of any tribe or individual).
- (9) Programmatic considerations (e.g., availability of required resources, complexity of required response actions, cost avoidance, availability of suitable technology).
- (10) Mission requirements.
- (11) Formal agreements with regulatory agencies.
- (12) Established program goals and/or initiatives.
- (13) Short-term and long-term ecological effects and environmental impacts in general, including injuries to natural resources.

c. Risk-plus factors are to be evaluated on an MRS-specific basis. To determine the most appropriate sequencing decision, such factors should not be considered independently, but in concert with the relative priority assigned based on any hazards known or suspected to be present at each MRS. Although consideration of risk-plus factors may, at times, result in an MRS of a lower relative priority being addressed before one of higher relative priority, consideration of such factors will not be used to circumvent DoD's overarching policy to address MRS of higher relative priority before MRS of lower relative priority.

5. Regulator and Stakeholder Involvement in the Sequencing Process.

Sequencing decisions shall be developed with input from the appropriate regulatory agencies and stakeholders. It is DoD and Army policy to ensure that federal and state regulatory agencies, tribal governments, local Restoration Advisory Boards (RABs) or technical review committees, local community stakeholders, and current landowners (if the land is outside DoD control) are offered opportunities, as early as possible and throughout the process, to make known any factors that could affect sequencing decisions. The Army shall notify regulators and other stakeholders, as appropriate, to seek their involvement and consider their input during sequencing. Should the Army Environmental Program Execution Managers (PEMs)², Headquarters, Department of the Army (HQDA) or the Office of the Secretary of Defense (OSD) change a sequencing decision that was previously agreed upon in a Management Action Plan (MAP) or equivalent plans (e.g., the Installation Action Plan (IAP) at active installations, the BRAC Installation Action Plan (BIAP) at BRAC installations, or Statewide Management Action Plan (SMAP) for FUDS properties), the responsible activity will notify the regulators and stakeholders involved in development of the MAP (or equivalent) of the decision and the rationale for the change, and request their review and comment on the new sequencing decision.

6. Documentation of MRS Sequencing Decisions.

a. The MRSPP requires an appropriate level of documentation of sequencing decisions on a program-wide basis. PEMs are responsible for ensuring that the required documentation is generated and maintained. Program-wide documentation should include:

(1) A comprehensive list of MRS and their corresponding MRSPP relative priorities, in order from highest relative priority to lowest.

(2) Where sequencing decisions resulted in a lower relative priority MRS being sequenced for action before other MRS of higher relative priority, a summary of risk-plus factors upon which the sequencing decision was based, in order of importance, to allow the predominant risk-plus factor to be recorded in DoD's Knowledge-Based Corporate Reporting System (KBCRS).

(3) Any regulatory or stakeholder input.

b. Procedures will be developed to allow sequencing decisions, which will normally be accomplished on a yearly basis, to be coordinated with the regulatory community and documented (i.e., appended to the MAP or equivalent document). Further detail on sequencing documentation requirements are provided in Table A.

² The Army Environmental Program Execution Managers are: U.S. Army Environmental Command (Active Installations), U.S. Army BRAC Division (BRAC Installations), Headquarters, USACE (FUDS), and the National Guard Bureau (ARNG Sites).

7. Installation or U.S. Army Corps of Engineers (USACE) FUDS District Responsibilities:

a. Recommendations for sequencing an MRS for a munitions response action are built using a "bottom-up" process. The MRS Project Team initially develops sequencing recommendations for submission up their respective chain of command. The MRS Project Team is well-informed about the MRS-specific conditions and technical issues and risk-plus factors that should be considered when making sequencing decisions. Additionally, this team, which maintains a continuous interface with the regulatory community and stakeholders, will have a greater understanding of any regulatory and stakeholder concerns.

b. The MRS Project Team provides its recommendations to the Installation Environmental Management Office Chief, USACE District FUDS Program Manager, ARNG Environmental Program Manager, or other designated authority responsible for executing the restoration activities, as appropriate. In its recommendations, the MRS Project Team should provide the rationale for its recommendations, including the risk-plus factors that impacted the recommendation and a summary of regulatory or stakeholder input considered. Recommendations are then submitted for consideration to the U.S. Army Environmental Command (AEC) for active installations, to the Army BRAC Division (BRACD) for BRAC installations, and through the USACE Division FUDS Program Manager to Headquarters USACE (HQUSACE) for FUDS properties. ARNG recommendations are submitted to AEC through the ARNG Directorate, Environmental Programs Division.

c. Installation, BRAC, ARNG or USACE District FUDS Program Managers shall ensure:

(1) Input that is provided by regulators and stakeholders that was considered during the sequencing of an MRS is documented in the Administrative Record and the Information Repository per table A.

(2) Their sequencing recommendations are documented in a MAP or equivalent document for each Army restoration program per Table A.

(3) Sequencing recommendations for FUDS properties located in states that have elected not to participate in the SMAP development process shall be documented in writing, submitted HQUSACE for coordination with the Office of the Assistant Chief of Staff for Installation Management, Installation Services Directorate, Environmental Division (OACSIM(ISE)), and submission to the Office of the Deputy Assistant Secretary of the Army for Environment, Safety, and Occupational Health (ODASA(ESOH)).

d. PEM Responsibilities:

(1) PEMs for the Active, BRAC, and FUDS programs, AEC, BRACD, and HQUSACE, respectively, will develop sequencing recommendations for MRS within

their respective programs based on the relative priorities assigned each MRS, MRS-level input, consideration of risk-plus factors, as appropriate, and recommendations received from the installations or USACE Districts and Divisions. The ARNG Directorate, in coordination with AEC, develops sequencing recommendations at ARNG MRS.

(2) PEMs will submit program-wide sequencing recommendations for review and validation by ODASA(ESOH) and OACSIM(ISE), except for FUDS, which are submitted for review and validation by HQUSACE, in coordination with OACSIM(ISE), and approval by the DASA(ESOH), as part of each PEM's Program Management Plan (PMP) submission and associated briefing, beginning in FY 2013. With subsequent PMP submissions, PEMs will highlight any changes to sequencing recommendations presented in the PMP of the previous year per in Table A. Each PEM also will provide specific justification for individual sequencing recommendations in the MAP equivalent (i.e., IAP, BIAP, or SMAP).

(3) PEMs are responsible for maintaining the required documentation following HQDA validation and approval in the Army databases of record: the Army Environmental Database-Restoration (AEDB-R) for active, BRAC, and ARNG installations and the FUDS Management Information System (FUDSMIS) for FUDS properties. Upon transition of these databases to the Headquarters Army Environmental System (HQAES), the HQAES will be the single database of record within the Army for environmental restoration data.

e. Headquarters, Department of the Army Responsibilities:

ODASA(ESOH) and OACSIM(ISE) review and validate, and the DASA(ESOH) approves all sequencing recommendations through the Army's PMP review process, except for FUDS which are reviewed and validated by HQUSACE, in coordination with OACSIM(ISE), and approved by the DASA(ESOH). ODASA(ESOH) and OACSIM(ISE) may make adjustments to the sequencing recommendations brought forward by the PEMs based on Army management considerations of risk-plus factors. Follow-on stakeholder notification and additional documentation is required for any changes in the sequencing of an MRS as a result of HQDA review. HQDA will report the results of sequencing to the Office of the Deputy Under Secretary of Defense (Installations and Environment) (ODUSD(I&E)) through annual updates to (KBCRS) to support development of the Defense Environmental Programs Annual Report to Congress. The submission will include justification for any sequencing decision that results in action at an MRS with a lower priority before action at an MRS with a higher priority. The schedule for submitting MRSPSP sequencing data up to ODUSD(I&E) shall be in accordance with the requirements set forth in the 2001 Management Guidance for the Defense Environmental Restoration Program (DERP), or subsequent, superseding direction from ODUSD(I&E).

8. MRS Sequencing Implementation Plans (SIP).

Each PEM will develop a SIP that is based on the unique needs of their program. The SIPs, which shall be incorporated annually into the PMP of each of the Army restoration programs beginning with the FY2013 submission, should include detail on the planned sequencing process, methods for evaluating and ensuring adequate consideration of risk-plus factors, documentation and reporting requirements for sequencing MRS of lower relative priority sequenced before MRS of higher relative priority, process for involving regulators and stakeholders in the original sequencing recommendations and for changes, and data management procedures.

Table A – Sequencing Documentation

Required Documentation	Administrative Record and Information Repository ¹	MAP or SMAP ²	Database of Record	PMP	KBCRS
MRS relative priority	X	X	X	X	X
Risk-plus factors applied, ³ if any	X	X	X	X	X
Rationale for applying specific risk-plus factors	X	X	X	X	
MRS sequence recommendation by PEM ⁴		X	X	X	
MRS sequence approved by HQDA		X	X	X	X
Change in sequence from prior fiscal year ⁵		X		X	
Regulatory input that influenced sequencing	X				
Stakeholder input that influenced sequencing	X				
Notifications to other federal agencies (e.g., EPA, DOI), state regulatory agencies, tribal governments, and local governments providing an opportunity to comment on sequencing decisions	X				

¹ All of the listed documents should be retained in the Project File.

² Annual sequencing decisions must be documented in the MAP or SMAP. For FUDS in a state where no SMAP exists, the required documentation will be included in a stand-alone document.

³ A prioritized list of all risk-plus factors considered shall be included in the specified documents. Only the risk-plus factor identified by the PEM as the highest priority for a particular MRS will be recorded in KBCRS.

⁴ A complete list of sites in sequence by installation or State shall be included in the specified documents. Each PEM will designate the format that will be used to present the required information (in both the MAP/SMAP and PMP) in their SIP.

⁵ Sites which were initiated out of sequence within the current Fiscal Year, shall be designated as such in the next MAP and/or SMAP and PMP.