



Fact Sheet

DoD Policy for Closed, Transferred, and Transferring Ranges Containing Military Munitions

Why is DoD issuing a directive instead of the Range Rule?

We would prefer to have the rule because it provides consistency and everyone will understand exactly how we will conduct the program. Unfortunately, we have not been successful in obtaining agreement among the Federal agencies. Despite the inability to reach consensus, DoD still feels that it is simply good government for this country to have a "Range Rule". DoD expects to re-propose the rule applying the knowledge learned from the negotiations. DoD will also engage EPA, the Federal Land Managers, the public, the tribes, and the States in the new process. However, in the interim, DoD needs to conduct a response program to reduce risk at CTT ranges. We are already doing so at Formally Used Defense Sites (FUDS) and Base Realignment and Closure sites. But we need to provide the field with consistent internal policy and guidance on how to proceed with a CTT response program. Consistent internal guidance will also facilitate our programming and budgeting process. Thus, we have provided outlines for both a DoD directive and a DoD instruction for a CTT Response Program.

What are DoD directives and instructions?

DoD directives (DoDD) and instructions (DoDI) are documents, internal to the Department of Defense, designed to establish, implement or interpret policy, practices, or procedures for the Services. A directive is more general and directive than an instruction. A DoD instruction implements, on a more detailed level, the requirements identified in a directive. Both documents contain similar information, to include:

- References containing important information, additional guidance, and/or authorities for implementing the directive or instruction.
- Purpose, applicability, and scope of the document.
- Definitions of terms used in the directive or instruction.
- Policy of the DoD describing the mandates and positions that the directive or instruction will adhere to. The policy section will also identify actions that will be taken to meet the requirements that DoD is issuing under the directive.
- Responsibilities of the various DoD offices or departments in implementing the document, as well as the effective date.

What is in the CTT directive?

The directive establishes policy for evaluating and responding to military munitions, to include unexploded ordnance (UXO), and other constituents on closed, transferred, and transferring (CTT) military ranges. It assigns responsibilities for development and implementation of a response program that provides for explosives safety and reduces risk

to human health and the environment from military munitions, to include UXO, and other constituents found on CTT ranges. The directive also requires the development and maintenance of an inventory of DoD CTT ranges. The Instruction will provide more detailed guidance to the Services on program goals and how to implement the program.

What is the road ahead?

DoD plans to issue the final directive in 2001. This directive will then be implemented with the development of the more detailed instruction. A Notice of Availability for the Instruction will be printed in the Federal Register. Draft outlines for the directive and the instruction follow.

OUTLINE FOR DoD DIRECTIVE

SUBJECT: Department of Defense (DoD) Policy for Closed, Transferred, and Transferring Ranges Containing Military Munitions

References: This section lists the references including the 10 Defense Environmental Restoration Program (DERP), 10 U.S.C. 172 Ammunition Storage Board, 42 U.S.C. 9601 Comprehensive Environmental Response, Compensation, and Liability Act, and DoD Directives, Instructions, and Guidance for DERP and the Department of Defense Explosives Safety Board (DDESB).

What is the appropriate regulatory driver(s) for DOD's Range Response Program at Closed, Transferred and Transferring Ranges?

1. **PURPOSE:** DoD is proposing that this Directive establish policy for evaluating and responding to military munitions, to include unexploded ordnance (UXO), and other constituents on closed, transferred, and transferring (CTT) military ranges. The Directive would assign responsibilities for:

1.1 Development and implementation of a response program that:

1.1.1. Provides for protection from explosive hazards.

1.1.2. Reduces risk to human health and the environment from military munitions, to include UXO, and other constituents on CTT ranges.

1.2. Development and maintenance of an inventory of CTT ranges.

2. **APPLICABILITY AND SCOPE:** This section will identify whom within DoD the Directive, will affect, and where it will apply. DoD proposes to apply the Directive to CTT ranges in the United States and its territories. It would not apply to indoor ranges or battlefields. This Directive would not apply to Open Burning/Open Detonation Grounds, or Munitions burial sites, unless these sites are co-located on CTT ranges in the United States and its territories.

Should the Program be a Range Response Program or a UXO Response Program?

3. **DEFINITIONS:** The terms used in this Directive will be defined as a separate appendix.

4. **POLICY:** DoD is proposing the following policies: Selected response actions must:

4.1.1. Provide for explosives safety during and after the response.

4.1.2. Be protective of human health and the environment.

4.1.3. Support the reasonably anticipated future land use. In some cases, the reuse may be limited.

4.1.4. Focus on reducing risk by:

4.1.4.1. Reducing the potential for contact with military munitions, to include UXO.

Eliminating, reducing, or controlling the potential exposure to other constituents.

4.2. Responses to other constituents will be integrated, to the extent possible, with responses to military munitions, to include UXO.

*What is the role of
explosives safety in this
environmental program?*

4.3. DoD will provide an opportunity for meaningful involvement of other Federal agencies, state and tribal governments, and members of the public, whenever the timing of response processes permit.

4.4. DoD will reduce risks through the use, as appropriate, of the full spectrum of response actions (i.e. emergency, time critical, non-time critical, and remedial actions).

4.4.1. DoD will take accelerated responses when it determines that a method of reducing risk from military munitions, to include UXO, and other constituents is readily available, generally accepted, reliable, and easily implemented.

4.4.2. Where there is evidence that military munitions may present an explosives hazard, the DoD Component will conduct a response. This response could be as simple as a notification to the community with an education program about the hazards posed by military munitions and how to avoid them or as complicated as a long-term response action involving sophisticated technology, specialized expertise, and significant resources.

4.5. DoD has the expertise and the responsibility to protect its personnel and the public from explosive hazards posed by military munitions, including UXO.

4.5.1. As established by the Department of Defense Explosives Safety Board, the basic tenet of DoD's explosives safety policy is to expose the minimum number of people to the minimum amount of explosives for the minimum amount of time. For the safety of its own personnel and its operations, DoD must apply this tenet to response actions that involve munitions, to include UXO.

4.5.2. DoD will only implement response alternatives that do not pose unacceptable

explosive safety risks to response personnel or other persons.

4.6. DoD will:

4.6.1. Use appropriate technologies and methods for range response actions.

4.6.2. Foster the development of new and innovative range response technologies and methods.

5. **RESPONSIBILITIES:** This section will identify the responsibilities of the different offices within DoD and the Services. The Office of the Secretary of Defense would be required to establish policies and guidance for the CTT Range Response Program. The Services would be required to budget and implement the program.

6. **EFFECTIVE DATE:** The effective date of the Directive will be designated in this section.

OUTLINE FOR DoD INSTRUCTION

SUBJECT: Department of Defense (DoD) Policy for Closed, Transferred, and Transferring Ranges Containing Military Munitions

PURPOSE:

This section provides the purpose of the instruction, which is to provide guidance to the Services in the development and implementation of a CTT Range Response Program. This section will be similar to the Directive.

APPLICABILITY AND SCOPE:

This section identifies who within DoD is affected by the Instruction and where it applies. This section will be similar to the Directive.

DEFINITIONS:

This section will include the definitions from the DoD CTT Range Directive and any other definitions that are required.

POLICY:

This section will include the policy statements from the DoD CTT Range Directive.

RESPONSIBILITIES:

This section identifies the responsibilities of the different offices within DoD and what the Services are required to do.

PROCEDURES:

This section describes the procedures that are to be followed in developing the program and any implementing guidance. The section will also indicate where DoD expects to involve other stakeholders in the development of the guidance. The broad categories are:

<i>Are there other procedures that should be included?</i>
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- Funding (How do the Services program for funds?)

- Inventory (What are the requirements for the inventory?)
- General Response Process (e.g., types of responses, explosives safety, response objectives, stakeholder involvement in the response process, site characterization)
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- UXO Technology development (What are the goals of technology development?)
- Measures of Merit (What are the goals for the program?)
- Future Land Use (How is Future Land Use determined?)
- Training and Education (Development of training programs for DoD personnel and for the stakeholders?)
- Implementing Guidance for CTT ranges (What should be included in the guidance developed by each Service to implement their programs?)
- Stakeholder Involvement in Developing Implementing Guidance (How will stakeholders be involved in the development process?)

What should DoD consider for Goals?

Possible Topics for future Stakeholder Forums:

Prioritization and Relative Risk Tool

Site characterization

Risk Management (e.g., R3M, Baseline Risk Assessment)

Land Use Controls

Response Complete and Site Closeout

Are there other topics?