

FORA ESCA REMEDIATION PROGRAM

DRAFT

Land Use Controls Implementation Plan/ Operation and Maintenance Plan Interim Action Ranges Munitions Response Area

Former Fort Ord
Monterey County, California

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Prepared for:

FORT ORD REUSE AUTHORITY

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**Interim Action Ranges Munitions Response Area
Land Use Controls Implementation Plan/Operation and Maintenance Plan
Former Fort Ord
Monterey County, California**

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- E Memorandum of Agreement Among The Fort Ord Reuse Authority, Monterey County and Cities of Seaside, Monterey, Del Rey Oaks and Marina, California State University Monterey Bay, University of California Santa Cruz, Monterey Peninsula College and the Department of Toxic Substance Control Concerning Monitoring and Reporting on Environmental Restrictions on The Former Fort Ord, Monterey County, dated February 27, 2008
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ACRONYMS AND ABBREVIATIONS

AOC	Administrative Order on Consent
ARARs	applicable or relevant and appropriate requirements
Army	United States Department of the Army
bgs	below ground surface
BRAC	Base Realignment and Closure
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
County	County of Monterey
CRUP	Covenant to Restrict the Use of Property
cy	cubic yards
DDESB	Department of Defense Explosives Safety Board
DMM	discarded military munitions
DTSC	Department of Toxic Substances Control
EOD	explosive ordnance disposal
EPA	United States Environmental Protection Agency
EPP	Environmental Protection Provisions
ESCA	Environmental Services Cooperative Agreement
ESD	Explanation of Significant Differences
ESS	Explosives Safety Submission
FFA	Federal Facility Agreement
FORA	Fort Ord Reuse Authority
FOSET	Finding of Suitability for Early Transfer
ft	foot
HMP	Habitat Management Plan
LTO	Long-Term Obligation
LTMM	Long-Term Management Measure
LUC	Land Use Control
LUCIP	Land Use Controls Implementation Plan
MD	munitions debris
MDAS	material documented as safe
MEC	munitions and explosives of concern
mm	millimeter
MOA	Memorandum of Agreement
MPC	Monterey Peninsula College
MR	Munitions Response
MRA	Munitions Response Area
MRS	Munitions Response Site

NCA	Non-completed Area
OMP	Operation and Maintenance Plan
RI/FS	Remedial Investigation/Feasibility Study
ROD	Record of Decision
RP	Remediation Program
RSA	Remediation Services Agreement
SEDR	Summary of Existing Data Report
SCA	Special Case Area
USACE	United States Army Corps of Engineers
UXO	unexploded ordnance

GLOSSARY

Anomaly

Any item that is seen as a subsurface irregularity after geophysical investigation. This irregularity should deviate from the expected subsurface ferrous and non-ferrous material at a site (i.e., pipes, power lines, etc.).

Anomaly Avoidance

Techniques employed on property known or suspected to contain unexploded ordnance (UXO), other munitions that may have experienced abnormal environments (e.g., discarded military munition [DMM]), munitions constituents in high enough concentrations to pose an explosive hazard, or chemical agent (CA), regardless of configuration, to avoid contact with potential surface or subsurface explosive or CA hazards, to allow entry to the area for the performance of required operations.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980

CERCLA 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.

Construction Activity

Development or construction which includes ground-disturbing or intrusive activities such as excavation, digging, development and other ground disturbance that involves displacement of more than ten (10) cubic yards (cy) of soil. Construction activities within the Interim Action Ranges MRA are subject to the excavation permitting process under the Monterey County and City of Seaside digging and excavation ordinances.

Construction Support

Assistance provided by the United States (US) Department of Defense (DoD) explosive ordnance disposal (EOD) or Unexploded Ordnance (UXO)-qualified personnel and/or by personnel trained and qualified for operations involving chemical agents (CA), regardless of configuration, during ground-disturbing or intrusive activities on property known or suspected to contain UXO, other munitions that may have experienced abnormal environments (e.g., discarded military munitions [DMM]), munitions constituents in high enough concentrations to pose an explosive hazard, or CA, regardless of configuration, to ensure the safety of personnel or resources from any potential explosive or CA hazards. For the Fort Ord Military Munitions Response Program (MMRP) being conducted and this document, construction support addresses Munitions and Explosives of Concern (MEC), specifically unexploded ordnance (UXO) and discarded military munitions (DMM) that potentially remains in the Interim Action Ranges Munitions Response Area (MRA).

Covenant Deferral Request (CDR)

A letter along with a supporting information package known as a CDR assembled by the Federal landholding to formally request deferral of the CERCLA covenant until all remediation has been accomplished prior to transfer. The United States Environmental Protection Agency (EPA) requires that the information is: 1) of sufficient quality and quantity to support the request for deferral of the CERCLA Covenant; and 2) that it provides a basis for EPA to make its determination. This information is submitted to EPA in the form of a CDR.

Deferral Period

The period of time that the CERCLA covenant, warranting that all remedial action is complete before transfer, is deferred through the Early Transfer Authority.

Depth of Detection

The maximum depth below the ground surface at which an object can be reliably detected at a site with a specific geophysical survey instrument. Depth of detection is typically measured from the center of mass of an object.

Discarded Military Munitions (DMM)

Generally, military munitions that have been abandoned without proper disposal or removed from storage in a military magazine or other storage area for the purpose of disposal. The term does not include UXO, military munitions that are being held for future use or planned disposal, or military munitions that have been properly disposed of consistent with applicable environmental laws and regulations. (10 U.S.C. 2710[e][2])

Early Transfers

The transfer, by deed, of federal property by the DoD to a nonfederal entity before all remedial actions on the property have been taken. Section 120 (h)(3)(C) of the CERCLA allows federal agencies to transfer property before all necessary cleanup actions have been taken. This provision, known as Early Transfer Authority, authorizes the deferral of the CERCLA covenant when the findings required by the statute can be made and the response action assurances required by the statute are given. The Governor of the state where the property is located must concur with the deferral request for property not listed on the National Priorities List (NPL). For NPL property, the deferral must be provided by the EPA with the concurrence of the Governor. Upon approval to defer the covenant, the DoD may proceed with the early transfer.

Environmental Services Cooperative Agreement Remediation Program (ESCA RP) Team

ARCADIS U.S, Inc. (formerly LFR Inc.), Weston Solutions, Inc., and Westcliffe Engineers, Inc.

Explosives Safety Submission (ESS)

A document providing an assessment of the explosives hazards likely to be encountered during the ground-disturbing or intrusive activities, including information from previous studies, historical records, and procedures for the response to MEC items, if recovered during on-site construction support, as required by DoD Ammunition and Explosives Safety Standards.

Explosive

A substance or a mixture of substances that is capable by chemical reaction of producing gas at such temperature, pressure, and speed as to cause damage to the surroundings. The term “explosive” includes all substances variously known as high explosives and propellants, together with igniters, primers, initiators, and pyrotechnics (e.g., illuminant, smoke, delay, decoy, flare, and incendiary compositions).

Feasibility Study (FS)

A study conducted where the primary objective is “to ensure appropriate remedial alternatives are being developed and evaluated and an appropriate remedy selected” (40 CFR 300.430[e]).

Ground-Disturbing and Intrusive Activities (or Operations)

Soil movement of any kind, regardless of volume, in the areas addressed in this document.

High Explosive (HE)

An explosive substance designed to function by detonation (e.g., main charge, booster, or primary explosive).

Intrusive Activity

An activity that involves or results in the penetration of the ground surface at an area known or suspected to contain MEC. Intrusive activities can be of an investigative or removal action nature.

Material Documented as Safe (MDAS)

Material Potentially Presenting an Explosive Hazard (MPPEH) that has been assessed and documented as not presenting an explosive hazard and for which the chain of custody has been established and maintained. This material is no longer considered to be MPPEH.

Material Potentially Presenting an Explosive Hazard (MPPEH)

Material that, prior to determination of its explosives safety status, potentially contains explosives or munitions (e.g., munitions containers and packaging material; munitions debris remaining after munitions use, demilitarization, or disposal; and range-related debris); or potentially contains a high enough concentration of explosives such that the material presents an explosive hazard (e.g., equipment, drainage systems, holding tanks, piping, or ventilation ducts that were associated with munitions production, demilitarization or disposal operations). Excluded from MPPEH are munitions within the DoD established munitions management system and other hazardous items that may present explosion hazards (e.g., gasoline cans, compressed gas cylinders) that are not munitions and are not intended for use as munitions.

Military Munitions

All ammunition products and components produced for or used by the armed forces for national defense and security, including ammunition products or components under the control of the DoD, the Coast Guard, the Department of Energy, and the National Guard. The term includes confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries, including bulk explosives, and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof. The term does not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components, other than nonnuclear components of nuclear devices that are managed under the nuclear weapons program of the Department of Energy after all required sanitization operations under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) have been completed. (10 U.S.C. 101[e][4][A through C])

Military Munitions Response Program (MMRP)

DoD-established program that manages the environmental, health, and safety issues presented by MEC.

Munitions and Explosives of Concern (MEC)

This term, which distinguishes specific categories of military munitions that may pose unique explosives 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. For the Fort Ord Military Munitions Response Program (MMRP) being conducted and this document, MEC does not include small arms ammunition (.50 caliber and below).

Munitions Constituents (MC)

Any materials originating from UXO, DMM, or other military munitions, including explosive and non-explosive materials, and emission, degradation, or breakdown elements of such ordnance or munitions. (10 U.S.C. 2710[e][3])

Munitions Debris (MD)

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

Munitions Response

Response actions, including investigation, removal actions, and remedial actions to address the explosives 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.

Munitions Response Area (MRA)

Any area on a defense 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.

Munitions Response Site (MRS)

A discrete location within an MRA that is known to require a munitions response.

Ordnance and Explosives (OE)

OE is an obsolete term replaced by MEC. See MEC in the glossary for further definition.

Quality Assurance (QA)

The management system implemented by a United States Army Corps of Engineers (USACE) Safety Specialist or a Third Party Safety Specialist to ensure Quality Control (QC) is functioning and that project quality objectives are being met. QC components include planning, implementation, assessment, reporting, and quality improvement.

Quality Control (QC)

The system of inspections, typically performed by the munitions contractor performing the work, of operational activities, work in progress, and work completed to assess the attributes and performance of a process against defined standards that are used to fulfill requirements for quality.

Remedial Actions

Those actions consistent with a permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance into the environment, to prevent or minimize the release of hazardous substances so that they do not

migrate to cause substantial danger to present or future public health, welfare, or the environment. The term includes but is not limited to such actions at the location of the release as storage; confinement; perimeter protection using dikes, trenches, or ditches; clay cover; neutralization; cleanup of released hazardous substances and associated contaminated materials; recycling or reuse; diversion; destruction; segregation of reactive wastes; dredging or excavations; repair or replacement of leaking containers; collection of leachate and runoff; on-site treatment or incineration; provision of alternative water supplies; and any monitoring reasonably required to assure that such actions protect the public health, welfare, and the environment. The term includes the costs of permanent relocation of residents and businesses and community facilities where the President of the United States determines that, alone or in combination with other measures, such relocation is more cost-effective and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition off site of hazardous substances, or may otherwise be necessary to protect the public health or welfare. The term includes off-site transport and off-site storage, treatment, destruction, or secure disposition of hazardous substances and associated contaminated materials.

Remedial Investigation (RI)

An investigation intended 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.

Response Action

Action taken instead of or in addition to a removal action to prevent or minimize the release of MEC so that it does not cause substantial danger to present or future public health or welfare or the environment.

Small Arms Ammunition (SAA)

Ammunition, without projectiles that contain explosives (other than tracers), that is .50 caliber or smaller, or for shotguns.

Title 10 United States Code (10 U.S.C.)

Title 10 of the United States Code outlines the role of armed forces in the United States Code. It provides the legal basis for the roles, missions and organization of each of the services as well as the United States Department of Defense.

Unexploded Ordnance (UXO)

Military munitions that (A) have been primed, fuzed, armed, or otherwise prepared for action; (B) have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installation, personnel, or material; and (C) remain unexploded either by malfunction, design, or any other cause. (10 U.S.C. 101[e][5][A] through [C])

UXO-Qualified Personnel

Personnel who have performed successfully in military EOD positions, or are qualified to perform in the following Department of Labor, Service Contract Act, Directory of Occupations, contractor positions: UXO Technician II, UXO Technician III, UXO Safety Officer, UXO Quality Control Specialist, or Senior UXO Supervisor.

UXO Technicians

Personnel who are qualified for and filling Department of Labor, Service Contract Act,

Directory of Occupations, contractor positions of UXO Technician I, UXO Technician II, and UXO Technician III.

1.0 INTRODUCTION

This Land Use Controls Implementation Plan, and Operation and Maintenance Plan (LUCIP/OMP) was prepared by the Environmental Services Cooperative Agreement (ESCA) Remediation Program (RP) Team (the ESCA RP Team) on behalf of the Fort Ord Reuse Authority (FORA) for the Interim Action Ranges Munitions Response Area (MRA) within the former Fort Ord in Monterey County, California (Figure 1). Originally, the Interim Action Ranges MRA was included in Group 3, which consists of Del Rey Oaks/Monterey, Laguna Seca Parking, and Military Operations in Urban Terrain Site MRAs. The Interim Action Ranges MRA was removed from Group 3 for further evaluation as agreed upon by FORA, United States Environmental Protection Agency (EPA), Department of Toxic Substances Control (DTSC) and the United States Department of the Army (Army).

The purpose of this LUCIP/OMP is to provide remedy implementation and maintenance information for the Interim Action Ranges MRA Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Record of Decision (ROD) dated December 12, 2016, and finalized on January 18, 2017 (Appendix A).

Although munitions responses (MEC removals) have been completed at the Interim Action Ranges MRA, the selected remedy addresses risks to human health and the environment from munitions and explosives of concern (MEC) that potentially remains in the Interim Action Ranges MRA. The selected remedy for the Interim Action Ranges MRA includes Land Use Controls (LUCs) because detection technologies may not detect all MEC present. The LUCs include requirements for: (1) munitions recognition and safety training for those people that conduct ground-disturbing or intrusive activities on the property; (2) construction support by unexploded ordnance (UXO)-qualified personnel for ground-disturbing or intrusive activities; (3) restrictions prohibiting residential use; and (4) restrictions against inconsistent uses (applicable to the habitat reserve areas). These LUCs are intended to limit MEC risk that may remain at the Interim Action Ranges MRA.

The selected remedy will be implemented by FORA under the ESCA and in accordance with the Administrative Order on Consent (AOC) for Cleanup of Portions of the Former Fort Ord, Docket No. R9-2007-003. This LUCIP/OMP was developed to: (1) outline the processes for implementing land use restrictions; and (2) identify procedures for responding to MEC discoveries, including coordinating additional investigation and/or follow-up response actions in the Interim Action Ranges MRA, if determined to be necessary. The selected LUCs may be modified in the future. In addition, Long-Term Management Measures (LTMMs) comprised of a deed restriction, annual monitoring and reporting and five-year review reporting will be implemented for the reuse areas within the Interim Action Ranges MRA.

1.1 Regulatory Background

The former Fort Ord was placed on the National Priorities List in 1990. To oversee the cleanup of the base, the Army, DTSC, Central Coast Regional Water Quality Control Board, and EPA entered into a Federal Facility Agreement (FFA). One of the purposes of the FFA is to ensure that the environmental impacts associated with past and present activities at the

former Fort Ord are thoroughly investigated and appropriate remedial action taken as necessary to protect the public health and the environment. In November 1998, the Army agreed to evaluate MEC at the former Fort Ord and perform a base-wide Munitions Response (MR) Remedial Investigation/Feasibility Study (RI/FS) consistent with CERCLA. The base-wide MR RI/FS program addressed MEC hazards on the former Fort Ord and evaluated past removal actions as well as recommended future remedial actions deemed necessary to protect human health and the environment under future uses. 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 FFA. The signatories agreed that the FFA provided the appropriate framework and process to address the Army's MEC activities.

In March 2007, the Army and FORA entered into an ESCA to provide MEC remediation services funding. In accordance with the ESCA and an AOC, FORA is responsible for completion of CERCLA response actions, except for those responsibilities retained by the Army, on approximately 3,300 acres of the former Fort Ord. The AOC was entered into by FORA, EPA, DTSC, and the United States Department of Justice Environment and Natural Resources Division in December 2006 (EPA Region 9 CERCLA Docket No. R9-2007-03). The underlying property was transferred to FORA in May 2009. The Interim Action Ranges MRA is included in the ESCA. The Army is the responsible party and lead agency for investigating, reporting, making cleanup decisions, and taking cleanup actions at the former Fort Ord. Under the ESCA, FORA is investigating, reporting, and implementing cleanup actions within the ESCA areas on behalf of the Army.

The Interim Action Ranges MRA includes sites where MEC were found and munitions response (MEC removals) actions were conducted. The Interim Action Ranges MRA is located within the munitions response site (MRS) Ranges 43-48 (Figure 2). The *Record of Decision, Interim Action for Ordnance and Explosives at Ranges 43-48, Range 30A, and Site OE-16, Former Fort Ord, California* ("Interim Action ROD") was produced by the Army in August 2002 for Interim Action Sites at the former Fort Ord, including MRS Ranges 43-48 (Army 2002). The remedial action selected for the Interim Action Sites included surface and subsurface MEC removal. Interim remedial action was conducted by the Army on MRS Ranges 43-48 (approximately 500 acres) from November 2003 to December 2005 (Parsons 2007). Interim remedial action was completed by FORA for the remaining portions of MRS Ranges 43-48 within the Interim Action Ranges MRA in March 2013 (ESCA RP Team 2015a).

The portion of MRS Ranges 43-48 within the Interim Action Ranges MRA was investigated, with all identified MEC removed. These munitions response actions also included Quality Control and Quality Assurance requirements that evaluated the adequacy of the munitions response actions.

Although MEC is not expected to be encountered within these Interim Action Ranges MRA, it is possible that some MEC may not have been detected and remains present. Because a future land user (e.g., worker or recreational user) may encounter MEC at the Interim Action Ranges MRA, a Focused Feasibility Study was conducted to evaluate remedial alternatives to address this potential risk to future land users (ESCA RP Team 2015b). The Final Interim Action Ranges MRA Focused Feasibility Study, Former Fort Ord, Monterey County,

California (“Focused Feasibility Study”), was developed by FORA under the ESCA and in accordance with the AOC. The Focused Feasibility Study evaluated the risks related to potentially remaining MEC within the Interim Action Ranges MRA based upon the intended future uses. On January 18, 2017, the Army and EPA, in consultation with DTSC, recorded the final decision in the ROD documenting the selected remedial alternative of LUCs for managing the risk to future land users from MEC that potentially remain in the Interim Action Ranges MRA. This LUCIP/OMP was prepared as a result of the selection of LUCs as a component of the remedy in accordance with the ROD for Interim Action Ranges MRA.

1.2 FORA ESCA Regulatory Framework and Responsibilities

In connection with the early transfer of a portion of the former Fort Ord, FORA is performing a portion of the Army’s cleanup obligations under an ESCA grant. Pursuant to the associated AOC, entered into in December 2006 and effective July 25, 2008, and the ESCA, dated March 27, 2007, FORA agreed to implement the selected remedy for the Interim Action Ranges MRA.

Under the ESCA, FORA or its successor entity, is responsible for all actions necessary to achieve Site Closeout, including implementation of the selected remedy and any Long-Term Obligations. FORA may not assign ESCA responsibilities from FORA, or its successor entity, to a third party without the prior approval by the Army. FORA assumes responsibility for completion of necessary response actions, except Army Obligations, which include implementing, maintaining, reporting, and enforcing the land use controls. The Army remains ultimately responsible for remedy integrity, including requirements for the implementation, enforcement, and reporting of the remedy. The Interim Action Ranges MRA ROD does not provide for or prevent any transfer of remedy implementation responsibilities from FORA, or its successor, to another party.

This LUCIP/OMP fulfills the AOC requirements identified under Interim Action Ranges MRA Appendix B, Statement of Work, Tasks 7 and 8. FORA requested EPA’s approval to waive Appendix B, Statement of Work, Task 6 (Remedial Design/Remedial Action) requirements of the AOC, as the selected remedy for the Interim Action Ranges MRA consists solely of institutional controls implementation. EPA approved this request in a letter to FORA dated February 23, 2017.

1.2.1 FORA Successor in Interest

In 2012, Assembly Bill 1614, which amended Section 67700 of, and repealed Sections 67679.5 and 67686 of, the Government Code, was passed to extend FORA’s statutory authorities to June 30, 2020. The ESCA and AOC contemplated the eventual sunset of FORA and made provisions for a successor in interest to perform FORA’s Long-Term Obligations (LTOs). For purposes of this LUCIP/OMP, the terminology of “FORA” refers to obligations or requirements that are currently assigned to FORA, but will eventually be transferred to FORA’s successor in interest.

1.3 Area of Remedy Implementation

The area addressed by this LUCIP/OMP consists of those areas included in the Army's ROD, Interim Action Ranges Munitions Response Area, Former Fort Ord, California (Appendix A). The Interim Action Ranges MRA is described below. The Federal deed, including survey plat for the Interim Action Ranges MRA parcel, are provided in Appendix B.

The Interim Action Ranges MRA is located in the north-central portion of the former Fort Ord and is contained within the jurisdictional boundaries of the City of Seaside and Monterey County. The Interim Action Ranges MRA encompasses approximately 227 acres within the MRS Ranges 43-48 (Figure 2). The MRS was identified when the Army evaluated three sites for interim remedial actions in the Final Interim Action OE Remedial Investigation / Feasibility Study for Ranges 43-48, Range 30A, Site OE-16, Former Fort Ord, California (Harding 2002). The MRA boundaries encompass five United States Army Corps of Engineers (USACE) property transfer parcels: E38, E39, E40, E41, and E42 (Figure 3). The Interim Action Ranges MRA contains all or portions of five firing ranges (Ranges 43, 44, 45, 46, and 47; Figure 2) used for a variety of training purposes from the 1950s through the 1990s. Based on the results of the literature review, investigations, and removal actions, the usage of each range included: mortar training and subsequently platoon live fire course at the time of base closure (Range 43); antitank weapons range at the time of base closure (Range 44); grenade launcher range at the time of base closure (Range 45); small arms range from the late 1950s to the time of base closure (Range 46); and 40mm grenade range in the 1960s (Range 47).

The Interim Action Ranges MRA includes two proposed planned reuses: non-residential development and habitat reserve.

1.4 Description of Selected Remedy

The selected remedy addresses risks to human health and the environment from MEC that potentially remains in the Interim Action Ranges MRA. Munitions responses (MEC removals) have been completed at the Interim Action Ranges MRA, significantly reducing the risks to human health and the environment. The selected remedy for the Interim Action Ranges MRA includes LUCs because detection technologies may not detect all MEC present. The LUCs include requirements for:

- (1) MEC recognition and safety training for those people that conduct ground-disturbing or intrusive activities on the property;
- (2) Construction support by UXO-qualified personnel for ground-disturbing or intrusive activities;
- (3) Restrictions prohibiting residential use; and
- (4) Restrictions against inconsistent uses (applicable to the habitat reserve areas).

For the purpose of this remedy, residential use includes, but is not limited to: single family or multi-family residences; childcare facilities; nursing homes or assisted living facilities; and

any type of educational purpose for children or young adults in grades kindergarten through 12 (Army 2007). Residential use is prohibited. Per the FORA Fort Ord Reuse Plan (Base Reuse Plan; FORA 1997), no residential reuse is planned for the Interim Action Ranges MRA.

To maintain the integrity of the habitat management and conservation systems that are in place in the habitat reserve areas of the Interim Action Ranges MRA, uses inconsistent with the Installation-Wide Multispecies Habitat Management Plan for Former Fort Ord, California (HMP; USACE 1997) are prohibited. Uses that are inconsistent with the HMP include, but are not limited to, residential, school, and commercial/industrial development.

The selected remedy will be implemented by FORA in its capacity as Grantee under the ESCA and as a party to the AOC and not in its capacity as real property owner of the real estate or as a government entity.

As part of the LUC implementation strategy, LTMM comprised of a deed notice and restrictions, annual monitoring and reporting, and five-year review reporting will be included for the land use areas within the Interim Action Ranges MRA. The Army will evaluate these areas as part of the installation-wide CERCLA five-year reviews. The selected LUCs may be modified or discontinued by the Army, with the approval of the EPA and DTSC, in the future based on the five-year review process (Section 4.8.3).

As part of the early transfer of the subject property, the Army has entered into a Covenant to Restrict the Use of Property (CRUP) with DTSC that documents land use restrictions and that has already been recorded against the deed. The existing deed to FORA for the Interim Action Ranges MRA parcels include the following land use restrictions: 1) prohibition on residential use; and 2) prohibition on excavation (unless construction support and munitions recognition and safety training, referred to as “MEC recognition and safety training” in the CRUP, are provided). The existing Federal deed for the Interim Action Ranges MRA property is provided in Appendix B. The Army will modify the existing land use restrictions in the federal deed, as necessary, to reflect the selected remedy. FORA will prepare and submit annual letter reports to EPA and DTSC summarizing any MEC found and changes in site conditions that could increase the possibility of encountering MEC. Copies of the annual monitoring report will also be provided to the Army for inclusion in the five-year reviews.

While the Army does not consider California laws and regulations concerning CRUPs to be applicable or relevant and appropriate requirements (ARARs), the Army entered into CRUPs with DTSC at the time the property was transferred to FORA. DTSC will modify the existing CRUP, if appropriate, to reflect the land use restrictions included in the selected remedy. Although DTSC and EPA Region 9 disagree with the Army’s determination that California laws and regulations concerning CRUPs are not ARARs, they will agree-to-disagree on this issue since the Army executed the CRUPs and DTSC will modify the CRUPs, if appropriate, to be consistent with the identified remedy.

1.4.1 Munitions Recognition and Safety Training

For the Interim Action Ranges MRA, ground-disturbing or intrusive activities are expected to occur. Those people involved in ground-disturbing or intrusive operations at these areas will be required to attend munitions recognition and safety training, referred to as “MEC recognition and safety training” in the Interim Action Ranges MRA ROD, to increase awareness of and ability to identify suspect munitions items. Prior to conducting ground-disturbing or intrusive activities, property owners will be required to contact FORA for munitions recognition and safety training for those people performing ground-disturbing or intrusive activities.

Munitions recognition and safety training will be evaluated by the Army as part of the five-year review process to determine if the training program should continue. If further evaluation indicates that this LUC is no longer necessary, the program may be discontinued with Army, EPA, and DTSC approval (Section 4.8.3).

1.4.2 Construction Support

Construction support by UXO-qualified personnel is required during any ground-disturbing or intrusive activities at the Interim Action Ranges MRA in order to address potential MEC risks to construction and maintenance personnel. Construction support will be arranged during the construction and maintenance planning stages of the project prior to the start of any ground-disturbing or intrusive activities. The level of construction support is determined by the probability of encountering MEC.

If evidence of MEC (i.e., suspect munitions item) is found during construction support activities, the ground-disturbing or intrusive activities in the immediate vicinity of the suspect munitions item, as specified in a construction support plan, will immediately cease (i.e., stop work), no attempt will be made to disturb, remove, or destroy the suspect munitions item. Depending on the level of construction support required, either 1) the local law enforcement agency having jurisdiction on the property will be immediately notified so that appropriate military explosive ordnance disposal (EOD) personnel can be dispatched to address the suspect munitions item, as required under applicable laws and regulations; or 2) the suspect munitions item will be addressed by UXO-qualified personnel (Section 4.3.4).

Construction support will be evaluated by the Army as part of the five-year review process to determine if the LUC should continue. If the MEC-related data collected during the development of the disturbed areas indicate that this LUC is no longer necessary, construction support may be discontinued after Army, EPA, and DTSC approval.

1.4.3 Restrictions Prohibiting Residential Use

Residential use restrictions placed on the Interim Action Ranges MRA property at the time the property was transferred to FORA will be maintained. For the purposes of this document, residential reuse includes, but is not limited to: single family or multi-family residences; childcare facilities; nursing homes or assisted living facilities; and any type of educational purpose for children or young adults in grades kindergarten through 12 (Army 2007). The restriction may be discontinued with Army, EPA, and DTSC approval (Section 4.8.3). The

DTSC may require additional verification equivalent to the DTSC residential protocol before termination of the residential use restrictions in the State CRUP.

1.4.4 Restrictions Prohibiting Inconsistent Uses

Restrictions prohibiting uses inconsistent with the HMP placed on the habitat reserve reuse portions of the Interim Action Ranges MRA property at the time the property was transferred to FORA will be maintained. The habitat reserve reuse areas include, Parcels E38, E39, E41, and E42. Uses that are inconsistent with the HMP include, but are not limited to, residential, school, and commercial/industrial development. The restriction may be discontinued with Army, EPA, and DTSC approval (Section 4.8.3).

1.4.5 Long-Term Management Measures

In addition to the LUCs described above, the LUCIP/OMP also describes the following LTMM for the Interim Action Ranges MRA:

- **Existing land use restrictions:** The deed to FORA for the Interim Action Ranges MRA parcels restrict residential use and uses inconsistent with the HMP (applicable to habitat reserve areas). Residential use includes, but is not limited to: single family or multi-family residences; childcare facilities; nursing homes or assisted living facilities; and any type of educational purpose for children or young adults in grades kindergarten through 12. It should be noted that the State CRUP for the Interim Action Ranges MRA parcels restrict residential use. Uses that are inconsistent with the HMP include, but are not limited to, residential, school, and commercial/industrial development.
- **Annual monitoring and reporting:** FORA will perform annual monitoring and reporting. FORA will notify the Army, EPA, and DTSC, as soon as practicable, of any MEC-related data identified during use of the property, and report the results of monitoring activities annually.
- **Five-year review reporting:** Five-year reviews will be conducted by the Army in accordance with CERCLA Section 121(c) and the Fort Ord FFA. The five-year review will evaluate the protectiveness of the selected remedy. Based on the evaluation, the selected LUCs may be modified or discontinued, with Army, EPA, and DTSC approval (Section 4.8.3).

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2.0 SITE DESCRIPTION

The Interim Action Ranges MRA is located in the north-central portion of the former Fort Ord, within the boundary of the historical impact area and is bordered by the Parker Flats MRA to the north, the Seaside MRA to the northwest, and the Impact Area MRA to the southeast, south, and southwest. The Interim Action Ranges MRA encompasses approximately 227 acres within the MRS Ranges 43-48.

This section provides background information on the Interim Action Ranges MRA, including a summary of results of the site-specific remedial investigation and site evaluations presented in the Focused Feasibility Study. Additional background information is provided in the Interim Action Ranges MRA ROD (Appendix A).

2.1 Site History

Since 1917, portions of the former Fort Ord were used by cavalry, field artillery, and infantry units for maneuvers, target ranges, and other purposes. From 1947 to 1974, Fort Ord was a basic training center. After 1975, the 7th Infantry Division occupied Fort Ord. Fort Ord was selected for closure in 1991. The majority of the soldiers were reassigned to other Army posts in 1993 and the base was not officially closed until September 1994. The Army has retained a portion of former Fort Ord property as the Ord Military Community and U.S. Army Reserve Center. The remainder of Fort Ord was identified for transfer to federal, state, and local government agencies and other organizations for reuse.

Munitions-related activities (e.g., live-fire training, demilitarization) involving different types of conventional military munitions (e.g., artillery and mortar projectiles, rockets and guided missiles, rifle and hand grenades, practice land mines, pyrotechnics, bombs, and demolition materials) were conducted at Fort Ord. Because of these activities, MEC, specifically UXO and discarded military munitions (DMM), have been encountered and are known or suspected to remain present at sites throughout the former Fort Ord.

2.2 Regulatory History

The AOC was entered into voluntarily by FORA, EPA, DTSC, and the United States Department of Justice Environment and Natural Resources Division in December 2006 (EPA Region 9 CERCLA Docket No. R9-2007-03). In March 2007, the Army and FORA entered into an ESCA to provide Army funding for MEC remediation services. In accordance with the ESCA, the AOC, and the FFA Amendment No. 1, FORA is responsible for completion of the Army's CERCLA response actions, except for those responsibilities specifically retained by the Army, on approximately 3,300 acres of the former Fort Ord. The underlying property was transferred to FORA in May 2009. The Army is the responsible party and lead agency for investigating, reporting, making cleanup decisions, and taking cleanup actions at the former Fort Ord under CERCLA. Under the ESCA, FORA is investigating, reporting, and implementing cleanup actions within the ESCA areas on behalf of the Army.

As part of the agreements for early transfer of the subject property, the Army has entered into State CRUPs with DTSC that document land use restrictions. The applicability of and requirements for State CRUPs are described in California Code of Regulations Section 67391.1 and California Civil Code Section 1471.

As described in Final Summary of Existing Data Report (SEDR), Former Fort Ord, Monterey, California (ESCA RP Team 2008), the ESCA areas were combined into nine MRAs, and they were further consolidated into four groups according to similar pathway-to-closure characteristics. Group 1 consists of the Parker Flats and Seaside MRAs. Group 2 consists of the California State University Monterey Bay Off-Campus and County North MRAs. Group 3 consists of Del Rey Oaks/Monterey, Laguna Seca Parking, and Military Operations in Urban Terrain Site MRAs. Originally, Group 3 included the Interim Action Ranges MRA. The Interim Action Ranges MRA was removed from Group 3 for further evaluation as agreed upon by FORA, EPA, DTSC and the Army. Group 4 consists of the Future East Garrison MRA.

2.3 Interim Action Ranges MRA Summary

The Focused Feasibility Study summarized the available data and evaluated MEC-related risks for the Interim Action Ranges MRA (ESCA RP Team 2015b). This section summarizes the MEC investigations and removal actions conducted for the portion of MRS Ranges 43-48 within the Interim Action Ranges MRA as identified in the Focused Feasibility Study. MEC encountered during these actions were destroyed by detonation and recovered MD was disposed of or recycled after being inspected and determined not to pose an explosive hazard.

The Interim Action Ranges MRA is located in the north-central portion of the former Fort Ord. The Interim Action Ranges MRA encompasses approximately 227 acres within the MRS Ranges 43-48 (Figure 2).

Historical records and recovered MEC and MD indicate that the Interim Action Ranges MRA was used for military training since the initial 1917 government purchase and designation of the land as an artillery range. Cavalry and artillery troops conducted training activities within the historical impact area. The Interim Action Ranges MRA contains all or portions of five firing ranges used for a variety of training purposes from the 1950s through the 1990s. The usage of each range included: mortar training and subsequently platoon live fire course at the time of base closure (Range 43); antitank weapons range at the time of base closure (Range 44); grenade launcher range at the time of base closure (Range 45); small arms range from the late 1950s to the time of base closure (Range 46); and 40mm grenade range in the 1960s (Range 47) (Figure 2).

Munitions responses (MEC removals) have been completed at the Interim Action Ranges MRA. Several munitions response actions were completed prior to interim remedial action at the Interim Action Ranges MRA. These munitions response actions included grid sampling, visual surface MEC removal in accessible areas, and subsurface MEC removal on roads and fuel breaks. As the remedial action selected in the Interim Action ROD, surface removal and subsurface removal operations were conducted by the Army on MRS Ranges 43–48. The interim remedial action in MRS Ranges 43-48 was started in 2002 and completed in 2005 and

encompassed the Interim Action Ranges MRA. Approximately 235 acres within MRS Ranges 43-48 where subsurface MEC removal was not completed were designated as Special Case Areas (SCAs) or Non-completed Areas (NCAs). Approximately 35.9 acres of the SCAs and approximately 9.2 acres of NCAs within MRS Ranges 43-48 are located within the boundaries of the Interim Action Ranges MRA. An additional surface MEC removal was conducted in a portion of the Range 44 SCA in 2007.

Under the ESCA, FORA completed interim remedial action in the SCAs and NCAs located within the Interim Action Ranges MRA. To determine areas where interim remedial action was warranted, a design study was conducted in the Range 44 SCA, Range 47 SCA, and Central Area NCAs (Figure 3). Based on the results of the design study, a remedial action was conducted by FORA in the Range 47 SCA.

Two additional SCAs (Range 45 Trench SCA [approximately 1.2 acres; subsurface removal to a 2-foot (ft) depth across the top of the SCA conducted by the Army] and a small portion of the Fenceline SCA [one partial 100-ft by 100-ft grid]) are also located within the Interim Action Ranges MRA; however, these areas were not included in the interim remedial action completed by FORA.

The MEC and MD encountered within the Interim Action Ranges MRA were consistent with the documented historical uses. The types of MEC and MD removed from the MRA included: blasting caps, bulk explosives, bombs, hand grenades and hand grenade fuzes, rifle grenades, mines and mine fuzes, flares and signals, smoke generating items, firing devices, missiles, rockets and rocket motors, mortars, various projectiles and projectile fuzes, and simulators.

2.4 Potential Future Land and Resource Uses

The future land uses for the Interim Action Ranges MRA, summarized below, are based upon the Fort Ord Base Reuse Plan (FORA 1997). Future land use information is also included in the HMP (USACE 1997) and modifications to the HMP provided in Assessment, East Garrison – Parker Flats Land Use Modifications, Fort Ord, California (Zander 2002), and Memorandum of Understanding Concerning the Proposed East Garrison/Parker Flats Land-Use Modification (Army 2004).

The Interim Action Ranges MRA is designated for non-residential development with borderland interface and habitat reserve. The reasonably foreseeable reuses being considered for the Interim Action Ranges MRA include:

- Non-Residential Development, Parcel E40 — Approximately 25 acres in the north-central portion of the MRA are designated for development by Monterey Peninsula College. A 100-foot buffer from the borderland interface along the Natural Resources Management Area (NRMA), designated as habitat reserve, was identified in the ESCA (USACE/FORA 2007); however, the buffer width is subject to change based on future fire-wise planning by FORA. The borderland development area along the NRMA interface, designated as habitat reserve, was established in the HMP (USACE 1997). Construction and maintenance of buildings and roads, installation of utilities,

as well as the activities associated with Monterey Peninsula College are expected within this reuse area.

- Habitat Reserve, Parcels E38, E39, E41, and E42 — Approximately 202 acres of the MRA are designated for habitat reserve. Disturbance to the habitat reserve area during reuse will be subject to restrictions, as specified in the deed for the property. Habitat conservation-related restrictions include, but are not limited to: 1) applicable avoidance, protection, conservation and restoration requirements identified in the HMP, and 2) removal of any vegetation, cutting of trees, disturbance to soil, or any other actions that would impair the conservation of the species or their habitats (USACE 1997). The Monterey gilia (endangered; formerly referred to as sand gilia) and Monterey spineflower (threatened) plant species have been identified as having occurrence in the Interim Action Ranges MRA (ESCA RP Team 2015a). A portion of the MRA has been designated as critical habitat for the Monterey spineflower by the United States Fish and Wildlife Service. It is possible the California tiger salamander may be found in the Interim Action Ranges MRA as the MRA is within the 2-kilometer distance from an aquatic feature that may provide breeding habitat for the California tiger salamander.

3.0 LAND USE CONTROL IMPLEMENTATION STRATEGIES

In this section, performance objectives for the LUC remedy to be implemented at Interim Action Ranges MRA are presented along with the implementation strategy for achieving each objective. Responsibilities and specific actions to be taken to implement each objective, including monitoring and reporting requirements, are presented in Section 4.0. Responsibilities and specific actions to be taken for operation and maintenance of the LUC remedy to facilitate long-term compliance with the LUC remedy objectives are presented in Section 5.0.

LUCs will be maintained until Army, EPA, and DTSC concur that the land use may be conducted in a manner protective of human health and the environment without the LUCs or a component thereof for all or portions of the MRA. This concurrence may be based on: 1) new information (e.g., limited geophysical mapping, site development); or 2) where the depth of soil disturbance related to ground-disturbing or intrusive activities is sufficient to address the uncertainty of MEC remaining in the subsurface and any MEC encountered during such activities is removed. Details regarding remedy modification, including discontinuing portions of the LUC remedy components, are presented in Section 4.8 for LUC implementation.

3.1 Munitions Recognition and Safety Training

Performance Objectives: Ensure that land users involved in ground-disturbing or intrusive activities are educated about the possibility of encountering MEC, and ensure that land users involved in ground-disturbing or intrusive activities stop the activity when a suspect munitions item is encountered and report the encounter to the appropriate authority.

Implementation Strategy: People conducting ground-disturbing or intrusive activities within the Interim Action Ranges MRA are required to obtain munitions recognition and safety training. This requirement is being implemented through two channels:

- Annual notification to property owners, which includes a reminder of the munitions recognition and safety training requirement, information on how to obtain the training, and a copy of the Military Munitions 3Rs Explosives Safety Guide (referred to herein as “MEC Safety Guide” [see Appendix C]) (Section 4.2.2); and
- As a condition for excavation permits under the Monterey County (County) and City of Seaside (City) digging and excavation ordinances (Monterey County Code Chapter 16.10 and City of Seaside Municipal Code Chapter 15.34; for reference, copies of the current digging and excavation ordinances are provided in Appendix D) (Section 4.2.3).

The MEC Safety Guide provides property owners the required education about the possibility of encountering MEC and the correct response in the unlikely event that a suspect munitions item is encountered during ground-disturbing or intrusive activities involving less than ten (10) cubic yards (cy) of soil disturbance. The annual notification to property owners of the requirements of munitions recognition and safety training and the requirement to provide the

MEC Safety Guide are requirements under this LUCIP/OMP. The annual notification to property owners of the requirements of munitions recognition and safety training and the requirement to provide the MEC Safety Guide are requirements under this LUCIP/OMP. The annual notification to property owners of the requirements of munitions recognition and safety training and providing the Army Safety Alert pamphlet are requirements under the County and City digging and excavation ordinances (Monterey County Code Chapter 16.10.120 and City of Seaside Municipal Code Chapter 15.34). MPC has agreed to comply with the County and City digging and excavation ordinance requirements for munitions recognition and safety training under the memorandum of agreement (MOA) in place with FORA, MPC, the County, the City, and DTSC (Appendix E). Additional information on the MEC Safety Guide is provided in Section 4.2.1.1.

To facilitate long-term implementation of training, an option for delivery of training via a web-based training platform is being provided by FORA. The web-based training program includes tools for registration of trainees, access to the training materials, and documenting and monitoring training activities. Training activities are monitored throughout the year by MPC and reported to FORA in the annual LUC monitoring report. FORA will compile annual LUC monitoring reports received from MPC to the Army, EPA, and DTSC. Responsibilities and specific actions to be taken to implement the munitions recognition and safety training requirement, including monitoring and reporting requirements, are presented in Section 4.2.

The State CRUP recommends reasonable and prudent precautions be taken when conducting ground-disturbing or intrusive activities, including providing the Army's munitions recognition and safety training, or equivalent, to any persons conducting such activities. The State CRUP for the Interim Action Ranges MRA property is provided in Appendix F. The current Federal deed and State CRUP also prohibit activities in violation of the local excavation ordinances (Appendices B and F, respectively). Training is required under the deed restrictions and State CRUP providing for redundancy in this LUC requirement.

3.2 Construction Support

Performance Objectives: Ensure ground-disturbing or intrusive activities are coordinated with UXO-qualified personnel so encounters with suspect munitions items are handled appropriately. Mechanisms for implementing the requirement for construction support are provided in local digging and excavation ordinances and this LUCIP/OMP, which are required to be followed.

Implementation Strategy: Construction support is required for ground-disturbing or intrusive activities within the Interim Action Ranges MRA. For projects involving disturbance of ten (10) cy of soil or more, construction support is being implemented through a digging and excavation permitting process under the Monterey County ("the County") and the City of Seaside ("the City") digging and excavation ordinances (Monterey County Code Chapter 16.10, City of Seaside Municipal Code Chapter 15.34). Projects involving less than ten (10) cy soil disturbance do not require a digging and excavation permit, but must be coordinated with FORA, Army, EPA, and DTSC to ensure compliance with MEC safety

requirements (i.e., construction support, including anomaly avoidance, munitions recognition and safety training; Section 4.3).

During the digging and excavation permitting process, the level of construction support required is determined on a case-by-case basis. Construction support requirements are determined using current Department of Defense Explosives Safety Board (DDESB) requirements and site-specific conditions, including the probability of encountering MEC. When the probability of encountering MEC is determined to be low (for example, the likelihood of encountering MEC is considered possible, but not probable), “on-call” construction support is required, on an as-needed basis (Section 4.3.2). When the probability of encountering MEC is moderate to high, “on-site” construction support or anomaly avoidance is required. For on-site construction support, UXO-qualified personnel must employ techniques to avoid contact with potential subsurface explosive hazards during any ground-disturbing or intrusive activities (Section 4.3.3).

The on-site construction support requirement is applicable when the probability of encountering MEC is moderate to high, regardless of the level of soil disturbance or excavation permitting requirements. Ground-disturbing or intrusive activities involving less than ten (10) cy of soil disturbance do not require a digging and excavation permit. However, ground-disturbing or intrusive activities involving less than ten (10) cy of soil disturbance in areas with a moderate to high probability of encountering MEC are required to follow DDESB requirements for on-site construction support or anomaly avoidance. Ground-disturbing or intrusive activities involving less than ten (10) cy of soil disturbance in areas with a low probability of encountering MEC require distribution of the MEC Safety Guide to construction personnel prior to start of ground-disturbing or intrusive activity work (Section 4.3).

To facilitate implementation of construction support, several construction support implementation resources are provided in this LUCIP/OMP, including a decision tree for determining appropriate levels of construction support, decision tree for the on-site construction support process, procedures for response to suspect munitions finds during on-call construction support, template for On-call Construction Support Plans and forms for notification of MEC finds and after action reporting. The procedures include specific actions to be taken if a suspect munitions item is encountered during ground disturbing activities, regardless of the volume of soil displacement, including requirements for property owners or contractors to stop work in the immediate vicinity of the suspect munitions item, or as specified in a construction support plan, and report suspect munitions finds to local law enforcement and notification to FORA, Army, EPA, and DTSC. Major elements of implementing construction support include construction support planning, response to suspect munitions items during construction support activities, assessment of MEC finds during construction support, construction support documentation and reporting, and determination of when construction support is no longer necessary. Details regarding remedy modification are provided in Section 4.8.

Construction support for projects disturbing ten (10) cy or more of soil is a requirement of the City and County digging and excavation ordinances. Under the MOA with DTSC, MPC has agreed to comply with the City and County digging and excavation ordinance requirements

for construction support. The current Federal deed and State CRUP prohibit activities in violation of the local excavation ordinances providing for redundancy in this LUC requirement (Appendices B and F, respectively).

3.3 Restrictions Prohibiting Residential Use

Performance Objectives: Prohibit residential development unless modifications to residential restrictions are approved by EPA and Army in coordination with DTSC.

Implementation Strategy: Residential use is currently prohibited within the Interim Action Ranges MRA by deed restrictions and the State CRUP. To ensure the residential use restriction is maintained, annual inspections of the Interim Action Ranges MRA will be conducted, including review of property transfers and deed amendments, development activities, and changes in land use. A MOA is in place with FORA, MPC, the County, the City and DTSC outlining their obligation to maintain the LUCs, including the residential use restriction (Appendix E). The residential use restriction is a provision of the Federal deed and State CRUP providing for redundancy in this LUC requirement (Appendices B and F, respectively). Section 4.4 provides details on the implementation of this LUC.

3.4 Restrictions Prohibiting Inconsistent Uses

Performance Objectives: Maintain the integrity of the habitat management and conservation systems that are in place until the Army, EPA, and DTSC determine that they are no longer necessary.

Implementation Strategy: Uses inconsistent with the HMP are prohibited within the habitat reserve reuse parcels in the Interim Action Ranges MRA, as specified in the deed for the property. To ensure the use restriction prohibiting inconsistent uses is maintained, annual inspections of the Interim Action Ranges MRA will be conducted, including review of property transfers and deed amendments, development activities, and changes in land use. A MOA is in place with FORA, MPC, the County, the City, and DTSC outlining their obligation to maintain the LUCs, including the restriction prohibiting inconsistent uses (Appendix E). The restriction prohibiting inconsistent uses is a provision of the Federal deed providing for redundancy in this LUC requirement (Appendix B). Section 4.5 provides details on the implementation of this LUC.

3.5 Long-term Management Measures

As part of the LUCIP/OMP, the following LTMM will also be implemented in the Interim Action Ranges MRA:

Maintain existing land use restrictions: The Federal deed to FORA for the Interim Action Ranges MRA parcels prohibit residential use and uses inconsistent with the HMP (applicable to habitat reserve areas; Appendix B). Residential use includes, but is not limited to: single family or multi-family residences; childcare facilities; nursing homes or assisted living facilities; and any type of educational purpose for children or young adults in grades

kindergarten through 12. In addition, the State CRUP for the Interim Action Ranges MRA parcels prohibit residential use (Appendix F). Uses that are inconsistent with the HMP include, but are not limited to, residential, school, and commercial/industrial development. Section 4.6.1 provides details on the implementation of this LTMM.

Conduct annual monitoring and reporting: Annual monitoring (including inspections and required reviews) and reporting will be conducted for the Interim Action Ranges MRA. Notification will be provided to the Army, EPA, and DTSC of any MEC-related data identified during use of the property, and FORA will report the results of monitoring activities annually. Section 4.6.2 provides details on the implementation of this LTMM.

Conduct five-year review reporting: Five-year reviews will be conducted in accordance with CERCLA Section 121(c) and the Fort Ord FFA. The five-year review will evaluate the protectiveness of the selected remedy. Based on the evaluation, the selected land use controls for the Interim Action Ranges MRA may be modified or discontinued, with Army, EPA, and DTSC approval. Section 4.6.3 provides details on the implementation of this LTMM.

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4.0 LAND USE CONTROLS IMPLEMENTATION

This section presents the implementation actions to facilitate LUC remedy objectives. Implementation actions include:

- LUC instruments and agreements (Section 4.1);
- munitions recognition and safety training (Section 4.2);
- construction support for ground-disturbing or intrusive activities (Section 4.3);
- restriction prohibiting the residential use (Section 4.4);
- restrictions prohibiting uses inconsistent with the HMP (Section 4.5);
- long-term management measures (Section 4.6);
- notification should action(s) interfere with LUCIP/OMP effectiveness (Section 4.7); and
- additional response or remedy modification (Section 4.8).

An overview of the roles and responsibilities of the federal, state, and local government agencies and other interested parties during implementation of the LUC remedy and reuse of the transferred properties is summarized in Table 1 and described in the bullets below.

- **Army** – Ensure protectiveness of the LUC remedy
- **EPA** – Lead regulatory agency
- **DTSC** – Regulatory concurrence with EPA and enforcement of State CRUP
- **FORA** – Implementation of the LUC remedy, including ensuring jurisdictions and property owners follow requirements, and submittal of annual LUC monitoring reports to Army, EPA, and DTSC
- **County and City** – Enforcement of digging and excavation ordinances, and maintenance and enforcement of deed restrictions
- **MPC** – Compliance with the County and City digging and excavation ordinances, maintenance and enforcement of deed restrictions, and annual LUC monitoring and reporting to FORA
- **Landowner/Property owner** – Compliance with LUCs, deed restrictions, and State CRUP

A description of the tasks to be performed during implementation of the LUC remedy is presented in this section. Long-term operation and maintenance of the LUC remedy, including specific responsibilities of each organization, are presented in Section 5.0.

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4.1 Land Use Control Instruments and Agreements

The Army, DTSC, FORA, MPC, the County, and the City have executed legal instruments and agreements, which contain obligations to conduct specific actions to implement and maintain the LUCs selected for the Interim Action Ranges MRA. Instruments and agreements include adoption of local digging and excavation ordinances; execution of an MOA with DTSC; Army entering into the State CRUP with DTSC; and placement of notices and use restrictions in the federal deed. A summary of these instruments and agreements is provided below.

4.1.1 Local Digging and Excavation Ordinances

Applicable local building codes and permits apply to the Interim Action Ranges MRA property. In addition, the County and City have each adopted digging and excavation ordinances that specify requirements for ground-disturbing and intrusive activities on the former Fort Ord (“digging and excavation ordinances”; Monterey County Code Chapter 16.10 and City of Seaside Municipal Code Chapter 15.34). The intent of these ordinances is to ensure that site purchasers, developers or workers are aware of the potential that MEC may exist on the property, and are aware of the requirements for MEC precautions to be implemented prior to any ground disturbance. Section 4.3.1.2 provides the details on requirements related to the digging and excavation ordinances.

The digging and excavation ordinances apply to Interim Action Ranges MRA property and include excavation permitting requirements applicable to excavation, digging, development and ground disturbance that involve displacement of more than ten (10) cy. For purposes of the LUCIP/OMP, these ground-disturbing or intrusive actions will be referred to as “construction activities.” Elements of the digging and excavation ordinances include directives for: documentation of previous MEC excavation or removal; detailed project description and mapping; procurement of excavation permits; acknowledgments and permit fees; and procedures and requirements for munitions recognition and safety training, construction support, and after action reporting. As stated in the ordinances, DTSC shall be continually involved in the establishment of controls for the property which shall be coordinated by the County and the City. Section 4.3.1.2 provides the details on requirements related to the digging and excavation ordinances.

4.1.2 Memorandum of Agreement with DTSC

FORA, the County, the City, and MPC have entered into an MOA with DTSC to implement compliance monitoring and reporting on environmental restrictions for portions of the former Fort Ord, including the Interim Action Ranges MRA. For reference, the MOA with DTSC is provided in Appendix E.

The MOA with DTSC requires the MPC to monitor compliance with all LUCs on the Interim Action Ranges MRA and to report to FORA, or the County when FORA ceases to exist, concerning compliance with all recorded LUCs within their jurisdiction on an annual basis. The MOA with DTSC requires FORA to compile data provided in the MPC monitoring reports and transmit a compiled report to DTSC until FORA ceases to exist. When FORA

ceases to exist, per the MOA with DTSC, the County will become responsible for compiling the data provided in the MPC monitoring reports and transmittal of the compiled report to the Army, EPA, and DTSC. LUC implementation details on compliance monitoring and reporting are provided in Sections 4.6.1 and 4.6.2.

4.1.3 Covenants to Restrict Use of Property

The Army and DTSC entered into a State CRUP on the Interim Action Ranges MRA prior to transfer of the property to FORA. For reference, the State CRUP is provided in Appendix F.

The purpose of the State CRUP is to ensure the property is suitable for the intended uses, place use restrictions to ensure the protection of human health and the environment, and ensure that transfer of the property will not disrupt remedial activities. Specifically, the State CRUP: 1) prohibits use of the property for any purpose other than activities associated with the investigation and remediation of MEC, installation of utilities and roadways, and other approved uses prior to completion of remedial actions; 2) prohibits residential use; 3) prohibits activities in violation of the digging and excavation ordinance; 4) require written notification of presence of MEC; and 5) provides DTSC right-of-entry and access to inspect and monitor the restrictions. The provisions set forth in the State CRUP run with the land and are binding upon all future owners and occupants of the property.

The State CRUP also requires the property owners to submit an annual report detailing compliance with the State CRUP, including an annual inspection and check of County, City, and/or MPC records. The submission of an annual report containing this information, as outlined in the MOA with DTSC (Section 4.1.2), will satisfy this reporting requirement.

4.1.4 Deed Restrictions

The existing federal deed to FORA for the Interim Action Ranges MRA parcels include the following land use restrictions: 1) prohibit residential use; 2) prohibits uses inconsistent with the HMP (applicable to habitat reserve areas); and 2) prohibit excavation (unless construction support and munitions recognition and safety training are provided). For reference, the deeds are provided in Appendix B. The deeds also provide notice to future owners of the potential for the presence MEC and to immediately stop any ground-disturbing or intrusive activities in the area or in any adjacent areas, and not to attempt to disturb, remove or destroy the MEC, but to notify the local law enforcement agency having jurisdiction on the property so that appropriate military EOD personnel can be dispatched to address such MEC.

The land use restrictions and notices set forth in the Federal deed run with the land and are binding upon all future owners and occupants of the property.

4.2 Munitions Recognition and Safety Training

People involved in ground-disturbing or intrusive activities within the Interim Action Ranges MRA are required to have a munitions recognition and safety training to increase their awareness of and ability to recognize suspect munitions items. The objective of munitions recognition and safety training is to ensure that people involved in ground-disturbing or intrusive activities are educated about the possibility of encountering MEC, and ensure that the ground-disturbing or intrusive activity stops in the immediate vicinity of the suspect munitions item, or as specified in a construction support plan, when a suspect munitions item is encountered and report the encounter to the appropriate authority.

FORA currently offers munitions recognition and safety training to anyone conducting ground-disturbing or intrusive activities on the Interim Action Ranges MRA. The training is currently provided through classroom training upon request to FORA. Munitions recognition and safety training is being provided through a publicly accessible web-based eLearning platform at www.FortOrdSafety.com. (Availability of the web-based training program is pending.)

The munitions recognition and safety training requirement is being implemented in the Interim Action Ranges MRA through: 1) annual distribution of the MEC Safety Guide to property owners and other land users (related to utilities serving the property) of the availability of munitions recognition and safety training; 2) excavation permitting and construction support requirements for training; and 3) annual training compliance monitoring and reporting. The current deed and State CRUP prohibit activities in violation of the County and City digging and excavation ordinances.

The digging and excavation ordinances require the County and the City to annually notify property owners of the requirements of the digging and excavation ordinance, including distribution of the Army Safety Alert pamphlet, the requirements for munitions recognition and safety training, and excavation permits. Excavation permitting requirements include requirements that all personnel conducting ground-disturbing or intrusive activities obtain munitions recognition and safety training as part of construction support. The MOA with DTSC requires MPC to monitor compliance with all land use controls, including munitions recognition and safety training, and to report compliance annually to FORA, or the County when FORA ceases to exist.

Details on the implementation of munitions recognition and safety training, including descriptions of the training materials, annual notification of training requirements, excavation permit training requirements, and compliance monitoring and reporting are discussed in Section 4.2.1. The long-term operation and maintenance requirements of munitions recognition and safety training are discussed further in Section 5.0.

Munitions recognition and safety training will be evaluated by the Army as part of the five-year review (Section 4.6) process to determine if the training program should continue. If further evaluation indicates that this LUC is no longer necessary for the Interim Action Ranges MRA, the program may be discontinued upon Army, EPA, and DTSC approval. See Section 4.8 for details regarding remedy modification.

4.2.1 Munitions Recognition and Safety Training Materials

Training materials are available for use in fulfilling the requirements of munitions recognition and safety training for people involved in ground-disturbing or intrusive activities in the Interim Action Ranges MRA. The munitions recognition and safety training materials include a MEC safety guide and web-based training resources as described in Sections 4.2.1.1 and 4.2.1.2, respectively.

4.2.1.1 MEC Safety Guide

The MEC Safety Guide provides education about the possibility of encountering MEC, images of MEC that could be encountered, and safety and notification procedures to follow if a suspect munitions item is found. The MEC Safety Guide emphasizes the 3Rs – Recognize, Retreat and Report. In addition, the MEC Safety Guide includes information on obtaining web-based munitions recognition and safety training and locating the digging and excavation ordinance. The MEC Safety Guide is provided in Appendix C.

In addition, the County and City digging and excavation ordinances include a requirement that workers receive the “Safety Alert” pamphlet (Appendix G), as prepared by the Army and explain to each such person the information set forth in that pamphlet. The Army widely distributes a “Safety Alert” pamphlet to the community. The Army Safety Alert warns of the dangers of unexploded ordnance, and includes images of the ordnance and explosives that may be present, and the safety and notification procedures to follow if objects resembling ordnance and explosives are discovered.

The MEC Safety Guide will be distributed to Interim Action Ranges MRA property owners by the County and the City during the annual notification to property owners as required by the digging and excavation ordinances. The annual notification to property owners will also specify that property owners are required to deliver a copy of the MEC Safety Guide, along with the digging and excavation ordinance required Army Safety Alert pamphlet, to all personnel conducting ground-disturbing or intrusive activities.

Ground-disturbing or intrusive activities involving disturbance of less than ten (10) cy of soil do not require an excavation permit. However, for projects involving less than ten (10) cy of soil disturbance in areas with a low probability of encountering MEC, the property owner is required to provide the MEC Safety Guide and Army Safety Alert pamphlet to construction personnel prior to start of ground-disturbing or intrusive activities. Projects involving less than ten (10) cy of soil disturbance in areas with a moderate to high probability of encountering MEC require construction support and must follow appropriate Army and DDESB explosive safety requirements for on-site construction support, including anomaly avoidance. Section 4.3 provides details on determining construction support levels and probability of encountering MEC, implementation of construction support, and annual monitoring and reporting.

4.2.1.2 Web-based Munitions Recognition and Safety Training Resources

Munitions recognition and safety training is being provided through a publicly accessible web-based eLearning platform. FORA is responsible for implementing and maintaining the

eLearning platform. The eLearning platform provides open public access and full availability to the training materials. Munitions recognition and safety training using the eLearning platform is required for workers involved in ground-disturbing or intrusive activities requiring an excavation permit.

Availability of the training and access to the eLearning site will be promoted through annual notifications of MEC training requirements, messaging in the MEC Safety Guide, and a link to the web-site www.FortOrdSafety.com. (Availability of the web-based training program is pending.)

The munitions recognition and safety training eLearning promotes the Army's 3Rs of explosives safety when working in areas with past military use: Recognize, Retreat and Report. The training emphasizes recognition of potential MEC hazards and avoidance. MEC have many shapes and sizes and may resemble pieces of pipe, old soda cans, car mufflers, or even baseballs. All suspect munitions items, whether complete or in pieces, should be considered dangerous and should not be touched, moved, or disturbed in any way. Training objectives include awareness of the potential hazards of MEC, ability to recognize potential MEC hazards if encountered, and knowledge to avoid interacting with suspect munitions items and to report the discovery to an appropriate authority.

The eLearning training program is an interactive multi-media course. The eLearning platform includes tools for registration of trainees, access to the training materials, and documenting and monitoring of training activities. The eLearning course includes student interaction and self-assessment tools. Trainees who successfully complete the training program are issued an eLearning certificate documenting completion of the course. The eLearning platform also allows trainees to register and electronically maintain records of their training. Through the duration of the construction support project, training records must be maintained on-site, or readily accessible, and made available for inspection upon request to confirm compliance with training requirements. Training records are also reported in the Construction Support After Action Report (Section 4.3.2.5 and 4.3.3.6).

4.2.2 Annual Notification of MEC Training Requirements

The digging and excavation ordinances require the County and the City to annually notify property owners of the requirements of the digging and excavation ordinance, including the requirement for distribution of the Army Safety Alert pamphlet, the requirements for munitions recognition and safety training, and requirements for excavation permits. The MEC Safety Guide will be distributed by the County and the City to property owners and other land users (related to utilities serving the property) during the annual notification. Property owners are required to deliver a copy of the MEC Safety Guide to all personnel conducting ground-disturbing or intrusive activities. The MEC Safety Guide includes information on how property owners and workers can obtain munitions recognition and safety training.

Property owners, currently MPC, are responsible for knowing and following the requirements of the digging and excavation ordinances, including the requirement to ensure personnel conducting ground-disturbing or intrusive activities are trained prior to conducting ground-disturbing or intrusive activities.

LUC requirements compliance will be monitored by MPC through annual LUC inspections and monitoring (Section 4.6).

4.2.3 Construction Support Site-Specific Worker Training

People conducting ground-disturbing or intrusive activities, under a construction support plan, are required to receive job site-specific MEC training. The job site-specific MEC training will be administered by project safety personnel upon project start and upon arrival of any new personnel potentially working in the project area prior to working on the site. The job site-specific MEC training includes: review of procedures for site-specific implementation of the 3Rs and emphasizes the site-specific actions to be followed to ensure the employees have a safe working environment.

Project personnel are required to maintain documentation of compliance with munitions recognition and safety training requirements through the duration of the construction support project. Documentation including eLearning certificates and site-specific training logs must be maintained on-site, or be readily accessible, and made available for inspection upon request to confirm compliance with training requirements. Training records are also reported by MPC in the Construction Support After Action Report.

4.2.4 Monitoring and Reporting of Munitions Recognition and Safety Training

Munitions recognition and safety training activities within the Interim Action Ranges MRA will be monitored by MPC and reported in annual LUC status reports (Section 4.6.1).

The monitoring and reporting of LUCs, including munitions recognition and safety training requirements, are implemented through the MOA between the DTSC, MPC, the County, and the City. The MOA with DTSC requires MPC to monitor compliance with all land use controls, report annually to FORA, or the County when FORA ceases to exist, concerning compliance with all recorded LUCs within their jurisdiction, and FORA compile data in the MPC reports and transmit those data in an annual status report to the DTSC. While the MOA is with DTSC, the LUC data and annual monitoring reports will be submitted by FORA to the Army, EPA, and DTSC.

MPC will submit munitions recognition and safety training statistics and compliance monitoring results annually to FORA in the annual LUC monitoring report utilizing the Former Fort Ord LUC Report Outline (Sections 4.6.1 and 4.6.2). Annual LUC monitoring and reporting requirements include verification of annual property owner notification and transmittal of the MEC Safety Guide and Army Safety Alert pamphlet, verification of the continued availability of web-based training resources and compilation of munitions recognition and safety training data in accordance with the MOA with DTSC.

On-site construction support projects involving less than ten (10) cy of soil disturbance do not require an excavation permit but must be coordinated with FORA (Section 4.3.1). MPC will compile results of on-site construction support monitoring for projects involving less than ten (10) cy of soil disturbance, including munitions recognition and safety training statistics, utilizing the appropriate sections of the LUC Report Outline and report in the annual LUC monitoring reports.

FORA will compile annual LUC monitoring reports received from MPC and submit them to the Army, EPA, and DTSC, to ensure compliance with LUC monitoring and reporting requirements (Sections 4.6.1 and 4.6.2).

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4.3 Construction Support for Ground-disturbing or Intrusive Activities

Construction support is required for any ground-disturbing or intrusive activities in order to address potential MEC risks to personnel. The construction support requirement is being implemented through the County and City digging and excavation ordinances. The County and City digging and excavation ordinances include requirements for: 1) annual notifications to property owners and other land users, such as utility services; 2) excavation and digging restrictions; and 3) excavation permitting including construction support by UXO-qualified personnel.

To ensure awareness, the ordinances require annual notification to property owners and other land users, such as utility services, of the requirements of the County and City digging and excavation ordinances and requirements for distribution of the Army Safety Alert pamphlet and MEC Safety Guide (Section 4.2.1.1). Further, the ordinances require property owners to notify any subsequent owners, lessees or users of the ordinance requirements. Per the digging and excavation ordinances, the safety materials must be delivered and explained, at least annually, to everyone whose work at the site includes disturbing soil.

This section provides details on the implementation of construction support requirements including:

- Determining construction support levels and requirements (Section 4.3.1)
- On-call construction support process and requirements (Section 4.3.2)
- On-site construction support process and requirements (Section 4.3.3)
- Response to suspect munitions items during ground-disturbing activities (Section 4.3.4)
- FORA MEC find assessments (Section 4.3.5)
- Construction support annual monitoring and reporting (Section 4.3.6)

The long-term operation and maintenance of construction support requirements are discussed in Section 5.0.

Construction support requirements apply in the short term during initial development of the reuse area, and/or in the long-term during reuse and redevelopment activities. Construction support effectiveness will be evaluated by the Army as part of the five-year review process to determine if the LUC should continue. If the MEC-related data collected during the development of the reuse areas indicate that this LUC is no longer necessary, construction support requirements may be discontinued with Army, EPA, and DTSC approval. See Section 4.8 for details regarding remedy modification.

4.3.1 Determining Construction Support Levels and Requirements

This section outlines the procedure for determining which construction support levels are required and the associated administrative requirements. Details regarding implementation of the required construction support levels are provided in Sections 4.3.2 and 4.3.3.

Administrative requirements for implementation of construction support, including consultation requirements and excavation permitting requirements, are based on the level of soil disturbance.

- **Larger projects**, involving disturbance of ten (10) cy or more of soil, require an excavation permit and are implemented through excavation permit requirements consistent with the local digging and excavation ordinances. FORA will assist property owners in coordinating with the County or City on excavation permit application procedures. FORA will coordinate with property owners, Army, EPA, and DTSC to determine appropriate construction support requirements, including the use of anomaly avoidance techniques.
- **Minimal soil-disturbing activities**, involving disturbance of less than ten (10) cy of soil, do not require an excavation permit; FORA will assist the property owner with the determination of construction support levels and requirements.

The required level of construction support is determined based on DDESB guidance (DDESB 2008) and the probability of encountering MEC at the project site. Details regarding determining the probability of encountering MEC are provided in Section 4.3.1.1.

- **Low probability of encountering MEC** – For larger projects, involving disturbance of ten (10) cy or more of soil, in areas where the probability of encountering MEC is low, on-call construction support, to include a construction support plan, is required (Section 4.3.2). Minimal soil disturbance activities, involving disturbance of less than ten (10) cy of soil, in areas with a low probability of encountering MEC do not require construction support or a construction support plan, but the property owner is required to provide the Army Safety Alert pamphlet (Appendix G) and MEC Safety Guide (Appendix C) to construction personnel prior to start of ground-disturbing or intrusive activities.
- **Moderate to high probability of encountering MEC** – When the probability of encountering MEC is moderate to high, “on-site” construction support or use of anomaly avoidance techniques is required (Section 4.3.3). This requirement is applicable regardless of the level of soil disturbance or excavation permitting requirements.

The required levels of construction support are illustrated in the below inset box.

		Probability of Encountering MEC	
		Low	Moderate to High
Amount of soil disturbance	Less than 10 cubic yards (minimal soil disturbance)	<ul style="list-style-type: none"> •Munitions Recognition and Safety Training •MEC Safety Guide and Army Safety Alert Review <i>*No Excavation Permit or Construction Support Plan required.</i> 	<p style="text-align: center;"><u>On-Site Construction Support</u></p> <ul style="list-style-type: none"> •Munitions Recognition and Safety Training •MEC Safety Guide and Army Safety Alert Review •Anomaly Avoidance or On-site Construction Support Plan with supporting ESS (no template) <i>*No Excavation Permit required.</i>
	10 cubic yards or more	<p style="text-align: center;"><u>On-call Construction Support</u></p> <ul style="list-style-type: none"> •Munitions Recognition and Safety Training •MEC Safety Guide and Army Safety Alert Review •On-Call Construction Support Plan (template) •Site-Specific MEC Training per construction support plan 	<p style="text-align: center;"><u>On-site Construction Support</u></p> <ul style="list-style-type: none"> •Munitions Recognition and Safety Training •MEC Safety Guide and Army Safety Alert Review •Anomaly Avoidance or On-site Construction Support Plan with supporting ESS (no template) •Excavation Permit •Site-Specific MEC Training per construction support plan

Details regarding determining appropriate construction support levels and administrative requirements are provided below.

4.3.1.1 Determining Probability of Encountering MEC

The probability of encountering MEC in the Range 44 SCA, Central Area NCAs, and Trench SCA portions of Interim Action Ranges MRA that did not receive full clearance to depth is considered moderate to high (Table 2; Figure 4). The probability of encountering MEC in the remaining areas of the MRA is considered to be low (Table 2; Figure 4). The probability of encountering MEC is presented as general guidance; each project must be assessed for the probability of encountering MEC based on site- and project-specific information.

As reuse projects are successfully implemented over the years, cumulative information from soil disturbance projects, including Construction Support After Action Reports, should be reviewed to determine the probability of encountering MEC at the time of the planning stages of the future project. The assessment of the level of risk, if any, and the need for support, on-site or on-call, is ultimately the responsibility of the landowner after giving careful consideration to DDESB explosives safety requirements and site-specific conditions,

including (1) the nature and scope of the ground-disturbing activity; (2) the historical uses of the property; (3) information available concerning discovery of MEC after the completion of FORA's environmental work; and (4) the professional judgement of the property landowner's contractors and engineers.

4.3.1.2 Determining Construction Support Permit and Administrative Requirements

This section provides guidance on administrative requirements for implementation of construction support requirements for the Interim Action Ranges MRA property. Contact the County or City for specific excavation permit requirements and approval process.

Construction support administrative requirements are based on the level of soil disturbance during the project or activity. Larger projects, involving disturbance of ten (10) cy or more of soil, require an excavation permit issued by the County or City, regardless of the probability of encountering MEC at the site. Excavation permitting requirements include an approved construction support plan (Sections 4.3.2.1 and 4.3.3.1). Minimal soil disturbing activities do not require an excavation permit, but in areas with a moderate to high probability of encountering MEC, regardless of the level of soil disturbance, require use of anomaly avoidance techniques or on-site construction support. Anomaly avoidance and on-site construction support activities require an approved construction support plan (Section 4.3.3.1).

FORA Coordination

FORA will coordinate with property owners, as necessary, to ensure compliance with construction support requirements and to assist property owners in determining appropriate construction support levels and administrative requirements, including site and project specific construction support requirements, excavation permit requirements under the digging and excavation ordinances, and requirements for Army, EPA and DTSC notification, coordination, and approvals.

For larger projects, involving disturbance of ten (10) cy or more of soil, FORA will assist property owners in coordinating with the County or City on excavation permit application procedures. FORA will participate, in coordination with Army, EPA and DTSC, in reviews and approvals of construction support plans. Minimal soil-disturbing activities, involving less than ten (10) cy of soil, in areas with low probability of encountering MEC do not require construction support, FORA coordination, excavation permits, or construction support plans. Minimal soil-disturbing activities in areas with moderate to high probability of encountering MEC require use of anomaly avoidance techniques or on-site construction support. An excavation permit is not required and FORA will coordinate with property owners, Army, EPA and DTSC to determine appropriate construction support requirements, including the use of anomaly avoidance techniques.

FORA assistance in coordination of construction support may be obtained by contacting FORA. Information regarding FORA contacts is available on the FORA web page, www.fora.org. FORA will make their best efforts to expedite administrative requirements and required regulatory reviews and approvals. Upon request, FORA will provide guidance or

reasonable assistance in obtaining guidance relevant to implementation of construction support requirements.

Minimal Soil-Disturbing Activities

Projects involving less than ten (10) cy of soil disturbing activities do not require an excavation permit but require construction support. To ensure appropriate construction support levels and requirements are implemented, FORA will coordinate with property owners, Army, EPA and DTSC to determine appropriate construction support requirements (Section 4.3.1.3).

Minimal soil-disturbing activities in areas with moderate to high probability of encountering MEC require use of anomaly avoidance techniques or on-site construction support. The probability of encountering MEC in the Range 44 SCA, Central Area NCAs, and Trench SCA portions of Interim Action Ranges MRA that did not receive full clearance to depth is considered moderate to high (Figure 4; Section 4.3.1.1). The probability of encountering MEC in the remaining areas of the MRA is currently considered to be low (Figure 4; Section 4.3.1.1). The probability of encountering MEC is presented as general guidance; each project must be assessed for the probability of encountering MEC based on site- and project-specific information. Minimal soil-disturbing activities in the remaining portions of the Interim Action Ranges MRA do not require FORA coordination, excavation permits, or construction support plans. Continued like uses at the Interim Action Ranges MRA do not trigger construction support requirements. Construction activities, site modification and other changes in use must be evaluated to determine appropriate constructions support requirements, including use of anomaly avoidance techniques. Areas with moderate to high probability of encountering MEC require on-site construction support or use of anomaly avoidance techniques. FORA will coordinate with property owners, Army, EPA and DTSC to determine appropriate construction support requirements, including the use of anomaly avoidance techniques.

MPC Parcel Consultation and Approvals

MPC is not bound by local building regulations when they act in their higher education capacity/role and is not subject to project review or permitting by the County or City. MPC is not required to obtain an excavation permit under the local digging and excavation ordinances. However, MPC has agreed to comply with the local digging and excavation ordinances, specifically the requirements for munitions recognition and safety training, construction support, notifications, and monitoring and reporting, under the MOA in place with FORA, MPC, the County, the City, and DTSC (Appendix E). In addition, MPC, as landowner, is prohibited from activities in violation of the digging and excavation ordinance under the State CRUP and Federal deed; therefore, excavation permits are required.

MPC will coordinate with FORA, as necessary, to ensure compliance with construction support requirements and to assist in determining appropriate construction support levels and administrative requirements, including site and project specific construction support requirements and requirements for Army, EPA and DTSC notification, coordination and approvals. MPC is responsible for construction support after action reporting (Section 4.3.2.5)

and Section 4.3.3.6) and construction support annual monitoring and reporting (Section 4.3.6) for projects on MPC property.

Local Digging and Excavation Ordinance Permitting

Larger projects, involving disturbance of ten (10) cy or more of soil, require an excavation permit and are implemented through excavation permit requirements consistent with the local digging and excavation ordinances. The property owner or project proponent must apply to the local Building Official for a permit using the application format and approval process of that agency.

Excavation permit procedures require an Army, EPA and DTSC approved construction support plan before movement or disturbance of soil on the property. The construction support plan shall be attached to and become part of any permit issued (See Construction Support Plan Consultation and Approval).

FORA will coordinate with property owners, Army, EPA and DTSC to determine appropriate construction support requirements, including the use of anomaly avoidance techniques. FORA will participate, in coordination with Army, EPA and DTSC, in reviews and approvals of construction support plans. FORA will coordinate with property owners in determining appropriate construction support levels and administrative requirements.

The County and the City, coordinate with the property owner, FORA and DTSC, to ensure appropriate levels of construction support are identified. The County and the City will consult with Army, EPA, and DTSC to ensure appropriate project and site-specific construction support plan is approved prior to beginning movement or disturbance of soil on the property, including approvals of construction support plans and, if required, Explosives Safety Submissions (ESS).

The local Building Official reviews permit applications and approves excavation permits. All excavation and grading shall be performed solely in accordance with the permit approved and issued by the County or City.

Construction Support Plan Consultation and Approval

A construction support plan is required to implement on-call construction support, on-site construction support and anomaly avoidance activities. FORA will coordinate with property owners, as necessary, to ensure compliance with construction support requirements and to assist property owners in consulting with DTSC to determine appropriate construction support levels and administrative requirements (See FORA Coordination).

The Army, EPA, and DTSC will review and approve required construction support plans for excavation permits, and minimal soil disturbing projects involving less than ten (10) cy of soil disturbance in areas with moderate to high probability of encountering MEC.

A construction support plan will be prepared by a UXO support contractor for each ground-disturbing or intrusive project involving the disturbance of ten (10) cy or more of soil and/or

the probability of encountering MEC in the area is determined to be moderate to high (Sections 4.3.2.1 and 4.3.3.1).

A draft construction support plan is provided to Army, EPA and DTSC for review and comment. Upon resolution of comments, a final construction support plan will be provided to Army, EPA and DTSC for approval. FORA will participate, in coordination with Army, EPA and DTSC, in reviews and approvals of construction support plans. The FORA, Army, EPA and DTSC will review and approve required construction support plans.

Explosives Safety Submission and Approval

An ESS is required for on-site construction support (unless anomaly avoidance technique is being used) when the probability of encountering MEC has been determined to be moderate to high. The ESS includes an assessment of the explosives hazards likely to be encountered during the ground-disturbing or intrusive activities, including information from previous studies, historical records, and procedures for the response to MEC items, if recovered during on-site construction support, as required by DoD Ammunition and Explosives Safety Standards (DDESB 2008). If required, the UXO support contractor will prepare an ESS that will be provided to the Army for staffing to obtain DDESB approval (Section 4.3.3.2). The ESS must be approved prior to start of on-site construction support.

4.3.1.3 Determining Construction Support Level Requirements

This section provides guidance on determining the required level of construction support during ground-disturbing or intrusive activities in the Interim Action Ranges MRA. General construction support level requirements for each ground-disturbing or intrusive project can be determined by applying the Construction Support Implementation Requirements decision tree provided in Appendix H, which is supported by Table 2.

Guidance on general requirements for on-call and on-site construction support, including anomaly avoidance, are summarized in Tables 3 and 4. Details on the implementation for on-call and on-site construction support projects are provided in Sections 4.3.2 and 4.3.3, respectively. Project specific requirements for construction support and procedures for implementing construction support are determined on a case-by-case and project specific basis during the excavation permitting process and documented in the construction support plan.

Minimal Soil Disturbance Activities

For projects involving less than ten [10] cy soil disturbance, FORA is available to assist the property owner with the determination of appropriate construction support levels and requirements. In areas with a low probability of encountering MEC, no FORA, Army, EPA, or DTSC consultation, excavation permit, or construction support plan is required for minimal soil disturbance activities. Activities that are likely to result in minimal soil disturbance include, but are not limited to, landscape maintenance, tree and shrub planting, road maintenance, fence and sign post installation, and soil sampling.

For these projects, sites workers are provided the MEC Safety Guide which provides guidance on munitions recognition and procedures for the appropriate response in the

unlikely event a suspect munitions item is encountered. The MEC Safety Guide provides workers with information on how to obtain munitions recognition and safety training.

In the unlikely event a suspect munitions item is encountered, local law enforcement is contacted through 911, responds to secure the site and requests military EOD personnel response to address the suspect munitions item. The suspect munitions find is documented by the property owner using the Army's Fort Ord MEC Incident Recording Form. Discoveries of MEC on such sites require reassessment of the level of construction support required.

In areas with a moderate to high probability of encountering MEC regardless of the level of soil disturbance, on-site construction support or anomaly avoidance is required (Section 4.3.3).

On-call Construction Support

For larger projects which involve disturbance of ten (10) cy or more of soil, in areas where the probability of encountering MEC is low, on-call construction support is required. On-call construction support requirements are summarized in Table 3 and detailed in Section 4.3.2.

FORA will coordinate with property owners, as necessary, to ensure compliance with construction support requirements and to assist property owners in determining appropriate construction support levels and administrative requirements. The Army, EPA, and DTSC must review and approve construction support plans prior to soil-disturbing activities (See Section 4.3.1.2 FORA Coordination and Construction Support Plan Coordination and Approval).

The UXO support contractor will prepare an On-call Construction Support Plan using the template in Appendix I. The UXO support contractor will review available information regarding the area of the proposed construction activities, determine the most likely types of MEC that may be encountered, physically inspect the construction area and identify any site-specific MEC safety considerations. UXO-qualified personnel are then placed on standby to assist if suspected munitions are encountered. The UXO-qualified personnel can respond from offsite when called or be on location and available to provide immediate support. If a suspect munitions item is encountered, UXO-qualified personnel inspect and attempt to identify the item. If the item cannot be verified as safe (i.e., MEC or suspect MEC items), local law enforcement responds to secure the site and requests military EOD personnel response to address the item. Discoveries of MEC on low probability sites require reassessment of the level of construction support. An After Action Report must be submitted to the permitting agency and FORA, Army, EPA and DTSC within 30 days following completion of the soil-disturbing activities documenting that no MEC was encountered or any MEC detected and the extent and depth of soil disturbance at the site.

On-site Construction Support

In areas with a moderate to high probability of encountering MEC regardless of the level of soil disturbance, on-site construction support or anomaly avoidance is required. On-site construction support requirements are summarized in Table 4 and detailed in Section 4.3.3.

FORA will coordinate with property owners, as necessary, to ensure compliance with construction support requirements and to assist property owners in determining appropriate construction support levels and administrative requirements. The Army, EPA, and DTSC must review and approve construction support plans prior to soil-disturbing activities. If required, the UXO support contractor will prepare an ESS that will be provided to the Army for staffing to obtain DDESB approval (Section 4.3.3.2). The ESS must be approved prior to start of on-site construction support (See Section 4.3.1.2 FORA Coordination and Construction Support Plan Coordination and Approval).

During on-site construction support, UXO-qualified personnel must attempt to identify and address explosive hazards within the construction footprint either prior to or during any ground-disturbing or intrusive activities, such that the probability of encountering MEC can be reassessed to be low, or use anomaly avoidance techniques to avoid any subsurface anomalies during ground-disturbing or intrusive activities. During on-site construction support, once explosive hazards, if present, have been removed, and Army, EPA, and DTSC agree that the probability of encountering MEC has been reduced to low, on-call construction support is provided, as appropriate, during construction activities.

For on-site construction support, the UXO support contractor will prepare an On-site Construction Support Plan. The UXO support contractor will review historical military munitions use and remediation information regarding the area of the proposed construction activities, determine the types of munitions that may be encountered, identify any site-specific safety considerations and develop a plan for surveying the area to identify and remove potential explosive hazards, if present. UXO-qualified personnel will conduct the planned munitions survey action to identify and, if encountered, remove explosive hazards in the construction footprint prior to ground-disturbing or intrusive activities. The UXO support contractor will address MEC items, if encountered during on-site construction support, with the procedures in an Army and DDESB approved ESS.

Anomaly avoidance may also be used to fulfill the requirements for on-call construction support, if included in an approved construction support plan. Depending on location and activity-specific circumstances, a ground-disturbing activity (such as installation of fence posts), in areas otherwise assessed as having moderate to high probability of encountering MEC, may be supported safely with anomaly avoidance. The purpose of anomaly avoidance during ground-disturbing or intrusive activities is to relocate ground-disturbing or intrusive activities to avoid contact with subsurface anomalies. Anomaly avoidance must follow appropriate Army and DDESB explosive safety requirements, but does not require an ESS.

4.3.2 On-Call Construction Support

This section presents the detailed approach and requirements for implementing on-call construction support at the Interim Action Ranges MRA. This section is applicable to construction activities which involve disturbance of ten (10) cy or more of soil and the probability of encountering MEC is determined to be low.

The UXO support contractor prepares an On-call Construction Support Plan (Section 4.3.2.1). At the start of the construction activities, UXO-qualified personnel are placed on standby to assist if suspected munitions are encountered. The UXO-qualified personnel can respond

from offsite when called or be on location and available to provide immediate support to evaluate the suspect munitions item encountered (Section 4.3.2.3). If the item cannot be verified as safe (i.e., MEC or suspect MEC items), local law enforcement responds to secure the site and requests military EOD personnel response to address the item (Section 4.2.3.4). Discoveries of MEC require a reassessment of the level of construction support (Section 4.3.5). An After Action Report must be submitted to FORA, Army, EPA and DTSC within 30 days following completion of the ground-disturbing or intrusive activities documenting that no MEC was encountered or any MEC detected, and the extent and depth of soil disturbance (Section 4.2.3.5).

4.3.2.1 On-Call Construction Support Plan

A construction support plan will be prepared by a UXO support contractor for each ground-disturbing or intrusive project involving the disturbance of ten (10) cy or more of soil and the probability of encountering MEC is determined to be low. The UXO support contractor will review available information regarding the area of the proposed construction activities, determine the most likely types of MEC that may be encountered, physically inspect the construction area and identify any site-specific MEC safety considerations. The On-call Construction Support Plan template included in Appendix I may be used to develop the construction support plan.

The following information is required in an On-call Construction Support Plan:

- Background – provide general project identification information along with confirmation the current probability of encountering MEC on the site is low and on-call construction support is appropriate (include a map showing the project footprint and past MEC find locations by MEC type).
- Project Site Description – provide a brief description of the location of the property and a project site map.
- Construction Project Description – provide a brief overview of the construction project that the construction support effort is supporting including identification of the construction footprint, major ground-disturbing or intrusive activities, general construction sequence, construction schedule and any other project specific information pertinent to providing construction support. The plan must include a description of the property where soil is proposed to be excavated, moved or graded, including drawings with dimensions to a scale which sets forth the size and details of the proposed excavation activities, including any cut and fill, trenching, well drilling, mineral excavation, post hole drilling or other activities of any sort.
- Soil Management Plan – required as a component of the construction support plan for projects including grading or soil movement. The Soil Management Plan would be identified as a requirement during the construction support planning process and submitted for approval with the construction support plan. Soil management requirements are site-specific, but generally indicate that excavated soils are to remain within the munitions response area and tracking of soil movements within the site.

- Organizational Roles and Responsibilities – identify the organizations involved with construction support activities and their roles and responsibilities. It is critical that roles and responsibilities be clearly identified including ensuring worker training, identification and reporting of suspect munitions items, stop-work authority, response to suspect munitions items, assessment of MEC finds, and restarting of site work after a MEC find. Roles must be clearly identified including notifications, decision making and reporting (include MEC find, assessment and reporting forms from Appendix I in the construction support plan).
- Military Munitions Background – provide a summary of relevant military munitions background information considered by the construction support contractor in preparing the support plan. Background information should include a brief summary of the types of military training that historically occurred on the project site, the types of munitions used at the site and munitions most likely to be encountered. A summary of previous munitions response actions conducted at the site including the date of the action, objective of the action, MEC detection instruments used and identification of any areas where previous MEC removal actions were not completed (i.e., under roadways, building or other obstacles) or may have limited the effectiveness of the response actions (i.e., tree roots, steep slopes or other potential technical challenges); include a map describing provided information.
- MEC Construction Support Procedures – identify specific activities to be conducted during construction support. MEC construction support activities must, at a minimum, include construction support planning, munitions recognition and safety training, on-call construction support (MEC safety support) resources, response to suspect munitions items, and construction support notification and reporting requirements. MEC construction support procedures must follow applicable Army and DDESB explosives safety guidance and requirements.
- Response to Suspect Munitions Items – provide concise descriptions of the actions, roles and responsibilities for response to suspect munitions items. The intent of the section is to provide a single point of reference and clearly communicate the actions to be taken in response to suspect munitions items, and MEC and suspect munitions finds. Several of the procedures discussed here are also presented in MEC construction support procedures and are intentionally repeated here for ease of reference during a MEC incident and to clearly communicate the MEC response protocol for the project (use forms in Appendix I).
- Reporting and Notification Requirements – identify all reporting and notification requirements including status reporting, MEC safety training reporting, MEC incident reporting and after action reporting (use forms in Appendix I).

As part of developing the construction support plan, UXO-qualified personnel will physically preview the actual construction footprint with the on-site manager of the construction contractor and discuss visual observations and any potential areas of concern prior to the start of the project. An approved construction support plan must be submitted by the construction activity proponent (i.e., permittee) to the local building official (i.e., County or the City) with jurisdiction over the property as part of the digging and excavation ordinance permitting process. Prior to excavation permit approval, the construction support plan must be

coordinated through the County and City for review and approval by the Army, EPA, and DTSC.

4.3.2.2 Munitions Recognition and Safety Training

Prior to commencing construction activities, all personnel conducting ground-disturbing or intrusive activities must be provided munitions recognition and safety training and a copy of the MEC Safety Guide. The objective of munitions recognition and safety training is to ensure that site workers involved with ground-disturbing or intrusive activities are educated about the possibility of encountering MEC, and ensure that they stop ground-disturbing or intrusive activities in the immediate vicinity of the suspect munitions item, or as specified in a construction support plan, when a suspect munitions item is encountered and report the encounter to the appropriate law enforcement authority. Details regarding implementation and administration of the munitions recognition and safety training program are provided in Section 4.2.

4.3.2.3 UXO Support for Construction Activities

This section presents requirements and processes for implementing on-call construction support on sites where the probability of encountering MEC is low. The level of effort for construction support is site- and task-specific and determined on a case-by-case basis by the UXO support contractor in coordination with the Army, EPA, and DTSC during development of the On-call Construction Support Plan. The level of construction support, and tasks and procedures for conducting construction support will be documented in a construction support plan.

On-call support must be provided by UXO-qualified personnel in compliance with all applicable Army and DDESB explosive safety requirements. On-call or standby support is generally provided by one or more UXO-qualified personnel (UXO Technician II or UXO Technician III). The number of UXO-qualified personnel required for a construction support project will vary depending upon the total level of effort for the project.

UXO-qualified personnel must be on standby and available to assist if a suspect munitions item is encountered. Support can be from offsite when called or be on location and available to provide immediate support if a suspect munitions item is encountered.

UXO-qualified personnel will confirm that construction personnel have completed the munitions recognition and safety training. In addition, procedures for reporting suspect munitions items will be reviewed by all personnel working on-site. All personnel will be advised to follow the 3Rs – Recognize, Retreat and Report. If a suspect munitions item is encountered, it is imperative that the item not be disturbed and be reported immediately to the construction supervisor and UXO-qualified personnel.

If workers unearth or otherwise encounter a suspect munitions item, all excavation activities in the immediate vicinity of the suspect munitions item, or as specified in a construction support plan, will cease. Workers will mark or otherwise note the location of the suspect munitions item (Recognize), stop work and leave the work area (Retreat) and report the

suspect munitions item to their supervisor (Report). The supervisor will immediately report the find to the on-site construction supervisor who will verify all work has ceased, the area is cleared of all workers, the area is secured from unauthorized entry and then immediately request support by UXO-qualified personnel.

UXO-qualified personnel will respond to the area, inspect and assess the suspect munitions item. No attempt will be made to disturb, move or destroy the suspect munitions item.

If the suspect munitions item cannot be verified as safe (i.e., MEC or suspect MEC items), all ground-disturbing or intrusive activities on the project site will remain stopped and law enforcement will be notified by the UXO support contractor. The procedures for response to an item that UXO-qualified personnel cannot verify as safe during on-call construction support are detailed in Section 4.3.2.4.

If the suspect munitions item is determined to be MD by UXO-qualified personnel, the item will be removed from the site by a UXO support contractor and securely stored for appropriate off-site disposal in accordance with the approved construction support plan. A suspect munitions item determined to be a non-munitions related item will be removed from the site and managed as appropriate. Following removal of non-MEC items (i.e., material documented as safe [MDAS]) from the site, ground-disturbing or intrusive activity may resume at the site.

4.3.2.4 MEC Item Response During On-call Construction Support

When UXO-qualified personnel cannot verify a suspect munitions item as safe, they follow the site-specific MEC item response procedures as identified in the construction support plan. The standard procedures for response to suspect munitions items during on-call construction support is determined by applying the Response to Suspect Munitions during On-Call Construction Support decision tree provided in Appendix I, and described below.

The general sequence of work stoppage in response to suspect munitions is: 1) when a suspect munitions item is recovered, work in the immediate area is stopped and the item assessed; 2) if the item is confirmed non-MEC (i.e., MDAS), work may resume; 3) if the suspect munitions item cannot be verified as safe (i.e., MEC or suspect MEC items), work on the entire site or project area is stopped so that law enforcement and military EOD personnel may respond. If the suspect munitions item is determined to be MEC, a MEC find assessment is conducted to determine if the current level of construction support is appropriate or additional actions are necessary before work may resume.

When a suspect munitions item cannot be verified as safe (i.e., MEC or suspect MEC items) by UXO-qualified personnel, all work stops on the entire site and local law enforcement is notified by the UXO support contractor. After local law enforcement has been notified, FORA, Army, EPA, and DTSC are immediately notified of the suspect munitions find. Local law enforcement responds to secure the site and requests military EOD personnel respond to address the suspect munitions item.

After the suspect munitions item has been addressed by military EOD personnel, the UXO support contractor completes an Army's Fort Ord MEC Incident Recording Form (Appendix I) and FORA MEC Find Notification Form (Appendix I). The Army's Fort Ord MEC Incident Recording Form must be submitted to FORA within 24 hours of military EOD response. FORA will distribute the completed Fort Ord MEC Incident Recording Form to the Army, EPA, and DTSC within 48 hours, of the incident. The FORA MEC Find Notification Form must be submitted to FORA as soon as practicable to support FORA's assessment of the MEC find (Section 4.3.5). Completed Fort Ord MEC Incident Recording Forms and FORA MEC Find Notification forms are included in the Construction Support After Action Report and annual LUC monitoring report.

If the suspect munitions item is determined to be MEC, the probability of encountering MEC will be reevaluated by FORA and may result in additional actions or construction support requirements. FORA conducts a MEC find assessment to develop a recommendation for the probability of encountering MEC (Section 4.3.5). Site work may not restart until the assessment is completed, the Army, EPA, and DTSC have concurred, and any required additional action has been conducted.

4.3.2.5 On-call Construction Support After Action Reporting

Following completion of a permitted on-call construction support project, the permittee must submit a Construction Support After Action Report. A standardized form for Construction Support After Action Reports is presented in Appendix I. The permittee must complete the Construction Support After Action Report form and submit the requested project information and required attachments to FORA, Army, EPA and DTSC within 30 days of project completion. Required attachments include a map of the final excavation footprint with plotted MEC finds, table summarizing any MEC, munitions debris or military training related items recovered from the project site, applicable MEC safety training logs and applicable construction support daily reports. MPC will use the information included in Construction Support After Action Reports to compile information required for annual LUC monitoring and reporting (Section 4.6).

4.3.3 On-Site Construction Support

This section presents the detailed approach and requirements for implementing on-site construction support at the Interim Action Ranges MRA. In areas with a moderate to high probability of encountering MEC, regardless of the level of soil disturbance, on-site construction support or anomaly avoidance is required (Section 4.3.1.1).

UXO-qualified personnel must either attempt to identify and address explosive hazards within the construction footprint prior to or during any ground-disturbing or intrusive activities, such that the probability of encountering MEC can be reassessed to be low, or use anomaly avoidance techniques to avoid any subsurface anomalies during ground-disturbing or intrusive activities. During on-site construction support, once explosive hazards, if present, have been removed and Army, EPA, and DTSC agree that the probability of encountering MEC has been reduced to low, on-call construction support is provided, as appropriate, during construction activities.

The UXO support contractor will prepare an On-site Construction Support Plan and ESS (Section 4.3.3.1). The UXO support contractor will prepare an ESS that will be provided to the Army for staffing to obtain DDESB approval. The ESS must be approved prior to start of on-site construction support. The UXO support contractor will review available information regarding the area of the proposed construction activities, determine the types of MEC that may be encountered, identify any site-specific safety considerations and develop procedures for identifying and removing MEC hazards that may be present. UXO-qualified personnel will search the area to identify and address explosive hazards within the construction footprint prior to or during ground-disturbing or intrusive activities such that the probability of encountering MEC can be reassessed to be low (Section 4.3.3.4). The UXO support contractor will address MEC items recovered during on-site construction support following procedures in the Army and DDESB-approved ESS (Section 4.3.3.2).

A Construction Support After Action Report must be submitted to FORA, Army, EPA and DTSC within 30 days following completion of on-site construction support activities documenting the MEC removal activities and location on a site map, any MEC removed and the extent and depth of soil disturbance at the site (Section 4.3.3.6). For on-site construction support projects, the Construction Support After Action Report will be provided to the Army to coordinate with DDESB for ESS closeout.

4.3.3.1 On-Site Construction Support Plan

A construction support plan will be prepared by a UXO support contractor for each on-site ground-disturbing or intrusive project located in an area with a moderate to high probability of encountering MEC. Construction support plans for projects requiring on-site construction support shall include all procedures for identifying and removing MEC hazards that may be present and an ESS, in compliance with DDESB guidance for required safety submission (DDESB 2008). Use of anomaly avoidance techniques during construction support does not require an ESS.

The following information is required in an On-site Construction Support Plan:

- Background – provide general project identification information along with confirmation the current probability of encountering MEC on the site is high and on-site construction support is appropriate (include a map showing the project footprint and past MEC find locations by MEC type).
- Project Site Description – provide a brief description of the location of the property and a project site map.
- Construction Project Description – provide a brief overview of the construction project that the construction support effort is supporting including identification of the construction footprint, major ground-disturbing or intrusive activities, general construction sequence, construction schedule and any other project specific information pertinent to providing construction support. The plan must include a description of the property where soil is proposed to be excavated, moved or graded, including drawings with dimensions to a scale which sets forth the size and details of the proposed excavation activities, including any cut and fill, trenching, well drilling, mineral excavation, post hole drilling or other activities of any sort.

- Soil Management Plan – required as a component of the construction support plan for projects including grading or soil movement. The Soil Management Plan would be identified as a requirement during the construction support planning process and submitted for approval with the construction support plan. Soil management requirements are site-specific, but generally indicate that excavated soils are to remain within the munitions response area and tracking soil movements within the site.
- Organizational Roles and Responsibilities – identify the organizations involved with construction support activities and their roles and responsibilities. It is critical that roles and responsibilities be clearly identified including ensuring worker training, identification and reporting of suspect munitions items, stop-work authority, response to suspect munitions items, assessment of MEC finds and restarting of site work after a MEC find. Roles must be clearly identified including notifications, decision making and reporting (include MEC find, assessment and reporting forms from Appendix I in the construction support plan).
- Military Munitions Background – provide a summary of relevant military munitions background information considered by the construction support contractor in preparing the support plan. Background information should include a brief summary of the types of military training that historically occurred on the project site, the types of munitions used at the site and munitions most likely to be encountered. A summary of previous munitions response actions conducted at the site including the date of the action, objective of the action, MEC detection instruments used and identification of any areas where previous MEC removal actions were not completed (i.e., under roadways, building or other obstacles) or may have limited the effectiveness of the response actions (i.e., tree roots, steep slopes or other potential technical challenges); include a map describing provided information.
- MEC Explosive Hazard Removal Procedures – identify site-specific action to be conducted to identify and address explosive hazards within the construction footprint either prior to or during construction such that the probability of encountering MEC can be reassessed to be low. As an alternative, anomaly avoidance techniques may be used to avoid subsurface anomalies during ground-disturbing or intrusive activities. Actions that may be included in an on-site construction support plan include vegetation removal, geophysical mapping and analysis, anomaly excavation and addressing MEC if encountered. MEC related activities including MEC destruction require an Army and DDESB approved ESS.
- MEC Construction Support Procedures – identify activities to be conducted to provide support for construction activities after the probability of encountering MEC has been reduced to low and on-call construction support determined to be appropriate. The plan must, at a minimum, include construction support planning, munitions recognition and safety training, on-call construction support (UXO safety support) resources, response to suspect munitions items, and construction support notification and reporting requirements identified in Section 4.3.2. MEC construction support procedures must follow applicable Army and DDESB explosives safety guidance and requirements (use forms in Appendix I).

- Response to MEC Items – include contingency for response to MEC items during MEC explosive hazard removal activities, anomaly avoidance and construction activities.
 - MEC items recovered during MEC explosive hazard removal operations will be destroyed by the UXO support contractor following MEC destruction procedures included in the Army and DDESB-approved ESS. FORA, Army, EPA, and DTSC are notified of the MEC find. On-site construction support may resume after the MEC item has been destroyed.
 - The objective of anomaly avoidance is to avoid encountering MEC. However, if MEC is encountered during anomaly avoidance, the UXO contractor may, at their own discretion, address the MEC items if there is an Army and DDESB-approved ESS. Discoveries of MEC during anomaly avoidance operations requires a reassessment of the level of construction support before anomaly avoidance operations or other site work may resume.
 - If a suspect munitions item is recovered during construction activities or anomaly avoidance operations not covered by an approved ESS, procedures for response to suspect munitions finds during on-call construction support are followed (Sections 4.3.2.3 and 4.3.2.4). Work in the immediate vicinity of the suspect munitions item must cease while UXO-qualified personnel assess the item. If the item is not MEC (i.e., MDAS), work may resume. If the item cannot be verified as safe (i.e., MEC or suspect MEC item), all work stops on the site and local law enforcement responds to secure the site and requests military EOD personnel response to address the suspect munitions items. Discoveries of MEC during on-call construction support or anomaly avoidance operations requires a reassessment of the level of construction support before anomaly avoidance operations or other work may resume.
- Destruction of MEC Items – The plan must provide concise descriptions of the actions, roles and responsibilities for response to suspect munitions finds during MEC explosive hazard removal, including procedures for destruction of MEC items. The intent of the section is to provide a single point of reference and clearly communicate the actions to be taken in response to a MEC find under an Army and DDESB-approved ESS.
- Reporting and Notification Requirements – The plan must identify all reporting and notification requirements including status reporting, MEC safety training reporting, MEC incident reporting and after action reporting (use forms in Appendix I).

4.3.3.2 Explosive Safety Submission for On-Site Construction Support

An ESS is required for on-site construction support (unless anomaly avoidance technique is being used) when the probability of encountering MEC has been determined to be moderate to high. The ESS must meet DDESB guidance for required safety submission (DDESB 2008). The ESS should contain the information required by Army and DDESB guidance for munitions response to MEC, but may be tailored based on the circumstances. The UXO support contractor will address MEC items, if recovered during on-site construction support, following procedures in the Army and DDESB-approved ESS.

The types of information required in a construction support ESS include: background information; site maps; explosive safety separation distances; types of MEC; detection equipment and response techniques; project start date; MEC disposal techniques; environmental, ecological, cultural and other considerations; technical support; residual risk management; safety education program; stakeholder involvement; and contingencies.

The UXO support contractor will prepare an ESS that will be provided to the Army for staffing to obtain DDESB approval. The ESS must be approved prior to start of on-site construction support.

4.3.3.3 Munitions Recognition and Safety Training

All personnel conducting ground-disturbing or intrusive activities during ground-disturbing or intrusive activities must be provided munitions recognition and safety training and a copy of the MEC Safety Guide. The objective of munitions recognition and safety training is to ensure that site workers involved in ground-disturbing or intrusive activities are educated about the possibility of encountering MEC, and ensure that they stop ground-disturbing or intrusive activities in the immediate vicinity of the suspect munitions item, or as specified in a construction support plan, when a suspect munitions is encountered, and report the encounter to the appropriate authority as identified in the construction support plan. Training records are maintained and available for inspection during the project and reported in the Construction Support After Action Report. Details regarding implementation and administration of the munitions recognition and safety training program are provided in Section 4.2.

4.3.3.4 On-site Construction Support Explosive Hazard Removal Requirements

This section presents requirements for implementing on-site construction support for explosive hazard removal on sites where the probability of encountering MEC is moderate to high. On-site construction support or anomaly avoidance must be provided to remove or avoid potential explosive hazards in the construction footprint before ground-disturbing or intrusive activities occur. Actions that may be conducted during on-site construction support include vegetation removal, surface MEC evaluation, geophysical mapping and analysis, anomaly excavation and addressing MEC if encountered.

Subsurface MEC evaluation is conducted to address explosive hazards identified within the construction footprint either prior to or during construction such that the probability of encountering MEC can be reassessed to be low. Subsurface geophysical surveys may be completed using detection instruments with real time or post-processing identification techniques.

The level of effort for construction support is site and task-specific and must be determined on a case-by-case basis by the UXO support contractor in coordination with the Army, EPA, and DTSC. The level of construction support, and tasks and procedures for conducting construction support will be documented in a construction support plan and ESS. Timing with respect to the implementation of on-call construction support and initiation of construction

activities on the project site is site-specific and will be specified in the construction support plan.

On-site support must be provided by UXO-qualified personnel in compliance with all applicable Army and DDESB explosive safety requirements. On-site support is generally provided by teams of two or more UXO-qualified personnel (UXO Technician II and UXO Technician III). The number of UXO-qualified personnel required for a construction support project will vary depending upon the total level of effort for the project.

4.3.3.5 Suspect Munitions Item Response During On-site Construction Support

When UXO-qualified personnel conducting on-site construction support confirm that a suspect munitions item is MEC they follow the site-specific MEC item response procedures as identified in the construction support plan and ESS.

MEC items recovered during MEC explosive hazard removal operations will be destroyed by the UXO support contractor following MEC destruction procedures included in the approved construction support plan and ESS. FORA, Army, EPA, and DTSC are notified of the MEC find. On-site construction support may resume after the MEC item has been destroyed.

In the unlikely event MEC items are encountered during anomaly avoidance operations conducted under an Army and DDESB-approved ESS, the items will be destroyed by the UXO support contractor. Discoveries of MEC during anomaly avoidance operations require a reassessment of the level of construction support before anomaly avoidance operations or other site work may resume.

If a suspect munitions item is encountered during construction activities or anomaly avoidance operations not covered by an approved ESS, follow the procedures for response to suspect munitions finds during on-call construction support (Sections 4.3.2.3 and 4.3.2.4). Work in the immediate vicinity of the suspect munitions item must cease while UXO-qualified personnel assess the item. If the item is not MEC (i.e., MDAS), work may resume. If the item cannot be verified as safe (i.e., MEC or suspect MEC item), all work stops on the site and local law enforcement responds to secure the site and requests military EOD personnel response to address the item. Discoveries of MEC during construction support or anomaly avoidance operations not covered by an approved ESS require a reassessment of the level of construction support before anomaly avoidance operations or other work may resume.

4.3.3.6 On-site Construction Support After Action Reporting

Following completion of an on-site construction support project, the permittee must submit a Construction Support After Action Report. This reporting requirement is applicable to permitted on-site construction support projects and on-site construction support for minimal soil-disturbing activities. A standardized form for construction support after action reporting is presented in Appendix I. The permittee must complete the applicable form and submit the requested project information and required attachments to the permitting agency, Army, EPA, and DTSC within 30 days of project completion. Required attachments include a map of the

final excavation footprint with plot of MEC finds, table summarizing any MEC, munitions debris or military training related items recovered from the project site, applicable MEC safety training logs and applicable construction support daily reports. The MPC will use the information provided in Construction Support After Action Reports to compile information required for annual LUC monitoring and reporting.

For on-site construction support projects involving less than ten (10) cy of soil disturbance, the Construction Support After Action Report must be submitted to the County or City, FORA, Army, EPA, and DTSC within 30 days of project completion. MPC will use the information provided in on-site construction support project Construction Support After Action Reports for annual LUC monitoring and reporting.

A Construction Support After Action Report must also provide the information and data required in a post-MEC removal report or technical information paper.

4.3.4 Response to Suspect Munitions Item During Ground-Disturbing Activities

As required in the ROD, the property owner will stop work in the immediate vicinity of the suspect munitions item, or as specified in a construction support plan, and notify construction support personnel or the local law enforcement agency immediately if any suspect munitions items are encountered during ground-disturbing or intrusive activities in the Interim Action Ranges MRA. The three scenarios for responding to any suspect munitions items are presented below:

- The standard procedure for reporting encounters with a known or suspected munitions item in the transferred former Fort Ord property when construction support is not required (i.e., projects involving less than ten [10] cy of soil disturbance in an area with a low probability of encountering MEC) is to stop work, retreat, and immediately call 911, which will transfer the call to the appropriate local law enforcement agency. The local law enforcement agency will secure the site and promptly request DoD response support (e.g., a military EOD Unit).
- For on-site construction support (i.e., any volume of soil disturbance in an area with a moderate to high probability of encountering MEC), the process for assessing and addressing suspect munitions finds will be included in the on-site construction support plan and Army and DDESB approved ESS.
- For on-call construction support (i.e., ten [10] cy or more of soil disturbance in an area with a low probability of encountering MEC), if a worker identifies a suspect munitions item, all work in the area of the suspect munitions item is stopped, the area marked and secured, and the UXO support contractor is notified. UXO-qualified personnel will inspect and assess the suspect munitions item. No attempt will be made to disturb, move, or destroy the suspect munitions item. The UXO-qualified personnel will determine if the item can be verified as safe. If the item is not MEC (i.e., MDAS), work may resume. If the item cannot be verified as safe (i.e., MEC or suspect MEC item), all work stops on the site and local law enforcement responds to secure the site and requests military EOD personnel response to address the item (Sections 4.3.4.1 and 4.3.4.2).

4.3.4.1 Confirmed MEC Item Response during On-call Construction Support

If a suspect munitions item cannot be verified as safe (i.e., MEC or suspect MEC items) by UXO-qualified personnel conducting on-call construction support, all ground-disturbing or intrusive activities on-site remains stopped and law enforcement is notified by the UXO support contractor. No attempt will be made to disturb, move, or destroy the suspect munitions item. The local law enforcement agency will immediately notify the appropriate military EOD personnel to respond to the site and remove the suspect munitions item.

After the suspect munitions item has been addressed by military EOD personnel, the UXO support contractor completes an Army's Fort Ord MEC Incident Recording Form (Appendix I) and FORA MEC Find Notification Form (Appendix I) and submits both forms to FORA for distribution to Army, EPA, and DTSC. The Army's Fort Ord MEC Incident Recording Form must be submitted to FORA within 24 hours of military EOD response. FORA will distribute the completed Fort Ord MEC Incident Recording Form to the Army, EPA, and DTSC within 48 hours, of the incident. The FORA MEC Find Notification Form must be submitted to FORA as soon as practicable to support FORA's assessment of the MEC find (Section 4.3.5). Completed Fort Ord MEC Incident Recording Forms and FORA MEC Find Notification forms are included in the Construction Support After Action Report and annual LUC monitoring report.

If the suspect munitions item is determined to be MEC, the probability of encountering MEC will be reevaluated by FORA and may result in additional actions or construction support requirements. FORA conducts a MEC find assessment to develop a recommendation for the probability of encountering MEC (Section 4.3.5). If the probability of encountering MEC is determined by the Army and EPA in consultation with the DTSC, to remain low, work may resume at the site. Site work may not restart until the assessment is completed, the Army and EPA, in consultation with the DTSC, have made a determination of the probability of encountering MEC, and any required additional actions have been conducted.

4.3.4.2 Confirmed Non-MEC Item Response

A suspect munitions item determined to be MD by UXO-qualified personnel will be removed from the site by a UXO support contractor and securely stored for appropriate off-site disposal in accordance with the construction support plan. A suspect munitions item determined to be a non-munitions related item will be removed from the site and managed as appropriate. Following removal of non-MEC items (i.e., MDAS) from the work area, ground-disturbing or intrusive activities may resume at the site.

4.3.5 FORA MEC Finds Assessment

After a MEC find within the Interim Action Ranges MRA, the probability of encountering MEC will be reassessed. FORA will assess the probability of encountering additional MEC based on guidance from DDESB. FORA will coordinate with the property owner during the reassessment. FORA will propose to the Army, EPA, and DTSC an appropriate probability of encountering MEC (low or moderate/high), and the recommendation for the level of construction support appropriate for the site condition. The probability of encountering MEC

and the resulting level of construction support will be jointly determined by the Army and EPA, in consultation with DTSC. Site work may not restart until the assessment is completed, the Army and EPA, in consultation with DTSC, have made a determination of the probability of encountering MEC, and any required additional action has been conducted.

FORA will complete the MEC find assessment in consultation with the Army, EPA and DTSC. FORA will document the MEC find assessment and proposed determination on the FORA MEC Finds Assessment form (Appendix I) and will submit the form with required attachments to the Army, EPA, and DTSC. If EPA, in consultation with DTSC, determines that additional investigation is required as part of the assessment, FORA will conduct such investigation in accordance with an approved work plan, if within the scope of its obligation under the AOC and the ESCA. EPA, in consultation with DTSC, will review and approve results of the investigation (Section 4.8.1).

If the probability of encountering MEC is determined to remain low, ground-disturbing or intrusive activity may resume at the site. If the probability of encountering MEC is determined to be moderate or high, on-site construction support or other actions will be required prior to resuming ground-disturbing or intrusive activities.

FORA will conduct any additional investigation required by EPA and DTSC pursuant to the AOC, except Army Obligations. FORA will conduct such additional investigation in accordance with an approved work plan, if within the scope of its obligation under the AOC and the ESCA. EPA, in consultation with DTSC, will evaluate and approve the results of the additional investigation. The agency consultation process will be completed as expeditiously as practicable.

FORA will complete the required MEC find assessment and submit the assessment and proposed determination of the probability of encountering additional MEC at the site or recommendation for additional MEC investigation or response at the site within 20 days of a MEC find. FORA will document the assessment and proposed determination on the FORA MEC Finds Assessment form (Appendix I) and will submit the form with required attachments to the Army, EPA, and DTSC. The probability of encountering MEC and resulting level of construction support will be determined jointly by the Army and EPA, in consultation with DTSC. FORA must receive the written determination and provide a copy of the completed assessment and joint Army and EPA determination to the permittee prior to resuming ground-disturbing or intrusive site activities.

4.3.6 Construction Support Annual Monitoring and Reporting

Construction support activities within the Interim Action Ranges MRA will be monitored by MPC as part of the annual Former Fort Ord Land Use Covenant monitoring and reporting program and reported in annual LUC status reports.

The monitoring and reporting of construction support requirements is implemented through a MOA between the DTSC, the County, the City, and MPC which: 1) requires MPC to monitor compliance with all land use covenants; 2) requires MPC to report annually to FORA concerning their compliance with all recorded LUCs within their jurisdiction; and 3) requires

FORA to compile the MPC reports and transmit the compiled report to the DTSC. The LUC reports will be shared with the Army and EPA.

MPC will submit results of construction support monitoring to FORA utilizing the LUC Report Outline. On-site construction support projects involving less than ten (10) cy of soil disturbance do not require an excavation permit but must be coordinated with FORA (Section 4.3.1). MPC will review and compile results of on-site construction support monitoring utilizing the appropriate sections of the LUC Report Outline for reporting in the annual LUC monitoring report.

The LUC report outline has been expanded to include construction support data elements and is presented in Appendix J (Sections 4.6.1 and 4.6.2). Annual LUC monitoring reporting requirements include verification that projects involving soil disturbance comply with the local digging and excavation ordinance, compilation of munitions recognition and safety training data from construction support projects, compilation of data and results from construction support projects (including on-site construction support for projects involving less than ten (10) cy of soil disturbance), compilation of MEC-related data identified during use of the property, and summarize MEC-related 911 records for the year.

FORA will submit annual LUC monitoring reports received from MPC to the Army, EPA, and DTSC, to ensure compliance with construction support monitoring and reporting requirements (Sections 4.6.1 and 4.6.2).

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4.4 Restrictions Prohibiting Residential Use

Residential use restrictions are in place for the Interim Action Ranges MRA properties through deed restrictions and the State CRUP (Appendices B and F, respectively). For the purposes of this document, residential reuse includes, but is not limited to: single family or multi-family residences; childcare facilities; nursing homes or assisted living facilities; and any type of educational purpose for children or young adults in grades kindergarten through 12 (Army 2007). Residential use restrictions in the Interim Action Ranges MRA property deeds will run with the land.

Environmental use restrictions, including the Interim Action Ranges MRA residential use restriction are monitored annually to ensure compliance. Annual monitoring includes review of deeds, deed amendments, and other property filings, physical inspection of the property and reporting. Annual monitoring is conducted as a component of the Fort Ord Land Use Covenant Annual Monitoring Report. MPC will inspect the Interim Action Ranges MRA properties and review the Interim Action Ranges MRA deed annually to ensure the residential use restriction remains in place and that no unapproved development or prohibited uses have occurred. FORA will compile annual LUC monitoring reports received from MPC and submit them to the Army, EPA, and DTSC, to ensure compliance with the restriction prohibiting residential use.

FORA will review the deed transferring Interim Action Ranges MRA property to MPC to ensure residential use restrictions and other Environmental Protection Provisions (EPPs) placed on the property by the Army remain in place. In addition, the County and City review the deed, property transfer documents, deed amendments and other property filings associated with the Interim Action Ranges MRA properties to ensure the residential use restriction and other EPPs placed on the property by the Army remain in place.

MPC will coordinate proposals to remove the residential use restrictions, in consultation with Army, EPA, and DTSC. Additional details regarding the process for review and approval of a landowner or developer request to remove a residential use restriction are provided in Section 4.4.1.

4.4.1 Process for Review of Proposals to Remove Residential Use Restriction

The MOA, State CRUP, ROD and deed ensure any future proposals to remove residential use restrictions within the Interim Action Ranges MRA require review and approval by Army, EPA, and DTSC. The requirement for the residential use restriction is a component of the CERCLA remedy for the Interim Action Ranges MRA; therefore, the restriction cannot be removed from the deed and State CRUP until the Army and EPA in consultation with DTSC agree that the land use may be conducted in a manner protective of human health and the environment without the LUC. Only when the requirement under CERCLA is removed, the property owner can initiate the administrative processes to remove the restriction from the deed and State CRUP. Only when the requirement under CERCLA is removed, the property owner can initiate the administrative processes to remove the restriction from the deed and State CRUP.

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4.5 Restrictions Prohibiting Inconsistent Uses

Restrictions prohibiting uses inconsistent with the HMP are in place for the habitat reserve parcels in the Interim Action Ranges MRA through deed restrictions (Appendix B). Uses that are inconsistent with the HMP are prohibited, including but not limited to residential, school, and commercial/industrial development. Restrictions against inconsistent uses (applicable to the habitat reserve areas) in the Interim Action Ranges MRA property deeds will run with the land.

Environmental use restrictions, including the Interim Action Ranges MRA restrictions prohibiting uses inconsistent with the HMP, are monitored annually to ensure compliance. Annual monitoring includes review of deeds, deed amendments, and other property filings, physical inspection of the property and reporting. Annual monitoring is conducted as a component of the Fort Ord Land Use Covenant Annual Monitoring Report. MPC will inspect the Interim Action Ranges MRA properties and review the Interim Action Ranges MRA deed annually to ensure the restrictions against inconsistent uses (applicable to the habitat reserve areas) remain in place and that no prohibited uses have occurred. FORA will compile annual LUC monitoring reports received from MPC and submit them to the Army, EPA, and DTSC, to ensure compliance with the restrictions against inconsistent uses.

FORA will review the deed transferring Interim Action Ranges MRA property to MPC to ensure restrictions prohibiting uses inconsistent with the HMP and other EPPs placed on the property by the Army remain in place. In addition, the County and City review the deed, property transfer documents, deed amendments and other property filings associated with the Interim Action Ranges MRA properties to ensure the restrictions against inconsistent uses (applicable to the habitat reserve areas) and other EPPs placed on the property by the Army remain in place.

MPC will coordinate proposals to remove the restrictions against inconsistent uses (applicable to the habitat reserve areas), in consultation with Army, EPA, and DTSC. Additional details regarding the process for review and approval of a landowner request to remove a restriction against inconsistent uses are provided in Section 4.4.1

4.5.1 Process for Review of Proposals to Remove Restrictions Prohibiting Inconsistent Use

The MOA, ROD, and deed ensure any future proposals to remove restrictions against inconsistent uses (applicable to the habitat reserve areas) within the Interim Action Ranges MRA require review and approval by the Army, EPA, and DTSC. The requirement for the restrictions against inconsistent uses (applicable to the habitat reserve areas) is a component of the CERCLA remedy for the Interim Action Ranges MRA; therefore, the restriction cannot be removed from the deed until the Army and EPA in consultation with DTSC agree that the land use may be conducted in a manner protective of human health and the environment without the LUC. Only when the requirement under CERCLA is removed, the property owner can initiate the administrative processes to remove the restriction from the deed.

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4.6 Long-Term Management Measures

The LUCIP/OMP also describes the following LTMM implementation defined in the ESCA and supporting documents. FORA will implement post-Site Closeout LTO through the ESCA 2037 performance period. The LTOs to be implemented include long-term review, monitoring, and operation and maintenance activities/reporting required to maintain the effectiveness of the remedy. Site Closeout is defined as the time after FORA has performed all the environmental services except LTO per the ESCA (Section 1.2) and the AOC. The MOA with DTSC includes an Annual LUC Report Outline, which has been expanded to fulfill the requirements of this LUCIP/OMP and the LTOs (Appendix J).

4.6.1 LUCIP/OMP Annual Inspections

LUCIP/OMP compliance includes annual on-site inspection of the Interim Action Ranges MRA, review of local building and planning department records, and Construction Support After Action Reports that show the number of suspected munitions finds and confirmed MEC finds in the Interim Action Ranges MRA. For reference, the Annual LUC Report Outline has been expanded to fulfill the requirements in this LUCIP/OMP (Appendix J).

4.6.2 Annual LUC Monitoring Reports

The LUCIP/OMP annual inspections and record review results will be summarized in an annual LUC monitoring report letter report format. MPC has agreed to conduct annual LUC reporting upon property transfer as established in the executed MOA with DTSC and the State CRUP. The existing MOA with DTSC Annual LUC Report Outline has been expanded to include and fulfill the requirements in this LUCIP/OMP (Appendix J). Annual LUC monitoring reports cover the period from July 1 to June 30 of each year. MPC will submit annual LUC monitoring reports to FORA by September 1 of each year (within 60 days). FORA will compile annual LUC monitoring reports and submit them within 90 days following receipt of reports from MPC to the Army, EPA, and DTSC.

FORA is responsible for compiling submitting the annual LUC monitoring reports to the EPA and DTSC. FORA is also responsible for preparation and submittal of annual MEC letter reports to the EPA and DTSC summarizing any MEC found and changes in site conditions that could increase the possibility of encountering MEC; the submittal of the Annual LUC monitoring report satisfies this requirement. The annual LUC monitoring reports will also be provided to the Army for inclusion in the five-year reviews.

4.6.3 CERCLA Five-Year Reviews

The Army shall conduct five-year reviews of the Interim Action Ranges MRA remedy as required by CERCLA and the National Contingency Plan. Five-year reviews will be conducted by the Army in accordance with CERCLA Section 121(c) and the Fort Ord FFA. The five-year review will evaluate the protectiveness of the selected remedy. Based on the evaluation, the selected LUCs may be modified or discontinued, with Army, EPA, and DTSC approval (Section 4.8.3). FORA may assist the Army in these five-year reviews as defined in

the ESCA. The EPA and DTSC review the five-year review reports, provide comments to the Army, and concur with the findings as appropriate. Five-year review involves a comprehensive assessment of the remedy performance of the environmental and munitions cleanup programs and its ongoing protectiveness of human health and the environment. The selected LUCs may be modified by the Army, with the approval of the EPA, and DTSC, in the future based on the five-year review process.

4.7 Notification Should Action(s) Interfere with LUCIP/OMP Effectiveness

Within seventy-two (72) hours of discovery of any activity on the property that is inconsistent with the Interim Action Ranges MRA LUCIP/OMP objectives, MPC, the County, and the City shall notify FORA and FORA shall notify EPA, DTSC, and the Army (Section 5.1.7). Examples of inconsistent activities include: not executing requirement for munitions recognition and safety training or construction support; violating State CRUP prohibiting residential uses; or not meeting local digging and excavation ordinances and local permitting requirements. This reporting requirement is separate from the annual LUC monitoring and reporting requirements of Sections 5.1.6 and 5.2.7.

Within forty-five (45) days of identifying a LUCIP/OMP inconsistency, FORA, in consultation with the County, City, and/or MPC shall identify the LUCIP/OMP inconsistency cause, and evaluate and implement any necessary changes to avoid future noncompliance, and FORA shall notify EPA, DTSC, and the Army of the evaluation and actions taken. This reporting requirement does not preclude the Army from taking immediate action to prevent exposure. This reporting requirement will enable the Army to take appropriate action to ensure the effectiveness of the remedy.

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4.8 Additional Response or Remedy Modification

4.8.1 Additional Investigation or Follow-up Action

If the Army and EPA, in consultation with DTSC, determines that additional investigation is necessary within the Interim Action Ranges MRA, the property owner will cease all development activities in the identified portion of the MRA. FORA will notify the property owner of the additional investigation and will coordinate with the property owner during additional actions. FORA will conduct any additional investigation required by EPA and DTSC pursuant to the AOC, except Army Obligations. FORA will conduct such additional investigation in accordance with an approved work plan, if within the scope of its obligation under the AOC and the ESCA. EPA, in consultation with DTSC, will evaluate and approve the results of the additional investigation. The agency consultation process will be completed by the EPA and DTSC as expeditiously as practicable.

If EPA determines that additional investigation and/or action is required that is not within the scope of FORA obligations under the AOC and ESCA, EPA will advise the Army that it is obligated under the FFA to conduct the investigation and/or action. Additional action will be conducted in accordance with an approved work plan. EPA, in consultation with DTSC, will evaluate and approve the results of the investigation and/or response action. The agency consultation process will be completed by the EPA and DTSC as expeditiously as practicable. If additional investigation is necessary by the Army, the agency consultation process and timelines will be completed per the FFA.

The Army retains full responsibility for Army obligations pursuant to the ESCA “Army obligations”. Nothing shall require FORA to assume responsibility for any Army Obligation, as contractor to the Army, under the terms of the ESCA.

Although the Army has already transferred the responsibilities to implement, maintain, monitor, and enforce LUCs to another party by contract, property transfer agreement, or through other means, the Army retains the ultimate responsibility for remedy integrity. Future property owners will also have responsibilities to act in accordance with the LUCs as specified in the deed(s).

If additional evaluation or work or modification of the selected remedy is proposed based on five-year review, it will be implemented in accordance with Paragraph 34 of the AOC, and/or Section C.4.1.7 of the ESCA. The Army is ultimately responsible for remedy integrity.

4.8.2 Remedy Modification – Remedy No Longer Protective

If the Army and EPA, in consultation with DTSC, determine that the selected remedy for the Interim Action Ranges MRA is no longer protective, FORA will propose and the Army and EPA will jointly select an additional response action or modification of the remedy to be implemented by FORA if within the scope of its obligations under the AOC and the ESCA. DTSC will be provided an opportunity to review and comment on the proposal. The additional actions required and their remedial objectives will be documented in an Explanation of Significant Differences (ESD) or ROD Amendment, as appropriate.

4.8.3 Remedy Modification – Discontinue Portion of LUC Remedy

As specified in the ROD, LUCs identified in the Interim Action Ranges MRA ROD will be maintained until Army, EPA, and DTSC concur that the land use may be conducted in a manner protective of human health and the environment without the LUCs. This concurrence may be based on: 1) new information (e.g., limited geophysical mapping, site development); or 2) where the depth of soil disturbance related to ground-disturbing or intrusive activities is sufficient to address the uncertainty of MEC remaining in the subsurface and any MEC encountered during such activities is removed.

If the Army and EPA, in consultation with DTSC, determine that the selected LUC remedy, or components of the remedy, are no longer necessary to protect human health and the environment, the ROD may be modified, as appropriate, to remove the specific LUC requirement for all or a portion of the Interim Action Ranges MRA.

If the MEC-related data collected during the development of the reuse areas indicate that the construction support LUC is no longer necessary, the ROD requirement for construction support may be discontinued for the developed reuse areas with Army, EPA, and DTSC approval. Any such proposal that would modify the remedy or performance objectives of the selected remedy must also be coordinated with the Army, EPA, and DTSC. FORA, the County, the City, and MPC may prepare the MEC-related data proposal and present it to the Army, EPA, and DTSC for review to determine if the LUC may be removed.

The MOA with DTSC, State CRUP, ROD and deed ensure any future proposals to remove residential use restrictions within the Interim Action Ranges MRA require review and approval by Army, EPA, and DTSC. As indicated in Section 1.4.3, DTSC may require additional verification equivalent to the DTSC residential protocol before termination of the residential use restrictions in the State CRUP. The LUC requirements are components of the CERCLA remedy for the Interim Action Ranges MRA, therefore, they cannot be removed from the deed and State CRUP until the Army and EPA in consultation with DTSC agree that the land use may be conducted in a manner protective of human health and the environment without the LUC. Only when the requirement under CERCLA is removed, the property owner can initiate the administrative processes to remove the restriction from the deed and State CRUP.

The MOA, ROD, and deed ensure any future proposals to remove restrictions against inconsistent uses (applicable to the habitat reserve areas) within the Interim Action Ranges MRA require review and approval by the Army, EPA, and DTSC. The requirement for the restrictions against inconsistent uses (applicable to the habitat reserve areas) is a component of the CERCLA remedy for the Interim Action Ranges MRA; therefore, the restriction cannot be removed from the deed until the Army and EPA, in consultation with DTSC, agree that the land use may be conducted in a manner protective of human health and the environment without the LUC. Only when the requirement under CERCLA is removed, the property owner can initiate the administrative processes to remove the restriction from the deed.

5.0 LAND USE CONTROL OPERATION AND MAINTENANCE

This section presents responsibilities for operation and maintenance of the LUC remedy implementation actions identified in Section 4.0 to facilitate long-term compliance with the LUC remedy objectives. Responsibilities for the operation and maintenance of LUCs, including monitoring, inspecting, and reporting requirements, of FORA, the County, the City, MPC, Army, and property owners are provided in the following subsections.

The Army retains ultimate responsibility for remedy integrity. FORA, per the ESCA and AOC, is responsible for implementing, inspecting, reporting, and enforcing the LUC requirements until 2037.

5.1 FORA Responsibilities

FORA's responsibilities during the operation and maintenance of the LUCs remedy for the Interim Action Ranges MRA are identified below. These responsibilities are currently assigned to FORA, but will eventually be transferred to FORA's successor in interest (Section 1.2.1). FORA has entered into agreements with the County, the City, and MPC to conduct certain activities during the operation and maintenance of the LUCs remedy. However, FORA remains responsible to the Army for operation and maintenance of the LUCs remedy, including responsibility for those activities MPC, the County, and the City have agreed to conduct. Specific activities that MPC, the County, and the City have agreed to conduct are identified in Section 5.2.

5.1.1 Munitions Recognition and Safety Training

FORA is responsible for maintenance of munitions recognition and safety training materials, monitoring implementation of the training requirements, and compiling the annual LUC status report of training activities to DTSC. Munitions recognition and safety training materials have been developed (Section 4.2).

FORA will conduct the following activities during operation and maintenance of the munitions recognition and safety training LUC:

- FORA will maintain training resources and materials including the MEC Safety Guide, web-based training materials, web hosting services, and maintenance of web-based training resources.
- FORA will monitor landowner, MPC, the County, and the City implementation of training responsibilities, including notifications, distribution of MEC Safety Guide, excavation permit training requirements, and annual monitoring and reporting.
- FORA will compile annual training statistics and status information from the MPC annual LUC monitoring reports and transmit to the Army, EPA, and DTSC as part of annual LUC status report.

5.1.2 Construction Support

FORA is responsible for monitoring the MPC, the County, and the City implementation of construction support under the digging and excavation ordinances.

In the unlikely event that MEC is found during construction support, FORA is responsible for notifications of MEC finds and assessment of MEC finds including additional investigations or other actions necessary as a result of MEC finds. FORA is responsible for compiling the annual reporting of construction support activities as part of the annual LUC status report.

FORA will conduct the following activities during operation and maintenance of the construction support LUC:

- FORA will monitor the County and City implementation and enforcement of the digging and excavation ordinances, including excavation permitting, to ensure compliance with construction support requirements.
- FORA will notify the Army, EPA, and DTSC of reported MEC finds during construction support activities, including ensuring initial notification occurs within 24 hours of a MEC find, distribution of Fort Ord MEC Incident Recording Forms and distribution of FORA MEC Find Notification forms submitted to FORA during construction support.
- FORA will coordinate with property owners, Army, EPA, and DTSC on appropriate on-site construction support requirements, including use of anomaly avoidance techniques, for projects involving less than ten [10] cy of soil disturbance in areas with moderate to high probability of encountering MEC.
- After the response to a suspect munitions item during on-call construction support, if the suspect munitions item is determined to be MEC, and if within the scope of its obligations under the AOC and the ESCA, FORA will assess the probability of encountering additional MEC based on guidance from the DDESB. Such assessment may include additional investigation, which will be coordinated with the Army, EPA, and DTSC. As part of the assessment, FORA will evaluate available historical records, onsite investigation data, and other physical evidence, such as: MEC items that have been found to-date during the ongoing construction project; most-recent five-year review; and annual reports since the most recent five-year review.
- If EPA, in consultation with DTSC, determines that additional investigation is required as part of the assessment, FORA will conduct such investigation in accordance with an approved work plan, if within the scope of its obligations under the AOC and ESCA. EPA, in consultation with DTSC, will evaluate and approve the results of the additional investigation.
- FORA will conduct MEC find assessments for MEC finds reported on the Interim Action Ranges MRA to develop a recommendation for the probability of encountering MEC (Section 4.3.5). FORA will complete the required MEC find assessment and submit the assessment and proposed determination of the probability of encountering MEC at the site or recommendation for additional investigation or response at the site within 20 days of an MEC find. FORA will document the

assessment and proposed determination on the FORA MEC Finds Assessment form (Appendix I).

- After conducting a MEC find assessment, FORA will propose to the Army, EPA, and DTSC an appropriate site level determination (low or moderate/high), and a recommendation for the level of construction support appropriate for the site conditions (Section 4.3.5). The agency consultation process will be completed as expeditiously as practicable. The probability of encountering MEC and the resulting level of construction support will be determined jointly by the Army and EPA, in consultation with DTSC. If the probability of encountering MEC is determined by the Army and EPA in consultation with the DTSC, to remain low, work may resume with on-call construction support. If the probability of encountering MEC is moderate/high, FORA will propose, and the Army and EPA in consultation with DTSC will determine, an appropriate follow-on action to be implemented by FORA, if within the scope of its obligation under the AOC and the ESCA. If an existing CERCLA decision document has addressed this contingency, FORA will implement the required action if within the scope of its obligations under the AOC and the ESCA.
- Notwithstanding the foregoing, nothing herein shall be construed to require FORA to assume responsibility for any Army obligation, as such term is defined in the ESCA and the AOC. After the response, and if not within the scope of FORA's obligations under the AOC and the ESCA, the Army, in consultation with the DTSC and EPA, shall proceed with MEC removal within the construction footprint before construction resumes.
- FORA will compile information on construction support activities from MPC annual LUC monitoring report information and transmit to Army, EPA, and DTSC as part of annual LUC status report.

5.1.3 Residential Use Restriction

FORA is responsible for reviewing property transfers and development projects to ensure residential use restrictions remain in property deeds and monitoring compliance with the residential use restrictions in the Federal deed and State CRUP.

FORA will conduct the following activities during operation and maintenance of the residential use restriction LUC:

- FORA will ensure residential use restriction in the Federal deed remains as provisions in the deed transferring property to MPC. FORA is also responsible for notifying MPC of the deed restrictions and property owner LUC obligation.
- FORA will provide at least 60-day prior notice to the Army, EPA, and DTSC of Interim Action Ranges MRA property transfer to MPC. The notice shall reference residential use restrictions and other environmental protection provisions in the Federal deed and State CRUP.

- FORA will compile MPC annual LUC monitoring reporting on use restrictions, verify compliance with residential use restrictions, and transmit to Army, EPA, and DTSC in an annual LUC status report.

5.1.4 Restrictions Prohibiting Inconsistent Uses

FORA is responsible for reviewing property transfers to ensure restrictions against inconsistent uses (applicable to the habitat reserve areas) remain in property deeds and monitoring compliance with the restrictions against inconsistent uses in the Federal deed.

FORA will conduct the following activities during operation and maintenance of the restrictions against inconsistent uses LUC:

- FORA will ensure restrictions against inconsistent uses (applicable to the habitat reserve areas) in the Federal deed remains as provisions in the deed transferring property to MPC. FORA is also responsible for notifying MPC of the deed restrictions and property owner LUC obligation.
- FORA will provide at least 60-day prior notice to the Army, EPA, and DTSC of Interim Action Ranges MRA property transfer to MPC. The notice shall reference (applicable to the habitat reserve areas) and other environmental protection provisions in the Federal deed.
- FORA will compile MPC annual LUC monitoring reporting on use restrictions, verify compliance with inconsistent use restrictions (applicable to the habitat reserve areas), and transmit to Army, EPA, and DTSC in an annual LUC status report.

5.1.5 Long-Term Management Measures

FORA will conduct the following long-term management measures during operation and maintenance of the LUCs:

- FORA will notify the Army, EPA, and DTSC of any MEC-related data identified during use of the property and report results of monitoring activities annually.
- FORA will implement post-site closeout long-term obligations through the ESCA 2037 performance period, at which time responsibility will revert to the Army. The long-term obligations to be implemented include long-term review, monitoring, operation and maintenance activities, and reporting required to maintain the effectiveness of the remedy. Site closeout is defined as the time after FORA has performed all the environmental services except long-term obligations. The Annual LUC Report Outline will be used to fulfill this LTO (Appendix J).

5.1.6 Annual LUC Monitoring and Reporting

FORA is responsible for compiling annual LUC status reports and submittal to the Army, EPA, and DTSC. The annual LUC inspections and monitoring reports are completed by MPC and submitted to FORA. FORA then compiles the reports for submittal to the Army, EPA,

and DTSC. Annual LUC monitoring and status reports cover all environmental restrictions, covenants and controls for the properties, including the munitions recognition and safety training, construction support, residential use restrictions, and restrictions prohibiting inconsistent uses (applicable to habitat reserve areas).

FORA will conduct the following LUCs monitoring and reporting during operation and maintenance of the LUCs.

- FORA will monitor MPC compliance with LUC monitoring and reporting obligations per the MOA with DTSC.
- FORA will submit the annual LUC status reports to the Army, EPA, and DTSC within 90 days following receipt of MPC annual LUC monitoring reports. The County is responsible for compiling and submitting annual LUC monitoring reports after FORA ceases to exist.
- FORA is responsible for submitting an annual letter report to the EPA and DTSC summarizing any MEC found and changes in site conditions that could increase the possibility of encountering MEC. As part of compiling annual LUC monitoring reports, FORA will include a summary of any MEC found and changes in site conditions that could increase the probability of encountering MEC within the Interim Action Ranges MRA. The submittal of the annual LUC monitoring report satisfies this requirement.

5.1.7 Notification Should Action(s) Interfere with LUCIP/OMP Effectiveness

FORA is responsible for notifying EPA, DTSC, and the Army, within seventy-two (72) hours of discovery of activity on the property that is inconsistent with the Interim Action Ranges MRA LUCIP/OMP. This FORA reporting requirement is separate from the annual LUC monitoring and reporting requirements of Section 5.1.6.

- Within forty-five (45) days of identifying a LUCIP/OMP inconsistency, FORA, in consultation with the County, City, and/or MPC, shall identify the LUCIP/OMP inconsistency cause. FORA will evaluate and implement any necessary changes to avoid future noncompliance. The evaluation and any recommended changes to avoid future noncompliance will be reviewed and approved by the Army, EPA and DTSC before implementation.
- FORA is responsible for implementing corrective actions necessary to ensure the effectiveness of the LUC remedy.

This reporting and corrective action requirement does not preclude the Army from taking immediate action to prevent exposure. This reporting and corrective action requirement will enable FORA and the Army to take appropriate action to ensure the effectiveness of the remedy.

5.1.8 Additional Response or Remedy Modification

If the Army and EPA, in consultation with DTSC, determines that the LUC remedy is not protective of human health and the environment, the property owner will cease all development activities in the area of concern within the MRA. Under the AOC and ESCA, FORA is responsible for undertaking further response actions, if within its obligations. Under the ESCA, FORA will conduct any additional response actions as required by EPA and DTSC pursuant to the AOC, except Army Obligations.

FORA will conduct the following additional response actions and remedy modification activities during operation and maintenance of the LUCs.

- If the Army and EPA, in consultation with DTSC, determine that the selected remedy is no longer protective, FORA will propose and the Army and EPA will jointly select, an additional response action or modification of the remedy. Additional response actions will be implemented by FORA if within the scope of its obligation under the AOC and the ESCA. DTSC will be provided an opportunity to review and comment on the proposal. The additional actions required and their remedial objectives will be documented in an ESD or ROD Amendment, as appropriate.

5.1.9 Notice of FORA Planned Property Conveyance

At least 60 days prior to conveyance of the property to any other agency, person, or entity, FORA shall provide notice to the Army, EPA, and DTSC of such intended conveyance. The notice shall describe the mechanism by which LUCs will continue to be implemented, maintained, inspected, reported, and enforced.

5.1.10 LUC Enforcement

FORA is responsible under the ESCA and AOC for long-term obligations, including the operation and maintenance of LUCs. The EPA monitors and enforces these FORA requirements under the provisions of the AOC. The Army monitors and enforces FORA long-term obligation requirements under provisions in the ESCA.

Should FORA discover any activities inconsistent with the LUC remedy objectives, FORA shall notify Army, EPA, and DTSC of the discovery, identify the LUCIP/OMP inconsistency cause, and evaluate and implement any necessary changes to avoid future noncompliance. This reporting requirement does not preclude the Army from taking immediate action to prevent exposure. This reporting requirement will enable FORA and the Army take appropriate action to ensure the effectiveness of the remedy.

FORA is responsible for ensuring MPC fulfills their LUC operation and maintenance obligations, including the monitoring and reporting responsibilities under the MOA with DTSC. This reporting requirement will enable FORA and the Army to take appropriate action for ensuring MPC is notified of the LUC requirements and comply with the LUC requirements and activities identified in this LUCIP/OMP.

5.2 MPC, the County, and the City Responsibilities

The County and City are responsible for implementation of the digging and excavation ordinances applicable to the Interim Action Ranges MRA, including annual notifications to landowners and administering excavation permitting to include construction support requirements. MPC is responsible for annual LUC monitoring and annual reporting to FORA per the MOA with DTSC. MPC is responsible for maintaining use restrictions in deeds and ensuring the deed provisions remain in place for the Interim Action Ranges MRA. As an Interim Action Ranges MRA property owner, MPC is also responsible for the property recipient responsibilities identified in Section 5.3.

Within seventy-two (72) hours of discovery of any activity on the property that is inconsistent with the Interim Action Ranges MRA LUCIP/OMP, MPC, County and/or City shall notify FORA, and FORA shall notify EPA, DTSC, and the Army. Examples of inconsistent activities include: not executing requirement for munitions recognition and safety training or construction support; violating State CRUP prohibiting residential uses; or not meeting the local digging and excavation ordinance and local permitting requirements. This reporting requirement is separate from the annual LUC monitoring and reporting requirements of Sections 5.2.6 and 5.2.7.

5.2.1 Munitions Recognition and Safety Training

The County and City is responsible for providing annual notification to Interim Action Ranges MRA property owners of munitions recognition and safety training requirements, including delivery of the MEC Safety Guide and requiring munitions recognition and safety training during construction support per excavation permits. MPC is responsible for annual monitoring and reporting of the training requirements.

MPC, the County, and the City will conduct the following activities during operation and maintenance of the munitions recognition and safety training LUC:

- The County and City will provide annual notification to Interim Action Ranges MRA landowners and other land users (related to utilities serving the property) of the obligation to follow the digging and excavation ordinance, including requirement to provide MEC Safety Guide to every worker conducting ground-disturbing or intrusive activities. Property owners will be reminded of the requirement to deliver a copy of the MEC Safety Guide to all site workers conducting ground-disturbing or intrusive activities.
- The County and City will maintain and enforce requirement for munitions recognition and safety training as condition for excavation permits for Interim Action Ranges MRA property under digging and excavation ordinance.
- MPC will ensure all MPC workers, including contractors, conducting ground-disturbing or intrusive activities on the Interim Action Ranges MRA receive munitions recognition and safety training and a copy of the MEC Safety Guide.
- MPC will compile annual munitions recognition and safety training statistics for the Interim Action Ranges MRA from construction support excavation permits,

Construction Support After Action Reports, and the training web site, and will report to FORA as part of annual LUC monitoring and reporting.

5.2.2 Construction Support

The County and City are responsible for monitoring and enforcing construction support requirements at the Interim Action Ranges MRAs for excavation permit requirements under the digging and excavation ordinances. The County and the City are responsible for consultation with Army, EPA, and DTSC regarding construction support and ESS requirements prior to issuing excavation permits. MPC is responsible for annual monitoring and reporting of the construction support activities. MPC, as property owner, is responsible for providing MEC finds information and notification to FORA, Army, EPA, and DTSC.

MPC, the County, and the City will conduct the following activities during operation and maintenance of the construction support LUC:

- The County, and the City will implement and enforce the digging and excavation ordinance, including annual notification requirements and excavation permitting requirements.
- The County and the City, in consultation with FORA, Army, EPA, and DTSC, will determine the level of construction support required on a case-by-case and project specific basis during the excavation permitting process.
- The County and the City will consult with Army, EPA, and DTSC on project and site-specific construction support requirements prior to issuing excavation permits, including review and approval of construction support plans and, if required, ESSs.
- MPC will monitor and enforce landowner and permittee requirements for response to suspect munitions finds, including stopping work, notifications to local law enforcement personnel, FORA notification, and conditions for re-start of work.
- The County and City will ensure Construction Support After Action Reports are received and will distribute them to FORA, Army, EPA, and DTSC upon receipt.
- MPC will conduct annual construction support LUC monitoring and reporting including site inspections to verify no unpermitted projects, review of excavation permits to verify compliance with requirement for construction support, compile excavation permit and construction support statistics (including statistics for on-site construction support projects involving less than ten [10] cy of soil disturbance), and report on excavation permits and construction support to FORA, Army, EPA, and DTSC as part of annual LUC monitoring and reporting.

5.2.3 Residential Use Restriction

MPC is responsible for maintaining residential use restrictions for the Interim Action Ranges MRA in the property deed and monitoring compliance with the residential use restrictions in the Federal deed and State CRUP.

The MPC will conduct the following activities during operation and maintenance of the residential use restriction LUC.

- MPC will maintain the residential use restrictions placed on the property in the Federal deed, including ensuring deed restrictions remain on property through future property transfer deeds. MPC will notify new property owners of deed restrictions and obligations.
- MPC will conduct annual inspections of the property deed and annual physical inspections of the property to verify residential use restrictions remain in place as part of annual LUC monitoring and reporting.
- MPC will notify FORA, Army, EPA, and DTSC of any proposed changes in land use or development projects and the determination that such projects are consistent with the residential use restriction.
- MPC will coordinate Army, EPA, and DTSC review of any proposals to remove the residential use restrictions.

5.2.4 Restrictions Prohibiting Inconsistent Uses

MPC is responsible for maintaining restrictions against inconsistent uses (applicable to the habitat reserve areas) for the Interim Action Ranges MRA in the property deed and monitoring compliance with the restrictions against inconsistent uses in the Federal deed.

The MPC will conduct the following activities during operation and maintenance of the restrictions against inconsistent uses LUC.

- MPC will maintain the restrictions against inconsistent uses (applicable to the habitat reserve areas) placed on the property in the Federal deed, including ensuring deed restrictions remain on property through future property transfer deeds. MPC will notify new property owners of deed restrictions and obligations.
- MPC will conduct annual inspections of the property deed and annual physical inspections of the property to verify restrictions against inconsistent uses (applicable to the habitat reserve areas) remain in place as part of annual LUC monitoring and reporting.
- MPC will notify FORA, Army, EPA, and DTSC of any proposed changes in land use and the determination that such changes are consistent with the restrictions against inconsistent uses.
- MPC will coordinate Army, EPA, and DTSC review of any proposals to remove the restrictions against inconsistent uses.

5.2.5 Long-Term Management Measures

MPC will conduct the following long-term management measures during operation and maintenance of the Interim Action Ranges MRA LUCs.

- MPC will notify FORA, Army, EPA, and DTSC, as soon as practicable, of any MEC-related data identified during use of the property.
- MPC will monitor compliance with residential use restrictions and restrictions prohibiting inconsistent use (applicable to the habitat reserve areas) in the property deed as described in Sections 5.2.3 and 5.2.4, respectively.
- MPC will perform annual monitoring and reporting of LUC as described in Section 5.2.7.

5.2.6 LUCIP/OMP Annual Inspections

MPC is responsible for compliance with the LUC remedy for the Interim Action Ranges MRA through annual on-site inspections and review of local building and planning department records, and construction support MEC finds report review. MPC will conduct the following annual inspection requirement during operation and maintenance of the Interim Action Ranges MRA LUCs.

- MPC will compile annual munitions recognition and safety training statistics from construction support excavation permits, Construction Support After Action Reports, and training, and will report to FORA as part of annual LUC monitoring and reporting as described in Section 5.2.1.
- MPC will conduct annual construction support LUC monitoring and reporting including site inspections to verify no unpermitted projects have occurred, review of excavation permits to verify compliance with requirement for construction support, compile excavation permit and construction support statistics (including on-site construction support projects involving less than ten [10] cy of soil disturbance) and report on excavation permits and construction support to FORA, Army, EPA, and DTSC as part of annual LUC monitoring and reporting as described in Section 5.2.2.
- MPC will conduct annual inspections of the property deed and annual physical inspections of the property to verify residential use restrictions and restrictions prohibiting inconsistent use (applicable to the habitat reserve areas) remain in place as part of annual LUC monitoring and reporting as described in Sections 5.2.3 and 5.2.4, respectively.
- For reference, the following is provided in this LUCIP/OMP: Appendix J – Former Fort Ord Land Use Covenant Reporting Outline.

5.2.7 Annual LUC Monitoring Reports

MPC is responsible for conducting annual LUC inspections and monitoring for the Interim Action Ranges MRA and submitting them to FORA. FORA will submit the reports to the Army, EPA, and DTSC. Annual LUC monitoring and status reports cover all environmental restrictions, covenants and controls for the properties, including the munitions recognition and safety training, construction support, residential use restrictions, and restrictions prohibiting inconsistent uses (applicable to habitat reserve areas).

MPC will conduct the following LUCs monitoring and reporting during operation and maintenance of the LUCs.

- MPC will conduct annual LUC monitoring and inspection obligations per the MOA with DTSC.
- MPC will submit the annual LUC monitoring and inspection reports to FORA by September 1 of each year covering the period July 1 to June 30 of the previous year.
- After FORA ceases to exist, the County will submit the annual LUC status reports to the Army, EPA, and DTSC within 90 days following receipt of annual LUC monitoring reports.
- MPC has agreed to conduct annual LUC monitoring and reporting upon property transfer, as established in the MOA with DTSC and State CRUP. The LUC annual inspections and record review results will be summarized in an annual LUC monitoring report (Appendix J).

5.2.8 Notice of Planned Property Conveyances

MPC (as a jurisdiction under the MOA with DTSC) is responsible for monitoring Interim Action Ranges MRA property transfer to ensure use restrictions, LUC and State CRUP restrictions, are maintained in future deeds. Army, EPA, and DTSC will be notified of property transfers through annual LUC monitoring reports, which will include MPC verification of property transfer compliance with deed restriction, LUC and State CRUP requirements.

5.2.9 LUC Enforcement

MPC is responsible for fulfilling their LUC operation and maintenance obligations for the Interim Action Ranges MRA, including the monitoring and reporting responsibilities under the MOA with DTSC, State CRUP, and deed restrictions.

The County and City are responsible for implementing and enforcing the requirements of the local digging and excavation ordinances for the Interim Action Ranges MRA.

5.3 Property Recipient Responsibilities

Future Interim Action Ranges MRA property owners, including MPC, are responsible for compliance with LUCs, deed restrictions, and the State CRUP. Property owner responsibilities are implemented through the digging and excavation ordinances, deed restrictions, and the State CRUP, and include provisions to comply with the munitions recognition and safety training, construction support, residential use restriction, and restrictions against inconsistent uses LUCs.

5.3.1 Munitions Recognition and Safety Training

The property owner is responsible for ensuring all personnel conducting ground-disturbing or intrusive activities are aware of and comply with the munitions recognition and safety training program requirement before engaging in ground-disturbing or intrusive activities

within the Interim Action Ranges MRA. The property owner will conduct the following training requirements during operation and maintenance of the Interim Action Ranges MRA LUCs.

- Property owners at time of transfer will notify any subsequent owners, assigns, leases or site users of the requirements of the digging and excavation ordinances, including requirements for munitions recognition and safety training, and construction support.
- Property owners will annually deliver a copy of the MEC Safety Guide to personnel conducting ground-disturbing or intrusive activities and, at time of transfer, to any subsequent owners, assigns, leases or site users.
- Landowners will ensure that construction support requirements for munitions recognition and safety training are implemented and personnel conducting ground-disturbing or intrusive activities receive required training.
- Landowners will document and maintain records of compliance with training requirements through the duration of the construction support project.

5.3.2 Construction Support

The property owner is responsible for compliance with the excavation permitting and construction support requirements of the digging and excavation ordinances applicable to the Interim Action Ranges MRA. The property owner will conduct the following construction support requirements during operation and maintenance of the Interim Action Ranges MRA LUCs.

- Property owners will comply with excavation permitting requirements of the digging and excavation ordinances, including requirements for construction support. For projects involving less than ten (10) cy of soil disturbance, property owner will confirm appropriate construction support requirements with FORA prior to conducting ground-disturbing or intrusive activities.
- Property owner will obtain construction support prior to conducting ground-disturbing or intrusive activities on Interim Action Ranges MRA property.
- Property owner will retain UXO contractor to provide construction support services including a construction support plan, construction support services, and after action reporting.
- Property owner (through their required UXO support contractor) will prepare and submit a Construction Support After Action Report (use template in Appendix I) for permitted on-site construction support projects and on-site construction support for minimal soil disturbing activities to the permitting agency, FORA, Army, EPA and DTSC within 30 days of project completion.

5.3.3 Residential Use Restriction

Future property owners, including MPC, will conduct the following activities during operation and maintenance of the residential use restrictions LUC at the Interim Action Ranges MRA.

- Property owners will comply with residential use restrictions during use of the property.
- Property owners will maintain the residential use restrictions placed on the properties in the Federal deed, including ensuring deed restrictions remain on property through future property transfer deeds.
- Property owners will cooperate with the County and/or City in conducting annual inspections of property to verify residential use restrictions remain in place.

5.3.4 Restrictions Prohibiting Inconsistent Uses

Future property owners, including MPC, will conduct the following activities during operation and maintenance of the restrictions against inconsistent uses LUC at the Interim Action Ranges MRA.

- Property owners will comply with restrictions against inconsistent uses (applicable to the habitat reserve areas) during use of the property.
- Property owners will maintain the restrictions against inconsistent uses (applicable to the habitat reserve areas) placed on the properties in the Federal deed, including ensuring deed restrictions remain on property through future property transfer deeds.
- Property owners will cooperate with the County and/or City in conducting annual inspections of property to verify restrictions against inconsistent uses (applicable to the habitat reserve areas) remain in place.

5.3.5 Notice of Planned Property Conveyances

Prior to transfer of an Interim Action Ranges MRA property, property recipients will be notified by the property owner of the property restrictions and LUC and State CRUP compliance requirements. For initial property conveyance from FORA to MPC, FORA (as property owner) will be responsible for providing deed restriction notifications. MPC will be responsible for FORA-to-jurisdiction deed recordation. MPC (as property owner) is responsible for providing property restriction notification in subsequent land transfers.

MPC (as jurisdiction under the MOA with DTSC) is responsible for monitoring property transfer to ensure use restrictions, LUC and State CRUP restrictions are maintained in future deeds for the Interim Action Ranges MRA property. Army, EPA, and DTSC will be notified of property transfers through annual LUC monitoring reports, which will include MPC verification of property transfer compliance with deed restriction, LUC and State CRUP requirements.

5.4 Army Responsibilities

The Army retains ultimate responsibility under CERCLA for remedy integrity. FORA, per the ESCA and AOC, is responsible for implementing, inspecting, reporting, and enforcing the LUCIP/OMP requirements on behalf of the Army until 2037.

5.4.1 Munitions Recognition and Safety Training

The Army is responsible for monitor implementation, operation and maintenance of the munitions recognition and safety training set forth in this LUCIP/OMP to ensure FORA compliance with requirements of the LUC remedy.

- The Army will review annual LUC monitoring reports submitted by FORA to ensure continued compliance with the munitions recognition and safety training requirements of the LUC remedy.

5.4.2 Construction Support

The Army is responsible for review and approval of various plans, reports, and determinations during construction support. The Army will conduct the following activities during operation and maintenance of the construction support LUC.

- The Army will monitor FORA and MPC implementation and enforcement of construction support requirements through the review of annual LUC reports.
- The Army will participate with DTSC in the review and approval of construction support plans for excavation permits and projects involving less than ten (10) cy of soil disturbance with moderate to high probability of encountering MEC.
- The Army will coordinate U.S. Army Technical Center for Explosive Safety and DDESB review and approvals of Explosive Safety Submissions, as required to support construction support implementation.
- The Army will participate, in consultation with EPA and DTSC, in MEC find assessments for MEC finds and review of any additional actions.
- The Army will conduct any Army obligations identified as a result of MEC finds assessments.

5.4.3 Residential Use Restriction

The Army is responsible for monitoring compliance with the residential use restrictions in the Federal deed.

The Army will conduct the following activities during operation and maintenance of the residential use restriction LUC.

- The Army will ensure residential use restrictions in the Federal deed remain as provisions in the FORA deed transferring property to MPC.
- The Army will take appropriate actions necessary to maintain and enforce use restrictions in the Federal deed upon subsequent property owners.
- The Army will review annual LUC monitoring reports, including use restrictions, to verify compliance with residential use restrictions.

5.4.4 Restriction Prohibiting Inconsistent Uses

The Army is responsible for monitoring compliance with the restrictions against inconsistent uses (applicable to the habitat reserve areas) in the Federal deed.

The Army will conduct the following activities during operation and maintenance of the restrictions against inconsistent uses LUC.

- The Army will ensure restrictions against inconsistent uses (applicable to the habitat reserve areas) in the Federal deed remain as provisions in the FORA deed transferring property to MPC.
- The Army will take appropriate actions necessary to maintain and enforce use restrictions in the Federal deed upon subsequent property owners.
- The Army will review annual LUC monitoring reports, including use restrictions, to verify compliance with restrictions against inconsistent uses.

5.4.5 Five-Year Review

Five-year reviews will be conducted by the Army in accordance with CERCLA Section 121(c) and the Fort Ord FFA. The five-year review will evaluate the protectiveness of the selected remedy. Based on the evaluation, the selected LUCs may be modified or discontinued, with Army, EPA, and DTSC approval (Section 4.8.3).

- The Army is responsible for conducting the five-year review of the Interim Action Ranges MRA remedy as required by CERCLA and the National Contingency Plan. FORA may assist the Army in these five-year reviews as defined in the ESCA.

5.4.6 Additional Response or Remedy Modification

If the Army and EPA, in consultation with DTSC, determines that the LUC remedy is not protective of human health and the environment, the property owner will cease all development activities in the MRA. Under the ESCA, FORA will conduct additional investigation required by EPA and DTSC pursuant to the AOC, except Army Obligations.

The Army is responsible for participating in determining if the selected remedy remains protective and if additional response or remedy modification is necessary.

- The Army and EPA, in consultation with DTSC, will determine if the selected remedy remains protective. If no longer protective, FORA will propose and the Army and EPA will jointly select, an additional response action or modification of the remedy. The Army will document additional response actions or modifications of the remedy in an ESD or ROD Amendment, as appropriate. DTSC will be provided an opportunity to review and comment on the proposal.

- The Army will ensure that additional response actions are implemented by FORA if within the scope of FORAs obligation under the AOC and the ESCA. The Army will implement any Army Obligations.

5.4.7 LUC Enforcement

The Army is ultimately responsible for remedy integrity. The FORA has undertaken a portion of the Army responsibilities under the ESCA and AOC for long-term obligations, including the operation and maintenance of LUCs. The EPA monitors and enforces these FORA requirements under the provisions of the AOC.

- The Army is responsible for enforcing the land use restrictions contained in the Federal deed.
- The Army is responsible for reporting discovery of any activities inconsistent with the LUC remedy, if it becomes aware of such information, such as based on review of the annual LUC reports that will be provided by FORA. Should the Army discover any activities inconsistent with the LUC remedy objectives, the Army shall notify FORA, EPA, and DTSC of the discovery. This reporting requirement does not preclude the Army from taking immediate action to prevent exposure. This reporting requirement will enable FORA and the Army to take appropriate action to ensure the effectiveness of the remedy.

6.0 REFERENCES

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Table 1
Roles and Responsibilities

Organization	Roles & Responsibilities	Authority
Army BRAC	<ul style="list-style-type: none"> • Ensure protectiveness of remedy • Army Obligations per ESCA 	<ul style="list-style-type: none"> • FFA • ESCA
EPA Region 9	<ul style="list-style-type: none"> • Lead regulatory agency 	<ul style="list-style-type: none"> • FFA/AOC
DTSC	<ul style="list-style-type: none"> • Regulatory concurrence • CRUP enforcement 	<ul style="list-style-type: none"> • FFA/AOC • CRUP • MOA w/DTSC
FORA	<ul style="list-style-type: none"> • LUC remedy implementation/enforcement • Annual LUC reporting 	<ul style="list-style-type: none"> • AOC • ESCA • MOA w/DTSC
ESCA RP Team	<ul style="list-style-type: none"> • LUCIP/OMP development / implementation • ESCA/AOC Site Closure 	<ul style="list-style-type: none"> • AOC • ESCA/RSA with FORA
Monterey County and City of Seaside	<ul style="list-style-type: none"> • Enforce Digging & Excavation Ordinance • Maintain and enforce deed restrictions 	<ul style="list-style-type: none"> • Municipal Code • MOA w/DTSC
MPC*	<ul style="list-style-type: none"> • Annual LUC monitoring and reporting • Comply with LUCs, deed restrictions, CRUP • Maintain deed restrictions 	<ul style="list-style-type: none"> • MOA w/DTSC • Property Deed • CRUP • Property Deed
Landowners	<ul style="list-style-type: none"> • Comply with LUCs, deed restrictions, CRUP 	<ul style="list-style-type: none"> • Property Deed • CRUP

Notes:

AOC = Administrative Order on Consent

BRAC = Base Realignment and Closure

CRUP = Covenant to Restrict Use of Property

DTSC = California Department of Toxic Substance Control

EPA = Environmental Protection Agency

ESCA = Environmental Services Cooperative Agreement

ESCA RP = Environmental Services Cooperative Agreement Remediation Program

FFA = Federal Facilities Agreement

FORA = Fort Ord Reuse Authority

LUC = Land Use Control

MOA = Memorandum of Agreement

MPC = Monterey Peninsula College

RSA = Remediation Services Agreement

* = As an Interim Action Ranges MRA property owner, MPC is also responsible for the landowner responsibilities. If the landowner is other than MPC, each jurisdiction will be responsible for annual monitoring and reporting on only those properties within their jurisdiction (MOA with DTSC).

Table 2
Current Probability of Encountering MEC by Parcel

MRS Site Number	Past MRS Use	Planned Reuse ¹	Transfer Parcel No.	Approx. Acreage ²	MRS Site Investigation Status ³	Probability of Encountering MEC ⁴
MRS Ranges 43-48	<ul style="list-style-type: none"> • Mortar training and subsequently platoon live fire course at the time of base closure (Range 43) • Antitank weapons range at the time of base closure (Range 44) • Grenade launcher range at the time of base closure (Range 45) • Small arms range from the late 1950s to the time of base closure (Range 46) • 40mm grenade range in the 1960s (Range 47) 	MPC Non-residential Development	E40	23.8	MEC removal to depth of detection completed.	Low
				1.2	MEC removal to 2 feet bgs completed.	Moderate to High
		Habitat Reserve	E38	18	MEC removal to depth of detection completed.	Low
			E39	134	MEC removal to depth of detection completed.	Low
				28	Surface MEC removal completed. MEC removal to depth of detection for sensitively-fuzed munitions completed in Range 44 SCA (North) and transects in Range 44 SCA (South) and Central Area NCAs.	Moderate to High
				E41	9	MEC removal to depth of detection completed.
			E42	12.7	MEC removal to depth of detection completed.	Low
				0.1	MEC removal to depth of detection for sensitively-fuzed munitions completed in Range 44 SCA (North).	Moderate to High

Table 2
Current Probability of Encountering MEC by Parcel

Notes:

bgs = below ground surface

MEC = munitions and explosives of concern

mm = millimeter

MRS = Munitions Response Site

n/a = not applicable

1. Planned use information obtained from the *FORA Fort Ord Reuse Plan (FORA 1997)* and the *Zander Associates Assessment, East Garrison – Parker Flats Land Use Modifications (Zander 2002)*.
2. Acreage stated is the portion of Transfer Parcel with the designated probability of encountering MEC. Acreages stated are approximate and generally rounded to nearest whole acre.
3. All anomalies (i.e., ferromagnetic material) were investigated and all detectable MEC were removed during MEC removal actions.
4. The probability of encountering MEC is presented as general guidance: each project must be assessed for the probability of encountering MEC based on site- and project-specific information.

Table 3
On-call Construction Support Requirements

Requirement	Description
On-call Construction Support Plan (Section 4.3.2.1)	A written plan prepared by a UXO support contractor to implement on-call construction support. The plan identifying the MEC safety resources and activities to be conducted during on-call construction support, including procedures for response to suspect munitions items. An On-Call Construction Support Plan template is provided in Appendix I.
Soil Management Plan (Section 4.3.2.1)	A Soil Management Plan may be required as a component of the Construction Support Plan for projects including grading or soil movement. The Soil Management Plan would be identified as a requirement during the permit application process and submitted for approval with the Construction Support Plan. Soil management requirements are site-specific and generally include a requirement that excavated soils remain within the MRA for the tracking soil movements within the site.
Munitions Recognition and Safety Training (Sections 4.3.2.2)	All personnel conducting ground disturbing or intrusive activities are required to have munitions recognition and safety training. The munitions recognition and safety training resources are described in Section 4.2. Worker training records must be available for inspection through the duration of the construction support project and documented in the Construction Support After Action Report.
On-Call Construction Support (Section 4.3.2.3)	UXO-qualified personnel must be on standby and available to assist if a suspect munitions item is encountered. Support can be from offsite when called or be on location and available to provide immediate support.
Response to Suspect Munitions Items (Section 4.3.2.4 and 4.3.4)	If a suspect munitions item is found, all work in the immediate vicinity of the item, or as specified in a construction support plan, must cease while UXO-qualified personnel assess the item. If the item is not MEC (i.e., MDAS), work may resume. If the item cannot be verified as safe (i.e., MEC or suspect MEC items), all work stops, local law enforcement responds to secure the site and requests military EOD personnel respond to address the item. FORA, Army, EPA, and DTSC are notified of the suspect munitions find. Discoveries of MEC require reassessment of the level of construction support before work may resume. FORA conducts a MEC find assessment to determine what, if any, additional actions may be necessary. Site work may resume when the MEC find assessment and any required additional action have been completed and approved by the Army, EPA, and DTSC. A FORA MEC Find Notification form and FORA MEC Finds Assessment form are provided in Appendix I.

Table 3
On-call Construction Support Requirements

<p>Construction Support After Action Reporting (Section 4.3.2.5)</p>	<p>An After Action Report must be completed and submitted to the excavation permitting agency, FORA, Army, EPA, and DTSC within 30 days following completion of permitted activities. The After Action Report documents the construction support activities conducted including locations of and response to any MEC finds, MEC find assessment results and any actions taken in response to MEC finds. A Construction Support After Action Report form is provided in Appendix I.</p>
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Notes:

Army = United States Department of the Army
DTSC = California Department of Toxic Substance Control
EOD = explosive ordnance disposal
EPA = United States Environmental Protection Agency
FORA = Fort Ord Reuse Authority
MDAS = material documented as safe
MEC = munitions and explosives of concern
MRA = Munitions Response Area
UXO = unexploded ordnance

Table 4
On-site Construction Support Requirements

Requirement	Description
On-site Construction Support Plan (Section 4.3.3.1)	A written plan prepared by a UXO support contractor to implement on-site construction support. The plan identifying the MEC safety resources and activities to be conducted during construction support, including procedures to address subsurface explosive hazards and respond to suspect munitions items. On-site construction support plan must include all requirements for a MEC removal work plan.
Explosives Safety Submission (Section 4.3.3.2)	An Army and DDESB approved ESS is required for construction support where the probability of encountering MEC is considered moderate to high. The ESS must provide the information outlined in applicable Army and DDESB explosives safety guidance. The information may be tailored based on site-specific conditions. The UXO support contractor will address MEC items recovered during on-site construction support following procedures in the Army and DDESB-approved ESS. An ESS is not required for anomaly avoidance. The UXO contractor will not address MEC items during anomaly avoidance, unless covered by the On-site Construction Support Plan and ESS.
Soil Management Plan (Section 4.3.3.1)	A Soil Management Plan may be required as a component of the Construction Support Plan for projects including grading or soil movement. The Soil Management Plan would be identified as a requirement during the permit application process and submitted for approval with the Construction Support Plan. Soil management requirements are site-specific and generally include requirements that excavated soils remain within the MRA and for tracking soil movements within the site.
Munitions Recognition and Safety Training (Section 4.3.3.3)	All personnel conducting ground-disturbing or intrusive activities are required to have munitions recognition and safety training. The munitions safety training resources is described in Section 4.1. Worker training records must be available for inspection through the duration of the construction support project and documented in the Construction Support After Action Report.
MEC Explosive Hazard Removal (Section 4.3.3.4)	Site-specific actions to be conducted at the site to address explosive hazards identified within the construction footprint either prior to or during construction such that the probability of encountering MEC can be reassessed to be low. Anomaly avoidance techniques may also be used to avoid subsurface anomalies during ground-disturbing or intrusive activities.

Table 4
On-site Construction Support Requirements

<p>Response to MEC Items (Section 4.3.3.5)</p>	<p>Contingency for response to MEC items during MEC explosive hazard removal activities, anomaly avoidance operations, and construction activities (i.e., ground-disturbing or intrusive activities). MEC items recovered during MEC explosive hazard removal operations will be destroyed by the UXO support contractor following MEC destruction procedures included in the Army and DDESB-approved ESS. FORA, Army, EPA, and DTSC are notified of the MEC find. On-site construction support may resume after the MEC item has been destroyed. MEC items recovered during anomaly avoidance operations conducted under an Army and DDESB-approved ESS, may be destroyed by the UXO support contractor, at their own discretion. Discoveries of MEC during anomaly avoidance operations requires a reassessment of the level of construction support before anomaly avoidance operations or other site work may resume. If a suspect munitions item is encountered during construction activities or anomaly avoidance operations not covered by an approved ESS, procedures for response to suspect munitions finds during on-call construction support are followed (Sections 4.3.2.3 and 4.3.2.4). Work in the immediate vicinity of the suspect munitions item, or as specified in a construction support plan, must cease while MEC safety support personnel assess the item. If the item is not MEC (i.e., MDAS), work may resume. If the item cannot be verified as safe (i.e., MEC or suspect MEC items), all work stops on the site and local law enforcement responds to secure the site and requests military EOD personnel response to address the item. Discoveries of MEC during construction support or anomaly avoidance operations requires a reassessment of the level of construction support before anomaly avoidance operations or other work may resume.</p>
<p>Construction Support After Action Reporting (Section 4.3.3.6)</p>	<p>An After Action Report must be completed and submitted to the excavation permitting agency, FORA, Army, EPA, and DTSC within 30 days following completion of permitted activities. The After Action Report documents the construction support activities conducted including locations of and response to any MEC finds, and any actions taken in response to MEC finds. A Construction Support After Action Report must also provide the information and data required in a post-MEC removal report or technical information paper.</p>

Notes:

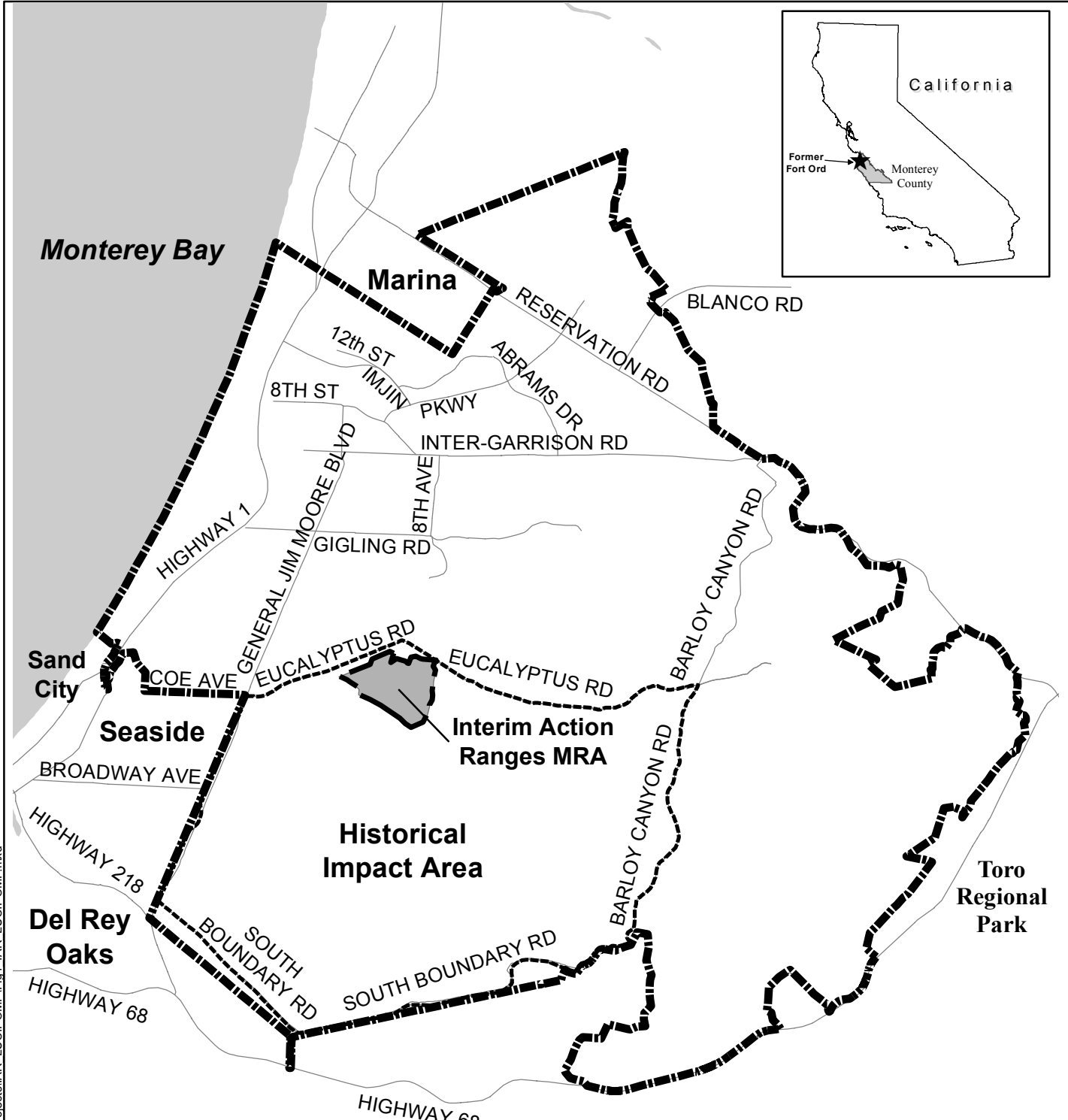
Army = United States Department of the Army
DDESB = Department of Defense Explosives Safety Board
DTSC = California Department of Toxic Substance Control
EOD = explosive ordnance disposal
EPA = United States Environmental Protection Agency
ESS = Explosives Safety Submission
FORA = Fort Ord Reuse Authority
MDAS = material documented as safe

Table 4
On-site Construction Support Requirements

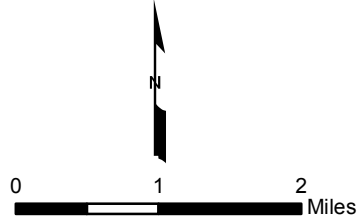
MEC = munitions and explosives of concern
MRA = Munitions Response Area
UXO = unexploded ordnance

Table 4
On-site Construction Support Requirements

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- Interim Action Ranges MRA
- Historical Impact Area Boundary
- Former Fort Ord Boundary
- Major Road



Interim Action Ranges MRA and Fort Ord Location Map

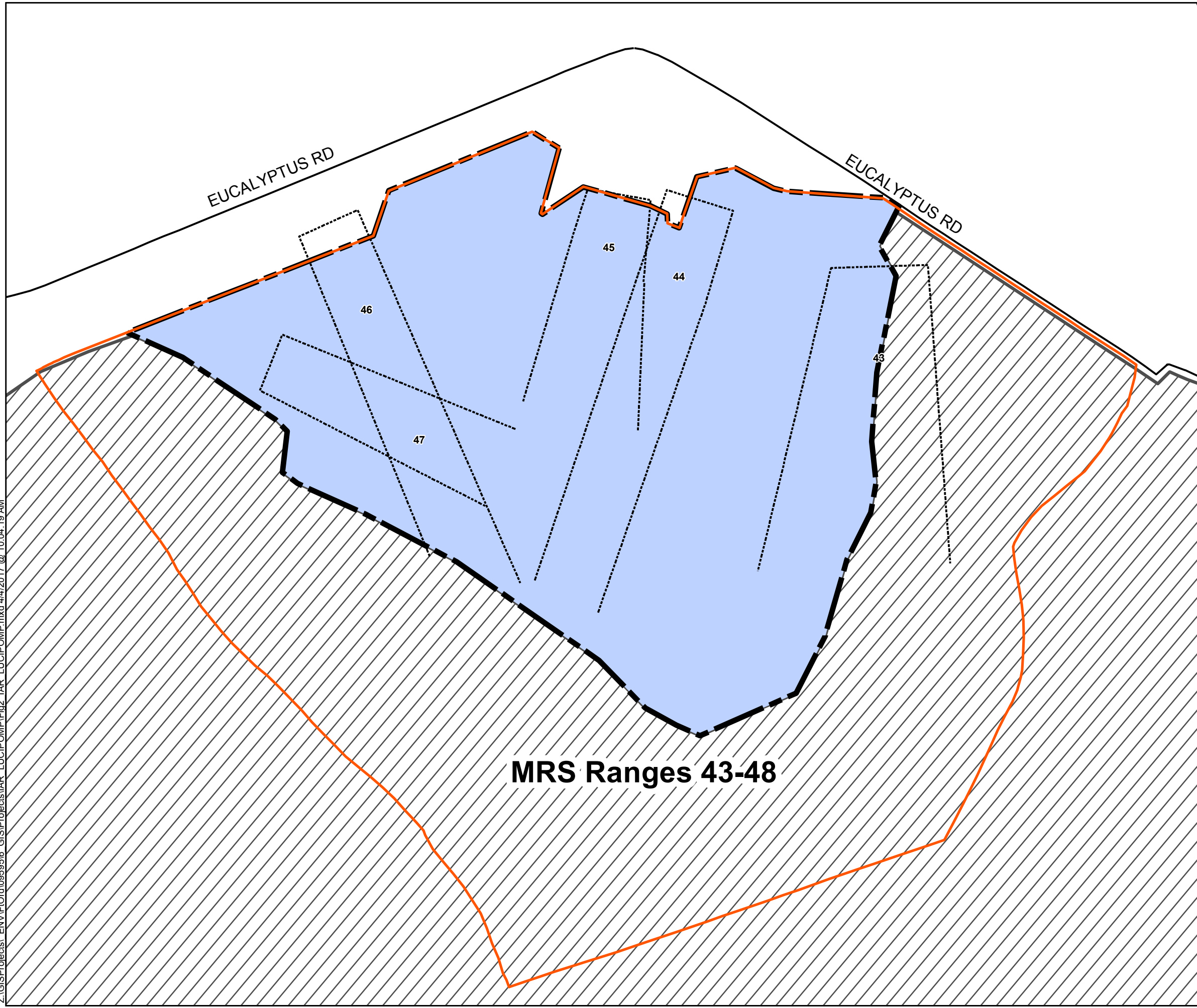
Monterey County, California

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Figure 1







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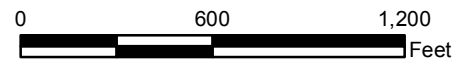
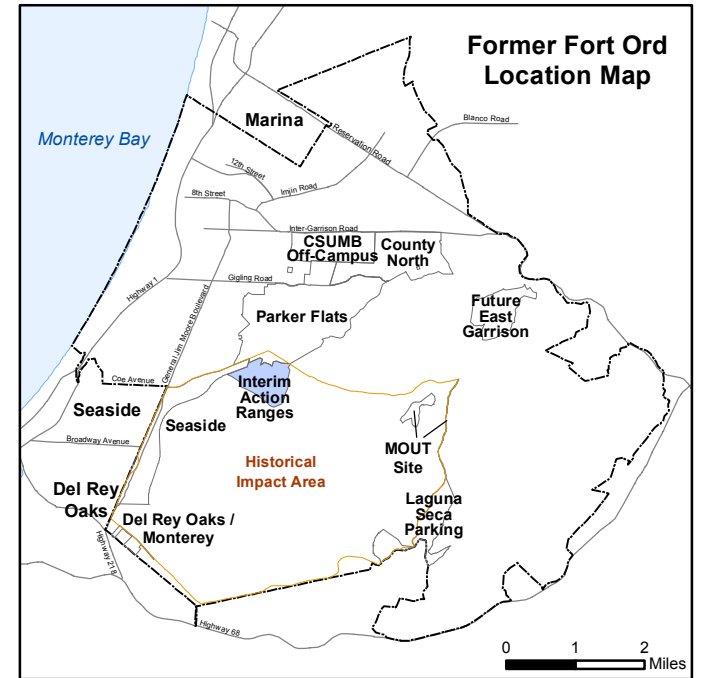
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MRS Ranges 43-48

Legend

-  Munitions Response Area (area subject to land use controls)
-  Interim Action Ranges MRA
-  Impact Area MRA
-  Munitions Response Site
-  Firing Range
-  Major Road



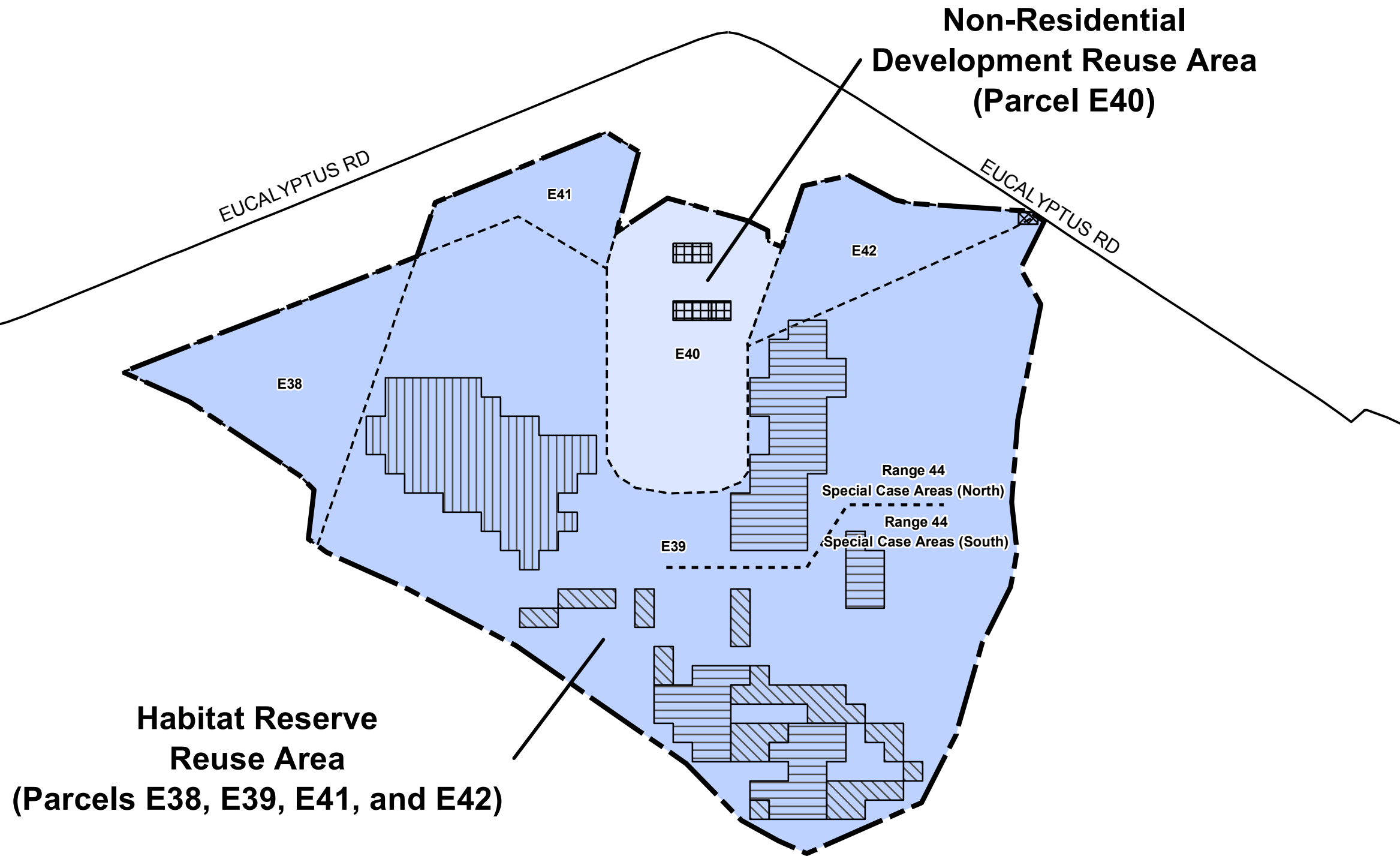
**Interim Action Ranges
MRA Reuse Areas and
Munitions Response Site**

Monterey County, California





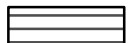





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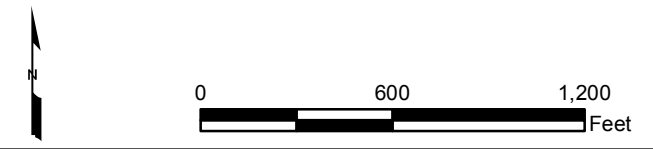
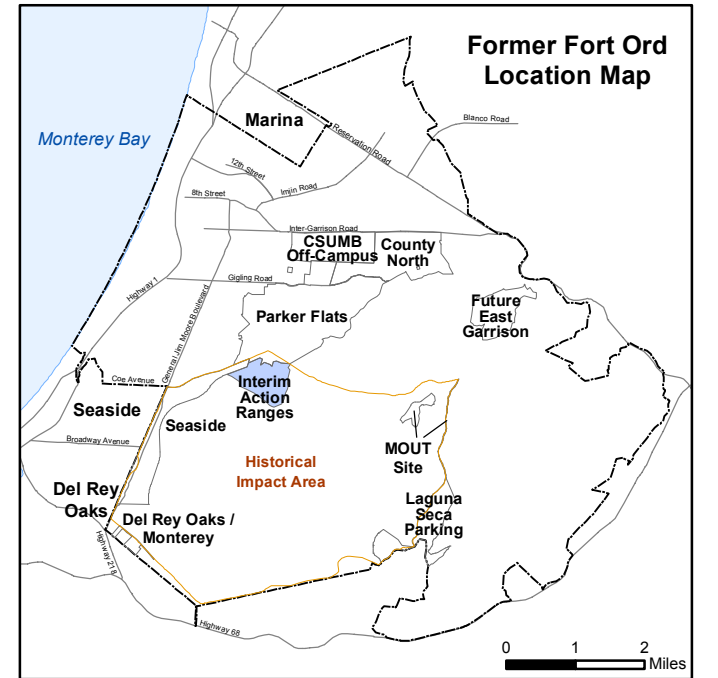
Figure 2

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Legend

-  Habitat Reserve Reuse Area (area subject to Land Use Controls including MEC recognition and safety training, construction support, residential use restriction, and restrictions prohibiting inconsistent use)
-  Non-Residential Development Reuse Area (area subject to Land Use Controls including MEC recognition and safety training, construction support, and residential use restriction)
-  Interim Action Ranges MRA
-  Range 47 Special Case Areas
-  Range 44 Special Case Areas
-  Central Area Non-Completed Areas
-  USACE Parcel
-  Major Road
-  Fenceline Special Case Area
-  Trench Special Case Area

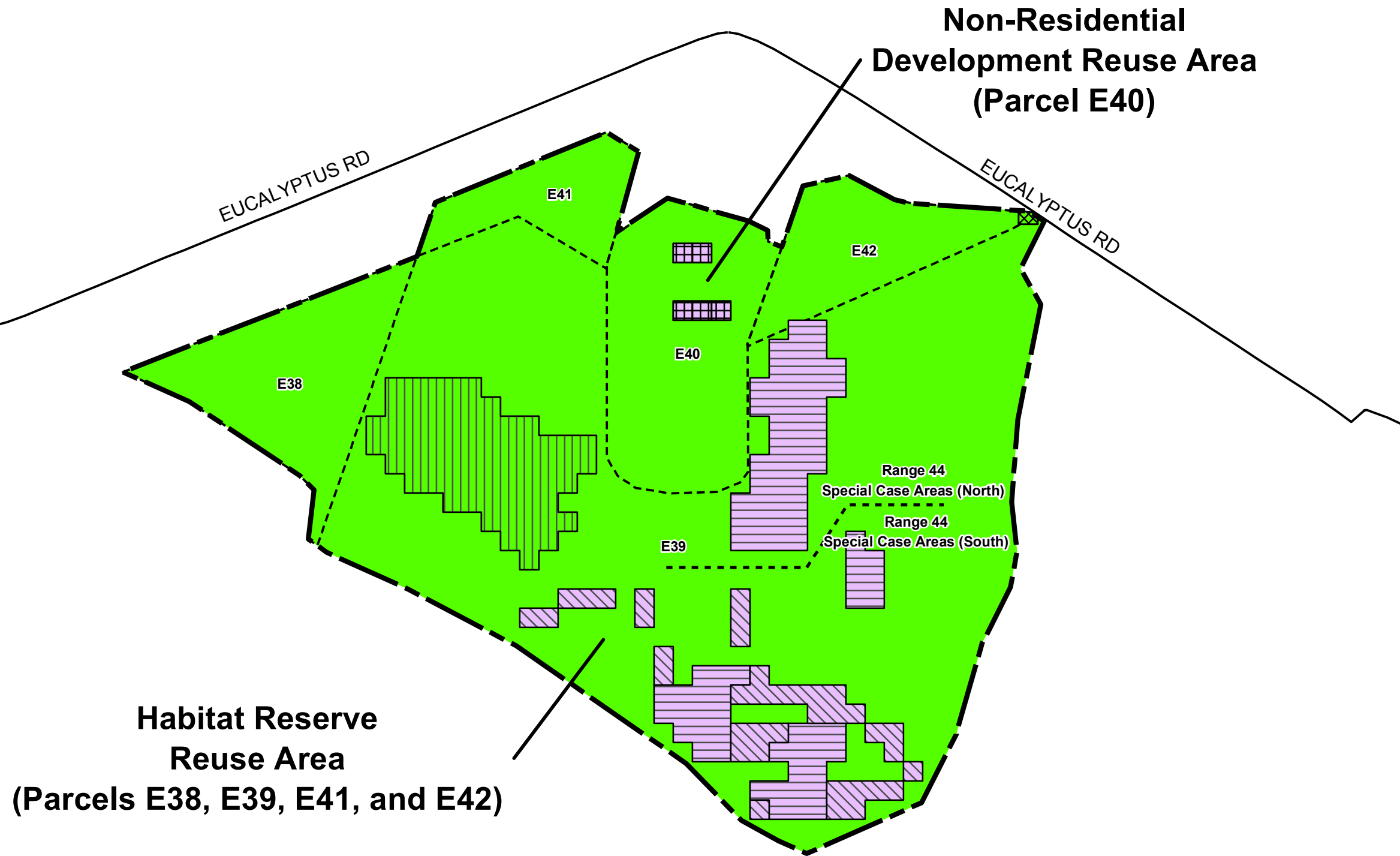


**Interim Action Ranges MRA
Range 47 SCA, Range 44 SCA,
and the Central Area NCAs**

Monterey County, California

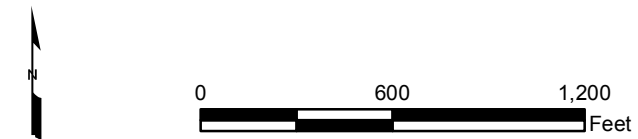
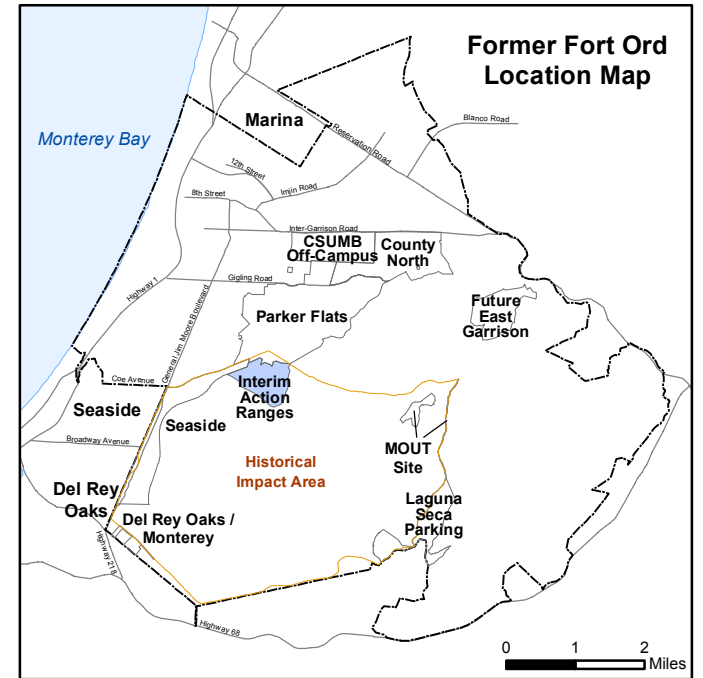
DRAFT **Figure 3**

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Legend

- Moderate to High Probability of Encountering MEC
- Low Probability of Encountering MEC
- Interim Action Ranges MRA
- Range 47 Special Case Areas
- Range 44 Special Case Areas
- Central Area Non-Completed Areas
- USACE Parcel
- Major Road
- Fenceline Special Case Area
- Trench Special Case Area



Interim Action Ranges MRA Probability of Encountering MEC

Monterey County, California

DRAFT **Figure 4**