

FORA ESCA REMEDIATION PROGRAM

FINAL

Remedial Design/Remedial Action, Land Use Controls Implementation, and Operation and Maintenance Plan

Parker Flats Munitions Response Area Phase I

Former Fort Ord
Monterey County, California

August 4, 2009

Prepared for:

FORT ORD REUSE AUTHORITY

100 12th Street, Building 2880
Marina, California 93933



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Remedial Design/Remedial Action, Land Use Controls Implementation, and Operation and
Maintenance Plan
Former Fort Ord
Monterey County, California



Reviewed and
Approved By: Stan Cook
FORA ESCA Program Manager
Fort Ord Reuse Authority

Aug. 4, 2009
Date



Reviewed By: Christopher G. Spill, P.G.
ESCA Technical Project Manager
LFR Inc.

Aug. 4, 2009
Date



Prepared By: Linda Temple
ESCA Remediation Project Manager
Weston Solutions, Inc.

Aug. 4, 2009
Date



Approved By: Dwight Gemar, P.E.
ESCA Remediation Project Engineer
Weston Solutions, Inc.

Aug. 4, 2009
Date



Approved By: Kristie Reimer
ESCA Remediation Program Manager
LFR Inc.

Aug. 4, 2009
Date

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ACRONYMS AND ABBREVIATIONS

AOC	Administrative Order on Consent
Army	United States Department of the Army
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
DTSC	Department of Toxic Substances Control
EPA	United States Environmental Protection Agency
ESCA	Environmental Services Cooperative Agreement
ESD	Explanation of Significant Differences
FFA	Federal Facility Agreement
FORA	Fort Ord Reuse Authority
LUC	Land Use Control
LUCI	Land Use Controls Implementation
MEC	munitions and explosives of concern
MOA	Memorandum of Agreement
MR	munitions response
MRA	munitions response area
O&M	Operation and Maintenance
RD/RA	Remedial Design/Remedial Action
RI/FS	Remedial Investigation/Feasibility Study
ROD	Record of Decision
RP	Remediation Program
USACE	United States Army Corps of Engineers
UXO	unexploded ordnance

1.0 INTRODUCTION

This Remedial Design/Remedial Action, Land Use Controls Implementation, and Operation and Maintenance Plan (“RD/RA LUCI O&M Plan”) was prepared by the Environmental Services Cooperative Agreement Remediation Program Team (“the ESCA RP Team”) on behalf of the Fort Ord Reuse Authority (FORA) for a portion of the Parker Flats Munitions Response Area (MRA) located within the former Fort Ord in Monterey County, California (Figure 1). The purpose of this RD/RA LUCI O&M Plan is to provide information on how the remedy selected in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Record of Decision (ROD) dated June 24, 2008, for the Parker Flats Munitions Response Area Track 2 Munitions Response Site (Army 2008) will be implemented and maintained. The ROD stipulates that implementation of certain Land Use Controls (LUCs) is required to prevent future residential development at the Parker Flats MRA without further evaluation by the regulatory agencies and to require munitions and explosives of concern (MEC) training and construction support prior to beginning ground-disturbing or intrusive activities. These LUCs are intended to limit the risk associated with MEC that may remain at the Parker Flats MRA.

1.1 Area of Remedy Implementation

The Parker Flats MRA is divided into two parts: Parker Flats MRA Phase I and Parker Flats MRA Phase II (Figure 2). A portion of the Parker Flats MRA Phase I is being addressed by this RD/RA LUCI O&M Plan. Specifically, the area addressed by this RD/RA LUCI O&M Plan consists of those areas included in the United States Department of the Army’s (Army’s) Parker Flats MRA Track 2 Munitions Response Site ROD, except the portion of Munitions Response Site (MRS) 13B, which includes the Army Maintenance Center and the Monterey-Salinas Transit Facility parcels as indicated on Figure 3. The portions of MRS 13B excluded from this RD/RA LUCI O&M Plan have not been transferred to FORA and implementation of the selected remedy on these parcels will be the responsibility of others. The Phase II portion of the Parker Flats MRA is currently being evaluated under the ESCA RP under the Group 1 Remedial Investigation/Feasibility Study and is not the subject of the ROD or of this RD/RA LUCI O&M Plan.

1.2 Description of Selected Remedy

The LUCs that will be implemented at the Parker Flats MRA were described in the Army’s Parker Flats MRA Track 2 Munitions Response Site ROD and include: (1) MEC recognition and safety training for workers that will conduct ground-disturbing or intrusive activities, (2) construction monitoring for ground-disturbing or intrusive activities to address MEC that potentially remains in the subsurface, and (3) restrictions against residential use. The following paragraphs present a summary of the LUCs described in the ROD. The discussion has been modified slightly from the ROD language to reflect that the Parker Flats MRA Phase I property, and therefore the responsibilities described in the ROD have been transferred from the Army to FORA.

1.2.1 MEC Recognition and Safety Training

For the eight land use areas within the Parker Flats MRA addressed in this RD/RA LUCI O&M Plan, ground-disturbing or intrusive activities are expected to occur. People conducting such activities will be required to attend the “MEC recognition and safety training” to increase their awareness of and ability to recognize MEC. The MEC recognition training will be modeled on the Fort Ord Site Security Program and will consist of an approximately 30-minute training session. Prior to conducting any planned ground-disturbing or intrusive activities, the landowner will be required to notify FORA or FORA’s representative to arrange for MEC recognition and safety training. This training will be provided to all workers that are to perform ground-disturbing or intrusive activities.

1.2.2 Construction Monitoring

Construction monitoring will be provided by UXO-qualified personnel during any ground-disturbing or intrusive activities at the Parker Flats MRA Phase I to address potential explosive safety risks posed by MEC to construction personnel. Construction monitoring will be arranged during the planning stages of a construction project, prior to the start of any ground-disturbing or intrusive activities. UXO-qualified personnel will monitor ground-disturbing and intrusive construction activities for the potential presence of MEC. During ground-disturbing activities, if MEC is encountered, ground-disturbing activities in the area and adjacent areas will cease and the encounter will be reported to local law enforcement. The local law enforcement agency will promptly request U.S. Department of Defense support for response (e.g., an Explosive Ordnance Disposal unit). After the response, FORA will assess the probability of encountering additional MEC based on guidance from the Department of Defense Explosives Safety Board (DDESB). Such assessment may include additional investigation, which will be coordinated with the Army, EPA, and DTSC (notification and additional investigation requirements are discussed further in Section 4.9).

1.2.3 Restrictions Against Residential Use

Based on the Remedial Investigation/Feasibility Study (RI/FS), the Army’s position is that the additional layer of protection provided by a residential use restriction is not necessary for the Parker Flats MRA; however, in consideration of regulatory input, the preferred remedial alternative included a LUC prohibiting residential use. For the purpose of this RD/RA LUCI O&M Plan, 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). Any proposal for residential development in the Parker Flats MRA will be subject to regulatory review. It should be noted that, per the Fort Ord Base Reuse Plan (FORA 1997) only the “development reserve” could include residential development as a potential future use.

2.0 SITE DESCRIPTION

The former Fort Ord is located approximately 100 miles south of San Francisco and occupies approximately 28,000 acres adjacent to Monterey Bay and the cities of Marina, Seaside, Sand City, Del Rey Oaks, and Monterey (Figure 1). The Parker Flats MRA Phase I is located in the central portion of the former Fort Ord and is approximately 700 acres in size.

The former Fort Ord was placed on the National Priorities List in 1990. To oversee the cleanup of the base, the Army, the Department of Toxic Substances Control (DTSC), the Central Coast Regional Water Quality Control Board, and the United States Environmental Protection Agency (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 basewide Munitions Response (MR) Remedial Investigation/Feasibility Study consistent with CERCLA. The basewide 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 August 2006, the Army conducted a Track 2 Munitions Response Remedial Investigation/Feasibility Study for the Parker Flats MRA Phase I (MACTEC 2006). The RI/FS evaluated the risks related to remaining MEC within the Parker Flats MRA Phase I based upon the intended future uses. On August 26, 2008, the Army and the EPA, in consultation with the DTSC, recorded the final decision in the ROD documenting the preferred remedial alternative of LUCs for managing the risk to future land users from MEC that potentially remain in the Parker Flats MRA Phase I.

This RD/RA LUCI O&M Plan was prepared as a result of the selection of LUCs as a component of the remedy in accordance with the ROD for Parker Flats MRA Phase I. In connection with the early transfer of a portion of the former Fort Ord, including the Parker Flats MRA Phase I, FORA assumed some of the Army's cleanup obligations under an Environmental Services Cooperative Agreement grant. Pursuant to the associated Administrative Order on Consent (AOC) for Cleanup of Portions of the Former Fort Ord, Docket No. R9-2007-003, effective July 25, 2008, and the Environmental Services Cooperative Agreement, dated March 27, 2007, FORA agreed to implement the selected remedy for this portion of the Parker Flats MRA Phase I. This RD/RA LUCI O&M Plan is intended to fulfill the requirements of Tasks 6, 7, and 8 of the AOC for the Parker Flats MRA Phase I.

To facilitate previous MEC investigations and removal activities, the historical use areas were divided into Munitions Response Sites. Parker Flats MRA Phase I consists of all or portions of MRS-3, MRS-4B, MRS-13B, MRS-27A, MRS-27B, MRS-27G, MRS-37, MRS-40, MRS-50/50EXP, MRS-52, MRS-53/53EXP, MRS-54EDC, and MRS-55. The site consists mostly

of undeveloped open space. The planned future land uses for the Parker Flats MRA Phase I include the following:

- Monterey Peninsula College Emergency Vehicle Operation Center;
- Monterey Horse Park;
- Habitat Reserve;
- Veterans Cemetery;
- Monterey County Development Reserve; and
- Monterey County Public Facilities.

The Parker Flats MRA Phase I area fully contains United States Army Corps of Engineers (USACE) property transfer parcels E19a.5 and L32.1 and portions of USACE property transfer parcels E18.1.1, E18.1.2, E19a.1, E19a.3, and E19a.4 (Figure 2). In May 2009, the Army transferred these parcels to FORA.

3.0 LAND USE CONTROL PERFORMANCE OBJECTIVES

The following performance objectives for the LUC remedy to be implemented at Parker Flats MRA Phase I were described in the ROD and are contained in the federal deed transferring the property and/or the associated State Land Use Covenant. The performance objectives for the LUCs that were selected as part of the remedy are the following:

- **MEC recognition and safety training:** (1) to ensure that land users involved in ground-disturbing or intrusive activities are educated about the possibility of encountering MEC, and (2) to ensure that land users involved in ground-disturbing or intrusive activities stop the activity if MEC is encountered and report to the appropriate authority.
- **Construction monitoring:** to ensure projects involving ground-disturbing or intrusive activities are coordinated with unexploded ordnance (UXO)-qualified personnel so that discoveries of potential MEC items will be handled appropriately.
- **Restrictions against residential use:** to preclude residential development or modification to residential restrictions without approval by EPA in coordination with DTSC.

4.0 REMEDY IMPLEMENTATION ACTIONS

The following sections describe implementation actions to be performed in accordance with the FFA and ROD to ensure that the LUC objectives are met.

4.1 Survey Plat

A registered California professional land surveyor has surveyed the boundary of the Parker Flats MRA Phase I that is subject to the provisions of this RD/RA LUCI O&M Plan. The land surveyor is preparing a survey plat that will be submitted to Monterey County (County) and the City of Seaside (City) within 30 days of this RD/RA LUCI O&M Plan being finalized, which will show where the LUCs are to be implemented. Appendix A contains a map showing the area that will be part of the survey plat.

4.2 Annual LUC Inspections

Physical on-site inspections, a review of records from the local building and planning departments, and a review of local 911 records of MEC observations and responses will be conducted to confirm continued compliance with the LUC objectives. The inspections will be conducted according to the methodology provided in Appendix B and the Memorandum of Agreement entitled “Concerning Monitoring and Reporting on Environmental Restrictions on the Former Fort Ord, Monterey County” (“the MOA”), which is between FORA, the County, the Cities of Seaside, Monterey, Del Rey Oaks, and Marina, California State University Monterey Bay, University of California Santa Cruz, Monterey Peninsula College, and the DTSC, and was finalized on February 27, 2008. The information collected as part of the annual inspections will be submitted using the form provided as Attachment 4 of the MOA.

4.3 Annual LUC Monitoring Reports

Pursuant to the terms of the AOC and the MOA, the results of the LUC inspections conducted will be compiled and summarized in a letter report prepared by FORA. The annual monitoring report will be submitted by FORA within 90 days following the LUC inspection efforts. The annual monitoring report will be submitted to both the EPA and the DTSC. Copies of the annual monitoring report will also be provided to the Army for inclusion in their five-year review reports. The annual monitoring report will contain:

- A statement as to whether all LUCs are being complied with by the new owners/users of each site;
- A description of any deficiencies found and what efforts or measures have or will be taken to correct those deficiencies; and
- A copy of the completed LUC Evaluation Form. The current version of this form is provided in Appendix C.

4.4 CERCLA Five-Year Reviews

Because the potential to encounter undiscovered MEC will remain at the Parker Flats MRA Phase I, the Army shall conduct five-year reviews of the Parker Flats MRA Phase I remedy as part of the installation-wide review required by CERCLA and the National Contingency Plan.

4.5 Notice of Planned Property Conveyances

At least 60 days prior to conveyance of the Parker Flats MRA Phase I 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.

4.6 Responsibilities of the New Property Owner with Respect to LUC Inspections, Reporting, and Enforcement

Any new property owner(s) will be notified regarding the restrictions associated with the property via the deed. The new property owner(s) is responsible for complying with those LUCs associated with the property as recorded in the deed. If any action is required of the new property owner, it will be identified by the current property owner at the time of property transfer.

4.7 Army Responsibilities with Respect to Future LUC Inspections, Reporting, and Enforcement

Pursuant to the terms of the AOC and the FFA amendment, FORA has agreed to undertake the Army's responsibility for implementing, inspecting, reporting, and enforcing the LUCs described in this RD/RA LUCI O&M Plan. Although FORA may transfer these procedural responsibilities to another party by contract, property transfer agreement, or through other means, and notwithstanding any language in this section or elsewhere in this document, FORA and/or the Army shall retain ultimate responsibility for remedy integrity.

4.8 Notification Should Any Action(s) Interfere with LUC Effectiveness

FORA shall notify EPA, DTSC, and the Army within 72 hours of discovery of any activity on the property that is inconsistent with the Parker Flats MRA LUC objectives. Within 45 days, FORA shall identify the cause of the problem with the LUC process, evaluate how to correct the problem to avoid future noncompliance, and implement any necessary changes. In accordance with the MOA, the County has agreed to take on this responsibility when FORA ceases to exist. This reporting requirement does not preclude the Army from taking immediate action to prevent exposure.

4.9 Notification of Discovery of MEC Items During Ground-Disturbing and/or Intrusive Activities

FORA and/or the subsequent property owner shall stop work and notify the local law enforcement agency immediately (as well as notifying the Army, DTSC, and EPA within 24 hours) if any known or suspected MEC items are encountered during ground-disturbing and/or intrusive activities. The standard procedure for reporting any encounter with a known or suspected MEC item in the transferred former Fort Ord property is to report the encounter immediately to 911, which will transfer the call to the appropriate local law enforcement

agency. The local law enforcement agency will promptly request Department of Defense support for response (e.g., an Explosive Ordnance Disposal Unit). After the EOD response, 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, on-site 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.
- 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, or its successor under the AOC, 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 evaluate and approve the results of the investigation. FORA will propose to the Army, EPA, and DTSC an appropriate site level designation (low or moderate/high), and a recommendation for the level of UXO support appropriate for the site condition. The agency consultation process will be completed as expeditiously as practicable. The probability of encountering MEC and the resulting level of UXO support will be determined jointly by the Army and EPA, in consultation with DTSC. If the probability of encountering MEC is low, construction may resume with construction monitoring. 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-up action to be implemented by FORA or its successor under the AOC if within the scope of its obligation under the AOC and the ESCA. If an existing CERCLA decision document has addressed this contingency, FORA, or its successor under the AOC, will implement the required action if within the scope of its obligation under the AOC and the ESCA.

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 to be implemented by FORA or its successor under the AOC 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 Explanation of Significant Differences (ESD) or ROD Amendment, as appropriate.

Notwithstanding the foregoing, nothing herein shall be construed to require FORA, or its successor under the AOC, to assume responsibility for any Army Obligation, as such term is defined in the ESCA and the AOC. After the EOD response, if EPA, in consultation with the DTSC, determines that additional investigation and/or action is required, and EPA determines that such investigation and/or response is not within the scope of FORA's obligations under the AOC and the ESCA, EPA will advise the Army that it is obligated under the FFA to conduct the investigation and/or response. The probability of encountering MEC and the

resulting level of UXO support will be determined jointly by the Army and EPA, in consultation with the DTSC.

5.0 REMEDIAL ACTION SEQUENCE

To achieve the LUC performance objectives identified in Section 3.0 and to assure that proper Operation and Maintenance of this remedy is achieved, the following actions shall be conducted:

- Within 30 days of finalizing this RD/RA LUCI O&M Plan, FORA shall provide a copy of the survey plat, the RD/RA LUCI O&M Plan, and written notification to the County and the City advising that no permits be issued for ground-disturbing or intrusive activities unless the land users involved in ground-disturbing or intrusive activities provide MEC recognition and safety training and construction monitoring with UXO-qualified personnel to the personnel that would be involved in these ground-disturbing and/or intrusive activities.
- Within 30 days of finalizing this RD/RA LUCI O&M Plan, FORA shall provide a copy of the survey plat, the RD/RA LUCI O&M Plan, and written notification to the County and the City that the area should not be zoned for residential use without further evaluation and approval from EPA in coordination with DTSC.
- Within 45 days of the RD/RA LUCI O&M Plan being finalized, FORA shall place a copy of the Parker Flats MRA Phase I survey plat, the RD/RA LUCI O&M Plan, and estimated duration of such LUC restrictions into the Army-maintained Information Repositories and Administrative Record. In addition, FORA shall provide a copy of the RD/RA LUCI O&M Plan to the Monterey Peninsula College, Monterey Horse Park Group, the Veterans Cemetery Group, and the Bureau of Land Management.
- LUC inspections and reporting will be conducted in accordance with procedures identified in Sections 4.1, 4.2, and 4.3 of this RD/RA LUCI O&M Plan, the MOA, and the LUC Evaluation Form. The current version of the LUC Evaluation Form is provided in Appendix C.
- The City of Seaside and Monterey County have adopted ordinances related to soil disturbing activities that may occur on the portions of the former Fort Ord that fall within their respective jurisdictions. The City of Seaside has adopted Ordinance 924, amending the Municipal Code to add Chapter 15.34. Monterey County has adopted Ordinance No. 5012, amending the County Code to include Chapter 16.10, titled "Digging and Excavation on the Former Fort Ord." Prior to any ground-disturbing or intrusive activities, an owner or user of the property within the former Fort Ord wishing to conduct intrusive activities must first go through a notification and permitting process per the County and City ordinances. Once an application for a permit is received by the City or the County, the City or County shall review the permit to verify the location of the proposed excavation and to determine if any sites with known LUCs will be affected. If the work involved is located within the Parker Flats MRA Phase I, the City or County shall contact the Army, EPA, FORA, and DTSC by email or written correspondence prior to granting the permit application. As described in the excavation ordinances, the permit

applicant may not move or disturb any soil unless the applicant is in compliance with the requirements placed on the property by an agreement executed between the city, the city redevelopment agency, FORA, and DTSC. The agreement shall, at a minimum, include construction support and shall be attached to and become a part of any permit issued. This process will be reviewed during the five-year review for the former Fort Ord site under CERCLA, prepared by the Army, to determine if any changes need to be implemented. However, under the ESCA, FORA should provide an evaluation of the above-mentioned notification and permitting process for inclusion in the Army's five-year review reports. In order for such evaluation, and any recommendation for changes, to be incorporated into a five-year review, it must be submitted by FORA to the Army by February of the year of the review. The next five-year review will be conducted in 2012.

- LUCs shall be maintained through periodic inspections and enforcement as described in Section 4.0.
- When it is determined, with the Army, EPA, and DTSC concurrence, that one or more of the LUCs at Parker Flats MRA Phase I is no longer needed, FORA (and subsequently the County when FORA ceases to exist) shall obtain from the Army and DTSC an appropriate release for recordation with the deed and the state Land Use Covenant pertaining to the site and will also timely advise the local jurisdictions.
- New property owners will be notified of, and shall comply with, any deed restrictions as described in Section 4.6.

The remedy inspections and reporting described in this RD/RA LUCI O&M Plan will be effective immediately upon approval by the Army, EPA, and DTSC. The RD/RA LUCI O&M Plan will be applicable to Parker Flats MRA Phase I Area during FORA's ownership of the site, as well as subsequent to FORA transferring the site.

6.0 REFERENCES

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