

FORA ESCA REMEDIATION PROGRAM

FINAL

Group 2

Land Use Controls Implementation Plan/
Operation and Maintenance Plan
California State University Monterey Bay Off-Campus
Munitions Response Area

Former Fort Ord
Monterey County, California

September 7, 2018

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FORT ORD REUSE AUTHORITY

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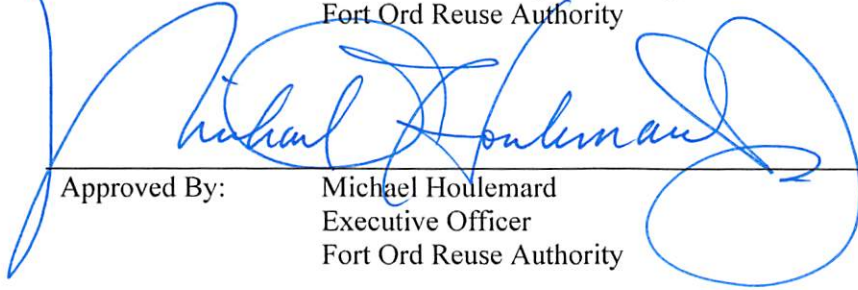
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**Group 2
Land Use Controls Implementation Plan/Operation and Maintenance Plan
Former Fort Ord
Monterey County, California**



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CONTENTS

ACRONYMS AND ABBREVIATIONS.....	VII
GLOSSARY.....	IX
1.0 INTRODUCTION.....	1-1
1.1 Regulatory Background.....	1-2
1.2 FORA ESCA Regulatory Framework and Responsibilities.....	1-3
1.2.1 FORA Successor in Interest.....	1-3
1.3 Area of Remedy Implementation.....	1-4
1.4 Description of Selected Remedy.....	1-4
1.4.1 Munitions Recognition and Safety Training.....	1-5
1.4.2 Construction Support.....	1-6
1.4.3 Restrictions Prohibiting Residential Use.....	1-6
1.4.4 Long-Term Management Measures.....	1-6
2.0 SITE DESCRIPTION.....	2-1
2.1 Site History.....	2-1
2.2 Regulatory History.....	2-1
2.3 CSUMB Off-Campus MRA Summary.....	2-2
2.4 Potential Future Land and Resource Uses.....	2-4
3.0 LAND USE CONTROL IMPLEMENTATION STRATEGIES.....	3-1
3.1 Munitions Recognition and Safety Training.....	3-1
3.2 Construction Support.....	3-2
3.3 Restrictions Prohibiting Residential Use.....	3-4
3.4 Long-term Management Measures.....	3-4
4.0 LAND USE CONTROLS IMPLEMENTATION.....	4-1
4.1 Land Use Control Instruments and Agreements.....	4-3

4.1.1 County Digging and Excavation Ordinance 4-3

4.1.2 Memorandum of Agreement with DTSC 4-3

4.1.3 Covenants to Restrict Use of Property 4-4

4.1.4 Deed Restrictions 4-4

4.2 Munitions Recognition and Safety Training 4-5

4.2.1 Munitions Recognition and Safety Training Materials 4-6

4.2.1.1 MEC Safety Guide 4-6

4.2.1.2 Web-based Munitions Recognition and Safety Training Resources 4-7

4.2.2 Annual Notification of MEC Training Requirements 4-7

4.2.3 Construction Support Site-Specific Worker Training 4-8

4.2.4 Monitoring and Reporting of Munitions Recognition and Safety Training 4-8

4.2.5 Process for Review of Proposals to Remove Requirement for Munitions
Recognition and Safety Training 4-9

4.3 Construction Support for Ground-disturbing or Intrusive Activities 4-11

4.3.1 Determining Construction Support Levels and Requirements 4-12

4.3.1.1 Determining Probability of Encountering MEC 4-13

4.3.1.2 Determining Construction Support Permit and Administrative Requirements .
..... 4-14

4.3.1.3 Determining Construction Support Level Requirements 4-17

4.3.2 On-Call Construction Support 4-20

4.3.2.1 On-Call Construction Support Plan 4-21

4.3.2.2 Munitions Recognition and Safety Training 4-23

4.3.2.3 UXO Support for Construction Activities 4-23

4.3.2.4 Suspect Munitions Item Response During On-call Construction Support . 4-24

4.3.2.5 On-call Construction Support After Action Reporting 4-25

4.3.3 On-site Construction Support 4-25

4.3.3.1 On-site Construction Support Plan 4-26

4.3.3.2 Munitions Recognition and Safety Training 4-29

4.3.3.3 On-site Construction Support Explosive Hazard Removal Requirements . 4-29

4.3.3.4	Suspect Munitions Item Response During On-site Construction Support	4-30
4.3.3.5	On-site Construction Support After Action Reporting	4-30
4.3.4	Response to Suspect Munitions Item During Ground-Disturbing Activities	4-31
4.3.4.1	Confirmed MEC Item Response during On-call Construction Support	4-32
4.3.4.2	Confirmed Non-MEC Item Response	4-32
4.3.5	FORA MEC Finds Assessment	4-32
4.3.6	Construction Support Annual Monitoring and Reporting	4-33
4.3.7	Process for Review of Proposals to Remove Requirement for Construction Support for Ground-disturbing or Intrusive Activities	4-34
4.4	Restrictions Prohibiting Residential Use	4-35
4.4.1	Process for Review of Proposals to Remove Residential Use Restriction	4-35
4.5	Long-Term Management Measures	4-37
4.5.1	LUCIP/OMP Annual Inspections	4-37
4.5.2	Annual LUC Monitoring Reports	4-37
4.5.3	CERCLA Five-Year Reviews	4-37
4.6	Notification Should Action(s) Interfere with LUCIP/OMP Effectiveness	4-39
4.7	Additional Response or Remedy Modification	4-41
4.7.1	Additional Investigation or Follow-up Action	4-41
4.7.2	Remedy Modification – Remedy No Longer Protective	4-41
4.7.3	Remedy Modification – Discontinue Portion of LUC Remedy	4-42
5.0	LAND USE CONTROL OPERATION AND MAINTENANCE	5-1
5.1	FORA Responsibilities	5-1
5.1.1	Munitions Recognition and Safety Training	5-1
5.1.2	Construction Support	5-2
5.1.3	Residential Use Restriction	5-3
5.1.4	Long-Term Management Measures	5-4
5.1.5	Annual LUC Monitoring and Reporting	5-4

5.1.6 Notification Should Action(s) Interfere with LUCIP/OMP Effectiveness 5-5

5.1.7 Additional Response or Remedy Modification..... 5-5

5.1.8 Notice of FORA Planned Property Conveyance 5-6

5.1.9 LUC Enforcement..... 5-6

5.2 CSUMB and County Responsibilities 5-6

5.2.1 Munitions Recognition and Safety Training 5-7

5.2.2 Construction Support 5-7

5.2.3 Residential Use Restriction..... 5-8

5.2.4 Long-Term Management Measures 5-8

5.2.5 LUCIP/OMP Annual Inspections 5-9

5.2.6 Annual LUC Monitoring Reports 5-9

5.2.7 Notice of Planned Property Conveyances..... 5-10

5.2.8 LUC Enforcement..... 5-10

5.3 Property Recipient Responsibilities..... 5-10

5.3.1 Munitions Recognition and Safety Training 5-10

5.3.2 Construction Support 5-11

5.3.3 Residential Use Restriction..... 5-12

5.3.4 Notice of Planned Property Conveyances..... 5-12

5.4 Army Responsibilities 5-12

5.4.1 Munitions Recognition and Safety Training..... 5-13

5.4.2 Construction Support 5-13

5.4.3 Residential Use Restriction..... 5-13

5.4.4 Five-Year Review 5-14

5.4.5 Additional Response or Remedy Modification..... 5-14

5.4.6 LUC Enforcement..... 5-14

6.0 REFERENCES 6-1

TABLES

- 1 Roles, Responsibilities, and Authority for LUC Remedy Implementation and Enforcement
- 2 Current Probability of Encountering MEC for Transfer Parcel S1.3.2
- 3 On-call Construction Support Requirements
- 4 On-site Construction Support Requirements

FIGURES

- 1 Group 2 MRA and Fort Ord Location Map
- 2 CSUMB Off-Campus MRA – Reuse Areas and Munition Response Sites
- 3 CSUMB Off-Campus MRA – Probability of Encountering MEC

APPENDICES

- A Record of Decision Group 2 California State University Monterey Bay Off-Campus Munitions Response Area, Former Fort Ord, California dated January 7, 2015, and finalized February 26, 2015
- B Federal Deed
- C First Amendment to and Partial Termination of Covenant to Restrict Use of Property Environmental Restriction, California State University Monterey Bay, Munitions and Explosives of Concern, Fort Ord Reuse Authority Early Transfer Parcels
- D Fort Ord Military Munitions 3Rs Explosives Safety Guide
- E Local County Digging and Excavation Ordinance related to CSUMB Off-Campus MRA Property and Confirmation of Agreement between Fort Ord Reuse Authority and California State University Monterey Bay
- F 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, California, February 27, 2008
- G Safety Alert – Ordnance and Explosives at former Fort Ord Pamphlet
- H Decision Trees
 - Construction Support Implementation Requirements
 - On-site Construction Support Process
 - Response to Suspect Munitions during On-Call Construction Support
- I Templates and Forms
 - On-call Construction Support Plan Template
 - MEC Find Notification to FORA Form

FORA MEC Finds Assessment Form

Construction Support After Action Report Form

Army's Fort Ord MEC Incident Recording Form

- J Former Fort Ord Land Use Covenant Report Outline [Revised]
- K Response to Comments on the Draft Group 2 LUCIP / OMP
- L Response to Comments on the Draft Final Group 2 LUCIP / OMP
- M Distribution List

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
CBR	chemical, biological, and radiological
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
County	Monterey County
CRUP	Covenant to Restrict Use of Property
CS	O-Chlorobenzylidene Malonitrile
CSU	California State University
CSUMB	California State University Monterey Bay
cy	cubic yards
DMM	discarded military munitions
DoD	Department of Defense
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
FFA	Federal Facility Agreement
FORA	Fort Ord Reuse Authority
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
MR	Munitions Response
MRA	Munitions Response Area
MRS	Munitions Response Site

OMP	Operation and Maintenance Plan
OE	Ordnance and Explosives
RI/FS	Remedial Investigation/Feasibility Study
ROD	Record of Decision
RP	Remediation Program
RQA	Residential Quality Assurance
RSA	Remedial Services Agreement
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 CSUMB Off-Campus MRA are subject to the excavation permitting process under the Monterey County digging and excavation ordinance.

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 CSUMB Off-Campus 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 Protection Provisions (EPP)

Deed restrictions or specific notifications that require constraints on certain activities to ensure protection of human health and the environment. These restrictions will be in effect until the deed provisions are terminated, removed, or modified as specified in the appropriate CERCLA decision document and protectiveness of human health and the environment can be assured by the modified restrictions or additional restrictions, if necessary (Army 2007).

Environmental Services Cooperative Agreement Remediation Program (ESCA RP) Team

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

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.

Property Owner

An owner of real property within the boundaries of the CSUMB Off-Campus Munitions Response Area (MRA). Also referred to as “landowner” in the Record of Decision Group 2 CSUMB Off-Campus Munitions Response Area (Appendix A) and supporting documents.

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 Support Contractor

A firm providing construction support services that has appropriate knowledge and expertise of UXO-related operations, and UXO-qualified personnel that have met qualification standards for personnel performing UXO-related operations.

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 Group 2 Munitions Response Area (MRA) within the former Fort Ord in Monterey County, California (Figure 1). Group 2 includes the California State University Monterey Bay (CSUMB) Off-Campus MRA. Originally, Group 2 included the County North MRA; however, in August 2009, the Track 1 Plug-In Approval Memorandum County North Munitions Response Area, Former Fort Ord, California (“the Approval Memorandum”) was issued for the County North MRA by the United States Department of the Army (Army) for public review and comment (Army 2009). A notice announcing agency concurrence with the Approval Memorandum was published on March 16, 2010. The Track 1 Plug-In process was described in the Army’s “Record of Decision, No Further Action Related to Munitions and Explosives of Concern - Track 1 Sites, No Further Remedial Action with Monitoring for Ecological Risks from Chemical Contamination at Site 3 (MRS-22)” (Army 2005).

The purpose of this LUCIP/OMP is to provide remedy implementation and maintenance information for the Group 2 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Record of Decision (ROD; “Group 2 ROD”) dated January 7, 2015 and finalized on February 26, 2015 (Appendix A).

Although munitions responses (MEC removals) have been completed at the CSUMB Off-Campus MRA, the selected remedy addresses risks to human health and the environment from munitions and explosives of concern (MEC) that potentially remains in the MRA. The selected remedy for the Group 2 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 (referred to as “MEC recognition and safety training” in the Group 2 ROD [Appendix A]) 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; and (3) restrictions prohibiting residential use in the designated future non-residential reuse area. These LUCs are intended to limit MEC risk that may remain at the Group 2 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 Group 2 MRA, if determined to be necessary. The selected LUCs may be modified in the future. In addition, Long-Term Management Measures (LTMM) comprised of a deed restriction, annual monitoring and reporting, and five-year review reporting will be implemented for the reuse areas within the CSUMB Off-Campus 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, California Environmental Protection Agency Department of Toxic Substances Control (DTSC), Central Coast Regional Water Quality Control Board, and 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 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 CSUMB Off-Campus 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 CSUMB Off-Campus MRA includes sites where MEC were found and munitions response (MEC removals) actions were conducted. The CSUMB Off-Campus MRA contains portions, or all, of several munitions response sites (MRSs) that were suspected of having been used for military training with military munitions. These MRSs were investigated, with all detected 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 MRSs, it is possible that some MEC may not have been detected and remains present. Because a future land user (e.g., resident, recreational user, maintenance worker, or construction worker) may encounter MEC at the CSUMB Off-Campus MRA, a Group 2 RI/FS was conducted to evaluate remedial alternatives to address this potential risk to future land users (ESCA RP Team 2013). The Final Group 2 Remedial Investigation/Feasibility Study, Former Fort Ord, Monterey County, California ("Group 2 RI/FS") was developed by FORA under the ESCA and in accordance with the AOC. The Group 2 RI/FS evaluated the risks related to potentially remaining MEC

within the CSUMB Off-Campus MRA based upon the intended future uses. On February 26, 2015, 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 CSUMB Off-Campus 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 CSUMB Off-Campus 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 CSUMB Off-Campus 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 Group 2 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 CSUMB Off-Campus 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 CSUMB Off-Campus MRA consists solely of institutional controls implementation. EPA approved this request in a letter to FORA dated March 16, 2015.

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 the entity responsible for 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, Group 2, California State University Monterey Bay Off-Campus Munitions Response Area, Former Fort Ord, California (Appendix A). The Federal deed, including survey plat for the CSUMB Off-Campus MRA parcel, are provided in Appendix B.

The CSUMB Off-Campus MRA is located in the north-central portion of the former Fort Ord, bordered by Inter-Garrison Road to the north, the County North MRA to the east and southeast, the Parker Flats MRA to the south, and 8th Avenue and CSUMB campus property to the west and southwest (Figure 1). The CSUMB Off-Campus MRA encompasses approximately 332.6 acres and is composed mostly of MRS-31, which includes four smaller MRSs: MRS-04C, MRS-07, MRS-08, and MRS-18. The remainder of the MRA consists of MRS-13C and a portion of MRS-13B (Figure 2). The CSUMB Off-Campus MRA is contained wholly within the jurisdictional boundaries of Monterey County, referred to throughout this LUCIP/OMP as "the County".

The CSUMB Off-Campus MRA includes two proposed planned reuses: residential (CSUMB campus housing) and non-residential (CSUMB open space park).

1.4 Description of Selected Remedy

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

- (1) Munitions recognition and safety training (referred to as "MEC recognition and safety training" in the Group 2 ROD [Appendix A]) 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; and
- (3) Restrictions prohibiting residential use in the designated future non-residential reuse area.

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). Any proposal for residential development in the designated non-residential reuse portion of the CSUMB Off-Campus MRA will be subject to regulatory agency and Army review, approval, and remedy modification through the CERCLA process.

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 CSUMB Off-Campus 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 4.7.3).

As part of the early transfer of the subject property, the Army has entered into a State Covenant to Restrict 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 CSUMB Off-Campus MRA parcel includes 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 State CRUP, are provided). The existing Federal deed for the CSUMB Off-Campus 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 the reporting year's land use controls implementation efforts, problems encountered, corrective actions taken, any MEC found and changes in site conditions that could increase the possibility of encountering MEC. Copies of this annual LUC status 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 State CRUPs to be applicable or relevant and appropriate requirements (ARARs), the Army entered into State CRUPs with DTSC at the time the property was transferred to FORA. Although DTSC and EPA Region 9 disagree with the Army's determination that California laws and regulations concerning State CRUPs are not potential ARARs, they will agree-to-disagree on this issue since the Army executed the State CRUPs and the DTSC agreed to modify the State CRUPs, as appropriate, to be consistent with the identified remedy. Subsequent to the Group 2 ROD signature, DTSC amended the State CRUP for the CSUMB Off-Campus MRA property, referred to as the “Amended State CRUP” in this LUCIP/OMP, to reflect the land use restrictions included in the selected remedy (Appendix C). The modifications include restriction of residential use only in the designated future non-residential reuse area.

1.4.1 Munitions Recognition and Safety Training

For the Group 2 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 Group 2 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 4.7.3).

1.4.2 Construction Support

Construction support by UXO-qualified personnel is required during any ground-disturbing or intrusive activities at the CSUMB Off-Campus 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 vicinity of the suspect munitions item will immediately cease (i.e., stop work). The construction support plan will identify the size of the stop-work area. For projects that do not require a construction support plan, ground-disturbing or intrusive activities will stop as indicated on the munitions recognition and safety training materials. No attempt will be made by workers 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, or local bomb squad with equivalent training, 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 CSUMB Off-Campus MRA designated future non-residential reuse area 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 4.7.3).

1.4.4 Long-Term Management Measures

In addition to the LUCs described above, the LUCIP/OMP also describes the following LTMM for the CSUMB Off-Campus MRA:

- **Existing land use restrictions:** The Federal deed to FORA for the CSUMB Off-Campus MRA parcel restricts residential use over the entire property (Appendix B).

The deed will be modified to remove the residential use restriction on the designated future residential reuse area. The residential use restriction will remain for the designated future non-residential reuse area. 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. The Amended State CRUP for the CSUMB Off-Campus MRA parcel includes modifications to restrict residential use only in the designated future non-residential reuse area (Appendix C). The DTSC may require additional verification equivalent to the DTSC residential protocol before termination of the residential use restrictions in the Amended State CRUP.

- **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 4.7.3).

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2.0 SITE DESCRIPTION

The CSUMB Off-Campus MRA is located in the north-central portion of the former Fort Ord, bordered by Inter-Garrison Road to the north, the County North MRA to the east and southeast, the Parker Flats MRA to the south, and 8th Avenue and CSUMB campus property to the west and southwest. The CSUMB Off-Campus MRA encompasses approximately 332.6 acres.

This section provides background information on the CSUMB Off-Campus MRA, including a summary of results of the site-specific remedial investigation and site evaluations presented in the Group 2 RI/FS. Additional background information is provided in the Group 2 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, 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, 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 (CSUMB) Off-Campus MRA. Originally, Group 2 included the County North MRA; however, the County North MRA was removed from Group 2 in 2010 following EPA and DTSC concurrence with the Army's Track 1 Plug-In determination for the County North MRA (Section 1.0). 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 CSUMB Off-Campus MRA Summary

The Group 2 RI/FS summarized the available data and evaluated MEC-related risks for the CSUMB Off-Campus MRA (Volume 1; ESCA RP Team 2013). This section summarizes the MEC investigations and removal actions conducted for the MRSs identified in the Group 2 RI/FS. MEC encountered during these actions were destroyed by detonation and recovered munitions debris (MD) was disposed of or recycled after being inspected and determined not to pose an explosive hazard.

The CSUMB Off-Campus MRA is located in the north-central portion of the former Fort Ord, bordered by Inter-Garrison Road to the north, the County North MRA to the east and southeast, the Parker Flats MRA to the south, and 8th Avenue and CSUMB campus property to the west and southwest (Figure 1). The CSUMB Off-Campus MRA encompasses approximately 332.6 acres and is composed mostly of MRS-31, which includes four smaller MRSs: MRS-04C, MRS-07, MRS-08, and MRS-18 (Figure 2). The remainder of the MRA consists of MRS-13C and a portion of MRS-13B (Figure 2). Historical records and recovered MEC and MD indicate that the CSUMB Off-Campus MRA was used for chemical, biological, and radiological (CBR) training (MRS-04C); mine and booby trap training (MRS-07 and MRS-08); practice mortar training (MRS-13B and MRS-13C); minefield practice area (MRS-18); and troop maneuvers, confidence course, and land navigation training (MRS-31). CBR training typically included use of tear gas agents in a test chamber or use of hand grenades containing tear gas agents. There were no buildings identified on facility maps or historical aerial photographs that were located within or near MRS-04C that may have been used for CBR training (i.e., gas chambers). Several hand grenades (MEC) containing the tear gas agent O-Chlorobenzylidene Malonitrile (CS) and MD from CS grenades were found in the eastern two-thirds of the MRA, but the locations did not coincide with MRS-04C or CBR training areas identified on historical facilities and training maps. The lack of typical CBR facilities and few CS items encountered indicated incidental use of CS grenades, but no evidence of a gas chamber at the CSUMB Off-Campus MRA. Recovered MEC and MD also

indicated that practice hand grenade training and practice rifle grenade training occurred in MRS-31.

Removal actions were conducted across the entire CSUMB-Off Campus MRA. An initial grid sampling investigation was conducted within MRS-04C, MRS-07, MRS-08, MRS-13B, and MRS-18 in 1994 to determine if further action (removal) was necessary. The grids received a surface and subsurface survey using analog geophysical instruments across the entire grid and anomalies were investigated to a depth of up to 4 feet (ft) below ground surface (bgs). Based on the results of the grid sampling investigation, the U.S. Army Corps of Engineers, Huntsville Division Safety Specialist determined the site to contain UXO. Therefore, a removal action was conducted across the entire MRS-31. The removal action in MRS-31 was conducted in three parts with detected anomalies investigated to a depth of up to 3 or 4 feet bgs. The first part of the removal action was conducted by Human Factors Applications, Inc., over the majority of the area referred to as the California State University (CSU) Footprint, which included MRS-31, using analog geophysical instruments. Anomalies were excavated up to a depth of 4 ft bgs (HFA 1994). The second and third parts of the removal action were conducted by UXB International, Inc., over the remaining portion of the CSU Footprint in the eastern and central portions of MRS-31. Grids were investigated using analog geophysical instruments and anomalies were initially investigated up to a depth of 3 ft bgs, but the excavation depth requirement was later changed to 4 ft bgs. If an anomaly was detected below a depth of 3 to 4 ft, permission from the U.S. Army Corps of Engineers Ordnance and Explosives (OE) Safety Specialist was obtained prior to continuing the investigation (UXB 1995a, 1995b, and 1995c). A MEC removal action performed by USA Environmental, Inc., (formerly CMS Environmental, Inc.) in MRS-13C, located along the southern boundary of the CSUMB Off-Campus MRA, and in MRS-13B, located south of MRS-31, was conducted using analog geophysical instruments with detected anomalies investigated to a depth of up to 4 feet bgs (USA 2000a and 2000b).

A Residential Quality Assurance (RQA) Pilot Study was conducted by FORA contractors in the approximately 49-acre designated future residential (CSUMB campus housing) reuse area of the CSUMB Off-Campus MRA, which includes portions of MRS-31, MRS-13C, and MRS-13B, as an additional verification and quality assurance of prior MEC investigations and removal actions. The RQA data were collected in two phases. During the first phase of the RQA Pilot Study, a digital geophysical mapping investigation and subsurface MEC removal were conducted in approximately 17 acres followed by a soil scrape and second digital geophysical mapping investigation and subsurface MEC removal on approximately five of the 17 acres. During the second phase of the RQA Pilot Study, a detailed data evaluation was conducted on the approximately 49-acre area, and a verification site walk with analog geophysical instruments was conducted to support the data evaluation. The digital and analog geophysical instruments used during the RQA Pilot Study were effective at detecting the types of munitions expected at the CSUMB Off-Campus MRA. The RQA Pilot Study activities included removal of detected MEC and MD from the designated future residential (CSUMB campus housing) reuse area to the depth of detection and confirmed the results of previous MEC investigations and removal actions. Based on the RQA Process evaluation, including results of the RQA Pilot Study and RQA Implementation Study, the designated future residential reuse area in the CSUMB Off-Campus MRA was recommended as acceptable for future residential reuse with appropriate institutional controls, such as the local

digging and excavation ordinance, construction support, and disclosures (ESCA RP Team 2012 and 2013).

DTSC released the Residential Protocol (DTSC 2008b) that, when successfully implemented and approved by DTSC, provided a basis to remove a State residential CRUP on munitions response sites (DTSC 2014). FORA submitted the Final Residential Protocol Implementation Report, CSUMB Off-Campus MRA, dated October 21, 2014 (ESCA RP Team 2014) to provide data and conclusions to support the removal of the State residential CRUP on the designated future residential reuse area. FORA and DTSC entered into the Amended State CRUP for the CSUMB Off-Campus MRA parcel which includes modifications to the residential use restriction to be consistent with the selected remedy documented in the Group 2 ROD. The Amended State CRUP was recorded on June 17, 2016. The modifications include restriction of residential use only in the designated future non-residential reuse area use (Appendix C).

The majority of MEC and MD encountered within the CSUMB Off-Campus MRA were consistent with the documented historical use of the MRA as a troop training and maneuver area. The types of MEC and MD removed from the MRA included: firing devices, hand grenades and hand grenade fuzes, rifle grenades, mines and mine fuzes, mortars (60 millimeter [mm] and 81mm), various projectiles, illumination flares and signals, smoke generating items, rockets, and simulators. The majority of these items were associated with practice and pyrotechnic munitions.

2.4 Potential Future Land and Resource Uses

The future land uses for the CSUMB Off-Campus MRA, summarized below, are based upon the Fort Ord Base Reuse Plan (FORA 1997) and the CSUMB Master Plan (CSUMB 2007). Future land use information is also included in the Installation-Wide Multispecies Habitat Management Plan for Former Fort Ord, California (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 CSUMB Off-Campus MRA is proposed for school/university reuse with residential infill opportunities. The reasonably foreseeable reuses being considered for the CSUMB Off-Campus MRA include:

- Residential (CSUMB campus housing), Parcel S1.3.2 — The western portion of the MRA (approximately 49 acres; Figure 2) is proposed for use as campus housing for CSUMB (CSUMB 2007). Construction and maintenance of buildings and roads, installation of utilities, as well as the activities of future residents are expected within this reuse area;
- Non-residential (CSUMB open space park), Parcel S1.3.2 — The eastern portion of the MRA (approximately 284 acres; Figure 2) is proposed for an oak woodland and maritime chaparral open space park with a 100-ft buffer along the Natural Resources Management Area (NRMA) interface (ESCA RP Team 2008). The 100-ft buffer 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 was established in the HMP (USACE 1997). Vegetated areas and hiking trails may require maintenance such as planting and weeding. Recreational hiking and bicycling/horseback riding on trails are expected to occur.

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3.0 LAND USE CONTROL IMPLEMENTATION STRATEGIES

In this section, performance objectives for the LUC remedy to be implemented at the CSUMB Off-Campus 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 4.7 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 CSUMB Off-Campus 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 D]) (Section 4.2.2); and
- As a condition for excavation permits under the Monterey County (County) digging and excavation ordinance (Monterey County Code Chapter 16.10; for reference, a copy of the current digging and excavation ordinance is provided in Appendix E) (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 providing the Army Safety Alert pamphlet are requirements under the County digging and excavation ordinance (Monterey County Code Chapter 16.10.120). CSUMB has agreed to comply with the County digging and excavation ordinance requirements for munitions recognition and safety training under the memorandum of agreement (MOA) in place with FORA, CSUMB, the County, and DTSC (Appendix F). CSUMB concurred with the excavation permitting requirements described in this LUCIP/OMP in a Confirmation of Agreement between CSUMB and FORA (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 CSUMB and reported to FORA in the annual LUC monitoring report. FORA will compile annual LUC monitoring reports received from the CSUMB and submit them to the Army, EPA, and DTSC in annual LUC status report. 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 Amended 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 Amended State CRUP for the CSUMB Off-Campus MRA property is provided in Appendix C. The current Federal deed and Amended State CRUP also prohibit activities in violation of the local excavation ordinance (Appendices B and C, respectively). Training is required under the deed restrictions and Amended 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 the local digging and excavation ordinance and this LUCIP/OMP, which are required to be followed.

Implementation Strategy: Construction support is required for ground-disturbing or intrusive activities within the CSUMB Off-Campus 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 County digging and excavation ordinance (Monterey County Code Chapter 16.10). Projects involving less than ten (10) cy soil disturbance do not require a digging and excavation permit; however, FORA is available to assist the property owner with the determination of construction support levels 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 the explosives safety criteria and considerations provided in Department of Defense (DoD) and Army explosives safety standards and guidelines, 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) for projects involving disturbance of ten (10) cy of soil or more, “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 regardless of the level of soil disturbance or excavation permitting requirements. For anomaly avoidance, 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 probability of encountering MEC is currently considered to be low for the CSUMB Off-Campus MRA. Requirements for areas with moderate to high probability of encountering MEC are provided in this Group 2 LUCIP/OMP in the event that a portion of the MRA is reassessed as moderate to high probability of encountering MEC following a MEC find (Section 4.3.5). 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.

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, should such areas be identified, are required to follow procedures consistent with explosives safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines 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). Web-based munitions recognition and safety training is not required for activities involving disturbance of less than ten (10) cy of soil in areas with a low probability of encountering MEC; however, the training is recommended.

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 workers to stop work in the vicinity of the suspect munitions item, requirements for response

to suspect munitions finds, and notification to FORA, Army, EPA, and DTSC. The construction support plan prepared by a UXO support contractor will identify the size of the stop-work area. 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 4.7.

Construction support for projects disturbing ten (10) cy or more of soil is a requirement of the County digging and excavation ordinance. Under the MOA with DTSC, CSUMB has agreed to comply with the County digging and excavation ordinance requirements for construction support. CSUMB concurred with the excavation permitting requirements described in this LUCIP/OMP in a Confirmation of Agreement between CSUMB and FORA (Appendix E). The current Federal deed and Amended State CRUP prohibit activities in violation of the local excavation ordinance providing for redundancy in this LUC requirement (Appendices B and C, respectively).

3.3 Restrictions Prohibiting Residential Use

Performance Objectives: Prohibit residential development in designated non-residential reuse areas, unless modifications to residential restrictions are approved by EPA and Army in coordination with DTSC.

Implementation Strategy: Residential use is currently prohibited within the designated future non-residential reuse area of the CSUMB Off-Campus MRA by deed restrictions and the Amended State CRUP. To ensure the residential use restriction is maintained, annual inspections of the 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, CSUMB, the County, and DTSC outlining their obligation to maintain the LUCs, including the residential use restriction (Appendix F). The residential use restriction is a provision of the Federal deed and Amended State CRUP providing for redundancy in this LUC requirement (Appendices B and C, respectively). Section 4.4 provides details on the implementation of this LUC.

3.4 Long-term Management Measures

As part of the LUCIP/OMP, the following LTMM will also be implemented in the CSUMB Off-Campus MRA:

Maintain existing land use restrictions: The Federal deed to FORA for the CSUMB Off-Campus MRA parcel prohibits residential use over the entire property (Appendix B). The deed will be modified to remove the residential use restriction on the designated future residential reuse area. The residential use restriction will remain for the designated future non-residential reuse area. 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. The Amended State CRUP for the CSUMB Off-Campus MRA includes modifications to

restrict residential use only in the designated future non-residential reuse area (Appendix C). The DTSC may require additional verification equivalent to the DTSC residential protocol before termination of the residential use restrictions in the Amended State CRUP. Section 4.5.1 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 CSUMB Off-Campus 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 4.5.2 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 CSUMB Off-Campus MRA may be modified or discontinued, with Army, EPA, and DTSC approval. Section 4.5.3 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 residential use (Section 4.4);
- long-term management measures (Section 4.5);
- notification should action(s) interfere with LUCIP/OMP effectiveness (Section 4.6); and
- additional response or remedy modification (Section 4.7).

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 are described in the bullets below. Table 1 presents a summary of enforcement roles and the associated authority for the agencies and interested parties.

- **Army** – Ensure protectiveness of the LUC remedy
- **EPA** – Lead regulatory agency
- **DTSC** – Regulatory concurrence with EPA and enforcement of Amended State CRUP
- **FORA** – Implementation of the LUC remedy, including ensuring jurisdictions and property owners follow requirements, and compilation of annual LUC monitoring reports and submittal to Army, EPA, and DTSC in annual LUC status reports
- **County** – Enforcement of digging and excavation ordinance, and maintenance and enforcement of deed restrictions
- **CSUMB** – Compliance with the County digging and excavation ordinance, maintenance and enforcement of deed restrictions, and annual LUC monitoring and reporting to FORA
- **Property owner** – Compliance with LUCs, deed restrictions, and Amended 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, CSUMB, and the County have executed legal instruments and agreements, which contain obligations to conduct specific actions to implement and maintain the LUCs selected for the CSUMB Off-Campus MRA. Instruments and agreements include adoption of the County digging and excavation ordinance; execution of an MOA with DTSC; Army entering into a State CRUP with DTSC; FORA entering into an Amended 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 County Digging and Excavation Ordinance

Applicable local building codes and permits apply to the CSUMB Off-Campus MRA property. In addition, the County has adopted a digging and excavation ordinance that specifies requirements for ground-disturbing and intrusive activities on the former Fort Ord (“digging and excavation ordinance”; Monterey County Code Chapter 16.10). The intent of this ordinance 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 CSUMB Off-Campus 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 ordinance includes 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 ordinance, DTSC shall be continually involved in the establishment of controls for the property which shall be coordinated by the County. Section 4.3.1.2 provides the details on requirements related to the digging and excavation ordinance.

4.1.2 Memorandum of Agreement with DTSC

FORA, the County, and CSUMB have entered into a MOA with DTSC to implement compliance monitoring and reporting on environmental restrictions for portions of the former Fort Ord, including the CSUMB Off-Campus MRA. For reference, the MOA with DTSC is provided in Appendix F.

The MOA with DTSC requires the CSUMB to monitor compliance with all LUCs on the Group 2 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 annual LUC monitoring reports received from CSUMB and transmit a compiled report, referred to in this LUCIP/OMP as the “annual LUC status 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 annual LUC monitoring reports received from CSUMB and transmittal of the compiled annual LUC status report to the Army, EPA, and DTSC. LUC implementation details on compliance monitoring and reporting are provided in Sections 4.5.1 and 4.5.2.

4.1.3 Covenants to Restrict Use of Property

The Army and DTSC entered into a State CRUP on the CSUMB Off-Campus MRA prior to transfer of the property to FORA. 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.

FORA and DTSC entered into an Amended State CRUP for the CSUMB Off-Campus MRA parcel to reflect the land use restrictions included in the selected remedy. The Amended State CRUP was recorded on June 17, 2016. The modifications include restriction of residential use only in the designated future non-residential reuse area (Appendix C). The provisions set forth in the Amended State CRUP run with the land and are binding upon all future owners and occupants of the property.

The Amended State CRUP also requires property owners to submit an annual report detailing compliance with the State CRUP, including an annual inspection and check of County and/or CSUMB 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 Group 2 MRA parcel includes the following land use restrictions: 1) prohibit residential use; and 2) prohibit excavation (unless construction support and munitions recognition and safety training are provided). For reference, the deed is provided in Appendix B. The deed will be modified to remove the residential use restriction on the designated future residential reuse area. The residential use restriction will remain for the designated future non-residential reuse area. The Federal deed also includes requirements for providing notice of the potential for the presence of MEC to future property owners and requirements to immediately stop any ground-disturbing or intrusive activities in the area or in any adjacent areas in the event a MEC item is encountered, 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 property owners and occupants of the property.

4.2 Munitions Recognition and Safety Training

People involved in ground-disturbing or intrusive activities within the CSUMB Off-Campus 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 vicinity of the suspect munitions item when a suspect munitions item is encountered and report the encounter to the appropriate authority. The construction support plan prepared by a UXO support contractor will identify the size of the stop-work area. For projects that do not require a construction support plan, ground-disturbing or intrusive activities will stop as indicated on the munitions recognition and safety training materials.

FORA currently offers munitions recognition and safety training to anyone conducting ground-disturbing or intrusive activities on the CSUMB Off-Campus MRA. Munitions recognition and safety training is being provided through a publicly accessible web-based eLearning platform at www.FortOrdSafety.com.

The munitions recognition and safety training requirement is being implemented in the CSUMB Off-Campus 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 Amended State CRUP prohibit activities in violation of the County digging and excavation ordinance.

The digging and excavation ordinances require the County 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 CSUMB 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.

CSUMB will coordinate proposals to remove the requirements for munitions recognition and safety training, in consultation with Army, EPA, and DTSC. Additional details regarding the process for review and approval of a property owner or developer request to remove a requirement for munitions recognition and safety training are provided in Section 4.2.5.

Munitions recognition and safety training will be evaluated by the Army as part of the five-year review (Section 4.5) process to determine if the training program should continue. If further evaluation indicates that this LUC is no longer necessary for the Group 2 MRA, the program may be discontinued upon Army, EPA, and DTSC approval. See Section 4.7 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 CSUMB Off-Campus 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 D.

In addition, the County digging and excavation ordinance includes 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 CSUMB Off-Campus MRA property owners by the County during the annual notification to property owners as required by the County digging and excavation ordinance. The annual notification to property owners will also specify that property owners and/or land users are required to deliver a copy of the MEC Safety Guide, along with the County 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, should such areas be identified, require construction support and must be consistent with explosives safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines 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.

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 by site workers. 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 by the permittee in the Construction Support After Action Report (Section 4.3.2.5 and 4.3.3.5).

4.2.2 Annual Notification of MEC Training Requirements

The digging and excavation ordinance requires the County 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 to property owners and other land users (related to utilities serving the property) during the annual notification. Property owners and/or land users 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, including CSUMB, are responsible for knowing and following the requirements of the digging and excavation ordinance, 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 CSUMB through annual LUC inspections and monitoring (Section 4.5).

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 the permittee 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 CSUMB Off-Campus MRA will be monitored by CSUMB and reported in annual LUC monitoring reports (Section 4.5.1).

The monitoring and reporting of LUCs, including munitions recognition and safety training requirements, are implemented through the MOA between the DTSC, CSUMB, and the County. The MOA with DTSC requires CSUMB 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 to compile data in the CSUMB 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.

CSUMB 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 4.5.1 and 4.5.2). Annual LUC monitoring and reporting requirements include verification of annual property owner notification from

the County and transmittal of the MEC Safety Guide and Army Safety Alert pamphlet, verification of the continued availability of web-based training resources by FORA, 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). CSUMB 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 CSUMB and submit them to the Army, EPA, and DTSC in annual LUC status reports, to ensure compliance with LUC monitoring and reporting requirements (Sections 4.5.1 and 4.5.2).

4.2.5 Process for Review of Proposals to Remove Requirement for Munitions Recognition and Safety Training

The MOA, Amended State CRUP, ROD, and deed ensure any future proposals to remove requirement for munitions recognition and safety training within the CSUMB Off-Campus MRA require review and approval by Army, EPA, and DTSC. The requirement for munitions recognition and safety training is a component of the CERCLA remedy for the CSUMB Off-Campus MRA; therefore, the restriction cannot be removed from the deed and Amended 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 the CERCLA remedy is removed, the property owner can initiate the administrative processes to remove the restriction from the deed and Amended State CRUP.

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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 digging and excavation ordinance. The County digging and excavation ordinance includes 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 ordinance requires annual notification to property owners and other land users, such as utility services, of the requirements of the County digging and excavation ordinance and requirements for distribution of the Army Safety Alert pamphlet and MEC Safety Guide (Section 4.2.1.1). Further, the ordinance requires property owners to notify any subsequent property owners, lessees or users of the ordinance requirements. Per the digging and excavation ordinance, 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.

FORA will ensure the deed transferring CSUMB Off-Campus MRA property to CSUMB includes land use restrictions in the Environmental Protection Provisions (EPPs), including excavation restrictions, placed on the property by the Army remain in place. In addition, the County reviews the deed, property transfer documents, deed amendments and other property filings associated with the CSUMB Off-Campus MRA property to ensure land use restrictions in the EPPs, including excavation restrictions, placed on the property by the Army remain in place.

CSUMB will coordinate proposals to remove the requirements for construction support during ground-disturbing or intrusive activities, in consultation with Army, EPA, and DTSC. Additional details regarding the process for review and approval of a property owner or developer request to remove a requirement for construction support during ground-disturbing or intrusive activities are provided in Section 4.3.7.

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 4.7 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 ordinance. FORA will assist property owners in coordinating with the County 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 is available to assist the property owner with the determination of construction support levels and requirements.

The required level of construction support is determined based on safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines 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. Although the probability of encountering MEC is currently considered to be low for the CSUMB Off-Campus MRA, requirements for areas with moderate to high probability of encountering MEC are provided in this Group 2 LUCIP/OMP for completeness (Section 4.3.5).

- **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 D) to construction personnel prior to start of ground-disturbing or intrusive activities. Web-based munitions recognition and safety training is not required for activities involving disturbance of less than ten (10) cy of soil in areas with a low probability of encountering MEC; however, the training is recommended.

- **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"> • Web-based Munitions Recognition and Safety Training (recommended) • MEC Safety Guide and Army Safety Alert Review *No Excavation Permit or Construction Support Plan required. 	<p><u>On-site Construction Support</u></p> <ul style="list-style-type: none"> • Web-based Munitions Recognition and Safety Training • MEC Safety Guide and Army Safety Alert Review • Anomaly Avoidance or On-site Construction Support Plan (no template) *No Excavation Permit required.
	10 cubic yards or more	<p><u>On-call Construction Support</u></p> <ul style="list-style-type: none"> • Web-based Munitions Recognition and Safety Training • MEC Safety Guide and Army Safety Alert Review • On-Call Construction Support Plan (template) • Excavation Permit • Site-Specific MEC Training per construction support plan 	<p><u>On-site Construction Support</u></p> <ul style="list-style-type: none"> • Web-based Munitions Recognition and Safety Training • MEC Safety Guide and Army Safety Alert Review • Anomaly Avoidance or On-site Construction Support Plan (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 entire CSUMB Off-Campus MRA is considered to be low (Table 2; Figure 3). 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. Requirements for areas with moderate to high probability of encountering MEC are provided in this Group 2 LUCIP/ OMP for

completeness, in the unlikely event that a portion of the MRA is reassessed as moderate to high probability of encountering MEC following a MEC find (Section 4.3.5).

As reuse projects are successfully implemented over the years, cumulative information from soil disturbance projects, including Construction Support After Action Reports, should be reviewed by the property owner 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 property owner after giving careful consideration to explosives safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines, 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 owner'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 CSUMB property. Contact the County for specific excavation permit requirements and permitting 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, regardless of the probability of encountering MEC at the site. Excavation permitting requirements include a final 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, should such areas be identified, 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 a final construction support plan (Section 4.3.3.1).

FORA Coordination

FORA will coordinate with and/or assist property owners, as necessary, to ensure compliance with construction support requirements. As needed, FORA will 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 ordinance, and requirements for Army, EPA and DTSC notification, coordination, and review of construction support plans (Sections 4.3.2.1 and 4.3.3.1).

For larger projects, involving disturbance of ten (10) cy or more of soil, FORA will assist property owners in coordinating with the County on excavation permit application procedures. FORA will coordinate and participate in reviews and finalization of construction support plans.

Minimal soil-disturbing activities, involving less than ten (10) cy of soil, in areas with low probability of encountering MEC (Figure 3) do not require construction support, FORA coordination, excavation permits, or construction support plans; however, FORA is available to assist the property owner with the determination of construction support levels and requirements. Minimal soil-disturbing activities in areas with moderate to high probability of encountering MEC, should such areas be identified, 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 to coordinate the required regulatory review process with the Army, EPA, and DTSC. 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 in areas with low probability of encountering MEC do not require construction support, FORA coordination, excavation permits, or construction support plans; however, FORA is available to assist the property owner with the determination of construction support levels and requirements.

Minimal soil-disturbing activities in areas with moderate to high probability of encountering MEC, should such areas be identified, do not require excavation permits, though do require coordination with FORA, construction support plans, and use of anomaly avoidance techniques or on-site construction support. The probability of encountering MEC in the entire CSUMB Off-Campus MRA is currently considered to be low (Figure 3; 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 CSUMB Off-Campus MRA do not require construction support, FORA coordination, excavation permits, or construction support plans.

Continued like uses at the CSUMB Off-Campus 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 (Section 4.3.1.3), including the use of anomaly avoidance techniques.

CSUMB Parcel Coordination and Compliance

CSUMB 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. However, CSUMB has agreed to comply with the local digging and excavation ordinance, specifically the requirements for munitions recognition and safety training, construction support, notifications, and monitoring and reporting, under the MOA in place with FORA, CSUMB, the County, and DTSC (Appendix E). CSUMB concurred with the excavation permitting requirements described in this LUCIP/OMP in a Confirmation of Agreement between CSUMB and FORA (Appendix E). In addition, CSUMB, as property owner, is prohibited from activities in violation of the digging and excavation ordinance under the Amended State CRUP and Federal deed; therefore, excavation permits are required. The requirement for excavation permits, as described in this LUCIP/OMP, were coordinated with FORA, CSUMB, and the County.

CSUMB will coordinate with FORA, as necessary, to ensure compliance with construction support requirements and for assistance 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 review of construction support plans (See Construction Support Plan Consultation and Review Process). As a permittee, CSUMB is responsible for construction support after action reporting (Section 4.3.2.5 and Section 4.3.3.5) and construction support annual monitoring and reporting (Section 4.3.6) for projects on CSUMB 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 (permitting agency) for a permit using the application format and permitting process of that agency.

Excavation permit procedures require a final 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 Review Process).

For projects involving disturbance of ten (10) cy or more of soil, FORA will coordinate with property owners, Army, EPA and DTSC to determine appropriate construction support requirements, including the use of anomaly avoidance techniques. For projects involving disturbance of less than ten (10) cy of soil, a permit is not required and coordination with FORA is not required; however, FORA is available to assist the property owner with the determination of construction support levels and requirement (see FORA Coordination and Minimal Soil Disturbing Activities). The local Building Official reviews permit applications and issues excavation permits. All excavation and grading shall be performed solely in accordance with the permit issued by the County.

Construction Support Plan Consultation and Review Process

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. As needed, FORA will assist property owners in determining appropriate construction support levels and administrative requirements (See FORA Coordination).

Final construction support plans are required 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 (Section 4.3.1). FORA will coordinate and participate in the review of construction support plans (See FORA Coordination).

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).

For on-call construction support plans, the plan is provided to Army, EPA and DTSC for review and comment. Upon resolution of comments, the final construction support plan will be provided to Army, EPA and DTSC for concurrence that comments have been resolved. The on-call construction support plan will be final upon resolution of Army, EPA, and DTSC comments.

For on-site construction support plans, the plan is provided to the Army for a consistency review regarding explosives safety criteria and considerations. Upon completion of Army review, the plan, along with any Army comments regarding explosives safety criteria and considerations, is provided concurrently to EPA and DTSC for review.

EPA and DTSC will review the on-site construction support plans and any Army comments regarding explosives safety criteria and considerations. Upon resolution of EPA and DTSC comments, the final construction support plan will be provided to Army, EPA and DTSC for concurrence that comments have been resolved. The on-site construction support plan will be final upon resolution of EPA and DTSC comments.

For anomaly avoidance construction support plans, the plan is provided to Army, EPA and DTSC for review and comment. Upon resolution of comments, the final anomaly avoidance construction support plan will be provided to Army, EPA and DTSC for concurrence that comments have been resolved. The anomaly avoidance construction support plan will be final upon resolution of EPA and DTSC comments.

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 CSUMB Off-Campus 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. Although the probability of encountering MEC is currently considered to be low for the CSUMB Off-Campus MRA, requirements for areas with moderate to high probability of encountering MEC are provided in this Group 2 LUCIP/OMP in the event that a portion of the MRA is reassessed as moderate to high probability of encountering MEC following a MEC find (Section 4.3.5). 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.

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, an excavation permit is not required; 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, site 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. Web-based munitions recognition and safety training is not required for activities involving disturbance of less than ten (10) cy of soil in areas with a low probability of encountering MEC; however, the training is recommended.

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, or local bomb squad with equivalent training, 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 notification to FORA of the discovery and reassessment of the level of construction support required. The process for reassessment of a site with low probability of encountering MEC is described in Section 4.3.5.

In areas with a moderate to high probability of encountering MEC, should such areas be identified, 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. As needed, FORA will assist property owners in determining appropriate construction support levels and administrative requirements. Final construction support plans are required prior to soil-disturbing activities (See Section 4.3.1.2 FORA Coordination and Construction Support Plan Coordination and Review Process).

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, or local bomb squad with equivalent training, response to address the item. Discoveries of MEC on low probability sites require reassessment of the level of construction support.

For permitted on-call construction support projects, a Construction Support After Action Report must be completed and submitted by the permittee 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, should such areas be identified, 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. As needed, FORA will assist property owners in determining appropriate construction support levels and administrative requirements. A final construction support plan is required prior to soil-disturbing activities.

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 the Army determines in consultation with EPA and DTSC, 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 (Section 4.3.3.1). 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 the On-site Construction Support Plan (Section 4.3.3.1).

Anomaly avoidance may also be used to fulfill the requirements for on-site construction support, if included in a final 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.

4.3.2 On-Call Construction Support

This section presents the detailed approach and requirements for implementing on-call construction support at the CSUMB Off-Campus 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, or local bomb squad with equivalent training, 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). For permitted on-call construction support projects, a Construction Support After Action Report must be completed and submitted by

the permittee to the permitting agency and 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 review 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 coordination within the construction project, implementation of actions to identify and address explosives hazards, and after action reporting.

- 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 which may include 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 be consistent with explosives safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines.
- 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 to be completed by the permittee, 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.

The On-call Construction Support Plan must be reviewed and finalized prior to soil-disturbing activities (See Section 4.3.1.2 FORA Coordination and Construction Support Plan Coordination and Review Process). A final construction support plan must be submitted by the construction activity proponent (i.e., permittee) to the local Building Official (i.e., County) with jurisdiction over the property as part of the digging and excavation ordinance permitting process.

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, ensure that they stop ground-disturbing or intrusive activities in the vicinity of the suspect munitions item when a suspect munitions item is encountered and report the encounter to the appropriate law enforcement authority. The construction support plan prepared by a UXO support contractor will identify the size of the stop-work area. 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 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 following procedures consistent with explosives safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines. On-call 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.

On-site construction supervisor 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 vicinity of the suspect munitions item will cease. The construction support plan prepared by a UXO support contractor will identify the size of the stop-work area. 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.

No attempt will be made by workers to disturb, remove, or destroy the suspect munitions item. UXO-qualified personnel will respond to the area, inspect and assess the suspect munitions item. UXO-qualified personnel may visually assess the suspect munitions item during inspection.

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 final 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 Suspect Munitions 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 H, and described below.

The general sequence of work stoppage in response to suspect munitions is: 1) when a suspect munitions item is encountered, work in the vicinity of the suspect munitions item is stopped and the item assessed by UXO-qualified personnel; 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 or local bomb squad with equivalent training may respond. The construction support plan prepared by a UXO support contractor will identify the size of the stop-work area. If the suspect munitions item is determined to be MEC, a MEC find assessment is conducted by FORA in consultation with the Army, EPA, and DTSC 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, or local bomb squad with equivalent training, respond to address the suspect munitions item.

After the suspect munitions item has been addressed by military EOD personnel, or local bomb squad with equivalent training, 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 or bomb squad 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 the permitting agency and 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. CSUMB will use the information included in Construction Support After Action Reports to compile information required for annual LUC monitoring and reporting (Section 4.5).

4.3.3 On-site Construction Support

This section presents the detailed approach and requirements for implementing on-site construction support at the CSUMB Off-Campus MRA. Although the probability of encountering MEC is currently considered to be low for the CSUMB Off-Campus MRA, requirements for areas with moderate to high probability of encountering MEC are provided in this Group 2 LUCIP/OMP, for completeness, in the unlikely event that a portion of the MRA is reassessed as moderate to high probability of encountering MEC following a MEC find (Section 4.3.5). 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 the Army determines in consultation with EPA and DTSC, 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 (Section 4.3.3.1) consistent with explosives safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines. 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 4.3.3.3). The UXO support contractor will address MEC items encountered during on-site construction support following procedures in the On-site Construction Support Plan (Section 4.3.3.1).

A Construction Support After Action Report must be completed and submitted by the permittee to the permitting agency and 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 4.3.3.5).

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, should such an area be identified. Construction support plans for projects requiring on-site construction support shall include all procedures for identifying and removing MEC hazards that may be present, consistent with explosives safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines.

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 review 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 coordination within the construction project, implementation of actions to identify and address explosives hazards, transitioning to on-call construction support and after action reporting.
- 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 which may include 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 must be detailed in the construction support plan. MEC construction support procedures must be consistent with explosives safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines.
- MEC Construction Support Procedures – identify activities to be conducted to provide on-call construction support during construction activities, after on-site construction support is successfully conducted, 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 be consistent with explosives safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines (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 encountered during MEC explosive hazard removal operations will be destroyed by the UXO support contractor following MEC destruction procedures included in the On-site Construction Support Plan. Locations for MEC storage and performing MEC demolition shots are required to be included in the On-site Construction Support Plan. 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. In the unlikely event MEC items are encountered during anomaly avoidance operations, the items will not be moved or destroyed by the UXO support contractor. Discoveries of MEC during anomaly avoidance operations requires a reassessment of the construction support approach before anomaly avoidance operations or other site work may resume.
 - If a suspect munitions item is encountered during construction activities ,procedures for response to suspect munitions finds during on-call construction support are followed (Sections 4.3.2.3 and 4.3.2.4). Discoveries of MEC during construction activities after on-site construction support has been completed require a reassessment of the construction support approach before construction activities 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 locations for MEC storage and performing MEC demolition shots and 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 item during on-site construction support (Section 4.3.3.3).
- 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).

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.

The On-site Construction Support Plan must be reviewed and finalized prior to soil-disturbing activities (See Section 4.3.1.2 FORA Coordination and Construction Support Plan Coordination and Review Process). A final construction support plan must be submitted by the construction activity proponent (i.e., permittee) to the local Building Official (i.e., County) with jurisdiction over the property as part of the digging and excavation ordinance permitting process.

4.3.3.2 Munitions Recognition and Safety Training

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 site workers involved in ground-disturbing or intrusive activities are educated about the possibility of encountering MEC, ensure that they stop ground-disturbing or intrusive activities in the vicinity of the suspect munitions item when a suspect munitions is encountered, and report the encounter to the appropriate authority as identified in the construction support plan. The construction support plan prepared by a UXO support contractor will identify the size of the stop-work area. Training records are maintained and available for inspection during the project and reported by the permittee 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.

4.3.3.3 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, should such an area be identified. 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. Timing with respect to transitioning to 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 using procedures consistent with explosives safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines.

4.3.3.4 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.

MEC items encountered during MEC explosive hazard removal operations will be destroyed by the UXO support contractor following MEC destruction procedures included in the final construction support plan. Locations for MEC storage and performing MEC demolition shots are required to be included in the On-site Construction Support Plan. 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, the items will not be moved or destroyed by the UXO support contractor. Follow the procedures for response to suspect munitions finds during on-call construction support (Sections 4.3.2.3 and 4.3.2.4). Discoveries of MEC during anomaly avoidance operations require a reassessment of the construction support approach before anomaly avoidance operations or other site work may resume.

If a suspect munitions item is encountered during construction activities, the item will not be moved or destroyed by the UXO support contractor. Follow the procedures for response to suspect munitions finds during on-call construction support (Sections 4.3.2.3 and 4.3.2.4). Discoveries of MEC during construction activities after on-site construction support has been completed require a reassessment of the construction support approach before construction activities or other work may resume.

4.3.3.5 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 and FORA, 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. CSUMB 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 Plan must include details on the preparation of the Construction Support After Action Report and submission of the report to FORA, Army, EPA, and DTSC within 30 days of project completion. CSUMB 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 or workers will stop work in the vicinity of the suspect munitions item 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 CSUMB Off-Campus MRA. The construction support plan prepared by a UXO support contractor will identify the size of the stop-work area. For projects that do not require a construction support plan, ground-disturbing or intrusive activities will stop as indicated on the munitions recognition and safety training materials. 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 military EOD personnel, or local bomb squad with equivalent training, response to address the suspect munitions item.
- 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.
- 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. No attempt will be made by workers to disturb, remove, or destroy the suspect munitions item. UXO-qualified personnel will inspect and assess the suspect munitions item. UXO-qualified personnel may visually assess the suspect munitions item during inspection. 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, or local bomb squad with equivalent training, 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 at the site remains stopped and law enforcement is notified by the UXO support contractor. No attempt will be made by workers or UXO construction support personnel to disturb, remove, or destroy the suspect munitions item. The local law enforcement agency will immediately notify the appropriate military EOD personnel, or local bomb squad with equivalent training, to respond to the site and remove the suspect munitions item.

After the suspect munitions item has been addressed by military EOD personnel, or local bomb squad with equivalent training, 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 CSUMB Off-Campus MRA, FORA will be notified by the property owner of the discovery and the probability of encountering MEC will be reassessed. FORA will assess the probability of encountering additional MEC. 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 4.7.1).

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 CSUMB Off-Campus MRA will be monitored by CSUMB as part of the annual Former Fort Ord Land Use Covenant monitoring and reporting program and reported in annual LUC monitoring reports.

The monitoring and reporting of construction support requirements is implemented through a MOA between the DTSC, the County, and CSUMB which: 1) requires CSUMB to monitor compliance with all land use covenants; 2) requires CSUMB to report annually to FORA concerning their compliance with all recorded LUCs within their jurisdiction; and 3) requires FORA to compile the annual LUC monitoring reports received from CSUMB and transmit the compiled report, referred to in this LUCIP/OMP as the “annual LUC status report”, to the DTSC. The LUC reports will be shared with the Army and EPA.

CSUMB 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). CSUMB 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 4.5.1 and 4.5.2). Annual LUC monitoring reporting requirements include verification that projects involving soil disturbance comply with the County 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 compile annual LUC monitoring reports received from CSUMB and submit them to the Army, EPA, and DTSC in annual LUC status reports, to ensure compliance with construction support monitoring and reporting requirements (Sections 4.5.1 and 4.5.2).

4.3.7 Process for Review of Proposals to Remove Requirement for Construction Support for Ground-disturbing or Intrusive Activities

The MOA, Amended State CRUP, ROD, and deed ensure any future proposals to remove requirement for construction support for ground-disturbing or intrusive activities within the CSUMB Off-Campus MRA require review and approval by Army, EPA, and DTSC. The requirement for construction support for ground-disturbing or intrusive activities is a component of the CERCLA remedy for the CSUMB Off-Campus MRA; therefore, the restriction cannot be removed from the deed and Amended 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 the CERCLA remedy is removed, the property owner can initiate the administrative processes to remove the restriction from the deed and Amended State CRUP.

4.4 Restrictions Prohibiting Residential Use

Residential use restrictions are in place for the designated future non-residential reuse portion of the CSUMB Off-Campus MRA through deed restrictions and the Amended State CRUP (Appendices B and C, 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 CSUMB Off-Campus MRA property deed will run with the land. The Army will modify the existing land use restrictions in the Federal deed, as necessary, to reflect the selected remedy.

Environmental use restrictions, including the CSUMB Off-Campus MRA residential use restriction, are monitored by CSUMB 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 by CSUMB as a component of the Fort Ord Land Use Covenant Annual Monitoring Report. CSUMB will inspect the CSUMB Off-Campus MRA property and review the CSUMB Off-Campus MRA deed annually to ensure the residential use restriction remains in place for the designated non-residential reuse portion of the MRA and that no unapproved development or prohibited uses have occurred. FORA will compile annual LUC monitoring reports received from CSUMB and submit them to the Army, EPA, and DTSC, to ensure compliance with the restriction prohibiting residential use.

FORA will ensure the deed transferring CSUMB Off-Campus MRA property to CSUMB includes land use restrictions in the EPPs, including residential use restrictions, placed on the property by the Army remain in place. In addition, the County reviews the deed, property transfer documents, deed amendments and other property filings associated with the CSUMB Off-Campus MRA property to ensure land use restrictions in the EPPs, including residential use restrictions placed on the property by the Army, remain in place.

CSUMB will coordinate proposals to remove the residential use restrictions from the designated non-residential reuse portion of the MRA, in consultation with Army, EPA, and DTSC. Additional details regarding the process for review and approval of a property owner or developer request to remove a residential use restriction are provided in Section 4.4.1.

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

4.4.1 Process for Review of Proposals to Remove Residential Use Restriction

The MOA, Amended State CRUP, ROD, and deed ensure any future proposals to remove residential use restrictions within the CSUMB Off-Campus 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 CSUMB Off-Campus MRA; therefore, the restriction cannot be removed from the deed and Amended 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 the CERCLA remedy is removed, the property owner can initiate the administrative processes to remove the restriction from the deed and Amended State CRUP. As indicated in Section 1.4.4, DTSC may require additional verification equivalent to the DTSC residential protocol before termination of the residential use restrictions in the Amended State CRUP.

4.5 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).

4.5.1 LUCIP/OMP Annual Inspections

LUCIP/OMP compliance includes annual on-site inspection of the CSUMB Off-Campus 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 CSUMB Off-Campus MRA. For reference, the Annual LUC Report Outline has been expanded to fulfill the requirements in this LUCIP/OMP (Appendix J).

4.5.2 Annual LUC Monitoring Reports

The LUCIP/OMP annual inspections and record review results will be summarized by FORA in an annual LUC status report using a letter report format. CSUMB has agreed to conduct annual LUC reporting upon property transfer as established in the executed MOA with DTSC and the Amended 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. CSUMB will submit annual LUC monitoring reports to FORA by September 1 of each year (within 60 days). FORA will compile the annual LUC monitoring reports and submit them to the Army, EPA, and DTSC in annual LUC status reports within 90 days following receipt of reports from CSUMB.

FORA is responsible for compiling and 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 status report satisfies this requirement. The annual LUC status reports will also be provided to the Army for inclusion in the five-year reviews.

4.5.3 CERCLA Five-Year Reviews

The Army shall conduct five-year reviews of the CSUMB Off-Campus 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 4.7.3). 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.

4.6 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 Group 2 LUCIP/OMP objectives, CSUMB and the County shall notify FORA and FORA shall notify EPA, DTSC, and the Army (Section 5.1.6). Examples of inconsistent activities include: not executing requirement for munitions recognition and safety training or construction support; violating the Amended State CRUP prohibiting residential uses; or not meeting local digging and excavation ordinance and local permitting requirements. This reporting requirement is separate from the annual LUC monitoring and reporting requirements of Sections 5.1.5 and 5.2.5.

Within forty-five (45) days of identifying a LUCIP/OMP inconsistency, FORA, in consultation with the County and/or CSUMB, 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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4.7 Additional Response or Remedy Modification

4.7.1 Additional Investigation or Follow-up Action

If the Army and EPA, in consultation with DTSC, determines that additional investigation is necessary within the CSUMB Off-Campus 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.

4.7.2 Remedy Modification – Remedy No Longer Protective

If the Army and EPA, in consultation with DTSC, determine that the selected remedy for the CSUMB Off-Campus 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.

4.7.3 Remedy Modification – Discontinue Portion of LUC Remedy

As specified in the ROD, LUCs identified in the Group 2 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 CSUMB Off-Campus 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, and CSUMB 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, Amended State CRUP, ROD, and deed ensure any future proposals to remove residential use restrictions within the CSUMB Off-Campus MRA require review and approval by Army, EPA, and DTSC. As indicated in Section 1.4.4, DTSC may require additional verification equivalent to the DTSC residential protocol before termination of the residential use restrictions in the Amended State CRUP. The LUC requirements are components of the CERCLA remedy for the CSUMB Off-Campus MRA, therefore, they cannot be removed from the deed and Amended 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 the CERCLA remedy is removed, the property owner can initiate the administrative processes to remove the restriction from the deed and Amended State CRUP.

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, CSUMB, 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 CSUMB Off-Campus 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 and CSUMB 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 CSUMB and the County have agreed to conduct. Specific activities that CSUMB and the County 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 property owner, CSUMB, and County implementation of training responsibilities, including notifications, distribution of MEC Safety Guide, excavation permits training requirements, and annual monitoring and reporting.
- FORA will compile annual training statistics and status information from the annual LUC monitoring reports received from CSUMB 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 CSUMB and County implementation of construction support under the County digging and excavation ordinance.

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 implementation and enforcement of the digging and excavation ordinance, including excavation permitting, to ensure compliance with construction support requirements.
- FORA will ensure notification of 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, should such areas be identified.
- 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. 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 CSUMB Off-Campus 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 annual LUC monitoring report information received from CSUMB 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 Amended 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 CSUMB. FORA is also responsible for notifying CSUMB 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 CSUMB Off-Campus MRA property transfer to CSUMB. The notice shall reference residential use restrictions and other environmental protection provisions in the Federal deed and Amended State CRUP.

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

5.1.4 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).

5.1.5 Annual LUC Monitoring and Reporting

FORA is responsible for compiling annual LUC monitoring reports received from CSUMB and submittal to the Army, EPA, and DTSC in an annual LUC status report. The annual LUC inspections and monitoring reports are completed by CSUMB and submitted to FORA. FORA then compiles the reports for submittal to DTSC. The annual LUC status reports will be shared with the Army and EPA. Annual LUC monitoring reports and annual LUC status reports cover all environmental restrictions, covenants and controls for the properties, including the munitions recognition and safety training, construction support, and residential use restrictions.

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

- FORA will monitor CSUMB 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 annual LUC monitoring reports from CSUMB. The County is responsible for compiling and submitting annual LUC monitoring reports received from CSUMB 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

CSUMB Off-Campus MRA. The submittal of the annual LUC status report satisfies this requirement.

5.1.6 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 Group 2 LUCIP/OMP. This FORA reporting requirement is separate from the annual LUC monitoring and reporting requirements of Section 5.1.5.

- Within forty-five (45) days of identifying a LUCIP/OMP inconsistency, FORA, in consultation with the County and/or CSUMB, 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.

5.1.7 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.

5.1.8 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.

5.1.9 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 CSUMB 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 CSUMB is notified of the LUC requirements and comply with the LUC requirements and activities identified in this LUCIP/OMP.

5.2 CSUMB and County Responsibilities

The County is responsible for implementation of the digging and excavation ordinance applicable to the CSUMB Off-Campus MRA, including annual notifications to property owners and administering excavation permitting to include construction support requirements. CSUMB is responsible for annual LUC monitoring and annual reporting to FORA per the MOA with DTSC. CSUMB is responsible for maintaining use restrictions in the deed and ensuring the deed provisions remain in place for the CSUMB Off-Campus MRA. As a CSUMB Off-Campus MRA property owner, CSUMB 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 Group 2 MRA LUCIP/OMP, CSUMB and/or the County 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 the Amended State CRUP prohibiting residential uses; or not meeting the County digging and excavation ordinance and local permitting requirements. This reporting requirement is separate from the annual LUC monitoring and reporting requirements of Sections 5.2.5 and 5.2.6.

5.2.1 Munitions Recognition and Safety Training

The County is responsible for providing annual notification to CSUMB Off-Campus 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. CSUMB is responsible for annual monitoring and reporting of the training requirements.

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

- The County will provide annual notification to CSUMB Off-Campus MRA property owners and other land users (related to utilities serving the property) of the obligation to follow the County digging and excavation ordinance, including requirement to provide MEC Safety Guide to every worker conducting ground-disturbing or intrusive activities. Property owners and/or land users 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 will maintain and enforce requirement for munitions recognition and safety training as condition for excavation permits for CSUMB Off-Campus MRA property under digging and excavation ordinance.
- CSUMB will ensure all CSUMB workers, including contractors, conducting ground-disturbing or intrusive activities on the CSUMB Off-Campus MRA receive munitions recognition and safety training and a copy of the MEC Safety Guide.
- CSUMB will compile annual munitions recognition and safety training statistics for the CSUMB Off-Campus 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

As a permitting agency, the County is responsible for monitoring and enforcing construction support requirements at the CSUMB Off-Campus MRA for excavation permit requirements under the digging and excavation ordinances. The County is responsible for consultation with Army, EPA, and DTSC regarding construction support requirements prior to issuing excavation permits. CSUMB is responsible for annual monitoring and reporting of the construction support activities.

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

- The County will implement and enforce the digging and excavation ordinance, including annual notification requirements and excavation permitting requirements.
- The County, in consultation with FORA, will determine the level of construction support required on a case-by-case and project specific basis during the excavation permitting process.

- The County will consult with Army, EPA, and DTSC on project and site-specific construction support requirements prior to issuing excavation permits, including review and finalization of construction support plans (Section 4.3.1.2).
- CSUMB will monitor and enforce property owner 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, as a permitting agency, will ensure Construction Support After Action Reports are received from permittees and distributed by permittees to FORA, Army, EPA, and DTSC.
- CSUMB 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

CSUMB is responsible for maintaining residential use restrictions for the CSUMB Off-Campus MRA in the property deed and monitoring compliance with the residential use restrictions in the Federal deed and Amended State CRUP.

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

- CSUMB 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. CSUMB will notify new property owners of deed restrictions and obligations.
- CSUMB will conduct annual inspections of the property deed and annual physical inspections of the property to verify residential use restrictions remain in place for the designated future non-residential reuse areas as part of annual LUC monitoring and reporting.
- CSUMB 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.
- CSUMB will coordinate Army, EPA, and DTSC review of any proposals to remove the residential use restrictions from designated future non-residential reuse areas.

5.2.4 Long-Term Management Measures

CSUMB will conduct the following long-term management measures during operation and maintenance of the Group 2 MRA LUCs.

- CSUMB will notify FORA, Army, EPA, and DTSC, as soon as practicable, of any MEC-related data identified during use of the property.
- CSUMB will monitor compliance with residential use restrictions in the property deed as described in Section 5.2.3.
- CSUMB will perform annual monitoring and reporting of LUC as described in Sections 5.2.5 and 5.2.6.

5.2.5 LUCIP/OMP Annual Inspections

CSUMB is responsible for compliance with the LUC remedy for the Group 2 MRA through annual on-site inspections and review of local building and CSUMB planning department records, and construction support MEC finds report review. CSUMB will conduct the following annual inspection requirement during operation and maintenance of the CSUMB Off-Campus MRA LUCs.

- CSUMB 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.
- CSUMB 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 permit and construction support to FORA, Army, EPA, and DTSC as part of annual LUC monitoring and reporting as described in Section 5.2.2.
- CSUMB will conduct annual inspections of the property deed and annual physical inspections of the property to verify residential use restrictions remain in place for designated future non-residential reuse areas as part of annual LUC monitoring and reporting as described in Section 5.2.3.
- For reference, the following is provided in this LUCIP/OMP: Appendix J – Former Fort Ord Land Use Covenant Reporting Outline.

5.2.6 Annual LUC Monitoring Reports

CSUMB is responsible for conducting annual LUC inspections and monitoring for the CSUMB Off-Campus MRA and submitting annual LUC monitoring reports to FORA. FORA will compile the reports received from CSUMB and submit them to the Army, EPA, and DTSC in annual LUC status reports. Annual LUC monitoring reports and annual LUC status reports cover all environmental restrictions, covenants and controls for the properties, including the munitions recognition and safety training, construction support and residential use restrictions.

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

- CSUMB will conduct annual LUC monitoring and inspection obligations per the MOA with DTSC.
- CSUMB 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 compile and submit the annual LUC status reports to the Army, EPA, and DTSC within 90 days following receipt of annual LUC monitoring reports from CSUMB.
- CSUMB has agreed to conduct annual LUC monitoring and reporting upon property transfer, as established in the MOA with DTSC and Amended State CRUP. The LUC annual inspections and record review results will be summarized in an annual LUC monitoring report (Appendix J).

5.2.7 Notice of Planned Property Conveyances

CSUMB (as a jurisdiction under the MOA with DTSC) is responsible for monitoring CSUMB Off-Campus MRA property transfer to ensure use restrictions, LUC and Amended 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 CSUMB verification of property transfer compliance with deed restriction, LUC and Amended State CRUP requirements.

5.2.8 LUC Enforcement

CSUMB is responsible for fulfilling their LUC operation and maintenance obligations for the CSUMB Off-Campus MRA, including the monitoring and reporting responsibilities under the MOA with DTSC, Amended State CRUP, and deed restrictions.

The County is responsible for implementing and enforcing the requirements of the County digging and excavation ordinance for the CSUMB Off-Campus MRA.

5.3 Property Recipient Responsibilities

The future property owners, including CSUMB, are responsible for compliance with LUCs, deed restrictions, and the Amended State CRUP. Property owner responsibilities are implemented through the County digging and excavation ordinance, deed restrictions, and the Amended State CRUP, and include provisions to comply with the munitions recognition and safety training, construction support, and residential use restriction 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 CSUMB Off-Campus MRA. The property owner will conduct the following training requirements during operation and maintenance of the CSUMB Off-Campus MRA LUCs.

- Property owners at time of transfer will notify any subsequent property owners, assigns, leases or site users of the requirement of the digging and excavation ordinance, including requirements for munitions recognition and safety training, and construction support.
- Property owners and/or land users 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 property owners, assigns, leases or site users.
- Property owners 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.
- Property owners 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 County digging and excavation ordinance applicable to the CSUMB Off-Campus MRA. The property owner will conduct the following construction support requirements during operation and maintenance of the CSUMB Off-Campus MRA LUCs.

- Property owners will comply with County excavation permitting requirements of the digging and excavation ordinance, including requirements for construction support and after action reporting. For projects involving more than ten (10) cy of soil disturbance, regardless of the probability of encountering MEC, and projects involving less than ten (10) cy of soil disturbance in areas with moderate to high probability of encountering MEC, property owner will confirm appropriate construction support requirements with FORA prior to conducting ground-disturbing or intrusive activities. For projects involving less than ten (10) cy of soil disturbance in areas with low probability of encountering MEC, property owner will provide the MEC Safety Guide and Army Safety Alert pamphlet to construction personnel prior to start of ground-disturbing or intrusive activities.
- Property owner and/or land user will obtain construction support prior to conducting ground-disturbing or intrusive activities on Group 2 property.
- Property owner and/or land user will retain UXO contractor to provide construction support services including a construction support plan, construction support services, and after action reporting.
- Property owner will provide initial notification within 24 hours to FORA of MEC finds and will prepare (through their required UXO support contractor) and submit a FORA MEC Find Notification Form (use template in Appendix I) to FORA as soon as practicable.
- Property owner (through their required UXO support contractor) will prepare and submit a Fort Ord MEC Incident Recording Form (use template in Appendix I) to FORA, Army, EPA, and DTSC within 24 hours of military EOD response.

- Property owner (through their required UXO support contractor), as a permittee, will prepare and submit a Construction Support After Action Report (use template in Appendix I) for permitted on-call and permitted on-site construction support projects to the permitting agency, FORA, Army, EPA and DTSC within 30 days of project completion.
- Property owner (through their required UXO support contractor) will prepare and submit a Construction Support After Action Report (use template in Appendix I) for on-site construction support projects that do not require a permit to FORA, Army, EPA and DTSC within 30 days of project completion.

5.3.3 Residential Use Restriction

Future property owners, including CSUMB, will conduct the following activities during operation and maintenance of the residential use restrictions LUC at the CSUMB Off-Campus 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 in conducting annual inspections of property to verify residential use restrictions remain in place.

5.3.4 Notice of Planned Property Conveyances

Prior to transfer of a Group 2 property, property recipients will be notified by the property owner of the property restrictions and LUC and Amended State CRUP compliance requirements. For initial property conveyance from FORA to CSUMB, FORA (as property owner) will be responsible for providing deed restriction notifications. CSUMB will be responsible for FORA-to-jurisdiction deed recordation. CSUMB (as property owner) is responsible for providing property restriction notification in subsequent land transfers.

CSUMB (as jurisdiction under the MOA with DTSC) is responsible for monitoring property transfer to ensure use restrictions, LUC and Amended State CRUP restrictions are maintained in future deeds for the Group 2 property. Army, EPA, and DTSC will be notified of property transfers through annual LUC monitoring reports, which will include CSUMB verification of property transfer compliance with deed restriction, LUC and Amended 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 status 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 will conduct the following activities during operation and maintenance of the construction support LUC.

- The Army will monitor FORA and CSUMB implementation and enforcement of construction support requirements through the review of annual LUC status reports.
- The Army will participate with EPA and DTSC in the review of On-call Construction Support Plans (See Section 4.3.1.2 Construction Support Plan Consultation and Review Process).
- The Army will provide a consistency review regarding explosives safety criteria and considerations for On-site Construction Support Plans.
- 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 modify the existing land use restrictions in the Federal deed, as necessary, to reflect the selected remedy.
- 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 status reports, including use restrictions, to verify compliance with residential use restrictions.

5.4.4 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 4.7.3).

- The Army is responsible for conducting the five-year review of the Group 2 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.

5.4.5 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.

5.4.6 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 status 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.

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Table 1
Roles, Responsibilities, and Authority for LUC Remedy Implementation and Enforcement

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 • Amended State CRUP • MOA w/DTSC
FORA	<ul style="list-style-type: none"> • LUC remedy implementation/enforcement • Annual LUC status 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	<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
CSUMB*	<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 • Amended State CRUP
Property Owners	<ul style="list-style-type: none"> • Comply with LUCs, deed restrictions, CRUP 	<ul style="list-style-type: none"> • Property Deed • Amended State CRUP

Notes:

AOC = Administrative Order on Consent
 BRAC = Base Realignment and Closure
 CRUP = Covenant to Restrict Use of Property
 CSUMB = California State University Monterey Bay
 DTSC = California Department of Toxic Substances Control
 EPA = Environmental Protection Agency
 ESCA = Environmental Services Cooperative Agreement
 ESCA RP = Environmental Services Cooperative Agreement Remediation Program
 FFA = Federal Facility Agreement
 FORA = Fort Ord Reuse Authority

**Table 1
Roles, Responsibilities, and Authority for LUC Remedy Implementation and Enforcement**

LUC = Land Use Control

MOA = Memorandum of Agreement

RSA = Remediation Services Agreement

* = As a CSUMB Off-Campus MRA property owner, CSUMB is also responsible for the property owner responsibilities. If the property owner is other than CSUMB, 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 for Transfer Parcel S1.3.2

Planned Reuse ²	Approx. Acreage ¹	MRS Site Number	MRS Site Name	Past MRS Use	MRS Site Investigation Status ³	Probability of Encountering MEC ⁴
CSUMB Campus Housing	49	MRS-31 ⁵	CSU Footprint	Troop maneuvers, confidence course, and land navigation training	MEC removal to 3 or 4 feet bgs and/or to depth of detection completed.	Low
		MRS-07:MRS-31 ⁶	Mine and Booby Trap Training Area	Mine and booby trap training		Low
		MRS-13C ⁶	Practice Mortar Range	Practice mortar training	MEC removal to depth of up to 4 feet bgs completed.	Low
CSUMB Open Space Park	284	MRS-31 ⁵	CSU Footprint	Troop maneuvers, confidence course, and land navigation training	MEC removal to 3 or 4 feet bgs and/or to depth of detection completed.	Low
		MRS-04C:MRS-31	CBR Training Area	Chemical, biological, and radiological training		Low
		MRS-07:MRS-31 ⁷	Mine and Booby Trap Training Area	Mine and booby trap training		Low
		MRS-08:MRS-31	Mine and Booby Trap Training Area	Mine and booby trap training		Low
		MRS-18:MRS-31	Minefield Practice Area	Minefield practice area		Low
		MRS-13B ⁷	Practice Mortar Range	Practice mortar training	MEC removal to depth of up to 4 feet bgs completed.	Low
		MRS-13C ⁷	Practice Mortar Range	Practice mortar training		Low

Table 2
Current Probability of Encountering MEC for Transfer Parcel S1.3.2

Notes:

bgs = below ground surface

CSUMB = California State University Monterey Bay

MEC = munitions and explosives of concern

mm = millimeter

MRA = Munitions Response Area

MRS = Munitions Response Site

1. Acreage stated is the portion of Transfer Parcel S1.3.2 with the designated probability of encountering MEC. Acreages stated are approximate and generally rounded to nearest whole acre.
2. 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)*.
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.
5. MRS-31 encompasses MRS-04C, MRS-07, MRS-08, and MRS-18. The CSUMB Campus Housing area and CSUMB Open Space Park area each contain a portion of MRS-31.
6. CSUMB Campus Housing area contains portions of MRS-07:MRS-31 and MRS-13C.
7. CSUMB Open Space Park area contains portions of MRS-07:MRS-31, MRS-13C, and MRS-13B.

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 review with the Construction Support Plan. Soil management requirements are site-specific and generally include a requirement that excavated soils remain within the MRA and for tracking soil movements within the site.
Munitions Recognition and Safety Training (Section 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 (Sections 4.3.2.4 and 4.3.4)	If a suspect munitions item is found, all work in the vicinity of the item must cease while UXO-qualified personnel assess the item. The Construction Support Plan will identify the size of the stop-work area. If the item is confirmed non-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, local law enforcement responds to secure the site and requests military EOD personnel, or local bomb squad with equivalent training, 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

Table 3
On-call Construction Support Requirements

	Notification form and FORA MEC Finds Assessment form are provided in Appendix I.
Construction Support After Action Reporting (Section 4.3.2.5)	An After Action Report must be completed and submitted by the permittee 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.

Notes:

Army = United States Department of the Army
DTSC = California Department of Toxic Substances 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 on-site 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.
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 review 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 4.3.3.2)	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.
MEC Explosive Hazard Removal (Section 4.3.3.3)	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.
Response to Suspect Munitions Items (Sections 4.3.3.4 and 4.3.4)	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 encountered during MEC explosive hazard removal operations will be destroyed by the UXO support contractor following MEC destruction procedures included in the final On-site Construction Support Plan. Locations for MEC storage and performing MEC demolition shots are required to be included in the On-site Construction Support Plan. 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 encountered during anomaly avoidance operations will not be moved or destroyed by the UXO support contractor. Procedures for response to suspect munitions finds during on-call

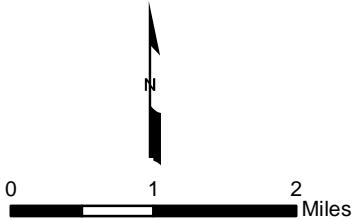
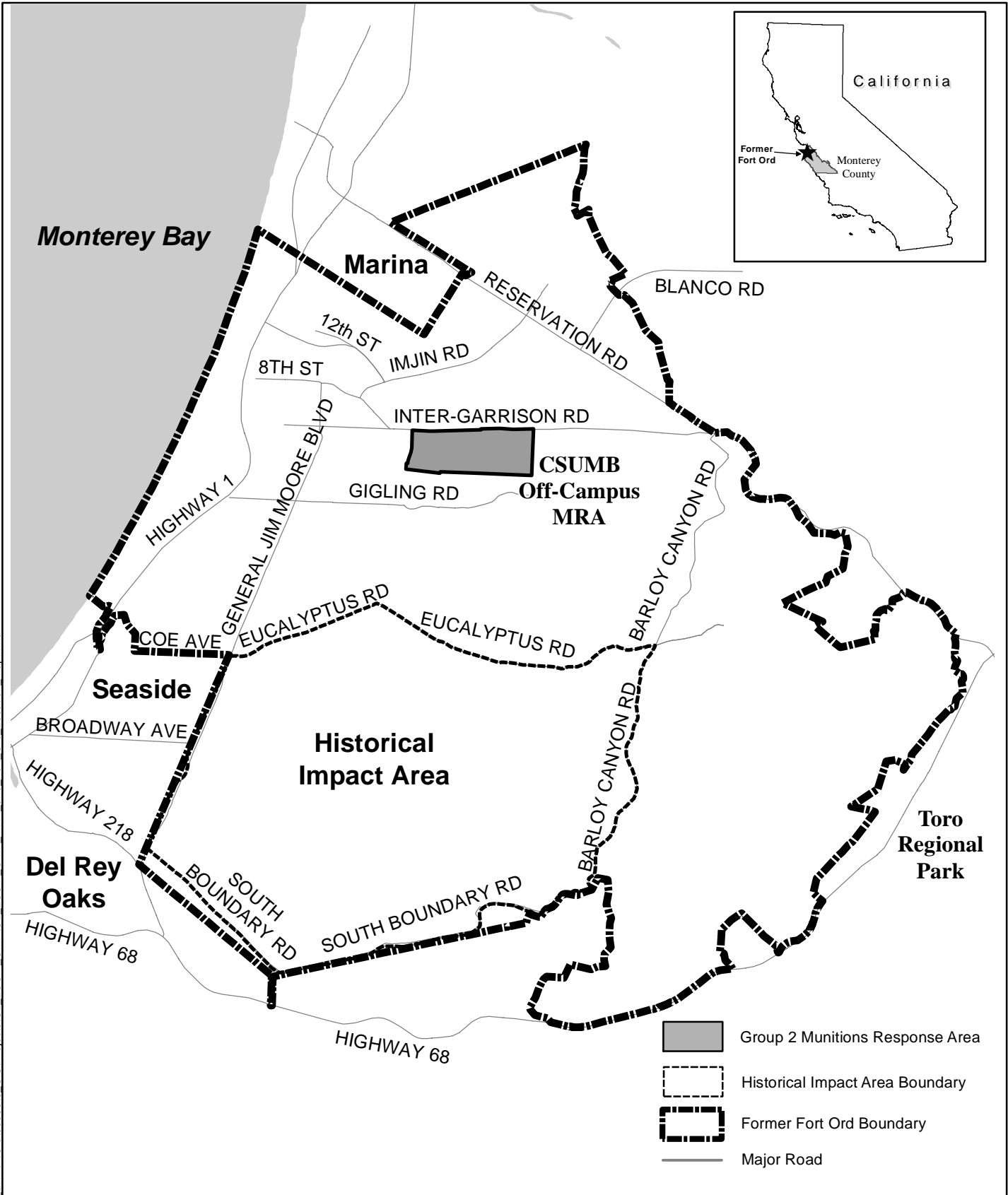
Table 4
On-site Construction Support Requirements

	<p>construction support will be followed (Sections 4.3.2.3 and 4.3.2.4). Discoveries of MEC during anomaly avoidance operations require a reassessment of the construction support approach before anomaly avoidance operations or other site work may resume. If a suspect munitions item is encountered during construction activities, the item will not be removed or destroyed by the UXO support contractor. Procedures for response to suspect munitions finds during on-call construction support will be followed (Sections 4.3.2.3 and 4.3.2.4). Discoveries of MEC during construction activities after on-site construction support has been completed require a reassessment of the construction support approach before construction activities or other work may resume.</p>
<p>Construction Support After Action Reporting (Section 4.3.3.5)</p>	<p>For permitted on-site construction support projects, 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. For on-site construction support projects that do not require a permit, the property owner is responsible for completion and submittal of Construction Support After Action Reports to FORA, Army, EPA and DTSC. 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
DTSC = California Department of Toxic Substances 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

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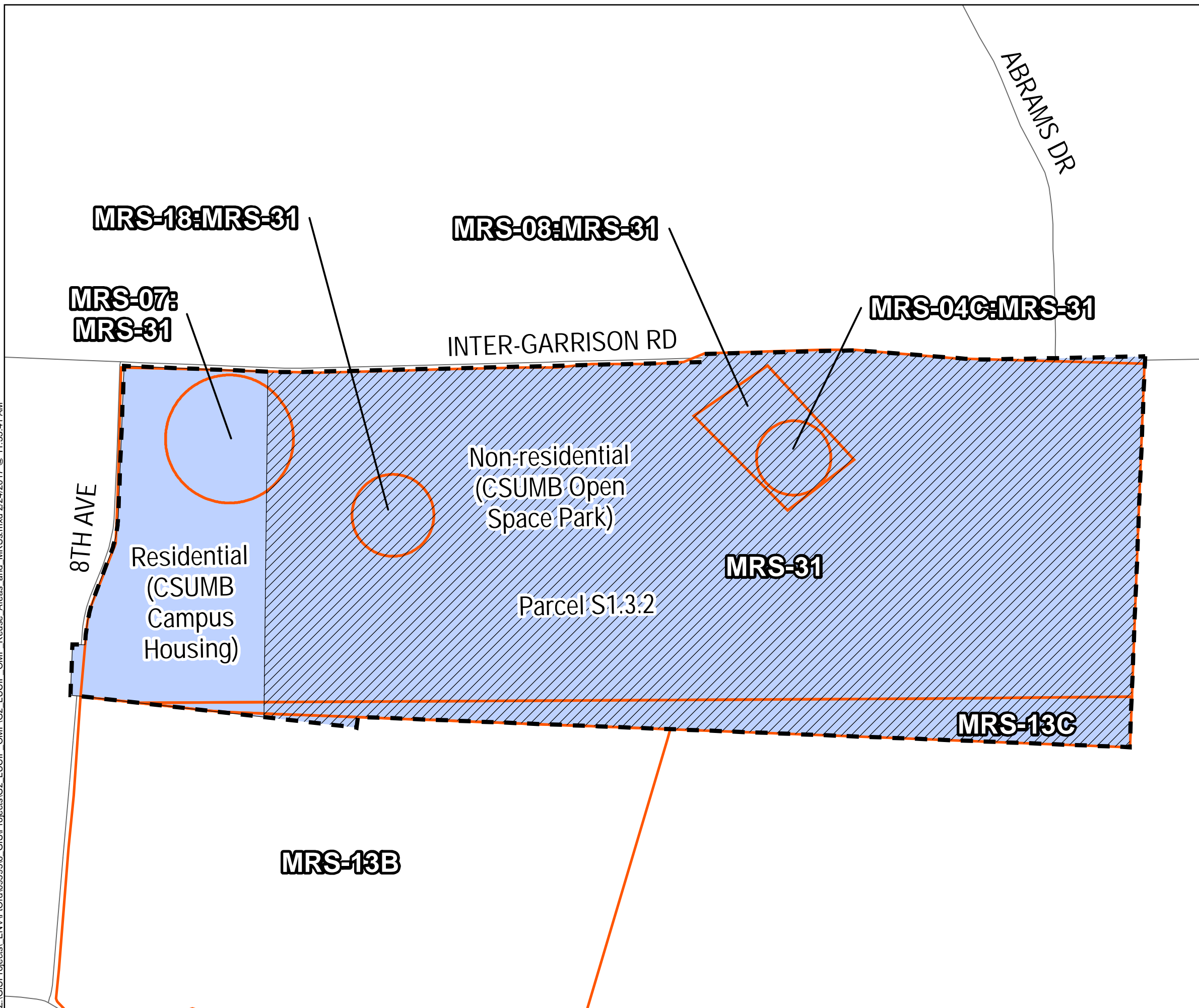


Group 2 MRA and Fort Ord Location Map



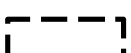


Monterey County, California

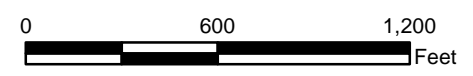
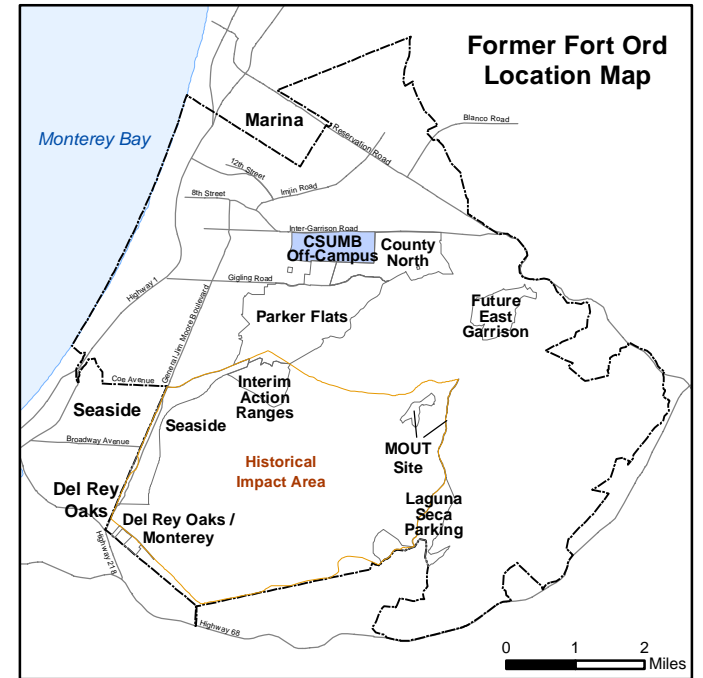
Figure 1

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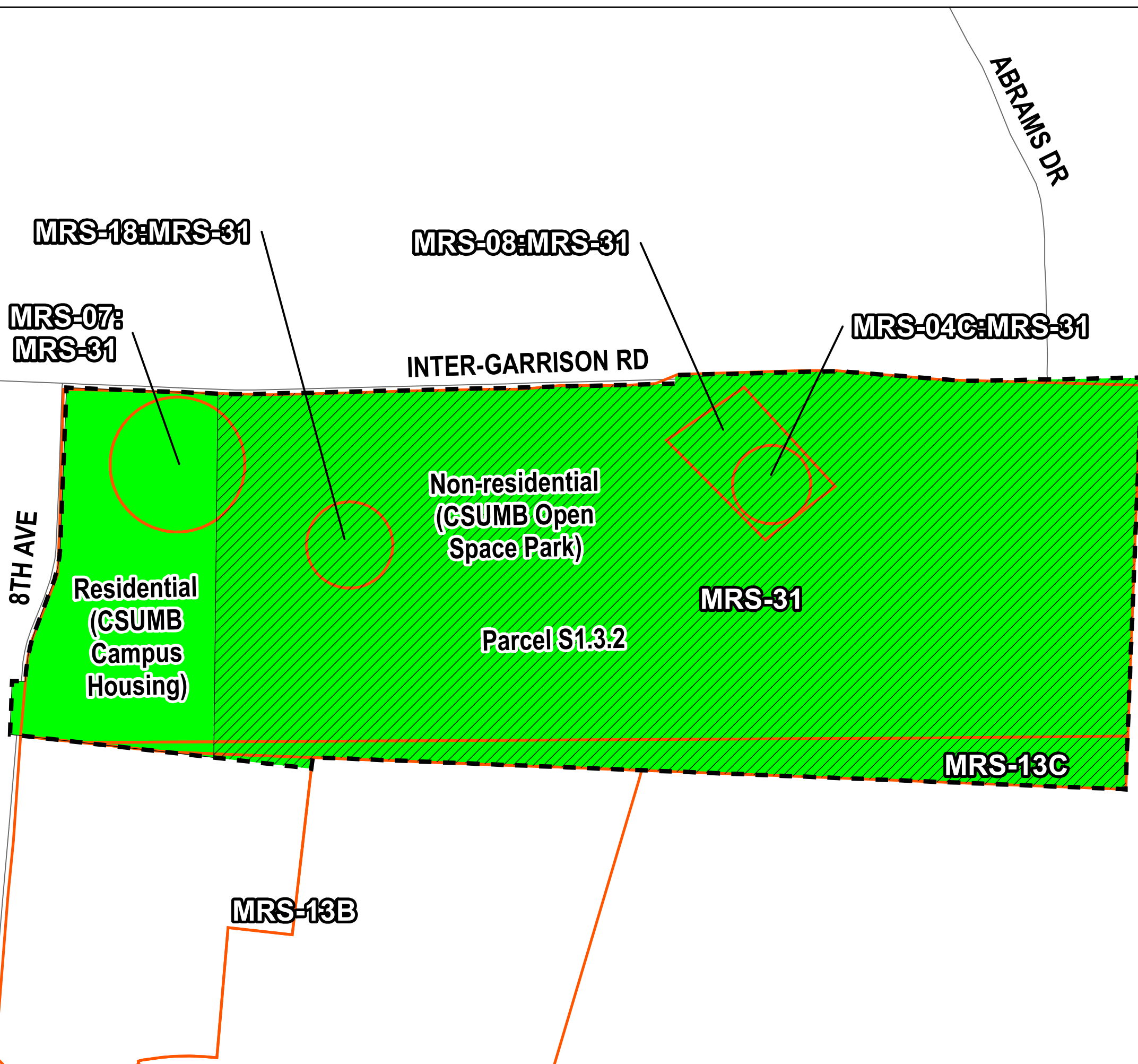
-  Munitions Response Area (area subject to Land Use Controls)
-  Area Subject to Residential Use Restriction
-  USACE Parcel
-  MRS-31
-  Major Road



CSUMB Off-Campus MRA Reuse Areas and Munitions Response Sites
 Monterey County, California

Figure 2

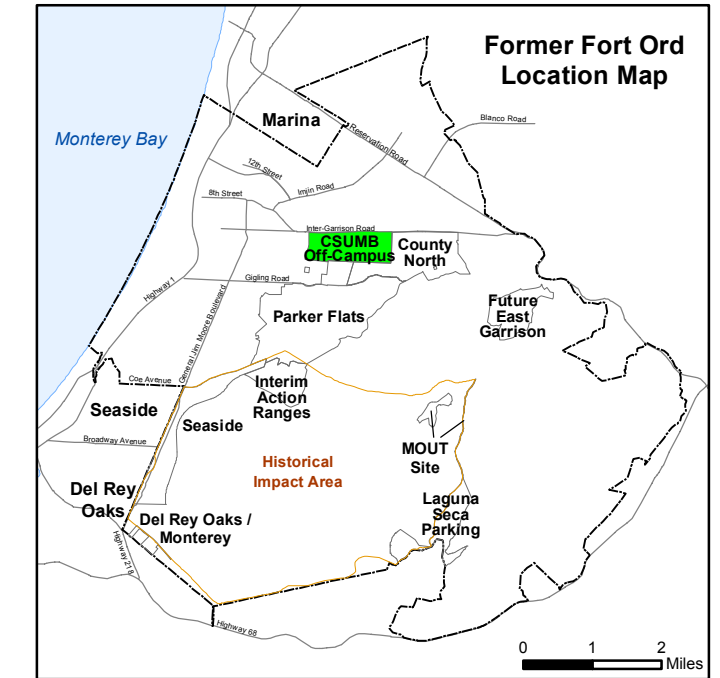
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Legend

- Low Probability of Encountering MEC
- Area Subject to Residential Use Restriction
- USACE Parcel
- MRS-31
- Major Road

Note:
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.



CSUMB Off-Campus MRA
Probability of Encountering MEC
Monterey County, California

Figure 3

APPENDIX A

**Record of Decision Group 2, California State University Monterey Bay
Off-Campus Munitions Response Area, Former Fort Ord, California,
dated January 7, 2015, and finalized February 26, 2015**

FINAL

Record of Decision

Group 2

California State University Monterey Bay Off-Campus Munitions Response Area

Former Fort Ord, California

January 7, 2015

United States Department of the Army
Base Realignment and Closure (BRAC)
Former Fort Ord, California

CONTENTS

1. DECLARATION	1
1.1. Site Name and Location	1
1.2. Basis and Purpose	2
1.3. Site Assessment	2
1.4. Description of the Selected Remedy	2
1.5. Statutory Determination	3
1.6. ROD Data Certification Checklist	3
1.7. Authorizing Signatures and Support Agency Acceptance of Remedy	5
2. DECISION SUMMARY	9
2.1. Site Description	9
2.2. Site History	9
2.3. Enforcement and Regulatory History	10
2.4. Community Participation	11
2.5. Scope and Role of Response Action	12
2.6. Site Characteristics	12
2.7. Group 2 CSUMB Off-Campus MRA Remedial Investigation Summary	13
2.8. CSUMB Off-Campus MRA Munitions Response Site Summaries	15
2.9. Current and Potential Future Land and Resource Uses	16
2.10. Summary of Site Risks	16
2.11. Remedial Action Objectives	17
2.12. Description of Alternatives	18
2.13. Principal Threat Wastes	20
2.14. Selected Remedy	20
2.14.1. Summary of the Rationale for the Selected Remedy	20
2.14.2. Description of the Selected Remedy	21
2.14.3. Summary of the Estimated Remedy Costs	23
2.14.4. Expected Outcomes of Selected Remedy	24
2.15. Statutory Determinations	24
2.16. Documentation of Significant Changes from Preferred Alternative of Proposed Plan	25
3. RESPONSIVENESS SUMMARY	26

3.1.	Proposed Plan Overview	26
3.2.	Background on Community Involvement	26
3.3.	Summary of Comments Received During the Public Comment Period and Department of the Army Responses	26
4.	REFERENCES	32

TABLES

- 1 Summary of Group 2 Munitions Response Site (MRS) Investigations
- 2 Summary of Group 2 MRA Transfer Parcels
- 3 Summary of Remedial Alternatives Evaluation and Comparison

FIGURES

- 1 Group 2 MRA and Fort Ord Location Map
- 2 CSUMB Off-Campus MRA Reuse Areas and Munitions Response Sites

APPENDIX

- A Glossary of Military Munitions Response Program Terms

1. DECLARATION

1.1. Site Name and Location

The former Fort Ord is located in northwestern Monterey County, California, approximately 80 miles south of San Francisco (Figure 1). The U.S. Environmental Protection Agency (EPA) identification number for Fort Ord is CA7210020676. This Record of Decision (ROD) addresses Munitions and Explosives of Concern (MEC), specifically unexploded ordnance (UXO) and discarded military munitions (DMM), that potentially remain in the Group 2 California State University Monterey Bay (CSUMB) Off-Campus Munitions Response Area (MRA).

Since 1917, military units (e.g., cavalry, field artillery, and infantry) used portions of the former Fort Ord for training (e.g., maneuvers, live-fire target ranges) and other purposes. Because the military conducted munitions-related activities (e.g., live-fire training) on the facility, military munitions (e.g., UXO and DMM) may be present on parts of the former Fort Ord. The types of military munitions used at the former Fort Ord included: artillery and mortar projectiles, rockets, guided missiles, rifle and hand grenades, practice land mines, pyrotechnics, bombs, and demolition materials. For the Fort Ord Military Munitions Response Program (MMRP) being conducted and this ROD, MEC does not include small arms ammunition (.50 caliber and below). A Glossary of Military Munitions Response Program Terms is provided in Appendix A.

In March 2007, the United States Department of the Army (Army) and Fort Ord Reuse Authority (FORA) entered into an Environmental Services Cooperative Agreement (ESCA) to provide funding for MEC remediation services. In accordance with the ESCA and an Administrative Order on Consent (AOC), FORA is responsible for completion of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) response actions, except for those responsibilities retained by the Army, on approximately 3,300 acres of the former Fort Ord with funding provided by the Army. The AOC was entered into voluntarily by FORA, EPA, California Environmental Protection Agency Department of Toxic Substances Control (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 CSUMB Off-Campus MRA is included in the ESCA between the Army and FORA.

The CSUMB Off-Campus MRA is a site where MEC were found and munitions response (MEC removal) actions were conducted. The CSUMB Off-Campus MRA contains portions, or all, of several munitions response sites (MRSs) that were suspected to have been used for military training with military munitions (Table 1). These MRSs were investigated, with all detected 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 MRSs, it is possible that some MEC may not have been detected and remains present. Because a future land user (e.g., resident, recreational user, maintenance worker, or construction worker) may encounter MEC at the MRA, a Group 2 Remedial Investigation/Feasibility Study (RI/FS) was conducted to evaluate remedial alternatives to address this potential risk to future land users (ESCA RP Team 2013). The Group 2 RI/FS was developed by FORA under the ESCA and in accordance with the AOC.

1.2. Basis and Purpose

This decision document selects the remedial action for MEC for the CSUMB Off-Campus MRA. The remedy for the MRA was selected in accordance with CERCLA of 1980, as amended, and to the extent practicable, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This decision is based on information and reports contained in the Administrative Record for the former Fort Ord.

This decision is undertaken pursuant to the President's authority under CERCLA Section 104, as delegated to the Army in accordance with Executive Order 12580, and in compliance with the process set out in CERCLA Section 120. The selection of the remedy is authorized pursuant to CERCLA Section 104, and the selected remedy will be carried out in accordance with CERCLA Section 121.

The Army and EPA have jointly selected the remedy. The DTSC has had an opportunity to review and comment on the ROD.

1.3. Site Assessment

This ROD addresses hazardous substances and pollutants or contaminants which may pose a threat to human health and welfare or the environment.

The Army has provided the CERCLA covenant in the deed for the property. Some MEC items found and detonated on the property in the past were a Resource Conservation and Recovery Act (RCRA) reactive waste and thus a CERCLA hazardous substance. Therefore, MEC items discovered on the property in the future will likewise be addressed as such pursuant to the CERCLA covenant unless the Army determines that an item is not a hazardous substance by making a waste specific determination based on testing or knowledge consistent with RCRA.

1.4. Description of the Selected Remedy

The selected remedy addresses risks to human health and the environment from MEC that potentially remains in the CSUMB Off-Campus MRA. Munitions responses (MEC removals) have been completed at the MRA, significantly reducing the risks to human health and the environment. The selected remedy for the CSUMB Off-Campus MRA includes Land Use Controls (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; and (3) restrictions prohibiting residential use in the proposed future non-residential reuse area. For the purpose of this decision document, 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 proposed non-residential reuse portion of the CSUMB Off-Campus MRA will be subject to regulatory agency and Army review and approval. 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 the owner of the real estate or as a government entity. A Remedial Design/Remedial Action (RD/RA) Work Plan will be developed to: (1) outline the processes for implementing the LUCs selected as part of the remedy; and (2) identify procedures for responding to discoveries of MEC. The Army will evaluate these sites as part of the installation-wide CERCLA five-year review to be conducted in 2017. The selected LUCs may be modified in the future based on the five-year review process.

As part of the LUC implementation strategy, long term management measures 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 CSUMB Off-Campus MRA. As part of the early transfer of the subject property, the Army has entered into a State Covenant to Restrict the Use of Property (CRUP) with the DTSC that document land use restrictions. The existing deed to FORA for the CSUMB Off-Campus MRA parcel includes the following land use restrictions: 1) residential use restriction; and 2) excavation restrictions (unless construction support and MEC recognition and safety training are provided). The Army will modify the existing land use restrictions in the federal deed, as necessary, to reflect the selected remedy. FORA, or its successor under the ESCA and the AOC, will prepare and submit annual letter reports to the EPA and the DTSC summarizing any MEC found and changes in site conditions that could increase the possibility of encountering MEC. Copies of the annual monitoring reports 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 potential applicable or relevant and appropriate requirements (ARARs), the Army entered into CRUPs with the DTSC at the time the property was transferred to FORA. The DTSC will modify the existing CRUP, as appropriate, to reflect the land use restrictions included in the selected remedy. Although the DTSC and the EPA Region IX disagree with the Army's determination that California laws and regulations concerning CRUPs are not potential ARARs, they will agree-to-disagree on this issue since the Army executed the CRUPs and the DTSC will modify the CRUPs, as appropriate, to be consistent with the identified remedy.

1.5. Statutory Determination

The selected remedy is protective of human health and the environment, complies with Federal and State requirements that are applicable or relevant and appropriate to this remedial action, and is cost effective. Munitions responses to address the principal threat by removing all identified MEC items have already been completed. This meets the intent of using permanent solutions and alternative treatment (or resource recovery) technologies to the maximum extent practicable, and satisfies the statutory preference for treatment as a principal element (i.e., reducing the toxicity, mobility, or volume of hazardous substances, pollutants, or contaminants as a principal element through treatment).

Because the selected remedy may not result in removal of all MEC potentially present within the CSUMB Off-Campus MRA, a statutory review will be conducted by the Army within five years after initiation of the remedial action to ensure the remedy is, or will be, protective of human health and the environment. The next five-year review will occur in 2017.

1.6. ROD Data Certification Checklist

The following information is included in the Decision Summary section of this ROD. Additional information can be found in the Administrative Record file for this site.

- Types of MEC identified during previous removal actions (Section 2.8.).
- Current and reasonably anticipated future land use assumptions used in the risk assessment and ROD (Section 2.9. and Table 2).
- Current after-action "Overall MEC Risk Scores" estimated in the Risk Assessment based upon the current site conditions (Section 2.10.).

- Remedial action objectives for addressing the current after-action “Overall MEC Risk Scores” estimated in the Risk Assessment (Section 2.11.).
- How source materials constituting principal threats are addressed (Sections 2.13. and 2.14.).
- Potential land use that will be available at the site as a result of the selected remedy (Section 2.14. and Table 2).
- Estimated capital, annual operations and maintenance (O&M), and total present worth costs, discount rate, and the number of years over which the remedy cost estimates are projected (Section 2.14.4).
- Key factor(s) that led to selection of the remedy (Sections 2.14.1 and 2.15. and Table 3).

1.7. Authorizing Signatures and Support Agency Acceptance of Remedy

**Record of Decision
Group 2
California State University Off-Campus Munitions Response Area
Former Fort Ord, California**

Signature Sheet for the foregoing Record of Decision for Group 2, California State University Off-Campus Munitions Response Area, Former Fort Ord, California, among the United States Army, the United States Environmental Protection Agency, and the California Environmental Protection Agency, Department of Toxic Substances Control.

Thomas E. Lederle
Chief
Base Realignment and Closure Division
U.S. Department of the Army

Date

**Record of Decision
Group 2
California State University Off-Campus Munitions Response Area
Former Fort Ord, California**

Signature Sheet for the foregoing Record of Decision for Group 2, California State University Off-Campus Munitions Response Area, Former Fort Ord, California, among the United States Army, the United States Environmental Protection Agency, and the California Environmental Protection Agency, Department of Toxic Substances Control.

William K. Collins
BRAC Environmental Coordinator
Fort Ord BRAC Office
U.S. Department of the Army

Date

**Record of Decision
Group 2
California State University Off-Campus Munitions Response Area
Former Fort Ord, California**

Signature Sheet for the foregoing Record of Decision for Group 2, California State University Off-Campus Munitions Response Area, Former Fort Ord, California, among the United States Army, the United States Environmental Protection Agency, and the California Environmental Protection Agency, Department of Toxic Substances Control.

Angeles Herrera
Assistant Director, Superfund Division
Federal Facilities and Site Cleanup Branch
U.S. Environmental Protection Agency, Region IX

Date

**Record of Decision
Group 2
California State University Off-Campus Munitions Response Area
Former Fort Ord, California**

Signature Sheet for the foregoing Record of Decision for Group 2, California State University Off-Campus Munitions Response Area, Former Fort Ord, California, among the United States Army, the United States Environmental Protection Agency, and the California Environmental Protection Agency, Department of Toxic Substances Control.

The State of California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) had an opportunity to review and comment on the Record of Decision (ROD) and our concerns were addressed.

Charlie Ridenour, P.E.
Branch Chief
Cleanup Program - Sacramento Office
California Environmental Protection Agency
Department of Toxic Substances Control

Date

2. DECISION SUMMARY

2.1. Site Description

The former Fort Ord is located near Monterey Bay in northwestern Monterey County, California, approximately 80 miles south of San Francisco (Figure 1). The former Army post consists of approximately 28,000 acres adjacent to Monterey Bay and the cities of Seaside, Sand City, Monterey, and Del Rey Oaks to the south and Marina to the north. State Route 1 passes through the western portion of former Fort Ord, separating the beachfront from the rest of the base. Laguna Seca Recreation Area and Toro Regional Park border former Fort Ord to the south and southeast, respectively, as well as several small communities, such as Toro Park Estates and San Benancio. Additional information about the site:

- EPA Identification Number: CA7210020676;
- Lead Agency: Army;
- Lead Oversight Agency: EPA;
- Support Agency: DTSC;
- Source of Cleanup Monies: Army;
- Site Type: Former Military Installation.

2.2. 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. The 7th Infantry Division was activated at Fort Ord in October 1974, and occupied Fort Ord until base closure in 1994. Fort Ord was selected in 1991 for decommissioning, but troop reallocation was not completed until 1993 and the base was not officially closed until September 1994. The property remaining in the Army's possession was designated as the Presidio of Monterey Annex on October 1, 1994, and subsequently renamed the Ord Military Community (OMC). Although Army personnel still operate parts of the base, no active Army division is stationed at the former Fort Ord. Since the base was selected in 1991 for Base Realignment and Closure (BRAC), site visits, historical and archival investigations, military munitions sampling, and removal actions have been performed and documented in preparation for transfer and reuse of the former Fort Ord property. The Army will continue to retain the OMC and the U.S. Army Reserve Center located at the former Fort Ord. The remainder of former Fort Ord was identified for transfer to Federal, State, and local government agencies and other organizations and, since base closure in September 1994, has been subjected to the reuse process. Portions of the property on the installation have been transferred. A large portion of the Inland Training Ranges was assigned to the U.S. Department of the Interior, Bureau of Land Management (BLM). Other areas on the installation have been, or will be, transferred through economic development conveyance, public benefit conveyance, negotiated sale, or other means.

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 DMM, have been encountered and are known or suspected to remain present at sites throughout the former Fort Ord. A Glossary of Military Munitions Response Program Terms is provided in Appendix A.

2.3. Enforcement and Regulatory History

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. To address the possibility of the public being exposed to explosive hazards, MEC investigations and removal actions began following BRAC listing and closure of Fort Ord. In November 1998, the Army agreed to evaluate military munitions at former Fort Ord in an Ordnance and Explosives Remedial Investigation/Feasibility Study (basewide OE RI/FS) — now termed the basewide Munitions Response Remedial Investigation/Feasibility Study (basewide MR RI/FS) — consistent with CERCLA. A Federal Facility Agreement (FFA) was signed in 1990 by the Army, EPA, DTSC (formerly the Department of Health Services or DHS), and the California Regional Water Quality Control Board (RWQCB). The FFA established schedules for performing remedial investigations and feasibility studies and requires that remedial actions be completed as expeditiously as possible. In April 2000, an agreement was signed between the Army, EPA, and DTSC to evaluate military munitions and perform military munitions response activities at the former Fort Ord subject to the provisions of the Fort Ord FFA.

The basewide MR RI/FS program reviews and evaluates past investigative and removal actions, as well as recommends future response actions deemed necessary to protect human health and the environment regarding explosive safety risks posed by MEC on the basis of proposed reuses. These reuses are specified in the Base Reuse Plan (FORA 1997) and its updates. The basewide MR RI/FS documents are being prepared in accordance with the FFA, as amended. These documents are made available for public review and comment, and placed in the Administrative Record.

The Army has been conducting military munitions response actions (e.g., investigation, removal) at identified MRSs and will continue these actions to mitigate imminent MEC-related hazards to the public, while gathering data about the type of military munitions and level of hazard at each of the MRSs for use in the basewide MR RI/FS. The Army is performing its activities pursuant to the President's authority under CERCLA Section 104, as delegated to the Army in accordance with Executive Order 12580 and in compliance with the process set out in CERCLA Section 120. Regulatory agencies (EPA and DTSC) have been and will continue to provide oversight of the munitions response activities pursuant to the FFA.

The Army conducts ongoing and future responses to MEC at the former Fort Ord that are components of the Army's basewide efforts to promote explosive safety because of Fort Ord's history as a military base. These efforts include: (1) five-year reviews and reporting; (2) notices and restrictions in deeds and property transfer documentations (e.g., letter of transfer); (3) MEC incident reporting; (4) MEC recognition and safety training; (5) school education; and (6) community involvement.

In March 2007, the Army and FORA entered into an ESCA to provide 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 CERCLA remedial activities, except for those responsibilities retained by the Army, on approximately 3,300 acres of the former Fort Ord with funding provided by the Army. 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). The underlying property was transferred to FORA in May 2009.

As part of the early transfer of the subject property, the Army has entered into State CRUPs with the DTSC that document land use restrictions. The DTSC has agreed to modify the existing CRUP to document the land use restrictions included in the identified remedy. After the signature of this ROD, DTSC will modify the existing CRUP when DTSC has received a request for modification and has concurred that the Residential Protocol (DTSC 2008) has been successfully and correctly implemented.

The applicability of and requirements for CRUPs are described in California Code of Regulations Section 67391.1 and California Civil Code Section 1471.

As described in the Final Summary of Existing Data Report, 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 CSUMB Off-Campus and County North MRAs. Group 3 consists of Del Rey Oaks (DRO)/Monterey, Laguna Seca Parking, and Military Operations in Urban Terrain (MOUT) 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. Group 2 includes the CSUMB Off-Campus MRA and the County North MRA; however, in August 2009, the *Track 1 Plug-In Approval Memorandum County North Munitions Response Area, Former Fort Ord, California* (“the Approval Memorandum”) was issued for the County North MRA by the Army for public review and comment (Army 2009b). A notice announcing agency concurrence with the Approval Memorandum was published on March 16, 2010. The Track 1 Plug-In process was described in the *Army’s Record of Decision, No Further Action Related to Munitions and Explosives of Concern - Track 1 Sites, No Further Remedial Action with Monitoring for Ecological Risks from Chemical Contamination at Site 3 (MRS-22)* (Army 2005). Therefore, this Group 2 ROD only addresses the CSUMB Off-Campus MRA.

2.4. Community Participation

The Final Group 2 RI/FS for the CSUMB Off-Campus MRA was published on February 18, 2013, and the Group 2 Proposed Plan was made available to the public on June 5, 2013. The Proposed Plan presented the preferred alternative of Land Use Controls (Alternative 2). The Land Use Control alternative is being selected as the final remedy in this ROD. The Proposed Plan also summarized the information in the Group 2 RI/FS and other supporting documents in the Administrative Record. These documents were made available to the public at the following locations:

- Seaside Branch Library, 550 Harcourt Avenue, Seaside, California.
- California State University Monterey Bay Tanimura & Antle Family Memorial Library, Divarty Street, CSUMB Campus, Seaside, California.
- Fort Ord Administrative Record, Building 4463, Gigling Road, Room 101, Ord Military Community, California.
- www.fortordcleanup.com website.

The notice of the availability of the Proposed Plan was published in the Monterey County Herald and the Salinas Californian on June 12, 2013. A 30-day public comment period was held from June 12, 2013, to July 12, 2013. In addition, a public meeting was held on June 19, 2013, to present the Proposed Plan to a broader community audience than those that had already been involved at the site. At this meeting, representatives from the Army, EPA, and DTSC were present, and the public had the opportunity to submit written and oral comments about the Proposed Plan. Representatives from FORA were also present to answer questions. The Army’s response to the comments received during this period is included in the Responsiveness Summary, which is part of this ROD (Section 3.0).

2.5. Scope and Role of Response Action

This ROD addresses the planned response action for managing the potential risk to future land users from MEC that potentially remains in the CSUMB Off-Campus MRA, where munitions response activities have been completed as described in Section 2.7 below and detailed in the Group 2 RI/FS (ESCA RP Team 2013).

The planned response action for the CSUMB Off-Campus MRA will be the final remedy for protection of human health and the environment. Remedial Alternative 2, which was identified as the preferred remedial alternative for the CSUMB Off-Campus MRA, is summarized as follows:

- **Remedial Alternative 2 - Land Use Controls (LUCs):** MEC recognition and safety training for people that will conduct ground-disturbing or intrusive activities; construction support during ground-disturbing or intrusive activities; and restrictions prohibiting residential use in the proposed future non-residential reuse area.

The selected remedy will be implemented by FORA under the ESCA and in accordance with the AOC. An RD/RA Work Plan will be developed to: (1) outline the processes for implementing land use restrictions; and (2) identify procedures for responding to discoveries of MEC, including coordinating a response to a discovery of a significant amount of MEC in the CSUMB Off-Campus MRA. The selected LUCs may be modified in the future based on the five-year review process.

In addition, long term management measures comprised of a deed restriction, annual monitoring and reporting, and five-year review reporting will be implemented for the reuse areas within the CSUMB Off-Campus MRA.

Based on the Army Basewide Range Assessment Program (Shaw/MACTEC 2009), which evaluated the potential presence of chemicals of concern in soil, no further action has been recommended for Historical Areas (HAs) within the CSUMB Off-Campus MRA. In addition, the EPA and the DTSC have concurred that no further action is necessary at Installation Restoration Program Site 39B (Inter-Garrison Site; Army 2007) located within the MRA; however, subsequent soil sampling resulted in a recommendation for removal of soil contamination from one area with an elevated concentration of lead in shallow soil (Army 2009a). Approximately 20 cubic yards of soil were excavated and disposed of from HA-161. Confirmation samples indicated that residual soil concentrations for lead were below the target cleanup concentrations. The results of the soil removal activities were presented in the *Draft Final Interim Action Confirmation Report* (Shaw 2011). As a follow-up to the 3rd Five-Year Review, an additional evaluation was conducted to determine the protectiveness of the human health-based cleanup levels for the Interim Action sites with lead in soil, including Site 39B. Based on this evaluation, the soil remedial action taken at Site 39B is protective for residential use (Army 2013b).

2.6. Site Characteristics

The CSUMB Off-Campus MRA is located in the north-central portion of the former Fort Ord, bordered by Inter-Garrison Road to the north, the County North MRA to the east and southeast, the Parker Flats MRA to the south, and 8th Avenue and CSUMB campus property to the west and southwest (Figure 2). The CSUMB Off-Campus MRA encompasses approximately 332.6 acres and is composed mostly of MRS-31, which includes four smaller MRSs: MRS-04C, MRS-07, MRS-08, and MRS-18. The remainder of the MRA consists of MRS-13C and a portion of MRS-13B.

Historical records and recovered MEC and munitions debris (MD) indicate that the majority of the CSUMB Off-Campus MRA had previously been used as a troop training and maneuver area.

2.7. Group 2 CSUMB Off-Campus MRA Remedial Investigation Summary

The CSUMB Off-Campus MRA contains portions, or all, of several MRSs identified in Table 1 and also shown on Figure 2 where munitions response actions have been conducted. The Remedial Investigation for the CSUMB Off-Campus MRA is based on the evaluation of previous work conducted for the MRA in accordance with the Group 2 RI/FS Work Plan (ESCA RP Team 2009).

This section provides background information on the CSUMB Off-Campus MRA Remedial Investigation data collection and review (site evaluations) conducted for the MRSs. Table 1 summarizes the site-specific investigations and removal actions, and Section 2.8 presents a summary of the site evaluations for the MRSs in the CSUMB Off-Campus MRA as presented in the Group 2 RI/FS (Volume 1; ESCA RP Team 2013).

Scope of Removal Actions – Initial investigations included grid sampling within MRS-04C, MRS-07, MRS-08, MRS-13B, and MRS-18. Based on the results of the grid sampling, a removal action designed to address MEC to a depth of up to 3 or 4 feet (ft) below ground surface (bgs) was conducted in MRS-13B and across MRS-31, which encompasses MRS-04C, MRS-07, MRS-08, and MRS-18. The main objective of the removal actions was to remove detected MEC from the MRA to a depth of 3 to 4 ft (or deeper). If an anomaly was detected below a depth of 3 to 4 ft, permission from the U.S. Army Corps of Engineers OE Safety Specialist was obtained prior to continuing the investigation. A removal action was also conducted in MRS-13C and was designed to address MEC to a depth of up to 4 ft bgs. The MEC investigations and removal actions at the CSUMB Off-Campus MRA were performed by Army contractors Human Factors Applications, Inc. (HFA), UXB International, Inc. (UXB), and USA Environmental, Inc. (USA; formerly CMS Environmental, Inc. [CMS]).

A verification and quality assurance action, consisting of a Residential Quality Assurance (RQA) Pilot Study, was conducted on the removal actions in the proposed future residential reuse area of the CSUMB Off-Campus MRA. The RQA Pilot Study activities included digital geophysical investigation in a portion of the proposed future residential reuse area. All anomalies detected during these actions were investigated and resolved, and all detected MEC items were removed or destroyed. The verification and quality assurance action was conducted by FORA on behalf of the Army under the ESCA.

These investigations and removal actions conducted within the CSUMB Off-Campus MRA were focused on addressing explosive hazards.

Site Evaluation – The evaluation process was documented by completion of a series of checklists for the CSUMB Off-Campus MRA in accordance with the Group 2 RI/FS Work Plan (ESCA RP Team 2009). Checklists prepared for the MRA were provided as Appendix B of the Group 2 RI/FS (Volume 1; ESCA RP Team 2013).

CSUMB Off-Campus MRA is composed mostly of MRS-31, which includes four smaller MRSs: MRS-04C, MRS-07, MRS-08, and MRS-18. The remainder of the MRA consists of MRS-13C and a portion of MRS-13B (Figure 2). The MRSs were identified through a review of former Fort Ord records compiled for the Revised Fort Ord Archive Search Report (USACE 1997a) and was used to facilitate MEC investigations and removal actions. The MRA boundaries generally correspond to the boundaries of land transfer Parcel S1.3.2 (Table 2 and Figure 2). Based on the results of the literature review, investigations, and removal actions, the MRA was used for chemical, biological, and radiological (CBR) training (MRS-

04C); mine and booby trap training (MRS-07 and MRS-08); practice mortar training (MRS-13B and MRS-13C); minefield practice area (MRS-18); and troop maneuvers, confidence course, and land navigation training (MRS-31). CBR training typically included use of tear gas agents in a test chamber or use of hand grenades containing tear gas agents. There were no buildings identified on facility maps or historical aerial photographs that were located within or near MRS-04C that may have been used for CBR training (i.e. gas chambers). Several hand grenades (MEC) containing the tear gas agent O-Chlorobenzylidene Malonitrile (CS) and MD from CS grenades were found in the eastern two-thirds of the MRA, but the locations did not coincide with MRS-04C or CBR training areas identified on historical facilities and training maps. The lack of typical CBR facilities and few CS items encountered indicated incidental use of CS grenades, but no evidence of a gas chamber at the CSUMB Off-Campus MRA. Recovered MEC and MD also indicated that practice hand grenade training and practice rifle grenade training occurred in MRS-31.

An initial grid sampling investigation was conducted within MRS-04C, MRS-07, MRS-08, MRS-13B, and MRS-18 in 1994 to determine if further action (removal) was necessary. The grids received a surface and subsurface survey using analog geophysical instruments across the entire grid and anomalies were investigated to a depth of up to 4 feet bgs. Based on the results of the grid sampling investigation, the U.S. Army Corps of Engineers, Huntsville Division (CEHND) Safety Specialist determined the site to contain UXO. Therefore, a removal action was conducted across the entire MRS-31. The removal action in MRS-31 was conducted in three parts with detected anomalies investigated to a depth of up to 3 or 4 feet bgs (Table 1). The first part of the removal action was conducted by HFA over the majority of the area referred to as the CSU Footprint, which included MRS-31, using analog geophysical instruments. Anomalies were excavated up to a depth of 4 ft bgs (HFA 1994). The second and third parts of the removal action were conducted by UXB over the remaining portion of the CSU Footprint in the eastern and central portions of MRS-31. Grids were investigated using analog geophysical instruments and anomalies were initially investigated up to a depth of 3 ft bgs, but the excavation depth requirement was later changed to 4 ft bgs. If an anomaly was detected below a depth of 3 to 4 ft, permission from the U.S. Army Corps of Engineers OE Safety Specialist was obtained prior to continuing the investigation (UXB 1995a, 1995b, and 1995c). A MEC removal action performed by USA in MRS-13C, located along the southern boundary of the CSUMB Off-Campus MRA, and in MRS-13B, located south of MRS-31, was conducted using analog geophysical instruments with detected anomalies investigated to a depth of up to 4 feet bgs (USA 2000a and 2000b; Table 1).

An RQA Pilot Study was conducted by FORA contractors in the approximately 49-acre proposed future residential (CSUMB campus housing) reuse area of the CSUMB Off-Campus MRA, which includes portions of MRS-31, MRS-13C, and MRS-13B, as an additional verification and quality assurance of prior MEC investigations and removal actions. The RQA data were collected in two phases. During the first phase of the RQA Pilot Study, a digital geophysical mapping investigation and subsurface MEC removal were conducted in approximately 17 acres followed by a soil scrape and second digital geophysical mapping investigation and subsurface MEC removal on approximately five of the 17 acres. During the second phase of the RQA Pilot Study, a detailed data evaluation was conducted on the approximately 49-acre area, and a verification site walk with analog geophysical instruments was conducted to support the data evaluation. The digital and analog geophysical instruments used during the RQA Pilot Study were effective at detecting the types of munitions expected at the CSUMB Off-Campus MRA. The RQA Pilot Study activities included removal of detected MEC and MD from the proposed future residential (CSUMB campus housing) reuse area to the depth of detection and confirmed the results of previous MEC investigations and removal actions. Based on the RQA Process evaluation, including results of the RQA Pilot Study and RQA Implementation Study, the proposed future residential reuse area in the CSUMB Off-Campus MRA was recommended as acceptable for future residential reuse with appropriate institutional controls, such as the local digging and excavation ordinance, construction

support, and disclosures (ESCA RP Team 2012 and 2013). DTSC has released the Residential Protocol (DTSC 2008) that, when successfully implemented and approved by DTSC, would provide a basis to remove a State residential CRUP on munitions response sites (DTSC 2014). FORA has submitted the Final Residential Protocol Implementation Report, CSUMB Off-Campus MRA, dated October 21, 2014 (ESCA RP Team 2014) to provide data and conclusions to support the removal of the residential CRUP on the proposed residential area.

The majority of MEC and MD encountered within the CSUMB Off-Campus MRA were consistent with the documented historical use of the MRA as a troop training and maneuver area. The types of MEC and MD removed from the MRA included: firing devices, hand grenades and hand grenade fuzes, rifle grenades, mines and mine fuzes, mortars (60mm and 81mm), various projectiles, illumination flares and signals, smoke generating items, rockets, and simulators. The majority of these items were associated with practice and pyrotechnic munitions.

2.8. CSUMB Off-Campus MRA Munitions Response Site Summaries

MRS-31 (Includes MRS-04C, MRS-07, MRS-08, and MRS-18)

From January to February 1994, HFA conducted initial investigations at MRS-04C, MRS-07, MRS-08, and MRS-18, located within MRS-31, and MRS-13B. Sampling grids were approximately 100 by 100 ft and separated by at least 200 ft. The grids received a surface and subsurface survey across the entire grid using either the Schonstedt Model GA-52C or Model GA-72Cv magnetometer (HFA 1994). Based on the results of the grid sampling, the CEHND Safety Specialist determined the site to contain UXO; therefore, HFA conducted a removal action across the entire area referred to as the CSU Footprint, which generally corresponds to MRS-31 (Table 1).

From February to June 1994, HFA conducted a subsurface removal action within a portion of the CSU Footprint, which corresponded to the western portion of MRS-31. The site was divided into 100-ft by 100-ft square grids and grids received a surface and subsurface survey across the entire grid using Schonstedt Model GA-52Cv or GA-72Cv magnetometers. Anomalies were marked with flags, and were excavated up to a depth of 4 ft bgs. In accordance with the work plan, non-UXO scrap was initially not removed from the grid. In March 1994, the scope of work was modified to allow HFA to remove non-UXO-related scrap from the grids (HFA 1994).

In June 1994, UXB took over the removal action activities within the remaining portion of the CSU Footprint, which corresponded to the eastern portion and a central portion of MRS-31. The remaining portion was divided into 100-ft by 100-ft square grids. Initially, the geophysical instruments used were the Schonstedt Model GA-52C and Model GA-72Cv magnetometers. In October 1994, UXB began using the Schonstedt Model GA-52Cx magnetometer. Each anomaly was marked with a flag. Excavations were conducted up to a depth of 3 ft bgs until the excavation depth requirement was changed to 4 ft bgs in December 1994. UXB's removal action was conducted over two areas in MRS-31. From July 1994 to July 1995, UXB conducted a subsurface removal action (part of which extended into the adjacent County North MRA) in the eastern portion of MRS-31. From April to June 1995, UXB conducted a subsurface removal action to a depth of 4 ft bgs located approximately in the center of MRS-31 using the Schonstedt Model GA-52Cx magnetometer (UXB 1995a, 1995b, and 1995c).

MRS-13B

MRS-13B was included in the grid sampling investigation performed by HFA from January to February 1994. Fifty-seven sampling grids were approximately 100-ft by 100-ft and separated by at least 200 ft.

The grids received a surface and subsurface survey across the entire grid using either the Schonstedt Model GA-52C or Model GA-72Cv magnetometer (HFA 1994). Based on the results of the grid sampling, the CEHND Safety Specialist determined the site to contain UXO. Based on the MRS-13B sampling results, a removal action to a depth of 4 ft bgs was recommended in accordance with the Final Phase I Engineering Evaluation/Cost Analysis (USAESCH 1997).

Between August 1995 and April 1998, a removal action was performed by CMS (which became USA Environmental, Inc.) in MRS-13B located south of MRS-31 and MRS-13C (Table 1). The removal action was conducted by dividing the area into 100-ft by 100-ft grids or portions of grids. The grids were investigated using the Schonstedt Model GA-52Cx magnetometer and subsurface anomalies encountered were investigated up to a depth of 4 ft bgs. Based on the results of the removal action, no further MEC response was recommended for the area (USA 2000a).

MRS-13C

From June to September 1997, a removal action was performed by USA in MRS-13C located along the southern boundary line of the CSUMB Off-Campus MRA (Table 1). The removal action in MRS-13C was conducted by dividing the area into 100-ft by 100-ft grids or portions of grids. The grids were investigated using the Schonstedt Model GA-52Cx magnetometer and subsurface anomalies encountered were investigated up to a depth of 4 ft bgs. Based on the results of the removal action, no further MEC response was recommended for the area (USA 2000b).

2.9. Current and Potential Future Land and Resource Uses

The future land uses for the CSUMB Off-Campus MRA, summarized below, are based upon the Fort Ord Base Reuse Plan (FORA 1997) and the CSUMB Master Plan (CSUMB 2007). Future land use information is also included in the Installation-Wide Multispecies Habitat Management Plan for Former Fort Ord, California (HMP; USACE 1997b) 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 CSUMB Off-Campus MRA is proposed for school/university reuse with residential infill opportunities. The reasonably foreseeable reuses being considered for the CSUMB Off-Campus MRA include:

- Residential (CSUMB campus housing), Parcel S1.3.2 — The western portion of the MRA (approximately 49 acres) is proposed for use as off-campus housing for CSUMB (CSUMB 2007). Construction and maintenance of buildings and roads, installation and maintenance of utilities, as well as the activities of future residents are expected within the reuse area.
- Non-residential (CSUMB open space park), Parcel S1.3.2 — The eastern portion of the MRA (approximately 284 acres) is proposed for an oak woodland and maritime chaparral open space park with a 100-ft buffer along the Natural Resources Management Area (NRMA) interface (ESCA RP Team 2008). Vegetated areas and hiking trails may require maintenance such as planting and weeding. Recreational hiking and bicycling/horseback riding on trails are expected to occur.

2.10. Summary of Site Risks

Munitions response actions have been completed at the CSUMB Off-Campus MRA, significantly reducing the potential risks to human health and the environment from explosive hazards associated with

MEC. Because detection technologies may not detect all MEC present and some areas contain barriers (e.g. pavement, buildings) that, while providing protection against MEC potentially present, preclude the use of detection technologies, a future land user (i.e., receptors) may encounter MEC. The risk was evaluated in a MEC Risk Assessment as part of the Group 2 RI/FS (Volume 2; ESCA RP Team 2013).

The Fort Ord Ordnance and Explosives Risk Assessment Protocol (Malcolm Pirnie 2002) was developed to qualitatively estimate the risk to future land users of the property from potentially remaining MEC in terms of an "Overall MEC Risk Score" for each receptor expected to be present during area development and reuse.

The MEC Risk Assessment Protocol results are based on three key factors (MEC Hazard Type, Accessibility, and Exposure) that are assigned use-specific values and are weighted in importance. These factors were used to develop an Overall MEC Risk Score for each receptor at a given reuse area as follows:

Overall MEC Risk Score	A	B	C	D	E
	Lowest	Low	Medium	High	Highest

These qualitative Overall MEC Risk Scores guided the development and evaluation of alternatives in the Group 2 Feasibility Study. The future land users of the property identified for analysis in the MEC Risk Assessment and a summary of the Overall MEC Risk Scores for each receptor for the reuse areas within the CSUMB Off-Campus MRA are provided below. It is recognized that although the detected anomalies have been investigated and all detected MEC have been removed during the previous removal actions conducted on the CSUMB Off-Campus MRA, the potential exists that MEC may remain in the subsurface at the MRA. Therefore, the risks associated with subsurface (intrusive) receptors (e.g., maintenance workers and construction workers) are assumed to remain at the CSUMB Off-Campus MRA at a level that requires mitigation and remedial alternatives were evaluated in a Feasibility Study.

The qualitative Overall MEC Risk Scores were used in the Group 2 Feasibility Study (Volume 3; ESCA RP Team 2013) to guide the development and evaluation of response alternatives for the CSUMB Off-Campus MRA during development and for reasonably anticipated future uses.

The response actions selected in this ROD are necessary to protect the public health or welfare from the possible presence of subsurface MEC.

The receptors identified for analysis in the MEC Risk Assessment for the CSUMB Off-Campus MRA included: trespasser, recreational user, maintenance worker, resident, and construction worker. The overall MEC risk score for each receptor was "A" (lowest risk).

2.11. Remedial Action Objectives

The remedial action objective (RAO) for the CSUMB Off-Campus MRA is based on the MEC Risk Assessment results and on EPA's Remedial Investigation/Feasibility Study Guidance (EPA 1988) to achieve the EPA's threshold criteria of "Overall Protection of Human Health and the Environment" and "Compliance with ARARs." The RAO developed for the protection of human health and the environment for Group 2 is to prevent or reduce the potential for the CSUMB Off-Campus MRA reuse receptors to come in direct contact with MEC items potentially remaining in subsurface soil.

As described in EPA's Land Use in the CERCLA Remedy Selection Process (EPA 1995), "Remedial action objectives provide the foundation upon which remedial cleanup alternatives are developed. In general, remedial action objectives should be developed in order to develop alternatives that would achieve cleanup levels associated with the reasonably anticipated future land use over as much of the site as possible. EPA's remedy selection expectations described in section 300.430 (a) (1) (iii) of the NCP should also be considered when developing remedial action objectives. Where practicable, EPA expects to treat principal threats, to use engineering controls such as containment for low-level threats, to use institutional controls to supplement engineering controls...."

For the purpose of this ROD, the contaminant of concern within the CSUMB Off-Campus MRA is MEC. The potential for soil contamination from munitions constituents at the former Fort Ord is being addressed under the Army's Basewide Range Assessment (BRA) Program (Shaw/MACTEC 2009). Based on the BRA Program, no further action has been recommended for HAs within the CSUMB Off-Campus MRA (Shaw/MACTEC 2009). In addition, the EPA and the DTSC have concurred that no further action is necessary at Installation Restoration Program Site 39B (Inter-Garrison Site; Army 2007) located within the MRA; however, subsequent soil sampling resulted in removal and disposal of approximately 20 cubic yards of soil from HA-161. Confirmation samples indicated that residual soil concentrations for lead were below the target cleanup concentrations (Shaw 2011). As a follow-up to the 3rd Five-Year Review, an additional evaluation was conducted to determine the protectiveness of the human health-based cleanup levels for the Interim Action sites with lead in soil, including Site 39B. Based on this evaluation, the soil remedial action taken at Site 39B is protective for residential use (Army 2013b).

Consistent with EPA's guidance, (1) the principal threats at the CSUMB Off-Campus MRA have already been treated (i.e., MEC removal actions have been completed), and (2) institutional controls (herein referred to as land use controls or LUCs) are considered appropriate remedial alternatives.

2.12. Description of Alternatives

Three remedial alternatives were evaluated for the CSUMB Off-Campus MRA in the Group 2 Feasibility Study (Volume 3; ESCA RP Team 2013). The alternatives were summarized in the Group 2 Proposed Plan (Army 2013a).

Long-term management measures (deed notice and restrictions, annual monitoring, and five-year review reporting) are implementation and management measures for Alternatives 2 and 3. Long-term management measures are described further in Section 2.14.3. The cost associated with implementing these measures over a period of 30 years is approximately \$210,000.

The Group 2 Risk Assessment (Volume 2; ESCA RP Team 2013) estimated the Overall MEC Risk Scores for each receptor is "A", the lowest risk. Although previous removal actions have been conducted on the MRA, the potential exists for MEC to remain in the subsurface. Therefore, the risks associated with intrusive receptors (maintenance workers, construction workers, and residents) are assumed to remain at a level that requires mitigation. The three remedial alternatives developed to mitigate this risk are summarized below:

Alternative 1 – No Further Action

This alternative assumes no further action would be taken at the CSUMB Off-Campus MRA to address potential MEC risks for those receptors identified in the risk assessment. This alternative is provided as a

baseline for comparison to the other remedial alternatives, as required under CERCLA and the NCP. There are minimal costs associated with implementation of this alternative.

Alternative 2 – Land Use Controls

This alternative assumes that LUCs, without additional MEC remediation on any portion of the CSUMB Off-Campus MRA, would be implemented to address potential MEC risks for intrusive or ground-disturbing reuse. The LUCs alternative consists of MEC recognition and safety training, construction support, and continuation of the existing residential use restriction in the proposed future non-residential reuse area. The residential use restriction would be removed from the proposed future residential reuse area. The components of the alternative are described below:

MEC Recognition and Safety Training - People involved in intrusive operations during the proposed reuses and development at the CSUMB Off-Campus MRA would be required to attend the MEC recognition and safety training to increase their awareness of and ability to identify MEC items. Prior to planned intrusive activities, the property owner would be required to notify FORA or its successor to provide MEC recognition and safety training for all workers performing intrusive activities.

Construction Support - Construction support, either on-call or onsite, would be arranged during the construction and maintenance planning stages of the project prior to the start of any intrusive or ground-disturbing activities. For on-call construction support, UXO-qualified personnel must be contacted prior to the start of intrusive or ground-disturbing activities to ensure their availability, advised about the project, and placed “on call” to assist if suspected MEC are encountered during construction and maintenance. During on-call support, UXO technicians have the option to be present at the site during intrusive activities if warranted. For onsite construction support, UXO-qualified personnel will attempt to identify and remove any explosive hazard in the construction footprint prior to any intrusive construction activities. If evidence of MEC is found during construction activities, the intrusive or ground-disturbing work would immediately cease, no attempt would be made to disturb, remove, or destroy the MEC, and the local law enforcement agency having jurisdiction on the property would be immediately notified so that appropriate explosive ordnance disposal personnel could be dispatched to address the MEC, as required under applicable laws and regulations.

Residential Use Restriction - Residential use restriction placed on the CSUMB Off-Campus MRA property at the time of property transfer to FORA would be maintained only for the proposed future non-residential reuse area. Restrictions prohibiting residential use in the proposed future residential area would be removed. For the purpose of this decision document, 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).

The LUCs included in this alternative are based on the planned reuse of the CSUMB Off-Campus MRA. The specific details of LUCs would be presented in the Remedial Design/Remedial Action (RD/RA) Work Plan, or similar document. The cost associated with implementing this alternative is estimated to be \$1.2 million. In addition, a long-term management cost of \$210,000 applies to this alternative.

Alternative 3 – Additional Subsurface MEC Remediation

This alternative assumes that subsurface MEC remediation would be conducted throughout the entire footprint of the CSUMB Off-Campus MRA. This alternative includes implementing the appropriate type of vegetation clearance in the MRA, if necessary, and the implementation of additional MEC remediation. Additional subsurface MEC remediation would involve detection and removal of subsurface MEC to the depth of detection using best available and appropriate detection technology and procedures and Department of Defense Explosives Safety Board (DDESB)-approved MEC detonation procedures in areas where explosive MEC items are identified during remedial activities and require disposal. Debris including MD that was found or detected during the process would also be removed, to the extent feasible. The specific details of the vegetation clearance methods and the MEC detection equipment would be presented in the RD/RA Work Plan, or similar document. The cost associated with implementing this alternative is estimated to be \$6.9 million. In addition, a long-term management cost of \$210,000 applies to this alternative.

2.13. Principal Threat Wastes

Munitions responses have been completed at the CSUMB Off-Campus MRA. All MEC items which would meet the principal threat waste criteria identified as part of the investigation have already been addressed. The selected remedy includes LUCs because detection technologies may not detect all MEC present. The source material constituting the principal threats at the CSUMB Off-Campus MRA are MEC that potentially remain below the ground surface (in the subsurface).

The selected remedy will address the residual threats through implementing the following LUCs:

- MEC recognition and safety training for people that will conduct ground-disturbing or intrusive activities;
- Construction support for ground-disturbing or intrusive activities to address the possibility that MEC remains in the subsurface; and
- Restrictions prohibiting residential use only in the proposed future non-residential reuse area. Restrictions prohibiting residential use in the proposed future residential area will be removed. The existing residential CRUP will be removed when DTSC has received a request for modification and has concurred that the Residential Protocol (DTSC, 2008) has been successfully and correctly implemented.

2.14. Selected Remedy

2.14.1. Summary of the Rationale for the Selected Remedy

Each alternative developed for the CSUMB Off-Campus MRA was assessed against the nine EPA evaluation criteria described in Table 3. Using the results of this assessment, the alternatives were compared and a remedy selected for the MRA. The remedy that best meets the nine evaluation criteria is Alternative 2 (Land Use Controls). This remedy was selected because LUCs will be protective of human health for future land users, and would be effective in the short- and long-term at mitigating the risk to workers conducting ground-disturbing or intrusive activities from MEC that is potentially present. This remedy will require a low level of effort to implement, a moderate level of effort to administer over time, and would be cost effective. The remedy can be implemented in a manner consistent with Federal and State guidance.

The Army and EPA have jointly selected the remedy. The DTSC has had an opportunity to review and comment on the ROD.

Community acceptance is discussed in the Responsiveness Summary (Section 3.0). The selected remedy is further described below.

2.14.2. Description of the Selected Remedy

The selected remedial alternative for the CSUMB Off-Campus MRA is Alternative 2 (Land Use Controls). LUCs and their implementation strategy are described below.

Land Use Controls

The LUCs that will be implemented at the CSUMB Off-Campus MRA include requirements for: (1) MEC recognition and safety training for people that will conduct ground-disturbing or intrusive activities, (2) construction support for ground-disturbing or intrusive activities to address MEC that potentially remains in the subsurface, and (3) restrictions prohibiting residential use in the proposed future non-residential reuse area.

- **MEC recognition and safety training** - For the areas addressed in this ROD, ground-disturbing or intrusive activities are expected to occur. Personnel involved in ground-disturbing or intrusive operations at these areas will be required to attend the MEC recognition and safety training to increase their awareness of and ability to identify MEC items. Prior to conducting ground-disturbing or intrusive activities, the property owner will be required to notify FORA or its successor to provide MEC recognition and safety training for all persons performing ground-disturbing or intrusive activities.

MEC recognition and safety training will be evaluated 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 regulatory approval.

- **Construction support** - Construction support by UXO-qualified personnel is required during any intrusive or ground-disturbing construction activities at the CSUMB Off-Campus MRA 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 intrusive or ground-disturbing activities. If evidence of MEC is found during construction support activities, the intrusive or ground-disturbing work will immediately cease, no attempt will be made to disturb, remove, or destroy the MEC, and the local law enforcement agency having jurisdiction on the property will be immediately notified so that appropriate explosive ordnance disposal personnel can be dispatched to address the MEC, as required under applicable laws and regulations. Construction support may be applicable in the short term during development of the reuse area, and/or in the long term during established reuse.

Construction support will be evaluated 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 indicates that this LUC is no longer necessary, construction support may be discontinued with regulatory approval.

- **Restrictions prohibiting residential use** - Residential use restriction placed on the CSUMB Off-Campus MRA property at the time the property was transferred will be maintained for the proposed future non-residential reuse area. Restrictions prohibiting residential use in the proposed future residential area will be removed. 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).

2.14.3 Land Use Control Implementation Strategy

The performance objectives for the LUCs that are 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 when encountering MEC and report to the appropriate authority.
- **Construction support:** to ensure projects involving ground-disturbing or intrusive activities are coordinated with UXO-qualified personnel so discoveries of potential MEC items will be handled appropriately. Mechanisms for implementing the requirement for construction support may include local ordinance(s), and details of implementation will be described in the RD/RA Work Plan for the LUCs.
- **Restrictions prohibiting residential use:** to ensure that any proposals to allow residential development or modifications to residential restrictions for the proposed future non-residential reuse area are approved by EPA and Army in coordination with DTSC.

LUCs will be maintained until 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.

The LUCs and the implementation actions will be explained in more detail in the RD/RA Work Plan. In accordance with the ESCA, the AOC, and the FFA Amendment No.1, FORA will prepare a LUC Remedial Design which shall contain implementation, monitoring and maintenance actions, including periodic reports. Within 21 days of the signature of the ROD, FORA shall provide EPA and DTSC for review and approval a schedule for implementation of a LUC remedial design.

As part of the implementation plan, the RD/RA Work Plan will also describe the following long-term management measures:

- **Existing land use restriction:** The deed to FORA for the CSUMB Off-Campus MRA parcel restricts residential use. The deed will be modified to remove the residential use restriction on the proposed future residential reuse area. The residential use restriction will remain for the proposed future non-residential reuse area. 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 CRUP for the CSUMB Off-Campus MRA parcel restricts residential use. After the signature of this ROD, DTSC will modify the existing CRUP when DTSC has received a request for modification and has concurred that the Residential Protocol (DTSC, 2008) has been successfully and correctly implemented.
- **Annual monitoring and reporting:** After this ROD is signed, FORA, or its successor entity under the ESCA and the AOC, will perform annual monitoring and reporting. FORA or its successor entity

will notify the regulatory agencies, 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 the approval of the EPA and DTSC.

The standard procedure for reporting any encounter with a known or suspected MEC item in the transferred former Fort Ord property is to immediately report the encounter to the local law enforcement agency having jurisdiction on the property so that appropriate explosive ordnance disposal personnel can be dispatched to address the MEC, as required under applicable laws and regulations. After the response, the probability of encountering MEC will be reassessed. If the probability of encountering MEC is low, construction may resume with construction support. If the probability of encountering MEC is moderate to high, UXO-qualified personnel will attempt to identify and remove any explosive hazard in the construction footprint prior to any intrusive construction activities.

FORA or its successor will notify the regulatory agencies, as soon as practicable, of any MEC-related data identified during use of the property, and report the results of monitoring activities annually. The Army will conduct five-year reviews. If additional evaluation or work or modification of the selected remedy is proposed based on such review, it will be implemented in accordance with Paragraph 34 of the AOC, and/or Section C.4.1.7 of the ESCA.

Pursuant to the ESCA, the AOC and the FFA Amendment No.1, FORA assumes full responsibility for completion of necessary CERCLA response actions (except Army Obligations) which include implementing, maintaining, reporting, and enforcing the land use controls. 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).

2.14.4. Summary of the Estimated Remedy Costs

For those alternatives whose life-cycle is indeterminate or exceeds 30 years, for the purposes of evaluating and comparing alternatives as specified in EPA's Remedial Investigation/Feasibility Study Guidance (EPA 1988), a period of 30 years is used for estimating long term O&M costs. For the CSUMB Off-Campus MRA, the life-cycle is indeterminate; therefore, long term O&M costs were estimated over a period of 30 years. Capital and long term O&M costs for implementing and maintaining LUCs under Alternative 2 are estimated at a total of approximately \$1.2 million for the reuse areas within the CSUMB Off-Campus MRA. Capital and long term O&M costs for implementing and maintaining Long Term Management Measures are estimated at approximately \$210,000 for the reuse areas within the MRA. Therefore, the total estimated 30-year Net Present Value cost of the remedy is approximately \$1.4 million. Long term O&M costs are based on a 2.7 percent real interest rate for Years 1-7 (assumed duration for development and construction), and a 2.7 percent real interest rate for Years 8-30 (established reuse). A detailed, activity-based breakdown of the estimated costs associated with implementing and maintaining the remedy is provided in the Group 2 Feasibility Study (Volume 3; ESCA RP Team 2013).

2.14.5. Expected Outcomes of Selected Remedy

The expected outcomes of the selected remedy would be protection of human health and the environment through implementation of LUCs.

If residential development is planned for the proposed future non-residential reuse portion of the CSUMB Off-Campus MRAs included in this ROD, the plans will be subjected to regulatory agency and Army review and approval.

2.15. Statutory Determinations

The selected remedy satisfies the requirements of Section 121 of CERCLA as follows:

- Protection of Human Health and the Environment: The selected remedy provides protection for both human health and the environment through implementation of LUCs to mitigate the risk from potentially remaining MEC.
- Compliance with Applicable or Relevant and Appropriate Requirements: The selected remedy can be implemented in a manner consistent with Federal and State guidance. While the Army does not consider California laws and regulations concerning CRUPs to be potential ARARs, the Army entered into CRUPs with the DTSC at the time the property was transferred to FORA. The DTSC will modify the existing CRUP, as appropriate, to reflect the land use restrictions included in the selected remedy. Although the DTSC and the EPA Region IX disagree with the Army's determination that California laws and regulations concerning CRUPs are not potential ARARs, they will agree-to-disagree on this issue since the Army executed the CRUPs and the DTSC will modify the CRUPs, as appropriate, to be consistent with the identified remedy.
- Cost Effectiveness: The selected remedy is a cost-effective solution for reducing the risks to human health and the environment. The Net Present Value of the total estimated costs for the reuse areas within the CSUMB Off-Campus MRA (including long term management measures costs of \$210,000) is approximately \$1.4 million (including long term management measures costs of \$210,000) for the selected remedy of Land Use Controls (Alternative 2), which is well below the estimate for Additional MEC Remediation (Alternative 3) of approximately \$7.1 million (including long term management measures costs of \$210,000). In addition, costs for Alternative 3 may be higher than estimated because: (1) after additional MEC remediation is completed, these areas would require a re-evaluation of potential risk from MEC; and (2) the areas are likely to continue to require additional risk mitigation measures (e.g., LUCs) to protect human health during development and long-term reuse. There are minimal costs associated with Alternative 1.
- Utilization of Permanent Solutions and Alternative Treatment (or Resource Recovery) Technologies to the Maximum Extent Practicable: The principal threats at the CSUMB Off-Campus MRA have already been treated (i.e., MEC removal actions have been completed) utilizing permanent solutions and alternative treatment (or resource recovery) technologies to the maximum extent practicable.
- Preference for Treatment as a Principal Element: The principal threats at the CSUMB Off-Campus MRA have already been addressed (i.e., MEC removal actions have been completed), satisfying the statutory preference for treatment as a principal element (i.e., reducing the toxicity, mobility, or volume of hazardous substances, pollutants, or contaminants as a principal element through treatment).
- Five-Year Review Requirements: Because the selected remedy may result in MEC potentially remaining within the CSUMB Off-Campus MRA, a statutory review will be conducted by the Army

within five years after initiation of the remedial action to ensure the remedy is, or will be, protective of human health and the environment. The purpose of a five-year review is to gather updated information, evaluate the condition of the site, and determine if the site remains safe from contamination that might be left at the site. The next five-year review will occur in 2017.

2.16. Documentation of Significant Changes from Preferred Alternative of Proposed Plan

As described in Section 2.4., the Proposed Plan for the Group 2 CSUMB Off-Campus MRA was released for public comment on June 5, 2013, and a public meeting was held on June 19, 2013. This Proposed Plan identified preferred remedial alternatives for the CSUMB Off-Campus MRA. Comments collected over the public review period between June 12, 2013, and July 12, 2013 did not necessitate any significant changes to the conclusions or procedures outlined in the Group 2 RI/FS and Group 2 Proposed Plan.

3. RESPONSIVENESS SUMMARY

3.1. Proposed Plan Overview

Based on the Final Group 2 RI/FS for the CSUMB Off-Campus MRA, dated February 18, 2013, the Army identified a preferred remedial alternative, which consists of the following requirements for future property users:

- MEC recognition and safety training (for people that will conduct ground-disturbing or intrusive activities, such as construction workers and maintenance workers)
- Construction support by UXO-qualified personnel (for ground-disturbing or intrusive activities)
- Restrictions prohibiting residential use in the proposed future non-residential reuse area.

3.2. Background on Community Involvement

Focused community involvement for the Group 2 Proposed Plan involved a notice of availability of the Proposed Plan for review, a 30-day public comment period, a public meeting, and a responsiveness summary to address comments received on the Group 2 Proposed Plan.

The Group 2 Proposed Plan notice of availability was published in the Monterey County Herald and the Salinas Californian newspapers on June 12, 2013. The 30-day public comment period began on June 12, 2013, and closed on July 12, 2013.

The public meeting was held on June 19, 2013, to present the Group 2 Proposed Plan to a broader community audience. At this meeting, representatives from the Army, EPA, and DTSC were present, and the public had the opportunity to submit written and oral comments about the Proposed Plan. Representatives from FORA were also present at the public meeting to answer questions on the Group 2 Proposed Plan. Copies of the comments received on the Proposed Plan and a transcript of the public comments are available at the former Fort Ord Administrative Record and on the former Fort Ord website at www.fortordcleanup.com.

The responsiveness summary responds to written comments received during the Group 2 Proposed Plan public comment period as well as oral comments expressed during the Group 2 Proposed Plan public meeting. Public comments submitted during the Group 2 Proposed Plan public comment period and the Army's responses provided in the following section.

3.3. Summary of Comments Received During the Public Comment Period and Department of the Army Responses

Public comments received during the Group 2 Proposed Plan public comment period and the Army's responses are summarized below.

Comments were received from the public: (1) at the public meeting held on June 19, 2013; and (2) in written comments received during the 30-day public comment period from June 12 to July 12, 2013.

Comment summaries are provided below and have been categorized based on the focus of each comment. The three categories are:

- A. Preferred Alternative and Supporting Information
- B. Community Involvement and Outreach
- C. Other Comments

A. Preferred Alternative and Supporting Information

A1: A commenter expressed support for the requirement of construction support at the CSUMB Off-Campus MRA as part of the proposed remedial alternative, citing the very low probability of any munitions item remaining on the site.

Response: The comment is acknowledged.

A2: A commenter expressed disappointment in the preferred remedial alternative, Alternative 2, Land Use Controls, citing concerns regarding the type of detection equipment used during munitions removal actions, the methodology of previous removal actions, and the credibility of the risk assessment performed for the CSUMB Off-Campus MRA. Concern was also expressed for the adequacy of the cleanup, the possibility that munitions may remain in the MRA, and reporting requirements under Alternative 2 for potential MEC discoveries by future land users. One commenter expressed support for Alternative 3, Additional Subsurface MEC Remediation.

Response: The specific concerns identified with respect to the detection equipment and methodology used during previous removal actions and the adequacy of the removal actions were evaluated in the Group 2 RI/FS. The Group 2 RI/FS included a removal action approach evaluation (Section 3.2), an equipment evaluation (Section 3.3), a data collection evaluation (Section 3.4), and a data analysis (Section 4.0) to determine the adequacy of previous removal actions. As presented in the Group 2 RI/FS, removal actions were conducted in the CSUMB Off-Campus MRA, with all detected MEC removed. These munitions response actions also included quality control and quality assurance requirements that validated the adequacy of the munitions response actions. Additionally, an RQA Pilot Study verification and quality assurance action was conducted in the proposed future residential reuse area of the CSUMB Off-Campus MRA. The Group 2 RI/FS concluded that the MRA had been sufficiently characterized for MEC and the data was of sufficient quality to be used for the risk assessment.

Although MEC is not expected to be encountered within the CSUMB Off-Campus MRA, it is possible that some MEC may not have been detected and remain present in the subsurface, as indicated in the Group 2 RI/FS. Therefore, a risk assessment and feasibility study were conducted and documented in the Group 2 RI/FS. Remedial action alternatives were evaluated using the nine CERCLA evaluation criteria to manage the risk to future land users from MEC that potentially remains in the property. The LUC remedy (Alternative 2) was determined to best meet the CERCLA evaluation criteria and will be protective of human health by requiring safety training and construction support for intrusive activities and restricting the property from residential use (i.e. sensitive uses) in the proposed future non-residential area, where the RQA Pilot Study verification and quality assurance action were not conducted. The LUCs are appropriate to address risks from MEC that may potentially remain at the site during reuse.

In the event that potential MEC is discovered by a future land user, the discovery should be immediately reported to the local law enforcement agency. The Army has included a notice in the property transfer deed (which will be carried through subsequent property transfers in perpetuity) describing that, should any MEC item be discovered in the future, it should immediately be reported to local law enforcement agency. Appropriate ordnance disposal personnel will address the discovered MEC. A RD/RA Work Plan

will be developed by FORA for the CSUMB Off-Campus MRA and will include procedures for responding to discoveries of MEC.

Under CERCLA and the National Contingency Plan, the Army follows the public participation and community involvement process, and encourages members of the local community and other interested parties to make comments on the Proposed Plan. The Army, in conjunction with the regulatory agencies, takes all comments into consideration prior to the selection of a final remedy. Community acceptance of the Proposed Plan is gauged using available public input and reactions to the information presented within the Proposed Plan as summarized in this Responsiveness Summary. The Army acknowledges some members of the community may not accept the Proposed Plan; however, many members of the public accept it and recognize the need for the proposed remedy.

A3: A commenter stated that the residential use restriction for the CSUMB-Off Campus MRA non-residential reuse area was not necessary, based on the site history, the cleanup completed, the number and type of munitions found and actions completed after the cleanup. Such a restriction places a burden on the future property owner which does not appear justified by the results of the risk assessment.

Response: As described in the Proposed Plan, based on the remedial investigation and risk assessment, MEC is not expected to be encountered within the non-residential reuse portion of the CSUMB Off-Campus MRA; however, it is possible that some MEC may not have been detected and remain present in the subsurface. Therefore, to manage the risk to future land users from MEC that potentially remains in the property, remedial action alternatives were evaluated. LUCs, including residential use restriction, were evaluated as a remedial alternative using the nine CERCLA evaluation criteria. Based on the results of this evaluation, LUCs including MEC recognition and safety training, construction support, and continuation of the existing residential use restriction in the proposed future non-residential reuse area were determined to be protective of human health. The selected LUCs are appropriate to address risks from MEC that may potentially remain at the proposed future non-residential reuse area within the CSUMB Off-Campus MRA.

A4: A commenter stated that analysis of tank training on the former Fort Ord had not been adequately addressed for the CSUMB Off-Campus MRA.

Response: Based on historical records, it appears that tank driving training did occur at the former Fort Ord; however, no evidence of firing from tanks has been identified. The Group 2 RI/FS includes a site-specific evaluation of archival and field-based investigation data. As stated in Section 4.2.2, Types of Munitions Removed, of the Group 2 RI/FS Volume 1, antitank munitions were recovered on the MRA. Recovered munitions included M22 antitank guided missile simulator, M1A1 and 604 practice antitank mine fuzes, and M1 antitank mine activators; however, these were non-penetrating items and would be expected to be found at or near the surface. Additionally, very few M11 antitank practice rifle grenades and 35 mm M73 antitank sub caliber practice rockets were recovered during the removal actions conducted within the CSUMB Off-Campus MRA indicating that training specifically associated with these items did not likely occur in this area (ESCA RP Team 2013).

The Group 2 RI/FS also included a risk assessment and an evaluation for remedial alternatives considered for the CSUMB Off-Campus MRA. Residual risks were carefully considered during the risk assessment process and LUCs, specifically designed to address residual risks, have been identified for the CSUMB Off-Campus MRA.

A5: A commenter suggested that additional information may be available that supports the preferred remedial alternative, such as records from the Army's munitions response site security program, which

documents discovery of munitions items. The commenter stated that since the time the munitions response actions were completed, many individuals who received MEC recognition and safety training have participated in activities that have the potential to uncover munitions items at the CSUMB Off-Campus MRA, such as community events including organized trash collections, and site walks performed by FORA and the regulatory agencies. Information gathered from these activities is valuable and should be documented in the Record of Decision.

Response: Records of MEC incidents were reviewed and no incidents were reported for the CSUMB Off-Campus MRA. With the selection of the final remedy, FORA or its successor will notify the regulatory agencies, as soon as practicable, of any MEC-related data identified during use of the property. Information for the CSUMB Off-Campus MRA regarding MEC finds will be reported by FORA or its successor annually. This information will be evaluated by the Army during the five-year review process to determine whether the selected remedy continues to be protective of human health and the environment. The next five-year review will occur in 2017.

B. Community Involvement and Outreach

B1: Comments were made regarding involvement of the community, including CSUMB faculty and students, during the cleanup process. Concern was expressed that community members may not have been adequately informed about the cleanup process and associated activities, and that they were not present at the Proposed Plan public meeting.

Response: Working with the community throughout the cleanup process is an important priority to the Army. The Army strives to do this through, in part, making the cleanup information available to the public and inviting the public to participate in the decision-making process. The Fort Ord Cleanup Program maintains an extensive community outreach program to keep the public informed about the cleanup activities at the former Fort Ord and provide opportunities for the public to participate during the decision-making process. An extensive public participation process is also being implemented by FORA as part of the ESCA Remediation Program at the former Fort Ord. The Group 2 CSUMB Off-Campus MRA is part of the ESCA Remediation Program.

Information about the Group 2 RI/FS has been presented to the community through newsletters, ESCA Informal Community Workshops, and Army Community Involvement Workshops. As part of the Fort Ord Cleanup Program's extensive community outreach program, the draft and draft final Group 2 RI/FS Work Plan were made available for public review and comment, and the comments were considered and incorporated into the Final Group 2 RI/FS Work Plan, which was issued on July 8, 2009. The draft and draft final Group 2 RI/FS were also provided for review and comment by the public, and the comments were considered and incorporated into the Final Group 2 RI/FS on February 18, 2013. The Proposed Plan for the CSUMB Off-Campus MRA was made available to the public on June 5, 2013 for a 30-day public comment period. The Army made these documents available to the public in the following manner:

- California State University Monterey Bay (CSUMB) Tanimura & Antle Family Memorial Library, Divarty Street, CSUMB Campus, Seaside, California
- Seaside Library, 550 Harcourt Avenue, Seaside, California
- Fort Ord Administrative Record, Building 4463, Gigling Road, Room 101, Ord Military Community, California
- www.fortordcleanup.com website

- Approximately 800 copies of the Proposed Plan were mailed out to the Army's mailing list on June 5, 2013
- Over 2,200 e-mails were sent notifying interested community members of the availability of the Group 2 Proposed Plan, the public comment period, and the public meeting
- Copies of the Proposed Plan were distributed at the June 19, 2013 Proposed Plan public meeting

Notices of the availability of the Proposed Plan and the date and location of the Proposed Plan Public Meeting were published in the Monterey County Herald and the Salinas Californian on June 12, 2013. Additionally, notices on the availability of the Proposed Plan were published using the:

- Army website
- FORA website
- FORA ESCA Remediation Program website
- FORA ESCA Remediation Program Facebook page
- FORA ESCA Remediation Program email list

B2: A commenter stated that the title of the Proposed Plan was not clear in conveying the purpose of the document, and noted points of the Proposed Plan as needing further clarification for the public.

Response: As described in the Decision Making Process section (page 2) of the Group 2 Proposed Plan, the purposes of the document are to:

- Provide background information about the CSUMB Off- Campus MRA
- Describe the remedial options considered
- Identify the Preferred Alternative for remedial action at the CSUMB Off-Campus MRA and explain the reasons for the preference
- Solicit public review of and comment on the alternatives described
- Provide information on how the public can be involved in the remedy selection process for the CSUMB Off-Campus MRA.

The Proposed Plan's primary audience is the public. It was prepared in compliance with Section 117(a) of the CERCLA, or Superfund, and follows EPA guidance (EPA 1999). Non-technical language is used wherever possible and appropriate. Necessary technical terminology is defined in the glossary on pages 13 through 15 of the Proposed Plan. References to key supporting documents were provided, as well as how the documents can be accessed and contact information for the Army and regulatory agency representatives available to assist with understanding the information.

B3: A commenter asked how the public will be alerted in the event of an accident involving munitions at CSUMB Off-Campus MRA, and how the public will be notified of discoveries of munitions items.

Response: As described in the Proposed Plan (page 11), an RD/RA Work Plan will be developed by FORA for the CSUMB Off-Campus MRA. This work plan will include procedures for responding to and reporting future discovery of MEC in the CSUMB Off-Campus MRA. A process has been developed for reporting the discovery of MEC to an appropriate local law enforcement agency. The local law enforcement agency will promptly request response by UXO-qualified personnel. Any MEC finds or incidents will be reported immediately to the regulatory agencies and will be documented in annual reports. Annual reports will be made available on the Fort Ord Administrative Record which can be accessed online at www.fortordcleanup.com.

C. Other Comments

C1: A commenter expressed concerns that chemical contamination of the soil from munitions, pesticides, and herbicides in the area of the CSUMB Off-Campus MRA and elsewhere on the former Fort Ord had not been sufficiently addressed.

Response: The purpose of the Group 2 RI/FS, Proposed Plan, and this ROD, is to address the potential risk to future land users from MEC that potentially remain in the CSUMB Off-Campus MRA. Comments regarding soil contamination have previously been received during the development of the Group 2 RI/FS, and relevant information was incorporated into the final version as appropriate. Please refer to the responses to comments provided in Appendix C of the Group 2 RI/FS (ESCA RP Team 2013). In addition, the Administrative Record is a source of information on the cleanup of the former Fort Ord. The Fort Ord Administrative Record can be accessed online at www.fortordcleanup.com.

The Group 2 RI/FS and Proposed Plan only address the areas included within the CSUMB Off-Campus MRA. Areas located outside of the subject MRA are beyond the scope of the Group 2 RI/FS and Proposed Plan.

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TABLES

**Table 1. Summary of Munitions Response Site (MRS) Investigations
Record of Decision, Group 2 California State University Monterey
Bay Off-Campus Munitions Response Area,
Former Fort Ord, California**

MRS Site Number	Site Acreage	Site Name	Past Use	Site Investigation Status **
MRS-31 (includes MRS-04C, MRS-07, MRS-08, and MRS-18)	307.3	CSU Footprint	Chemical, biological, and radiological training in MRS-04C; mine and booby trap training in MRS-07 and MRS-08; minefield practice in MRS-18; troop maneuvers, confidence course, land navigation training, practice hand grenade training, and practice rifle grenade training	MEC removal to 3 and 4 feet bgs completed
MRS-13B	1.2*	Practice mortar range	Practice mortar training	MEC removal to 4 feet bgs completed
MRS-13C	24.1	CSU Footprint - Wedge	Practice mortar training	MEC removal to 4 feet bgs completed

Acronyms

MRS = munitions response site
 MEC = munitions and explosives of concern
 bgs = below ground surface

Footnotes

* Acreage stated is the portion of the MRS contained within the designated MRA.
 ** All detected anomalies (i.e., ferromagnetic material) were investigated and all detected MEC were removed during MEC removal actions.

**Table 2. Summary of Group 2 MRA Transfer Parcels
Record of Decision, Group 2 California State University
Monterey Bay Off-Campus Munitions Response Area,
Former Fort Ord, California**

Transfer Parcel No.	Approx. Acreage	Planned Reuse *
S1.3.2 (western portion)	49	Residential (CSUMB campus housing)
S1.3.2 (eastern portion)	284	Non-residential (CSUMB open space park)

Acronyms

CSUMB = California State University Monterey Bay

Footnotes

* Planned use information obtained from the *FORA Fort Ord Reuse Plan* (FORA 1997) and *CSUMB Master Plan, Volume I, Design Plan* (CSUMB 2007).

**Table 3. Summary of Remedial Alternatives Evaluation and Comparison
Record of Decision, Group 2 California State University Monterey Bay Off-Campus
Munitions Response Area, Former Fort Ord, California**

Remedial Alternative	EPA'S 9 CERCLA EVALUATION CRITERIA								
	Threshold Criteria		Balancing Criteria					Modifying Criteria	
	Overall Protectiveness of Human Health and the Environment	Compliance with ARARs	Short-Term Effectiveness	Long-Term Effectiveness & Permanence	Reduction of Toxicity, Mobility, or Volume Through Treatment ¹	Implementability	Cost	State Acceptance	Community Acceptance
Alternative 1 - No Further Action	Not protective; does not mitigate potentially remaining MEC risks to intrusive workers	No ARARs identified for this alternative	Not effective in the short-term; no MEC risk mitigation	Not effective in the long-term; no MEC risk mitigation	No reduction in volume because no further MEC removals would be conducted	Not administratively feasible	Minimal	Not acceptable	Not acceptable
Alternative 2 - Land Use Controls	Protective to construction and maintenance workers; mitigates risks to future residents	Continued implementation of land use restrictions with no ARARs identified for this alternative	Effective in the short-term; implementation of LUCs to mitigate MEC risks to construction and maintenance workers (intrusive workers)	Required training and construction support would mitigate risks to construction and maintenance workers (intrusive workers) until evaluation determines LUCs no longer necessary	No reduction in volume because no further MEC removals would be conducted	Technically and administratively feasible to implement	\$1,204,000	Accepted as the preferred alternative	Acceptable to some community members
Alternative 3 - Additional MEC Remediation	May be protective of human health and the environment	Implementation would require compliance with potential ARARs	May be effective in the short-term	May be effective in the long-term; additional risk mitigation may be required after additional MEC remediation	May result in MEC reduction if additional MEC is discovered and removed during remediation	Technically and administratively feasible to implement	\$6,920,000	Not selected	Acceptable to some community members

Acronyms

ARARs = applicable or relevant and appropriate requirements

CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act

EPA = U.S. Environmental Protection Agency

LUCs = Land Use Controls

MEC = munitions and explosives of concern

MRA = munitions response area

Footnotes

¹ = Completed MEC removal actions already provide for reduction of volume.

FIGURES

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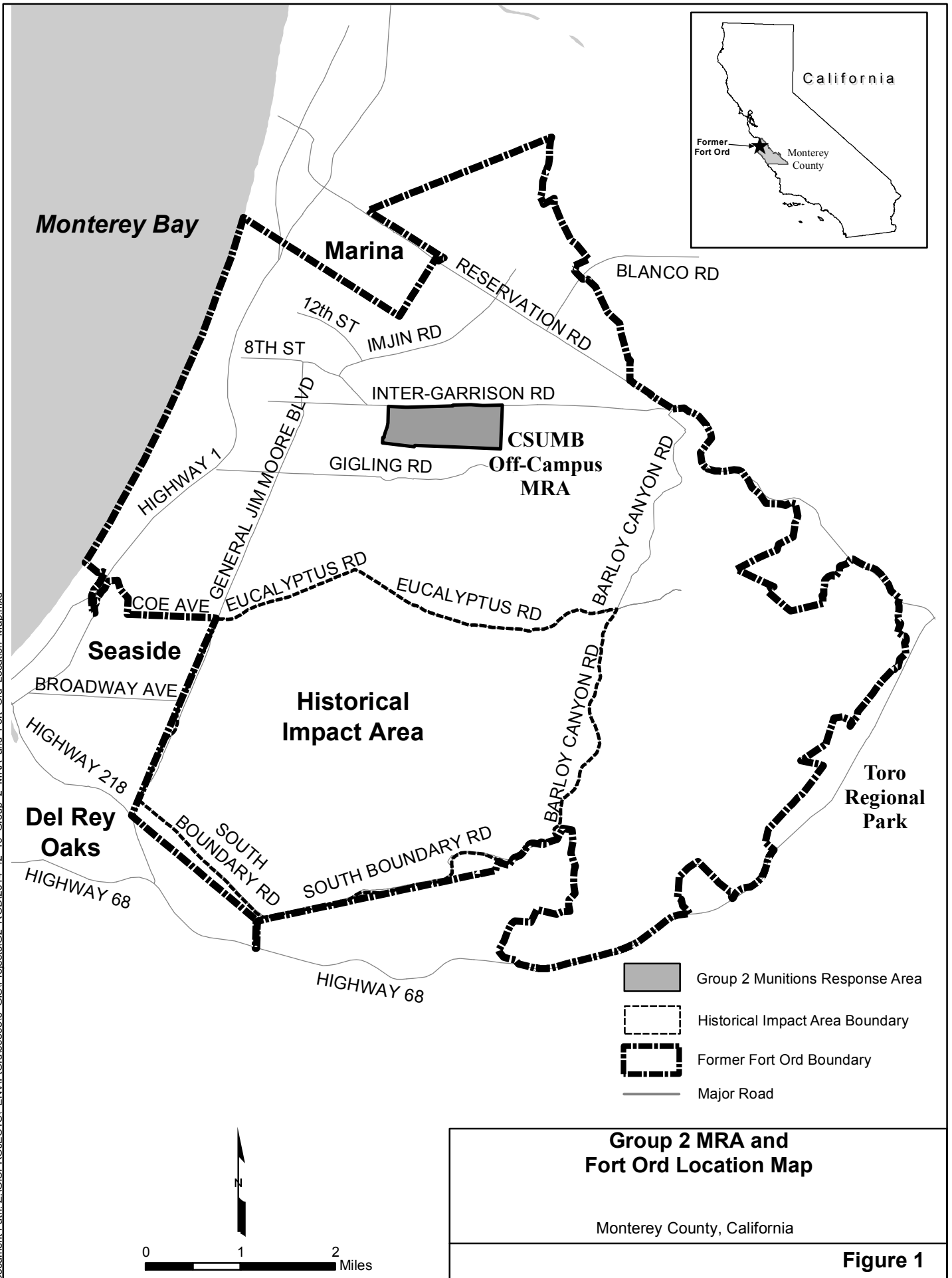
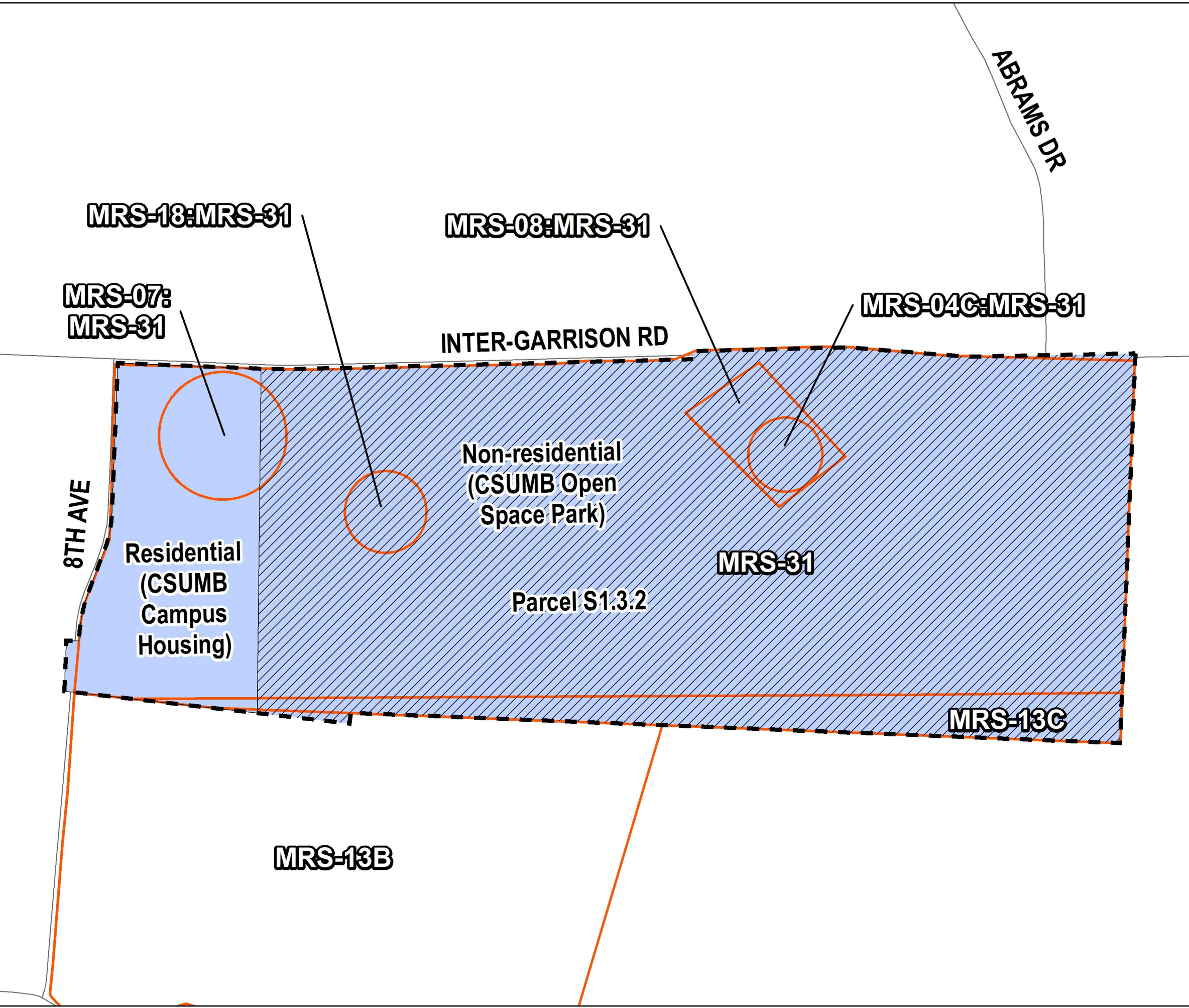







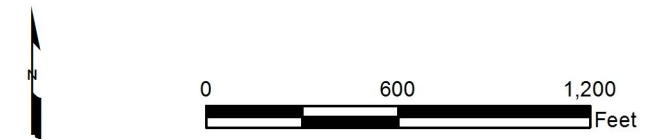
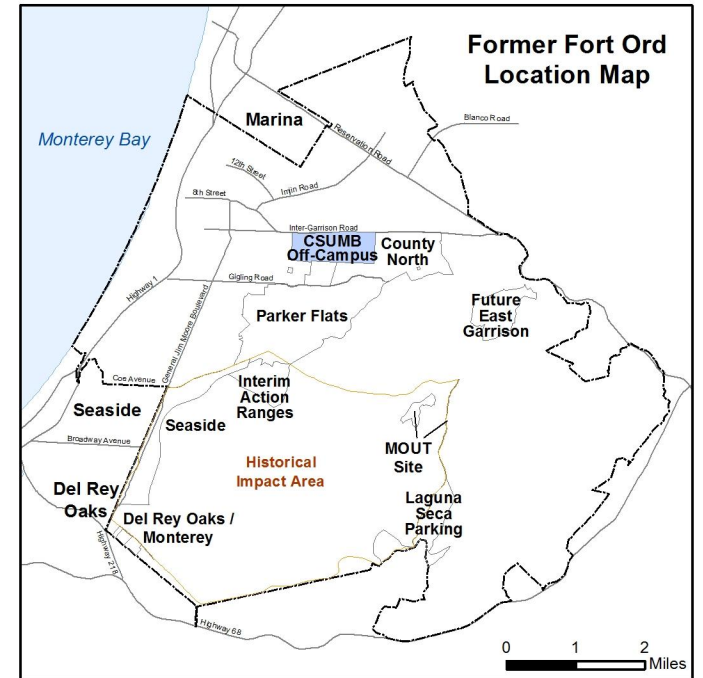
Figure 1

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Legend

-  Munitions Response Area (area subject to Land Use Controls)
-  Area Subject to Residential Use Restriction
-  USACE Parcel
-  MRS-31
-  Major Road



CSUMB Off-Campus MRA Reuse Areas and Munitions Response Sites

Monterey County, California

Figure 2

APPENDIX A

GLOSSARY OF MILITARY MUNITIONS RESPONSE PROGRAM TERMS

APPENDIX A**Glossary of Military Munitions Response Program Terms**

Administrative Record – A compilation of all documents relied upon to select a remedial action pertaining to the investigation and cleanup of the former Fort Ord. *Source:* (1).

After Action Report (AAR) – A report presenting the results of munitions and explosives of concern (MEC) investigation, sampling and/or removal actions conducted at a site pertaining to the investigation and cleanup of the former Fort Ord. *Source:* (1).

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, otherwise known as Superfund) – 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. *Source:* (1).

Construction Support – Assistance provided by the 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 intrusive construction 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. *Source:* (3).

Discarded Military Munitions (DMM) – 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 unexploded ordnance (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)).

For the purposes of the basewide Military Munitions Response Program (MMRP) being conducted at the former Fort Ord, DMM does not include small arms ammunition (.50 caliber and below).

Engineering Control (EC) – A variety of engineered remedies to contain and/or reduce contamination, and/or physical barriers intended to limit access to property. Some examples of ECs include fences, signs, guards, landfill caps, soil covers, provision of potable water, slurry walls, sheet pile (vertical caps), pumping and treatment of groundwater, monitoring wells, and vapor extraction systems. *Source:* (5).

Expended – The state of munitions debris (MD) in which the main charge has been expended leaving the inert carrier. *Source:* (1).

Feasibility Study (FS) – An evaluation of potential remedial technologies and treatment options that can be used to clean up a site. *Source:* (1).

Historical Impact Area – The historical impact area consists of approximately 8,000 acres in the southwestern portion of former Fort Ord, bordered by Eucalyptus Road to the north, Barloy Canyon Road to the east, South Boundary Road to the south, and North-South Road (renamed General Jim Moore Boulevard) to the west. *Source:* (1).

Institutional Control (IC) – (a) Non-engineered instruments such as administrative and/or legal controls that minimize the potential for human exposure to contamination by limiting land or resource use; (b) are

generally to be used in conjunction with, rather than in lieu of, engineering measures such as waste treatment or containment; (c) can be used during all stages of the cleanup process to accomplish various cleanup-related objectives; and (d) should be “layered” (i.e., use multiple ICs) or implemented in a series to provide overlapping assurances of protection from contamination. *Source:* (6).

Land Use Controls (LUCs) – LUC are physical, legal, or administrative mechanisms that restrict the use of, or limit access to, real property, to manage risks to human health and the environment. Physical mechanisms encompass a variety of engineering remedies to contain or reduce contamination and/or physical barriers to limit access to real property, such as fences or signs. *Source:* (3).

Magnetometer – An instrument used to detect ferromagnetic (iron-containing) objects. Total field magnetometers measuring the strength of the earth’s natural magnetic field at the magnetic sensor location. Gradient magnetometers, sensitive to smaller near-surface metal objects, use two sensors to measure the difference in magnetic field strength between the two sensor locations. Vertical or horizontal gradients can be measured. *Source:* (4).

Military Munitions – Military munitions means 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 Department of Defense (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 of the above.

The term does not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components, other than non-nuclear 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) – Department of Defense (DOD)-established program to manage the environmental, health and safety issues presented by munitions and explosives of concern (MEC). *Source:* (1).

Mortar – Mortars typically range from approximately 1 inch to 11 inches in diameter or larger, and can be filled with explosives, toxic chemicals, white phosphorus or illumination flares. Mortars generally have thinner metal casing than projectiles but use the same types of fuzing and stabilization. *Source:* (2).

Munitions Constituents (MC) – Any materials originating from unexploded ordnance (UXO), discarded military munitions (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. *Source:* (3).

Munitions and Explosives of Concern (MEC) – Distinguishes specific categories of military munitions that may pose unique explosives safety risks, such as: (A) unexploded ordnance (UXO), as defined in 10 U.S.C. 101(e)(5)(A through C); (B) discarded military munitions (DMM), as defined in 10 U.S.C. 2710 (e) (2); or (C) munitions constituents (e.g., Trinitrotoluene [TNT], Cyclotrimethylene trinitramine

[RDX]), as defined in 10 U.S.C. 2710(e)(3), present in high enough concentrations to pose an explosive hazard. (32 CFR 179.3).

For the purposes of the basewide Military Munitions Response Program (MMRP) being conducted for the former Fort Ord, MEC does not include small arms ammunition (.50 caliber and below).

Munitions Response Area (MRA) – Any area on a defense site that is known or suspected to contain unexploded ordnance (UXO), discarded military munitions (DMM), or munitions constituents (MC). Examples are former ranges and munitions burial areas. A MRA comprises of one or more munitions response sites (MRSs). (32 CFR 179.3).

Munitions Response Site (MRS) – A discrete location within a Munitions Response Area (MRA) that is known to require a munitions response. (32 CFR 179.3).

No Further Action – Determination following a remedial investigation or action that a site does not pose a significant risk and so requires no further activity under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). *Source:* (1).

Projectile – An object projected by an applied force and continuing in motion by its own inertia, as a bullet, bomb, shell, or grenade. Also applied to rockets and to guided missiles. *Source:* (2).

Proposed Plan – A plan that identifies the preferred alternative for a site cleanup, and is made available to the public for comment. *Source:* (1).

Record of Decision (ROD) – A ROD is the document used to record the remedial action decision made at a National Priorities List property. The ROD will be maintained in the project Administrative Record and project file. *Source:* (1).

Remedial Investigation (RI) – The RI is intended to “adequately characterize the site for the purpose of developing and evaluating an effective remedial alternative” (NCP, 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. *Source:* (1).

Superfund – See Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) above.

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, installations, personnel, or materials; and (C) remain unexploded, whether by malfunction, design, or any other cause. (10 U.S.C. 101(e)(5)(A through C)).

For the purposes of the basewide Military Munitions Response Program (MMRP) being conducted for the former Fort Ord, UXO does not include small arms ammunition (.50 caliber and below).

UXO-Qualified Personnel – Personnel who have performed successfully in military explosives ordnance disposal (EOD) positions, or are qualified to perform in the following Department of Labor, Service Contract Act, Directory of Occupations, contractor positions: Unexploded Ordnance (UXO) Technician II, UXO Technician III, UXO Safety Officer, UXO Quality Control Specialist or Senior UXO Supervisor. *Source:* (3)

Sources:

(1) Non-standard definition developed to describe Fort Ord-specific items, conditions, procedures,

- principles, etc. as they apply to issues related to the munitions and explosives of concern (MEC) cleanup.
- (2) U.S. Department of Defense Environment, Safety and Occupational Health Network and Information Exchange. 1996. Unexploded Ordnance (UXO): An Overview. October.
 - (3) U.S. Department of Defense Manual Number 6055.09-M, Volume 8, SUBJECT: DoD Ammunition and Explosives Safety Standards: Glossary, Administratively Reissued. August 4, 2010.
 - (4) Survey of Munitions Response Technologies, June 2006. ITRC with ESTCP (Environmental Security and Technology Certification Program) and SERDP (Strategic Environmental Research and Development Program).
 - (5) Compendium of Department of Defense Acronyms, Terms, and Definitions. The Interstate Technology and Regulatory Council (ITRC) Work Group (Unexploded Ordnance Work Team), December 2000.
 - (6) Institutional Controls: A Site Managers' Guide to Identifying, Evaluating, and Selecting Institutional Controls at Superfund and RCRA Corrective Action Cleanups. US EPA Office of Solid Waste and Emergency Responses (OSWER) 9355.0-74FS-P, EPA 540-F-00-005. September, 2000.

APPENDIX B

Federal Deed

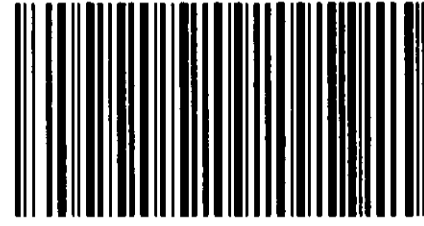
Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of

CRMELISSA
5/08/2009
8:00:00

Chicago Title

DOCUMENT: **2009028287**

Titles: 1/ Pages: 55



Fees.....
Taxes....
Other...
AMT PAID _____

**FORT ORD REUSE AUTHORITY
OFFICIAL BUSINESS
REQUEST DOCUMENT TO BE RECORDED
AND EXEMPT FROM RECORDING FEES
PER GOVERNMENT CODE 6103**

**Recording requested by and
when recorded mail to:**

George R. Schlossberg, Esq.
Kutak Rock LLP
1101 Connecticut Avenue, NW
Suite 1000
Washington, DC 20036

Space Above This Line Reserved for Recorder's Use

**QUITCLAIM DEED FOR
FORT ORD REUSE AUTHORITY (FORA)
BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY
COUNTY OF MONTEREY, CALIFORNIA
(Parcel S1.3.2)**

Documentary Transfer Tax \$0-government agency, exempt from DTT

Computed on full value of property conveyed
 Computed on full value less liens and encumbrances
remaining at time of sale

Signature of Declarant or agent - Firm name

**FORT ORD REUSE AUTHORITY
OFFICIAL BUSINESS
REQUEST DOCUMENT TO BE RECORDED
AND EXEMPT FROM RECORDING FEES
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**QUITCLAIM DEED FOR
FORT ORD REUSE AUTHORITY (FORA)
BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY
COUNTY OF MONTEREY, CALIFORNIA
(Parcel S1.3.2)**

THIS QUITCLAIM DEED, made and entered into between the **UNITED STATES OF AMERICA**, acting by and through the **SECRETARY OF THE ARMY (the "Grantor")**, under and pursuant to the power and authority contained in the Defense Base Closure and Realignment Act of 1990, as amended (Public Law No. 101-510, 10 U.S.C. § 2687) ("DBCRA"), and the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. § 101 *et seq.*); and the **FORT ORD REUSE AUTHORITY ("FORA") (the "Grantee")**, created under Title 7.85 of the California Government Code, Chapters 1 through 7, inclusive, commencing with Section 67650, *et seq.*, and selected provisions of the California Redevelopment Law, including Division 24 of the California Health and Safety Code, Part 1, Chapter 4.5, Article 1, commencing with Section 33492, *et seq.*, and Article 4, commencing with Section 33492.70, *et seq.*, and recognized as the Local Redevelopment Authority for the former Fort Ord Army Base, California, by the Office of Economic Adjustment on behalf of the Secretary of Defense.

WITNESSETH THAT:

WHEREAS, the Secretary of the Army may convey surplus property to a local redevelopment authority at a closing military installation for economic development purposes pursuant to the power and authority provided by DBCRA and the implementing regulations of the Department of Defense (32 CFR 174 and 176);

WHEREAS, Grantee, by application, requested an economic development conveyance of portions of the former Fort Ord, California, consistent with the redevelopment plan prepared by the Grantee;

WHEREAS, Section 334 of Public Law 104-201 allows, with the concurrence of the Governor of the State of California and the approval of the Administrator of the EPA, for the deferral of the requirement of 42 U.S.C. § 9620 (h)(3)(A)(ii)(I) prior to completion of all the necessary environmental remediation actions required under the CERCLA, which approval and concurrence have been received.

WHEREAS, a covenant to restrict use of property conveyed herein, within the "Special Groundwater Protection Zone," has been established between the Grantor, the Department of Toxic Substances Control ("DTSC") and the California Regional Water Quality Control Board, Central Coast Region. Construction of groundwater wells for access, use, or consumption of groundwater within the boundaries of the property conveyed herein is prohibited without prior written approval by the above parties as described in the Covenant to Restrict Use of Property ("CRUP") recorded in the County of Monterey, California on May 8, 2009 Series Number 2009028286

WHEREAS, the Grantor and the State of California Department of Toxic Substances Control have entered into a Munitions and Explosives of Concern ("MEC") Covenant to Restrict Use of Property, dated 4/21/09 2009 and recorded on May 8, 2009, series Number 2009028285 CT

NOW THEREFORE, the GRANTOR, for good and valuable consideration, the receipt of all of which is hereby acknowledged, does hereby REMISE, RELEASE, AND FOREVER QUITCLAIM unto the GRANTEE, its successors and assigns, all its right, title, and interest in the property situated, lying and being in the County of Monterey, in the State of California, Parcel S1.3.2 containing approximately 332.839 acres as shown on Exhibit A, attached hereto and made a part hereof (hereinafter referred to as the "Property").

AND IT IS FURTHER AGREED AND UNDERSTOOD by and between the parties hereto that the GRANTEE, by its acceptance of this Deed, agrees that, as part of the consideration for this Deed, the GRANTEE covenants and agrees for itself, its successors and assigns, forever, that this Deed is made and accepted upon each of the following covenants, which covenants shall be binding upon and enforceable against the GRANTEE, its successors and assigns, in perpetuity by the United States and other interested parties as allowed by federal, state or local law; that the NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS set forth herein are a binding servitude on the Property herein conveyed and shall be deemed to run with the land in perpetuity; and that the failure to include the NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS in subsequent

conveyances does not abrogate the status of these restrictions as binding upon the parties, their successors and assigns:

I. PROPERTY DESCRIPTION:

The Property includes:

1. All buildings, facilities, roadways, and other improvements, including the storm drainage systems and the telephone system infrastructure, and any other improvements thereon;
2. All appurtenant easements and other rights appurtenant thereto, permits, licenses, and privileges not otherwise excluded herein; and
3. All hereditaments and tenements therein and reversions, remainders, issues, profits, privileges and other rights belonging or related thereto.

II. EXCLUSIONS AND RESERVATIONS

This conveyance is made subject to the following **EXCLUSIONS** and **RESERVATIONS**:

1. The Property is taken by the Grantee subject to any and all valid and existing recorded outstanding liens, leases, easements, and any other encumbrances made for the purpose of roads, streets, utility systems, rights-of-way, pipelines, and/or covenants, exceptions, interests, liens, reservations, and agreements of record; and any unrecorded easements and any other encumbrances made for the limited purpose of roads, streets, utility systems, and pipelines set forth in Exhibit H.

2. The reserved rights and easements set forth in this section are subject to the following terms and conditions:

A. The Grantee is to comply with all applicable Federal law and lawful existing regulations;

B. The Grantor is to allow the occupancy and use by the Grantee, its successors, assigns, permittees, or lessees of any part of the easement areas not actually occupied or required for the purpose of the full and safe utilization thereof by the Grantor, so long as such occupancy and use does not compromise the ability of the Grantor to use the easements for their intended purposes, as set forth herein;

C. The easements previously granted or granted herein shall be for the specific use described and may not be construed to include the further right to authorize any other use

within the easements unless approved in writing by the fee holder of the land subject to the easement;

D. Any transfer of the easements by assignment, lease, operating agreement, or otherwise must include language that the transferee agrees to comply with and be bound by the terms and conditions of the original grant;

E. Unless otherwise provided, no interest reserved shall give the Grantor any right to remove any material, earth, or stone for consideration or other purpose except as necessary in exercising its rights hereunder; and

F. The Grantor is to restore the area of any easement or right of access so far as it is reasonably possible to do so upon abandonment or release of any easement as provided herein, unless this requirement is waived in writing by the then owner of the Property.

3. Grantor reserves mineral rights that Grantor owns with the right of surface entry in a manner that does not unreasonably interfere with Grantee's development and quiet enjoyment of the Property.

TO HAVE AND TO HOLD the Property granted herein to the GRANTEE and its successors and assigns, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, or claim whatsoever of the GRANTOR, either in law or in equity and subject to the terms, reservations, restrictions, covenants, and conditions set forth in this Deed.

III. CERCLA NOTICE, ASSURANCES, WARRANTY, AND ACCESS PROVISIONS

1. CERCLA NOTICE

For the Property, the Grantor provides the following notice and description:

A. Pursuant to section 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(I) and (II)), available information regarding the type, quantity, and location of hazardous substances and the time at which such substances were stored, released, or disposed of, as defined in section 120(h), is provided in Exhibit B, attached hereto and made a part hereof. Additional information regarding the storage, release, and disposal of hazardous substances on the Property has been provided to the Grantee in the Finding of Suitability for Early Transfer (FOSET) and the documents referenced therein, receipt of which the Grantee hereby acknowledges

B. Pursuant to section 120(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(III)), a

description of the remedial action taken, if any, on the Property is provided in Exhibit C, attached hereto and made a part hereof. Additional information regarding the remedial action taken, if any, has been provided to the Grantee in the Finding of Suitability for Early Transfer (FOSET) and the documents referenced therein, receipt of which the Grantee hereby acknowledges.

2. CERCLA RESPONSE ACTION ASSURANCES

For the Property, the Grantor provides the following description and assurances:

A. Pursuant to section 120(h)(3)(C)(ii)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(C)(ii)(I) and (II)), the Environmental Protection Provisions located at Exhibit D, attached hereto and made a part hereof, provide the conditions, restrictions, and notifications necessary to ensure protection of human health and the environment and to preclude any interference with ongoing or completed remediation activities at the former Fort Ord.

B. Pursuant to section 120(h)(3)(C)(ii)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(C)(ii)(III)), all corrective, remedial, or response actions necessary to protect human health and the environment will be taken with respect to any hazardous substance remaining on the Property as a result of storage, release, or disposal prior to the date of transfer, in accordance with the compliance schedule. The schedule will be developed in cooperation with the U.S. Environmental Protection Agency and the State of California. The schedules may be changed, as provided by the Fort Ord Federal Facility Agreement (FFA), as amended, and the Administrative Order on Consent (AOC).

C. Any corrective, remedial, or response action found to be necessary after the date of transfer shall be conducted by the Grantor, except those actions conducted by the Grantee on behalf of the Grantor. This warranty shall not apply in any case in which the person or entity to whom the Property is transferred is a potentially responsible party with respect to such property. For purposes of this warranty, Grantee shall not be considered a potentially responsible party solely due to the presence of a hazardous substance remaining on the Property on the date of this instrument. Further, the Grantor shall not be relieved of any obligation under CERCLA to perform any remedial action found to be necessary after the date of this Deed with regard to any hazardous substances remaining on the Property as of the date of this Deed if the Grantee is subsequently determined to be a potentially responsible party with respect to hazardous substances placed on the Property after the date of this Deed.

D. Pursuant to section 120(h)(3)(C)(ii)(IV) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(C)(ii)(IV)), the Grantor has submitted and will continue to submit through its established budget channels to the Director of the Office of Management and Budget a request

for funds that adequately addresses schedules for investigation and completion of all response actions required. Expenditure of any federal funds for such investigations or response actions is subject to Congressional authorization and appropriation of funds for that purpose. The Grantor will submit its funding request for the projects needed to meet the schedule of necessary response actions.

3. RIGHT OF ACCESS

A. Pursuant to section 120(h)(3)(A)(iii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(iii)), the United States retains and reserves a perpetual and assignable easement and right of access on, over, and through the Property, to enter upon the Property in any case in which a remedial or corrective action is found to be necessary on the part of the United States, without regard to whether such remedial action or corrective action is on the Property or on adjoining or nearby lands. Such easement and right of access includes, without limitation, the right to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test-pitting, installing monitoring or pumping wells or other treatment facilities, response action, corrective action, or any other action necessary for the United States to meet its responsibilities under applicable laws and as provided for in this instrument. Such easement and right of access shall be binding on the Grantee, its successors and assigns, and shall run with the land.

B. In exercising such easement and right of access, the United States shall provide the Grantee or its successors or assigns, as the case may be, with reasonable notice of its intent to enter upon the Property and exercise its rights under this covenant, which notice may be severely curtailed or even eliminated in emergency situations. The United States shall use reasonable means, but without significant additional costs to the United States, to avoid and to minimize interference with the Grantee's and the Grantee's successors' and assigns' quiet enjoyment of the Property. At the completion of work, the work site shall be reasonably restored. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the Property at a reasonable charge to the United States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the Grantee nor its successors and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

C. In exercising such easement and right of access, neither the Grantee nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer or employee of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this clause: Provided, however, that nothing in this paragraph shall be considered as a waiver by the Grantee and its successors and assigns of any remedy available to them under the Federal Tort Claims Act. In addition, the Grantee, its successors and assigns,

shall not interfere with any response action or corrective action conducted by the Grantor on the Property.

D. The Grantor reserves an assignable non-exclusive easement, in, on, over, under and across that portion of the Property as identified in Exhibit G for the purpose of access to maintain, repair, and deconstruct a portion of the Storm Sewer Main terminated at Outfall #13. This easement shall terminate upon the deconstruction of such portion of the Storm Sewer Main and Grantor shall provide Grantee, its successors and assigns, notice of such deconstruction in recordable form immediately upon completion of such deconstruction.

IV. "AS IS"

A. The Grantee acknowledges that it has inspected or has had the opportunity to inspect the Property and accepts the condition and state of repair of the subject Property. Except as otherwise provided herein, the Grantee understands and agrees that the Property and any part thereof is offered "AS IS" without any representation, warranty, or guaranty by the Grantor as to quantity, quality, title, character, condition, size, or kind, or that the same is in condition or fit to be used for the purpose(s) intended by the Grantee, and no claim for allowance or deduction upon such grounds will be considered.

B. No warranties either express or implied are given with regard to the condition of the Property, including, without limitation, whether the Property does or does not contain asbestos or lead-based paint. The Grantee shall be deemed to have relied solely on its own judgment in assessing the overall condition of all or any portion of the Property, including, without limitation, any asbestos or lead-based paint. The failure of the Grantee to inspect or to exercise due diligence to be fully informed as to the condition of all or any portion of the Property offered will not constitute grounds for any claim or demand against the United States.

C. Nothing in this "As Is" provision will be construed to modify or negate the Grantor's obligation under law.

V. HOLD HARMLESS

A. To the extent authorized by law, the Grantee, its successors and assigns, covenant and agree to indemnify and hold harmless the Grantor, its officers, agents, and employees from (1) any and all claims, damages, judgments, losses, and costs, including fines and penalties, arising out of the violation of the **NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS** in this Deed by the Grantee, its successors and assigns, and (2) any and all claims, damages, and judgments arising out of, or in any manner predicated upon, exposure to asbestos or lead-based paint on any portion of the Property after the date of conveyance.

B. The Grantee, its successors and assigns, covenant and agree that the Grantor shall not be responsible for any costs associated with modification or termination of the **NOTICES,**

USE RESTRICTIONS, AND RESTRICTIVE COVENANTS in this Deed, including without limitation, any costs associated with additional investigation or remediation of asbestos, lead-based paint, or other condition on any portion of the Property.

C. Nothing in this Hold Harmless provision will be construed to modify or negate the Grantor's obligation under law.

VI. POST-TRANSFER DISCOVERY OF CONTAMINATION

Grantee, its successors and assigns, as consideration for the conveyance of the Property, agree to release Grantor from any liability or responsibility for any claims arising solely out of the release of any hazardous substance or petroleum product on the Property occurring after the date of the delivery and acceptance of this Deed, where such substance or product was placed on the Property by the Grantee, or its successors, assigns, employees, invitees, agents or contractors, after the conveyance. This paragraph shall not affect the Grantor's responsibilities to conduct response actions or corrective actions that are required by applicable laws, rules and regulations, or the Grantor's indemnification obligations under applicable laws.

VII. ENVIRONMENTAL PROTECTION PROVISIONS

The Environmental Protection Provisions are at Exhibit D, which is attached hereto and made a part hereof. These provisions are intended to ensure protection of human health and the environment and to preclude any interference with ongoing or completed remediation activities at the former Fort Ord. The Grantee shall not transfer or lease the Property or any portion thereof, or grant any interest, privilege, or license whatsoever in connection with the Property, or any portion thereof, without the inclusion of the Environmental Protection Provisions contained herein to the extent applicable to the Property or a portion thereof, and shall require the inclusion of applicable Environmental Protection Provisions in all further deeds, easements, transfers, leases, or grant of any interest, privilege, or license concerning the Property or the applicable portion thereof.

VIII. AIR NAVIGATION RESERVATION AND RESTRICTIONS

The Monterey Peninsula Airport and the former Fritzsche Army Airfield, now known as the Marina Municipal Airport, are in close proximity to the Property. Accordingly, in coordination with the Federal Aviation Administration, the Grantee covenants and agrees, on behalf of itself, its successors and assigns and every successor in interest to the Property herein described, or any part thereof, that there will be no construction or alteration unless a determination of no hazard to air navigation is issued by the Federal Aviation Administration in accordance with Title 14, Code of Federal Regulations, Part 77, entitled, "Objects Affecting Navigable Airspace," or under the authority of the Federal Aviation Act of 1958, as amended.

IX. ENFORCEMENT AND NOTICE REQUIREMENT

A. The provisions of this Deed benefit the governments of the United States of America, the State of California, acting on behalf of the public in general, the local governments, and the lands retained by the Grantor and, therefore, are enforceable, by resort to specific performance or legal process by the United States, the State of California, the local governments, and by the Grantor, and its successors and assigns. Enforcement of this Deed shall be at the discretion of the parties entitled to enforcement hereof, and any forbearance, delay or omission to exercise their rights under this Deed in the event of a breach of any term of this Deed, shall not be deemed to be a waiver by any such party of such term or of any subsequent breach of the same or any other terms, or of any of the rights of said parties under this Deed. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including CERCLA. The enforcement rights set forth in this Deed against the Grantee, or its successors and assigns, shall only apply with respect to the Property conveyed herein and held by such Grantee, its successors or assigns, and only with respect to matters occurring during the period of time such Grantee, its successors or assigns, owned or occupied such Property or any portion thereof.

X. NOTICE OF NON-DISCRIMINATION

With respect to activities related to the Property, the Grantee covenants for itself, its successors and assigns, that the Grantee, and such successors and assigns, shall not discriminate upon the basis of race, color, religion, sex, age, handicap, or national origin in the use, occupancy, sale or lease of the Property, or in their employment practices conducted thereon in violation of the provisions of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Age Discrimination Act of 1975 (42 U.S.C. § 6102); and the Rehabilitation Act of 1973, as amended, (29 U.S.C. § 794). This covenant shall not apply, however, to the lease or rental of a room or rooms within a family dwelling unit; nor shall it apply with respect to religion to premises used primarily for religious purposes. The Grantor shall be deemed a beneficiary of this covenant without regard to whether it remains the owner of any land or interest therein in the locality of the Property hereby conveyed, and shall have the sole right to enforce this covenant in any court of competent jurisdiction.

XI. ANTI-DEFICIENCY ACT STATEMENT

The Grantor's obligation to pay or reimburse any money under this Deed is subject to the availability of appropriated funds to the Department of the Army, and nothing in this Deed shall be interpreted to require obligations or payments by the Grantor in violation of the Anti-Deficiency Act (Public Law 97-258, 31 U.S.C. § 1341).

XII. GENERAL PROVISIONS

A. SEVERABILITY. If any provision of this Deed, or the application of it to any person or circumstance, is found to be invalid, the remainder of the provisions of this Deed, or

the application of such provisions to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.

B. CAPTIONS. The captions in this Deed have been inserted solely for convenience of reference and are not a part of this Deed and shall have no effect upon construction or interpretation.

C. RIGHT TO PERFORM. Any right which is exercisable by the Grantee, and its successors and assigns, to perform under this Deed may also be performed, in the event of default by the Grantee, or its successors and assigns, by a lender of the Grantee and its successors and assigns.

XIII. OTHER CONDITIONS

Should the Property be considered for the proposed acquisition and construction of school properties utilizing State funding, at any time in the future, a separate environmental review process in compliance with the California Education Code Section 17210 *et seq.*, will need to be conducted and approved by DTSC.

XIV. THE CONDITIONS, RESTRICTIONS, AND COVENANTS

The conditions, restrictions, and covenants set forth in this deed are a binding servitude on the herein conveyed Property and will be deemed to run with the land in perpetuity. Restrictions, stipulations and covenants contained herein will be inserted by the Grantee verbatim or by express reference in any deed or other legal instrument by which it divests itself of either the fee simple title or any other lesser estate in the Property or any portion thereof. All rights and powers reserved to the Grantor, and all references in this deed to Grantor shall include its successor in interest and assigns. The Grantor may agree to waive, eliminate, or reduce the obligations contained in the covenants, **PROVIDED, HOWEVER**, that the failure of the Grantor or its successor to insist in any one or more instances upon complete performance of any of the said conditions shall not be construed as a waiver or a relinquishment of the future performance of any such conditions, but the obligations of the Grantee, its successors and assigns, with respect to such future performance shall be continued in full force and effect.

XV. LIST OF EXHIBITS

The following listed Exhibits are made a part of this Deed:

- Exhibit A: Legal Description of Property
- Exhibit B: FOSET Hazardous Substance, Storage, Release and Disposal Table
- Exhibit C: FOSET Description of Property Table
- Exhibit D: Environmental Protection Provisions

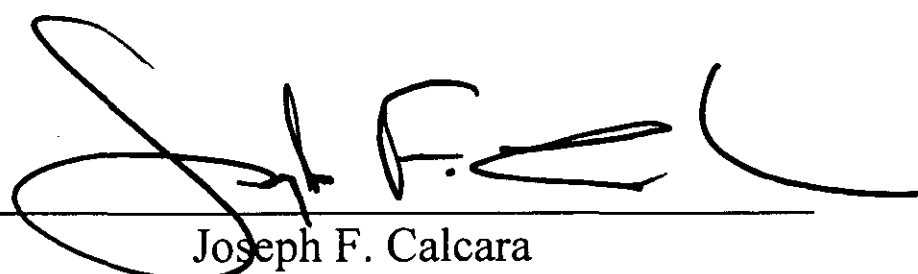
Deed No. DACA05-9-07-507

- Exhibit E: Notification of Munitions and Explosives of Concern (MEC)
- Exhibit F: Site maps depicting the locations of munitions response sites
- Exhibit G: Site Map depicting the location of the Storm Sewer Main terminating at
Outfall #13
- Exhibit H: Unrecorded Easements and Encumbrances.

[Signature Pages Follow]

IN WITNESS WHEREOF, the Grantor, the UNITED STATES OF AMERICA, acting by and through the SECRETARY OF THE ARMY, has caused these presents to be executed on this 19th day of MARCH 2009.

UNITED STATES OF AMERICA

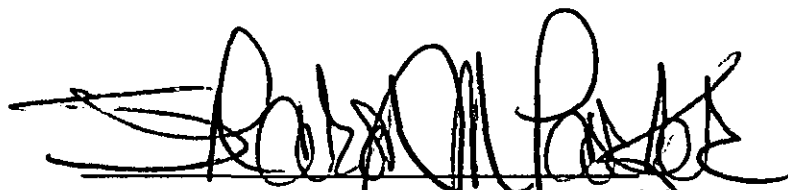
By 

Joseph F. Calcara
Deputy Assistant Secretary of the Army
(Installations and Housing)
OASA (I&E)

COMMONWEALTH OF VIRGINIA)
) ss
COUNTY OF ARLINGTON)

On 19 March 2009 before me, the undersigned, a Notary Public in and for said state, personally appeared Joseph F. Calcara, Deputy Assistant Secretary of the Army (Installations and Housing), personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and who acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.


Notary Public, Commonwealth of Virginia

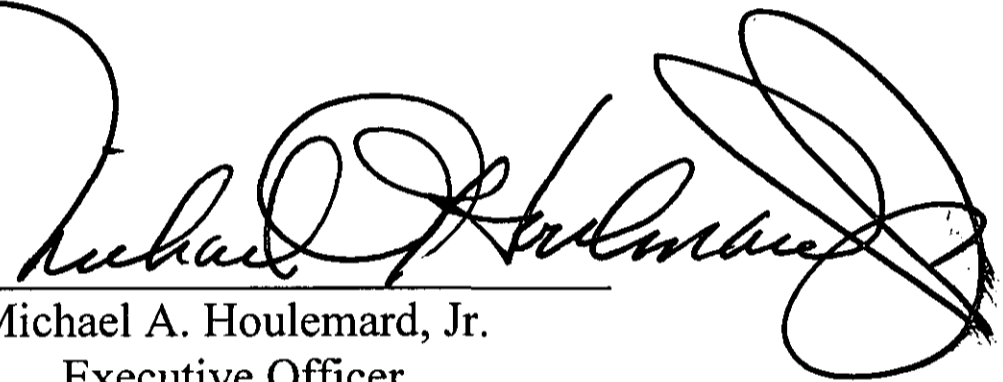
My commission expires: 31 Mar 2012



ACCEPTANCE:

In Testimony Whereof, witness the signature of the Fort Ord Reuse Authority ("Authority"), an organization organized and existing under the laws of the State of California under the Fort Ord Reuse Authority Act created under Title 7.85 of the California Government Code, Chapters 1 through 7, inclusive, commencing with Section 67650, et seq., and selected provisions of the California Redevelopment Law, including Division 24 of the California Health and Safety Code, Part 1, Chapter 4.5, Article 1, commencing with Section 33492, et seq., and Article 4, commencing with Section 33492.70, et seq., this SEVENTEENTH day of MARCH 2009 hereby accepts and approves this Quitclaim Deed for itself, its successors and assigns, and agrees to all the conditions, reservations, restrictions, and terms contained therein.

FORT ORD REUSE AUTHORITY
LOCAL REDEVELOPMENT AUTHORITY

By: 
Michael A. Houlemard, Jr.
Executive Officer

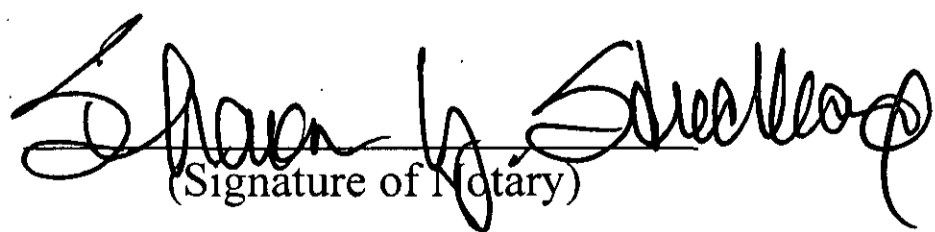
STATE OF CALIFORNIA

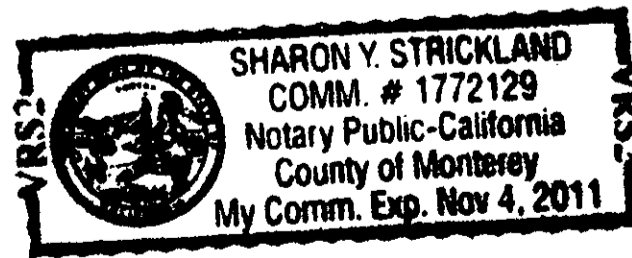
COUNTY OF Monterey

On 3-17-09 before me, Sharon Y. Strickland, (name of notary public) personally appeared Michael Houlemard, Jr. who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within instrument and who acknowledged to me that he she/they executed the same in their authorized capacity(ies), and by his her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY of PERJURY under the laws of the state of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


(Signature of Notary)



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PBC Parcel S1.3.2
 FOSET 5
 Fort Ord Military Reservation
 Monterey County, California

Legal Description

SITUATE in a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being all of Parcel 3B as it is shown on that certain map recorded in Volume 19 of Surveys at Page 86; and being more particularly described as follows:

BEGINNING at the northwest corner of said Parcel 3B being also a point on the southerly boundary of Parcel 7 as said parcel is shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence from said Point of Beginning along the common boundary between said Parcels 3B and 7

1. South $87^{\circ} 45' 00''$ East for a distance of 950.52 feet to the beginning of a tangent curve; thence
2. Along a curve to the left, through a central angle of $3^{\circ} 40' 00''$, having a radius of 2000.00 feet, for an arc length of 127.99 feet, and whose long chord bears South $89^{\circ} 35' 00''$ East for a distance of 127.97 feet to an intersection with a tangent line; thence
3. North $88^{\circ} 35' 00''$ East for a distance of 2505.45 feet to the southeast corner of Parcel 7 being also the southwest corner of Parcel 6, as said parcels are shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence leaving said common boundary of said Parcels 3B and 7 and running along the boundary common to said Parcels 6 and 7
4. North $3^{\circ} 30' 00''$ East for a distance of 50.18 feet along the boundary common to said Parcels 7 and 6 to the northwest corner of Parcel 6 being also the southwest corner of Parcel 8 as said parcels are shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence along the boundary common to said Parcels 6 and 8
5. North $88^{\circ} 35' 00''$ East for a distance of 912.70 feet to the beginning of a tangent curve; thence continuing along said common boundary of Parcels 6 and 8
6. Along a curve to the right, through a central angle of $5^{\circ} 55' 00''$, having a radius of 1050.00 feet, for an arc length of 108.43 feet, and whose long chord bears South $88^{\circ} 27' 30''$ East for a distance of 108.38 feet to an intersection with a tangent line; thence continuing along said common boundary of Parcels 6 and 8

PBC Parcel S1.3.2
FOSET 5
Fort Ord Military Reservation
Monterey County, California

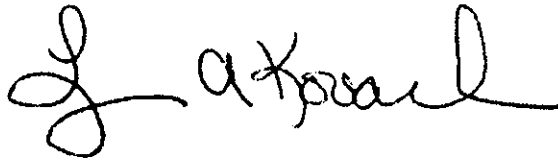
7. South 85° 30' 00" East for a distance of 616.17 feet to the beginning of a tangent curve; thence continuing along said common boundary of Parcels 6 and 8
8. Along a curve to the left, through a central angle of 05° 37' 00", having a radius of 1450.00 feet, for an arc length of 142.14 feet, and whose long chord bears South 88° 18' 30" East for a distance of 142.09 feet to a point of intersection with a tangent line; thence
9. North 88° 53' 00" East for a distance of 970.67 feet to the northeast corner of said Parcel 6; thence leaving said common boundary
10. South 2° 15' 00" West for a total distance of 2426.25 feet; at 56.10 feet the northwest corner of Parcel 1 as said parcel is shown on that certain map recorded in Volume 21 of Surveys at Page 64; at 1781.10 feet the southwest corner of said Parcel 1; at 2426.25 feet the southeast corner of said Parcel 3B; thence continuing along the southerly boundary of said Parcel 3B
11. North 87° 45' 00" West for a distance of 4791.91 feet; thence continuing along the southerly boundary of said Parcel 3B
12. South 06°27'43" West for a distance of 66.72 feet to the northeast corner of Parcel 7 as it is shown on that certain map recorded in Volume 21 of Surveys at Page 83; thence along the common boundary of said Parcels 3B and 7
13. North 83°31'30" West for a total distance of 1786.04 feet; at 1714.55 feet the northwest corner of said Parcel 7; thence continuing along the boundary of said Parcel 3B
14. North 2° 15' 00" East for a distance of 314.95 feet to the southerly corner common to Parcels 3A and 3B as shown on said map; thence continuing along the common boundary of said Parcels 3A & 3B
15. South 87° 45'00" East for a distance of 77.40 feet; thence
16. North 04°55' 44" East for a distance of 63.13 feet; thence
17. Along a tangent curve to the right, through a central angle of 15° 37' 46", having a radius of 900.00 feet, for an arc length of 245.51 feet, and whose long chord bears North 12° 44' 37" East for a distance of 244.75 feet to a point of intersection with a tangent line; thence
18. North 20° 33'30" East for a distance of 290.67 feet; thence

PBC Parcel S1.3.2
FOSET 5
Fort Ord Military Reservation
Monterey County, California

19. Along a tangent curve to the left, through a central angle of $18^{\circ} 18' 30''$, having a radius of 710.00 feet, for an arc length of 226.87 feet, and whose long chord bears North $11^{\circ} 24' 15''$ East for a distance of 225.91 feet to a point of intersection with a tangent line; thence
20. North $2^{\circ} 15' 00''$ East for a distance of 935.13 feet to the POINT OF BEGINNING.

Containing an area of 332.839 acres, more or less.

This legal description was prepared by



Lynn A. Kovach L.S. 5321
My license expires December 31, 2007

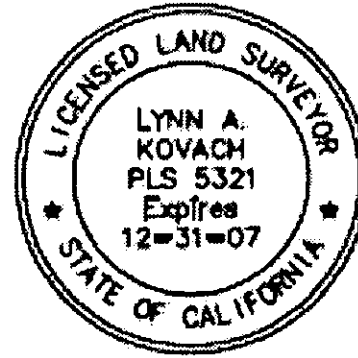
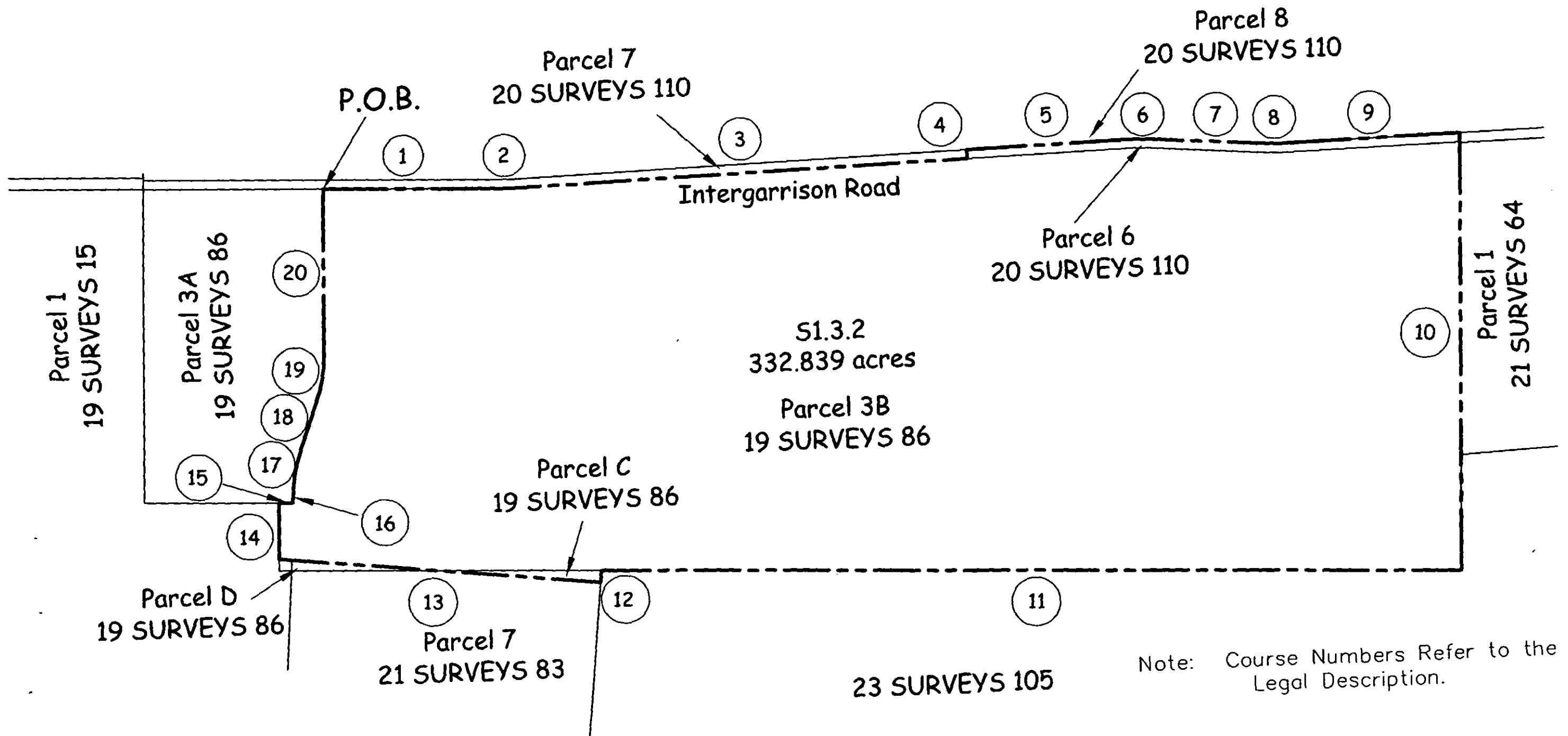




EXHIBIT
of
PBC Parcel S1.3.2
Being Parcel 3B as shown on Vol. 19 of Surveys at Page 86
Monterey County Jurisdiction
Fort Ord FOSET 5
Lying within the Fort Ord Military Reservation
as shown on Vol. 19 of Surveys at Page 1
Being also within Monterey City Lands Tract No. 1
Monterey County, California



**Exhibit B – Notification of Hazardous Substance Storage,
Release, or Disposal**

Location	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
County of Monterey			
Parcel F1.7.2 – HA-35A	Lead (7439921); copper (7440508); antimony (7440360)	1975 to Present	Release of lead, copper and antimony associated with small arms ammunition use at the Combat Pistol Range (HA-35A). Because this range is still active, no action related to MC is recommended for HA-35A.
Parcel E4.7.2 – OUCTP	Carbon tetrachloride (56235)	Unknown	Migration of groundwater plume containing predominantly carbon tetrachloride at concentrations exceeding the MCL. The Army has completed an RI/FS for the OUCTP study area and selected a remedial alternative. Remediation of the OUCTP will commence after regulatory approval of the remedial alternative (<i>Army, 2006b</i>).
Parcel E11b.7.1.1 – IRP Site 41	Toluene (108883); pentachlorophenol (87865); dioxins; arsenic (7440382); beryllium (7440417); cadmium (7440439); total chromium (7440473); copper (7440508); lead (7439921); nickel (744020); selenium (7782492); silver (7440224); thallium (7440280); zinc (7440666)	Possibly the 1940s and 1950s	The interim action (IA) at IRP Site 41 (Crescent Bluff Fire Drill Area) included the excavation and removal of approximately 76 cubic yards of soil from three former burn pits. Results of the confirmation sampling indicated that soil with chemical concentrations above the target cleanup concentrations were removed. Results of the confirmation sampling and subsequent risk evaluation indicated that no further threat to human health, the environment, or groundwater was anticipated and no further investigation or remediation was recommended (<i>HLA, 1997a</i>). The USEPA and the DTSC concurred that no further remedial action was necessary at IRP Site 41 in letters dated April 14, 1997 and March 10, 2006, respectively.
Parcel E19a.4 – IRP Site 8	Diesel; hydrocarbons	Unknown	The IA at IRP Site 8 (Range 49) included the excavation and removal of approximately 102 cubic yards of soil and debris from the former Molotov Cocktail Range. Results of the confirmation sampling indicated that soil with TPH concentrations above the target cleanup concentration of 500 mg/kg was removed. Results of the confirmation sampling and subsequent risk evaluation indicated that no further threat to human health, the environment, or groundwater was anticipated and no further investigation or remediation was recommended (<i>HLA, 1996c</i>). The USEPA and the DTSC concurred that no further remedial action was necessary at Site 8 in letters dated April 14, 1997 and October 20, 2006.
City of Marina			
Parcel	Benzene (71432); Carbon tetrachloride (56235);	1956-2002	Release of VOCs from OU2 Fort Ord Landfills; SWMU FTO-002. Migration of groundwater plume containing VOCs at concentrations exceeding MCLs from the Fort Ord Landfills. Groundwater remediation system in place. USEPA

**Exhibit B – Notification of Hazardous Substance Storage,
Release, or Disposal**

Location	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
E4.3.2.2	Chloroform (67663); 1,1-dichlorethane (75343); 1,2-dichlorethane (107062); cis-1,2-dichlorethane (156605); 1,2-dichlorpropene (78875); dichloromethane (75092); tetrachloroethene (127184); trichloroethene (79016); vinyl chloride (75014)		concurrence that OU2 groundwater treatment system is operating properly and successfully 1/4/96.
Parcels E4.3.2.2, E4.7.1, E5a.1, L5.10.1	Carbon tetrachloride (56235)	Unknown	Migration of groundwater plume containing predominantly carbon tetrachloride at concentrations exceeding the MCL. The Army has completed an RI/FS for the OUCTP study area and selected a remedial alternative. Remediation of the OUCTP will commence after regulatory approval of the preferred remedial alternative (<i>Army, 2006b</i>).
City of Seaside			
Parcel E23.1	Lead (7439921); copper (7440508); antimony (7440360)	1960 to 1993	Remediation at IRP Site 39, Range 18 (HA-18D), was conducted to remove lead, copper, and antimony in soil from spent small arms ammunition. The remedial action included the removal of approximately 24,900 cubic yards of impacted soil. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed.
Parcel E23.2	Lead (7439921); copper (7440508); antimony (7440360)	Early 1960s to 1993	Remediation at IRP Site 39, Ranges 18 and 46 (HA-18D and HA-46D), was conducted to remove lead, copper, and antimony in soil from spent small arms ammunition. The remedial action at Range 18 included the removal of approximately 24,900 cubic yards of impacted soil. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed. The remedial action at Range 46 included the removal of approximately 3,900 cubic yards of impacted soil. The average lead concentration of soil remaining in place following remedial activities at Range 46 was 26 mg/kg. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed.
Parcel E24	Lead (7439921); copper (7440508); antimony	1968 to 1993	Remediation at IRP Site 39, Range 21 (HA-21D), was conducted to remove lead, copper, and antimony in soil from spent small arms ammunition. The remedial action included the removal of approximately 9,600 cubic yards of impacted soil. The average lead concentration of soil remaining in place following remedial activities at Range 21 was 35 mg/kg. Results

**Exhibit B – Notification of Hazardous Substance Storage,
Release, or Disposal**

Location	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
	(7440360)		of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed.
Parcel E34	Lead (7439921); copper (7440508); antimony (7440360)	1950s to 1993	Remediation at IRP Site Range 19 (HA-19D) was conducted to remove lead, copper, and antimony in soil from spent small arms ammunition. The remedial action included the removal of approximately 1,400 cubic yards of impacted soil. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed.
California State University, Monterey Bay			
Parcel S1.3.2 – IRP Site 39B	Benzo(a)anthracene (56553); 1,4-dichlorobenzene (106467); total petroleum hydrocarbons	1950s to 1993	The IA at IRP Site 39B (Inter-Garrison Site) included the excavation and removal of approximately 164 cubic yards of soil mixed with debris from two locations. The soil contained semi-volatile organic compounds exceeding health based screening levels and total petroleum hydrocarbons exceeding the preliminary remediation goals. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed. Results of the confirmation sampling and subsequent risk evaluation indicated that no further threat to human health or the environment is expected and no further investigation or remediation was recommended (<i>HLA, 1997b</i>). The USEPA and the DTSC concurred that no further remedial action was necessary at Site 39B in letters dated January 13, 1998 and October 20, 2006, respectively.

* The information contained in this notice is required under the authority of regulations promulgated under section 120(h) of the Comprehensive Environmental Response, Liability, and Compensation Act (CERCLA or ‘Superfund’) 42 U.S.C. §9620(h). This table provides information on the storage of hazardous substances for one year or more in quantities greater than or equal to 1,000 kilograms or the hazardous substance’s CERCLA reportable quantity (which ever is greater). In addition, it provides information on the known release of hazardous substances in quantities greater than or equal to the substances CERCLA reportable quantity. See 40 CFR Part 373.

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
California State University Monterey Bay ESCA acreage – 333 (approximately)				
<p>ESCA Parcel S1.3.2 – 332.839-acre development parcel. This parcel includes MRS-4C, MRS-7, MRS-8, MRS-13C, MRS-18, and MRS-31. Two unoccupied buildings, a former gas station building (4545) and a latrine (4B13) are located on the property.</p>	<p>Excavation Restriction Residential Use Restriction Groundwater Restriction</p>	<p>The IA at IRP Site 39B (Inter-Garrison Site) included the excavation and removal of approximately 164 cubic yards of soil mixed with debris from two locations. The soil contained semi-volatile organic compounds exceeding health based screening levels and total petroleum hydrocarbons exceeding the preliminary remediation goals. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed. Results of the confirmation sampling and subsequent risk evaluation indicated that no further threat to human health or the environment is expected and no further investigation or remediation was recommended (<i>HLA, 1997b</i>). The USEPA and the DTSC concurred no further action was necessary at Site 39B in letters dated January 13, 1998 and October 20, 2006, respectively.</p> <p>A release of diesel occurred from UST 4545.2. Approximately 654 cubic yards of soil with elevated levels of petroleum hydrocarbons were removed (<i>RCI, 1996</i>). Closure of UST 4545.2 was granted by the Monterey County Department of Health (MCDOH) on November 11, 1997.</p> <p>The evaluation of HA-161 (MRS-31) and HA-161A-D (MRS-4C, MRS-7, MRS-8, and MRS-18) included a literature search, review of the information gathered during the munitions response, and reconnaissance of the site. Blank small arms ammunition casings, three munitions debris items (expended pyrotechnics), several fighting positions, trash pits, and range-related debris were observed during the reconnaissance. HA-92 showed similar concentrations of MEC and numbers of trash pits during the munitions response. Soil samples were collected from HA-92 and analytical results showed that</p>	<p>MRS-13C is comprised of a wedge shaped strip of land lying between MRS-31 to the north and MRS-13B to the south. MRS-13C is located within a larger area identified as a Tactical Training Area on historical training maps. A portion of a mortar square (non-firing area) was also identified on historical training maps in the site vicinity. Based on the results of munitions responses (investigation) conducted in adjacent sites in 1994, a munitions response (removal) to a depth of 4 feet was conducted over all of MRS-13C in 1997 and all MEC and munitions debris found was removed. According to the Fort Ord MMRP database, 59 MEC items and 203 munitions debris items were recovered during the removal. No MEC is expected to remain at MRS-13C and no further munitions response was recommended (<i>USA, 2000c</i>). MRS-13C will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>MRS-31 encompasses MRS-4C, MRS-7, MRS-8, and MRS-18 (Plate 4). The boundary of MRS-31 was established to correspond to the boundary of transfer Parcel S1.3.2 and to include each of the MRSs. Initial munitions response (investigation) at MRS-31 was conducted in 1994. Based on the results, 3-foot and 4-foot removals were conducted throughout the site. According to the MMRP database, 1,831 MEC items and 2,485 munitions</p>	<p>The OU2 Fort Ord Landfills (Area E) are within 1,000 feet of Parcel S1.3.2 (Plate 3). The selected remedial action presented in the OU2 ROD (<i>Army, 1994</i>) included placement of an engineered cover system over buried refuse at the Fort Ord Landfills. Placement of the engineered cover system at the Fort Ord Landfills was completed in December 2002.</p> <p>California Integrated Waste Management Board (CIWMB) regulations (Title 27 California Code of Regulations [27CCR]), require that methane concentrations do not exceed the lower explosive limit of 5% at the landfill boundary. In addition, trace gases must be controlled to prevent adverse acute and chronic exposure to toxic and/or carcinogenic compounds. Permanent monitoring probes are installed around the Fort Ord Landfills perimeter at a lateral spacing of 1,000 feet or less. Quarterly monitoring at these probes show methane concentrations to be below the 5% standard at the landfill boundary. Annual monitoring at selected probes indicate Volatile Organic Compounds (VOCs) are mostly non-detectable to the reporting limit. A landfill gas (LFG) extraction and treatment system at the Fort Ord Landfills has reduced and maintains methane concentrations along the fence line adjacent to Area F to less than the 5% standard. Additionally, the system removes and treats VOCs in the LFG. Future landowners should refer to 27CCR Section 21190, which identifies protective measures for structures built on or within 1,000 feet of a landfill.</p> <p>The Army conducted ambient air monitoring and a screening human health risk assessment (HHRA) to evaluate the potential health risks associated with potential residential exposure to VOCs in ambient air in the vicinity of the Fort Ord Landfills. Based on the results of the HHRA, it was determined that no further corrective action was necessary to address risks or hazards from VOCs potentially originating from the Fort Ord Landfills (SWMU FTO-002). In a November 8, 2004 letter, the USEPA provided comments to the Draft HHRA in which it concurred that the Fort Ord Landfills are not contributing significantly to VOC concentrations in ambient air downwind of the Fort Ord Landfills. The California EPA Department of Toxic Substances Control (DTSC) provided comments in a memorandum dated November 17, 2004, in which it concurred that risks upwind and downwind of the Fort Ord Landfills are approximately equal.</p> <p>The Presence of the OU2 Fort Ord Landfills on adjacent property does not present an unacceptable risk to human health and the environment because placement of the engineered cover system is complete and the Army is</p>

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
		<p>concentrations of metals, TPH and SOCs were below action levels. Based on the historical review, reconnaissance and sample results at HA-92, no further action related to MC was recommended for HA-161 and HA-161A-D under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-104 (MRS-13C) included a literature search, review of the information gathered during the munitions response, and site reconnaissance. Blank small arms ammunition casings and two expended signal flares were found, but no evidence of targets or range features were observed. Based on the review of the historical information and site reconnaissance, no further action related to MC was recommend for HA-104 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p>	<p>debris items were found during munitions responses at MRS-4C, MRS-7, MRS-8, MRS-18, and MRS-31. MEC is not expected to remain at MRS-31 and no further munitions response was recommended (<i>UXB, 1995c</i>). MRS-31, as well as the MRSs within MRS-31, will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>	<p>actively monitoring, extracting, and treating LFG. The Army has issued the Draft Final Remedial Action Construction Completion Report, dated January 31, 2005, and recommended site closure for the Fort Ord Landfills (<i>Shaw, 2005a</i>).</p> <p>IRP Site 21 (4400 – 4500 Motor Pool East) lies adjacent to Parcel S1.3.2 (Plate 4). Please refer to the property description for Parcel E19a.3 for a discussion of this site.</p> <p>IRP Site 22 (4400 – 4500 Motor Pool West) lies adjacent to Parcel S1.3.2 (Plate 6). Please refer to the property description for Parcel E19a.1 for a discussion of this site.</p> <p>MRS-13B lies adjacent to Parcel S1.3.2 (Plate 4). Please refer to the property description for Parcel E19a.2 for a discussion of this site.</p> <p>MRS-45 lies adjacent to Parcel S1.3.2 (Plate 4). Please refer to the property description for Parcel E19a.3 for a discussion of this site.</p>

¹ Resolution of anomalies detected below the depth specified in a project scope of work was at the discretion of the project managers and determined on a case-by-case basis considering, among other things, the likelihood that the anomaly was MEC or other material. At munitions response sites where 4-foot removal or removal-to-depth was conducted since June 1996, all detected anomalies were investigated or resolved (e.g. Parker Flats Munitions Response Area), or unresolved anomalies were recorded (e.g., special-case areas in MRS-15 SEA 01-4). For 1-foot and 3-foot removals, and 4-foot removals conducted prior to June 1996, after-action reports do not provide information about any detected but unresolved anomalies; further evaluation of site-specific information would be required to conclusively state that there were no such anomalies.

EXHIBIT D

ENVIRONMENTAL PROTECTION PROVISIONS

1. FEDERAL FACILITY AGREEMENT

The Grantor acknowledges that the former Fort Ord has been identified as a National Priorities List (NPL) Site under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) of 1980, as amended. The Grantee acknowledges that the Grantor has provided it with a copy of the Fort Ord Federal Facility Agreement (FFA), as amended, entered into by the United States Environmental Protection Agency (USEPA) Region 9, the State of California Department of Toxic Substances Control (DTSC) and the State of California Regional Water Quality Control, Central Coast Region (RWQCB), and the Department of the Army (Army), effective on November 19, 1990, and will provide the Grantee with a copy of the First Amendment to the Federal Facility Agreement and any further amendments thereto. For so long as the Property remains subject to the FFA, the Grantee, its successors and assigns, agree that they will not interfere with United States Department of the Army activities required by the FFA, as amended. In addition, should any conflict arise between the FFA, as amended, and the deed provisions, the FFA provisions, as amended, will take precedence. The Grantor assumes no liability to the Grantee, its successors and assigns, should implementation of the FFA, as amended, interfere with their use of the Property.

2. LAND USE RESTRICTIONS

A. The Army has undertaken careful environmental study of the Property and concluded that the land use restrictions set forth below are required to ensure protection of human health and the environment. The Grantee, its successors or assigns, shall not undertake nor allow any activity on or use of the Property that would violate the land use restrictions contained herein.

B. Excavation Restriction. The Grantee, its successors and assigns, shall comply with Monterey County Code Chapter 16.10 when conducting or permitting others to conduct any ground disturbing or intrusive activities (e.g. digging, drilling, etc.). The Grantee, its successors and assigns, or any approved contractor, shall not construct, make, or permit any alterations, additions, or improvements to the Property in any way that may violate this restriction.

C. Residential Use Restriction. The Grantee, its successors and assigns, shall not use the Property for residential purposes. The Army has agreed to enter into a Covenant to Restrict Use of Property (CRUP), which will include a Residential Use Restriction, with the DTSC pursuant to California Health and Safety Codes 25222.1 and 25355.5 and Civil Code Section 1471. The USEPA also believes any proposals for the residential reuse of the Property should be subject to regulatory review. The CRUP will place additional use restrictions on all of the transferring Property and will be signed prior to transfer. The Army and the DTSC agree that the use of the Property will be restricted as set forth in the CRUP. For purposes of this provision, residential use includes, but is not limited to: single family or multi-family residences; child care facilities; nursing home or assisted living facilities; and any type of educational purpose for children/young adults in grades kindergarten through 12.

D. Access Restriction. Except as provided below, the Property shall not be used for any purposes other than activities associated with the investigation and remediation of MEC and installation of utilities and roadways until the USEPA, in consultation with the DTSC, has certified the completion of remedial action. This Access Restriction is not intended to limit use of existing public access roadways within the Property, including the limited use(s) associated with special events; provided that the use of roadways may be limited or restricted, as necessary, to provide the required minimum separation distance employed during intrusive MEC response actions, and in connection with prescribed burns that may be necessary for the purpose of MEC removal in adjacent areas.

E. Groundwater Restriction. Grantee is hereby informed and acknowledges that the groundwater under portions of the Property and associated with the Operable Unit 2 (OU2) groundwater plume is contaminated with volatile organic compounds (VOCs), primarily trichloroethene (TCE). Under the EPP, Section 6, the Grantee, its successors and assigns, shall not access or use groundwater underlying the Property for any purpose. For the purpose of this restriction, "groundwater" shall have the same meaning as in section 101(12) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

F. Modifying Restrictions. Nothing contained herein shall preclude the Grantee, its successors or assigns, from undertaking, in accordance with applicable laws and regulations and without any cost to the Grantor, such additional action necessary to allow for other less restrictive use of the Property. Prior to such use of the Property, Grantee shall consult with and obtain the approval of the Grantor, and, as appropriate, the State or federal regulators, or the local authorities in accordance with this EPP and the provisions of all applicable CRUP(s). Upon the Grantee's obtaining the approval of the Grantor and, as appropriate, state or federal regulators, or local authorities, the Grantor agrees to record an amendment hereto. This recordation shall be the responsibility of the Grantee and at no additional cost to the Grantor.

G. Submissions. The Grantee, its successors and assigns, shall submit any requests for modifications to the above restrictions to the Grantor, the USEPA, the DTSC and the RWQCB, in accordance with the provisions of the applicable CRUP(s), by first class mail, postage prepaid, addressed as follows:

- 1) Grantor: Director, Fort Ord Office
Army Base Realignment and Closure
P.O. Box 5008
Presidio of Monterey, CA 93944-5008
- 2) USEPA: Chief, Federal Facility and Site Cleanup Branch
Superfund Division
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street, Mail Code: SFD-8-3
San Francisco, CA 94105-3901
- 3) DTSC: Supervising Hazardous Substances Engineer II

Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
Sacramento Office
8800 Cal Center Drive
Sacramento, CA 95826-3200

- 4) RWQCB: Executive Officer
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

3. NOTICE OF THE POTENTIAL FOR THE PRESENCE OF MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)

A. The Grantee is hereby notified that, due to the former use of the Property as a military installation, the Property may contain munitions and explosives of concern (MEC). The term MEC means specific categories of military munitions that may pose unique explosives safety risks and includes: (1) Unexploded Ordnance (UXO), as defined in 10 U.S.C. §101(e)(5); (2) Discarded military munitions (DMM), as defined in 10 U.S.C. §2710(e)(2); or (3) Munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. §2710(e)(3), present in high enough concentrations to pose an explosive hazard. For the purposes of the basewide Military Munitions Response Program (MMRP) being conducted for the former Fort Ord and this EPP, MEC does not include small arms ammunition (i.e. ammunition with projectiles that do not contain explosives, other than tracers, that is .50 caliber or smaller, or for shotguns).

B. The Property was previously used for a variety of munitions-related and other military related purposes, including operational ranges for live-fire training; demolitions training; chemical, biological and radiological training; engineering training; and tactical training. Munitions responses were conducted on the Property. Any MEC discovered were disposed of by a variety of methods, including open detonation (blown in place (BIP)) or in a consolidated shot, or destroyed using contained detonation technology. A summary of MEC discovered on the Property is provided in Exhibit E. Site maps depicting the locations of munitions response sites are provided at Exhibit F.

C. After response actions are completed, if the Grantee, any subsequent owner, or any other person should find any MEC on the Property, they shall immediately stop any intrusive or ground-disturbing work in the area or in any adjacent areas and shall not attempt to disturb, remove or destroy it, but shall immediately notify the local law enforcement agency having jurisdiction on the Property so that appropriate explosive ordnance disposal (EOD) personnel can be dispatched to address such MEC as required under applicable laws and regulations and at no expense to the Grantee. The Grantee hereby acknowledges receipt of the "Ordnance and Explosives Safety Alert" pamphlet.

D. Easement and Access Rights.

1) The Grantor reserves a perpetual and assignable right of access on, over, and through the Property, to access and enter upon the Property in any case in which a munitions response action is found to be necessary, or such access and entrance is necessary to carry out a munitions response action on adjoining property as a result of the ongoing Munitions Response Remedial Investigation/Feasibility Study. Such easement and right of access includes, without limitation, the right to perform any additional munitions response action (e.g. investigation, sampling, testing, test-pitting, surface and subsurface removal) necessary for the United States to meet its responsibilities under applicable laws and as provided for in this Deed. This right of access shall be binding on the Grantee, its successors and assigns, and shall run with the land.

2) In exercising this easement and right of access, the Grantor shall give the Grantee or the then record owner, reasonable notice of the intent to enter on the Property, except in emergency situations. Grantor shall use reasonable means, without significant additional cost to the Grantor, to avoid and/or minimize interference with the Grantee's and the Grantee's successors' and assigns' quiet enjoyment of the Property; however, the use and/or occupancy of the Property may be limited or restricted, as necessary, under the following scenarios: (a) to provide the required minimum separation distance employed during intrusive munitions response actions that may occur on or adjacent to the Property; and (b) if Army implemented prescribed burns are necessary for the purpose of a munitions response action (removal) in adjacent areas. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the Property at a reasonable charge to the United States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the Grantee nor its successors and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

3) In exercising this easement and right of access, neither the Grantee nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer or employee of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this Paragraph. In addition, the Grantee, its successors and assigns, shall not interfere with any munitions response action conducted by the Grantor on the Property.

E. The Grantee acknowledges receipt of the Track 2 Munitions Response Remedial Investigation/Feasibility Study (Track 2 MR RI/FS) (August 2006).

4. NOTICE OF THE PRESENCE OF ASBESTOS AND COVENANT

A. The Grantee is hereby informed and does acknowledge that non-friable asbestos or asbestos-containing material (ACM) has been found on the Property. The Property may contain improvements, such as buildings, facilities, equipment, and pipelines, above and below the ground, that contain non-friable asbestos or ACM. The Occupational Safety and Health Administration (OSHA) and the U.S. Environmental Protection Agency (USEPA) have determined that unprotected or unregulated exposure to airborne asbestos fibers increases the risk of asbestos-related diseases, including certain cancers that can result in disability or death.

B. The Grantee covenants and agrees that its use and occupancy of the Property will be in compliance with all applicable laws relating to asbestos. The Grantee agrees to be responsible for any remediation or abatement of asbestos found to be necessary on the Property to include ACM in or on buried pipelines that may be required under applicable law or regulation.

C. The Grantee acknowledges that it has inspected or has had the opportunity to inspect the Property as to its asbestos and ACM content and condition and any hazardous or environmental conditions relating thereto. The Grantee shall be deemed to have relied solely on its own judgment in assessing the overall condition of all or any portion of the Property with respect to any asbestos or ACM hazards or concerns.

5. NOTICE OF THE PRESENCE OF LEAD-BASED PAINT (LBP) AND COVENANT AGAINST THE USE OF THE PROPERTY FOR RESIDENTIAL PURPOSE

A. The Grantee is hereby informed and does acknowledge that all buildings on the Property, which were constructed or rehabilitated prior to 1978, are presumed to contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Every purchaser of any interest in Residential Real Property on which a residential dwelling was built prior to 1978 is notified that there is a risk of exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning.

B. The Grantee covenants and agrees that it shall not permit the occupancy or use of any buildings or structures on the Property as Residential Property, as defined under 24 Code of Federal Regulations part 35, without complying with this section and all applicable federal, state, and local laws and regulations pertaining to lead-based paint and/or leadbased paint hazards. Prior to permitting the occupancy of the Property where its use subsequent to sale is intended for residential habitation, the Grantee specifically agrees to perform, at its sole expense, the Army's abatement requirements under Title X of the Housing and Community Development Act of 1992 (Residential Lead-Based Paint Hazard Reduction Act of 1992).

C. The Grantee acknowledges that it has inspected or has had the opportunity to inspect the Property as to its lead-based paint content and condition and any hazardous or environmental conditions relating thereto. The Grantee shall be deemed to have relied solely on its own judgment in assessing the overall condition of all or any portion of the Property with respect to any lead-based paint hazards or concerns.

6. NOTICE OF THE PRESENCE OF CONTAMINATED GROUNDWATER AND COVENANT AGAINST ACCESS TO OR USE OF GROUNDWATER UNDERLYING THE PROPERTY FOR ANY PURPOSE

A. The groundwater beneath portions of the Property is contaminated with VOCs, primarily TCE. The most recent data available (Report of Quarterly Monitoring, April through June 2007) indicate that the Property is adjacent to the OU2 Plume. Depth to groundwater is approximately 153 feet below ground surface.

B. The maximum concentrations of the chemicals of concern associated with the OU2 Plume detected in the groundwater monitoring wells on the Property (June 2007) are listed below. The quantity released of these compounds is unknown. The OU2 aquifer cleanup levels (ACLs), presented in the OU2 Fort Ord Landfills Record of Decision (July 1994), are provided for comparison.

Chemicals of Concern in Groundwater and Aquifer Cleanup Levels

Chemical Name	Regulatory Synonym	CASRN *	RCRA Waste Number	Maximum Concentration (µg/L)	OU2 ACL (µg/L)
Benzene	Benzol	71432	U019	ND	1.0
Carbon Tetrachloride	Methane, tetrachloro-	56235	U211	ND	0.5
Chloroform	Methane, trichloro-	67663	U044	ND	2.0
1,1-Dichloroethane	Ethane, 1,1-dichloro-	75343	U076	ND	5.0
1,2-Dichloroethane	Ethane, 1,2-dichloro-	107062	U077	ND	0.5
Cis-1,2-Dichloroethene	Ethene, 1,2-dichloro(E)	156592	U079	ND	6.0
1,2-Dichloropropane	Propane, 1,2-dichloro-	78875	U083	ND	1.0
Methylene Chloride	Methane, dichloro-	75092	U080	ND	5.0
Tetrachloroethene	Ethene, tetrachloro-	127184	U210	ND	5.0
Trichloroethene	Ethene, trichloro-	79016	U228	0.6	5.0
Vinyl chloride	Ethene, chloro-	75014	U043	ND	0.1

*Chemical Abstract Services Registry Number

C. Restrictions and Conditions

1) A portion of the Property is within the “Prohibition Zone” of the “Special Groundwater Protection Zone”. A CRUP for the Property will be established between the United States Army and the State of California DTSC and the State of California RWQCB. The Prohibition Zone encompasses the area overlying or adjacent to the four identified groundwater contamination plumes at the former Fort Ord. The Prohibition Zone is identified on the “Former Fort Ord Special Groundwater Protection Zone Map” (the Map), which is on file with the County of Monterey (the County). County Ordinance No. 04011 prohibits the construction of water wells within the Prohibition Zone.

2) A portion of the Property is within the “Consultation Zone” of the “Special Groundwater Protection Zone”. The Consultation Zone includes areas surrounding the “Prohibition Zone” where groundwater extraction may impact or be impacted by the four identified groundwater contamination plumes at the former Fort Ord. The Consultation Zone is also identified on the “Former Fort Ord Special Groundwater Protection Zone Map,” which is on file with the County of Monterey (the County). County Ordinance No. 04011 requires

consultation with the Grantor, the USEPA, the DTSC, the RWQCB, and the County for proposed water well construction within the Consultation Zone.

3) With respect to the portion of the Property within the "Prohibition Zone," the Grantee covenants for itself, its successors, and assigns not to access or use groundwater underlying the Property for any purpose. For the purpose of this restriction, "groundwater" shall have the same meaning as in CERCLA Section 101(12).

4) With respect to the portion of the Property within the "Consultation Zone," the Grantee covenants for itself, its successors, and assigns not to access or use groundwater underlying the Property for any purpose without the prior written approval of the Grantor, the USEPA, the DTSC, the RWQCB, and the County. For the purpose of this restriction, "groundwater" shall have the same meaning as in CERCLA Section 101(12).

5) The Grantee covenants for itself, its successors, and assigns that neither the Grantee, its successors or assigns, nor any other person or entity acting for or on behalf of the Grantee, its successors or assigns, shall interfere with any response action being taken on the Property by or on behalf of the Grantor, or interrupt, relocate, or otherwise interfere or tamper with any remediation system or monitoring wells now or in the future, or perform activities that may create a recharge area, located on, over, through, or across any portion of the Property without the express written consent of the Grantor in each case first obtained.

6) The Grantee covenants for itself, its successors, or assigns, that it will not undertake nor allow any activity on or use of the Property that would violate the restrictions contained herein. These restrictions and covenants are binding on the Grantee, its successors and assigns; shall run with the land; and are forever enforceable.

7. NOTICE OF THE PRESENCE OF THE FORT ORD LANDFILLS

A. Portions of the Property are located within 1,000 feet of the Fort Ord Landfills. Future landowners should refer to California Integrated Waste Management Board (CIWMB) regulations (Title 27 California Code of Regulations [27CCR], Section 21190), which identify protective measures for structures built on or within 1,000 feet of a landfill. The selected remedial action for the Fort Ord Landfills presented in the OU2 ROD (July 15, 1994) included placement of an engineered cover system over buried refuse, which was completed in December 2002.

B. 27CCR requires that methane concentrations not exceed the lower explosive limit of 5% at the landfill boundary. In addition, trace gases must be controlled to prevent adverse acute and chronic exposure to toxic and/or carcinogenic compounds. In accordance with 27CCR, methane and volatile organic compounds (VOCs) are monitored at the Fort Ord Landfills boundary and a landfill gas extraction and treatment system is in operation to extract and treat both methane and VOCs where methane would otherwise exceed the 5% standard at the landfill boundary.

C. The Grantor conducted a screening human health risk assessment (HHRA) to evaluate the potential health risks associated with potential residential exposure to VOCs in ambient air in the vicinity of the Fort Ord Landfills. The HHRA determined no further corrective action was necessary to address risks or hazards from VOCs potentially originating from the Fort Ord Landfills. The USEPA provided comments to the Draft HHRA in a letter dated November 8, 2004, in which it concurred that the Fort Ord Landfills are not contributing significantly to VOC concentrations in ambient air downwind of the Fort Landfills. The DTSC provided comments in a memorandum dated November 17, 2004, in which it concurred that risks upwind and downwind of the Fort Ord Landfills are approximately equal.

8. NOTICE OF RARE, THREATENED AND ENDANGERED SPECIES MANAGEMENT

The Grantee acknowledges and agrees to implement the following provisions, as applicable, relative to listed species:

A. The Property contains habitat occupied and/or potentially occupied by several sensitive wildlife and plant species, some of which are listed or proposed for listing as threatened or endangered under the Endangered Species Act (ESA). Applicable laws and regulations restrict activities that involve the potential loss of populations and habitats of listed species. To fulfill Grantor's commitment in the Fort Ord Disposal and Reuse Environmental Impact Statement Record of Decision, made in accordance with the National Environmental Policy Act of 1969, 42 U.S.C § 4321 et seq., this deed requires the conservation in perpetuity of these sensitive wildlife and plant species and their habitats consistent with the U.S. Fish and Wildlife Service Biological Opinions for disposal of the former Fort Ord lands issued pursuant to Section 7 of the ESA on March 30, 1999, October 22, 2002, and March 14, 2005 respectively. By requiring Grantee, and its successors and assigns to comply with the Installation-Wide Multispecies Habitat Management Plan (HMP), Grantor intends to fulfill its responsibilities under Section 7 of the ESA and to minimize future conflicts between species protection and economic development of portions of the Property.

B. Grantee acknowledges that it has received a copy of the HMP dated April 1997. The HMP, which is incorporated herein by reference, provides a basewide framework for disposal of lands within former Fort Ord wherein development and potential loss of species and/or habitat is anticipated to occur in certain areas of the former Fort Ord (the HMP Development Areas) while permanent species and habitat conservation is guaranteed within other areas of the former Fort Ord (i.e., the HMP Reserve and Corridor parcels). Disposal of former Fort Ord lands in accordance with and subject to the restrictions of the HMP is intended to satisfy the Army's responsibilities under Section 7 of the ESA.

C. Parcel S1.3.2 (the Property) hereby conveyed or otherwise transferred to Grantee is subject to the specific use restrictions and/or conservation, management, monitoring, and reporting requirements identified for the parcel in the HMP: Borderland Development Areas along Natural Resources Management Area (NRMA) Interface Parcels.

D. Any boundary modifications to the Development with Reserve Areas or Development with Restrictions parcels or the Borderland Development Areas Along NRMA Interface must be approved in writing by the U.S. Fish and Wildlife Service (USFWS) and must maintain the viability of the HMP for permanent species and habitat conservation.

E. The HMP describes existing habitat and the likely presence of sensitive wildlife and plant species that are treated as target species in the HMP. Some of the target species are currently listed or proposed for listing as threatened or endangered under the ESA. The HMP establishes general conservation and management requirements applicable to the Property to conserve the HMP species. These requirements are intended to meet mitigation obligations applicable to the Property resulting from the Army disposal and development reuse actions. Under the HMP, all target species are treated as if listed under the ESA and are subject to avoidance, protection, conservations and restoration requirements. Grantee shall be responsible for implementing and funding each of the following requirements set forth in the HMP as applicable to the Property:

1) Grantee shall implement all avoidance, protection, conservation and restoration requirements identified in the HMP as applicable to the Property and shall cooperate with adjacent property owners in implementing mitigation requirements identified in the HMP for adjacent sensitive habitat areas.

2) Grantee shall protect and conserve the HMP target species and their habitats within the Property, and, other than those actions required to fulfill a habitat restoration requirement applicable to the Property, shall not remove any vegetation, cut any trees, disturb any soil, or undertake any other actions that would impair the conservation of the species or their habitats. Grantee shall accomplish the Resource Conservation Requirements and Management Requirements identified in Chapters 3 and 4 of the HMP as applicable to any portion of the Property.

3) Grantee shall manage, through an agency or entity approved by USFWS, each HMP parcel, or portion thereof, within the Property that is required in the HMP to be managed for the conservation of the HMP species and their habitats, in accordance with the provisions of the HMP.

4) Grantee shall either directly, or indirectly through its USFWS approved habitat manager, implement the management guidelines applicable to the parcel through the development of a site-specific management plan. The site-specific habitat management plan must be developed and submitted to USFWS (and, for non-Federal recipients, California Department of Fish and Game (CDFG) as well) for approval within six months from the date the recipient obtains title to the parcel. Upon approval by USFWS (and, as appropriate, CDFG) the recipient shall implement the plan. Such plans may thereafter be modified through the Coordinated Resource Management and Planning (CRMP) process or with the concurrence of USFWS (and, as appropriate, CDFG) as new information or changed conditions indicate the need for adaptive management changes. The six-month deadline for development and submission of a site-specific management plan may be extended by mutual agreement of USFWS, CDFG (if appropriate), and the recipient.

5) Grantee shall restrict access to the Property in accordance with the HMP, but shall allow access to the Property, upon reasonable notice of not less than 48 hours, by USFWS and its designated agents, for the purpose of monitoring Grantee's compliance, and for such other purposes as are identified in the HMP.

6) Grantee shall comply with all monitoring and reporting requirements set forth in the HMP that are applicable to the Property, and shall provide an annual monitoring report, as provided for in the HMP, to the Bureau of Land Management (BLM) on or before November 1 of each year, or such other date as may be hereafter agreed to by USFWS and BLM.

7) Grantee shall not transfer, assign, or otherwise convey any portion of, or interest in, the Property subject to the habitat conservation, management or other requirements of the HMP, without the prior written consent of Grantor, acting by and through the USFWS (or designated successor agency), which consent shall not be unreasonably withheld. Grantee covenants for itself, its successors and assigns, that it shall include and otherwise make legally binding the provisions of the HMP in any deed, lease, right of entry, or other legal instrument by which Grantee divests itself of any interest in all or a portion of the Property. The covenants, conditions, restrictions and requirements of this deed and the provisions of the HMP shall run with the land. The covenants, conditions, restrictions and requirements of this deed and the HMP benefit the lands retained by the Grantor that formerly comprised Fort Ord, as well as the public generally. Management responsibility for the Property may only be transferred as a condition of the transfer of the Property, with the consent of the USFWS. USFWS may require the establishment of a perpetual trust fund to pay for the management of the Property as a condition of transfer of management responsibility from Grantee.

8) This conveyance is made subject to the following ENFORCEMENT PROVISIONS:

a) Grantor hereby reserves a reversionary interest in all of the Property. If Grantor (or its assigns), acting through the USFWS or a designated successor agency, determines that those parcels identified in Paragraph 8.C. above or any other portion of the Property subject to a restriction or other requirement of the HMP is not being conserved and/or managed in accordance with the provisions of the HMP, then Grantor may, in its discretion, exercise a right to reenter the Property, or any portion thereof, in which case, the Property, or those portions thereof as to which the right of reentry is exercised, shall revert to Grantor. In the event that Grantor exercises its right of reentry as to all or portions of the Property, Grantee shall execute any and all documents that Grantor deems necessary to perfect or provide recordable notice of the reversion and for the complete transfer and reversion of all right, title and interest in the Property or portions thereof. Subject to applicable federal law, Grantee shall be liable for all costs and fees incurred by Grantor in perfecting the reversion and transfer of title. Any and all improvements on the Property, or those portions thereof reverting back to Grantor, shall become the property of Grantor and Grantee shall not be entitled to any payment therefore.

b) In addition to the right of reentry reserved in paragraph a. above, if Grantor (or its assigns), acting through the USFWS or a successor designated agency, determines

that Grantee is violating or threatens to violate the provisions of Paragraph 8 of this deed exhibit or the provisions of the HMP, Grantor shall provide written notice to Grantee of such violation and demand corrective action sufficient to cure the violation, and where the violation involves injury to the Property resulting from any use or activity inconsistent with the provisions of Paragraph 8 of this deed exhibit or the provisions of the HMP, to restore the portion of the Property so injured. If Grantee fails to cure a violation within sixty (60) days after receipt of notice thereof from Grantor, or under circumstances where the violation cannot reasonably be cured within a sixty (60) day period, or fails to continue to diligently cure such violation until finally cured, Grantor may bring an action at law or in equity in a court of competent jurisdiction to enforce the covenants, conditions, reservations and restrictions of this deed and the provisions of the HMP, to enjoin the violation, by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the covenants, conditions, reservations and restrictions of this deed or the provisions of the HMP, or injury to any conservation value protected by this deed or the HMP, and to require the restoration of the Property to the condition that existed prior to such injury. If Grantor, in its good faith and reasonable discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the species and habitat conservation values of the Property, Grantor may pursue its remedies under this paragraph without prior notice to Grantee, or without waiting for the period provided for the cure to expire. Grantor's rights under this paragraph apply equally in the event of either actual or threatened violations of covenants, conditions, reservations and restrictions of this deed or the provisions of the HMP, and Grantee acknowledges that Grantor's remedies at law for any of said violations are inadequate and Grantor shall be entitled to the injunctive relief described in this paragraph, both prohibitive and mandatory, in addition to such other relief to which Grantor may be entitled, including specific performance of the covenants, conditions, reservations and restrictions of this deed and the provisions of the HMP.

c) Enforcement of the covenants, conditions, reservations and restrictions in this deed and the provisions of the HMP shall be at the discretion of Grantor, and any forbearance by Grantor to exercise its rights under this deed and the HMP in the event of any such breach or violation of any provision of this deed or the HMP by Grantee shall not be deemed or construed to be a waiver by Grantor of such provision or of any subsequent breach or violation of the same or any other provision of this deed or the HMP or of any of Grantor's rights under this deed or the HMP. No delay or omission by Grantor in the exercise of any right or remedy upon any breach or violation by Grantee shall impair such right or remedy or be construed as a waiver.

d) In addition to satisfying Army's responsibilities under Section 7 of the ESA, Grantee's compliance with the covenants, conditions, reservations and restrictions contained in this deed and with the provisions of the HMP are intended to satisfy mitigation obligations included in any future incidental take permit issued by USFWS pursuant to Section 10(a)(1)(B) of the Endangered Species Act which authorizes the incidental take of a target HMP species on the Property. Grantee acknowledges that neither this deed nor the HMP authorizes the incidental take of any species listed under the ESA except while conducting CERCLA remedial actions consistent with Chapter 3 of the HMP and in accordance with the existing biological opinions. Authorization to incidentally take any target HMP wildlife species as a result of reuse

activities must be obtained by Grantee separately, or through participation in a broader habitat conservation plan and Section 10(a)(1)(B) permit based on the HMP and approved by USFWS.

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-3 Old Demolition Training Area, Range 49 (Parcel E19a.4)	Munitions Debris (MD) Munitions and Explosives of Concern (MEC)	Unknown	As noted in the Archives Search Report (ASR), the site served as a land mine warfare, anti-armor, Molotov Cocktail training and demolition area with a ¼ - pound explosive limit. Site is adjacent to MRS-37, MRS-53EXP and MRS-54. A munitions response (sampling investigation) at this site resulted in discovery of 153 inert 81mm practice mortars, 34 inert antitank (AT) training mines and miscellaneous firing devices, including two MEC items (a blasting cap and mine fuze). A munitions response (removal) to a depth of 4 feet ¹ was performed. According to the MMRP database 44 MEC items (firing devices, signals and practice grenades) and 794 munitions debris items were removed. Review of military munitions clearance grid records identified several ammunition burn pits and empty and burned 55-gallon drums. MRS-3 is included in the Parker Flats Munitions Response Area (MRA; Plate 6). The Parker Flats MRA was evaluated in the Track 2 Munitions Response Remedial Investigation/Feasibility Study (Parker Flats MR RI/FS). No MEC is expected to remain at MRS-3 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-4A Chemical, Biological, and Radiological (CBR) Training Area (Parcels E18.1.3, E18.4 and E19a.1)	MD MEC	At least from 1957 to 1964	According to the ASR, the CBR Training Areas appear on the 1957 and 1958 Fort Ord Training Areas and Facilities Training maps. Three munitions responses were conducted on MRS-4A, including two phases of grid investigation and a removal over the entire site. All grid investigations and the removal were to a depth of 4 feet. According to the MMRP database 72 MEC items (mostly grenade fuzes) and 13 munitions debris items (mostly practice hand grenades) were removed. One MEC item was found in Parcel E18.1.3 and no MEC were found in Parcel E18.4. Three munitions debris items were found in Parcel E18.4 and no munitions debris was found in Parcel E18.1.3. No MEC is expected to remain at MRS-4A and no further munitions response was recommended (<i>USA, 2000a</i>). MRS-4A will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-4B CBR Training Area (Parcel E19a.3)	MD MEC	At least from 1958	A CBR Training Area (MRS-4B) is shown on the 1958 Fort Ord Training Areas & Facilities map. The ASR noted classroom training using chemical agents similar to tear gas. A munitions response (sampling investigation) in 1993 found one MEC item (40mm practice cartridge), two munitions debris items and small arms ammunition. Additional sampling conducted in 1997 found three MEC items (smoke grenades) and munitions debris. In 1998, USA Environmental, Inc. performed a munitions response (removal) and found 293 MEC items, primarily blasting caps, simulators, smoke signals, and fuzes. The USA After Action Report notes nine burial pits, ranging in depth from 6 inches to 42 inches, containing grenades, grenade fuzes, simulators, pyrotechnics and blasting caps. Trash, including tires and wire, was found in one pit. A battery was found in a second pit. MRS-4B is included in the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-4B and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-11 Demolition Training Area (Parcel E11b.7.1.1)	MD MEC	At least from 1946 to 1957	As noted in the ASR, MRS-11 was identified as an old EOD range. The 1946 Historic Map Master Plan Fort Ord shows a live hand grenade training range. Additionally, the 1957 Fort Ord Training Areas & Facilities map shows a Frag Zone and Engineer Training Area "C". MRS-11 underwent a munitions response (removal) to a depth of 1 foot in the southern half of the site using geophysical equipment. Twenty MEC items, including nine MKII fragmentation hand grenades, and 2,316 munitions debris items (mostly hand grenade fuzes) were found and removed during the 1-foot removal. The northern half of MRS-11 was investigated (sampled) using SiteStats/GridStats (SS/GS) methodology. No MEC was found during SS/GS investigation. Based on the results of the munitions responses, additional munitions response (investigation) was recommended within MRS-11 and to the east of the site (<i>USA, 2001e</i>). MRS-11 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-13B Practice Mortar Range (Parcels E19a.2 and E19a.3)	CWM MD MEC	1950s	MRS-13B is labeled as Sinkhole Training Area and Sinkhole Practice Mortar on 1950s training maps. A munitions response (sampling) was conducted in 57 grids in 1993 and 1994. Based on the results of the investigation, MRS-13B underwent removal actions to a depth of 4 feet from August 1995 to April 1998 using geophysical equipment. According to the MMRP database, a total of 343 MEC items and 2,014 munitions debris items were found during investigation and removal actions. Numerous trash pits containing range-related debris were also observed at MRS-13B. Two chemical agent identification sets (CAIS) were found in a burial pit. The CAIS, chemical warfare materiel (CWM), were used to train soldiers to recognize and protect themselves from chemical agents. The CAIS contain dilute solutions of chemical agents in small (1-ounce) hermetically sealed glass containers. All glass containers were found to be intact and were removed by the Army's Technical Escort Unit from Dugway Proving Ground, Utah (<i>Army, 1997b</i>). No MEC items or trash pits were found in the portion of MRS-13B within Parcel E19a.2. MRS-13B is included in the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-13B and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-13C CSU Footprint – Wedge (Parcel S1.3.2)	MD MEC	1940s through 1950s	MRS-13C is comprised of a wedge shaped strip of land lying between MRS-31 to the north and MRS-13B to the south. MRS-13C is located within a larger area identified as a Tactical Training Area on historical training maps. A portion of a mortar square (non-firing area) was also identified on historical training maps in the site vicinity. Based on the results of munitions responses (investigation) conducted in adjacent sites in 1994, a munitions response (removal) to a depth of 4 feet was conducted over all of MRS-13C in 1997 and all MEC and munitions debris found was removed. According to the Fort Ord MMRP database, 59 MEC items and 203 munitions debris items were recovered during the removal. No MEC is expected to remain at MRS-13C and no further munitions response was recommended (<i>USA, 2000c</i>). MRS-13C will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-14A Lookout Ridge II (LOR2) (Parcel L20.5.1 and	MD MEC	At least since 1957	This site is part of MRS-14, which is divided into five areas, 14A through 14E. This site was believed to be an impact location for 7-inch to 8-inch naval gun projectiles that overshot the Impact Area. As mentioned in the ASR, a 1957 Fort Ord Training Areas & Facilities map shows a mortar position in this area. MRS-14A has undergone munitions responses (one investigation and two removals). MEC found during investigation included 22mm sub-caliber cartridges, pyrotechnic signals, rifle-fired smoke grenades, and practice projectiles. To support the use of a portion of the parcel as a parking area for the Laguna Seca Raceway, a munitions response (removal) to a depth of 3 feet using geophysical equipment was performed over a portion of the parcel in 1994.

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
L20.5.2)			All MEC detected was removed. Follow-up munitions responses (removals) to depths of 1 foot and 4 feet were performed in June 1997 through April 1998. The 1-foot removal was conducted in habitat reserve areas. A 4-foot removal was conducted in development areas (parking). The area where the 4-foot removal was performed included the area previously cleared to 3 feet. All MEC detected was removed. No high explosive MEC was encountered and no further munitions response was recommended (USA, 2001b). It was also recommended that grids not investigated due to vegetation and terrain constraints be investigated in a future munitions response. According to the MMRP database, 66 MEC items and 577 munitions debris items were recovered during the munitions responses. No evidence of 7-inch or 8-inch projectiles was found at MRS-14A. MEC is not expected to remain at MRS-14A. MRS-14A will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-23 (Parcel E11b.7.1.1)	MEC MD		MRS-23 was formerly an Engineer Training Area and Field Expedient Area. A munitions response (removal) to a depth of 4 feet was completed in 1997. One MEC item (½ pound of TNT) and one munitions debris item (practice antitank mine) were found during the munitions response. Based on the results of the munitions response, no further munitions response was recommended within MRS-23 (USA, 2001d). MEC is not expected to remain at MRS-23. MRS-23 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27A Training Site 1 (Parcels E19a.2 and E19a.3)	MD MEC	1970s through facility closure	MRS-27A is one of 25 training sites identified from a 1984 Fort Ord training facilities map in the 1994 supplement to the ASR (USAEDH, 1994). As described in the Fort Ord Range Regulations, a training site is a facility located within a training area and used as an overnight bivouac area. The USACE conducted a munitions response (site walk) of MRS-27A in 1996 as part of a PA/SI (USADEH, 1997). The USACE UXO Safety Specialist found only spent blank small arms ammunition and pyrotechnics at MRS-27A. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) of accessible areas was performed by munitions response contractors under the direction of the USACE in late 2001 to early 2002. One MEC item (hand grenade fuze) was found and removed (Parsons, 2002a). The southern portion of MRS-27A overlaps Parcel E19a.3, is outside of Parcel E19a.2, and lies within the Parker Flats MRA, partially overlapping MRS-53EXP and MRS-55. As part of the Parker Flats MRA, the southern portion of MRS-27A underwent a munitions response (removal) to a depth of 4 feet. According to the former Fort Ord MMRP database, munitions debris and MEC were found within the portion of MRS-27A that overlaps the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-27A and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006. The remainder of MRS-27A will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27B Training Site 2 (Parcels E19a.2, E19a.3 and	MD MEC	1970s through facility closure	MRS-27B was one of 25 training sites identified from a 1984 Fort Ord training facilities map in the 1994 supplement to the ASR (USAEDH, 1994). As described in the Fort Ord Range Regulations, a training site is a facility located within a training area and used as an overnight bivouac area. The ASR also notes this site is located northeast of Parker Flats Training Area. The USACE conducted a munitions response (site walk) of MRS-27B in 1996 as part of a PA/SI (USADEH, 1997). The USACE UXO Safety Specialist found only spent blank small arms ammunition and pyrotechnics at MRS-27B. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) was performed by

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
E19a.4)			munitions response contractors under the direction of the USACE in 2001 and 2002. No MEC items were found at MRS-27B during the visual surface removal (<i>Parsons, 2002a</i>). According to the MMRP database, one munitions debris item (a smoke grenade) was detected in a latrine within the site boundaries. Miscellaneous pyrotechnic items have also been discovered within the site boundaries. No MEC or munitions debris were found during the visual surface removal conducted within MRS-27B. The southern portion of MRS-27B overlaps Parcel E19a.3, is outside of Parcel E19a.2, and lies within the Parker Flats MRA, partially overlapping MRS-53EXP and MRS-55. As part of the Parker Flats MRA, the southern portion of MRS-27B underwent a munitions response (removal) to a depth of 4 feet. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-27B and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006. The remainder of MRS-27B will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27C Training Site 3 (Parcel E19a.4)	MD	1970s through facility closure	The ASR states that MRS-27C is located northeast of TS-2 (MRS-27B) and south of the Tactical Training Area (MRS-45; Plate 4). This area was used from the 1970s as an overnight bivouac area. Munitions responses (investigations) conducted within Parcel E19a.4 included a site walk of MRS-27C completed by the USACE in 1996 during the Archives Search (<i>USADEH, 1997</i>). Only spent blank small arms ammunition and expended pyrotechnics (munitions debris) were found at MRS-27C. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) was performed by munitions response contractors under the direction of the USACE in late 2001 to early 2002. No MEC items were found at MRS-27C (<i>Parsons, 2002a</i>). A reconnaissance of MRS-27C was also completed as part of the Basewide Range Assessment. No targets or range features were observed. Several fighting positions were mapped. An expended smoke grenade (munitions debris) was found in one of the fighting positions. No MEC is expected to be present at MRS-27C. MRS-27C will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27E Training Site 5 (Parcel L20.2.1)	MD	1970s through facility closure	This area was used since the 1970s as an overnight bivouac area. A USACE UXO Safety Specialist conducted a munitions response (site walk) that included MRS-27E as part of a PA/SI (<i>USADEH, 1997</i>). Munitions debris including expended flares and illumination signals were found. No evidence of other types of training or use as an impact area was observed. No MEC is expected to be present at MRS-27E. MRS-27E will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27F Training Site 6 (Parcel L20.2.1)	MEC MD	1970s through facility closure	This site is located in the northern portion of MRS-59. This area was used as an overnight bivouac area since the 1970s. A USACE UXO Safety Specialist conducted a munitions response (site walk) that included MRS-27F and MRS-59 as part of a PA/SI (<i>USADEH, 1997</i>). Munitions debris (expended pyrotechnics) were found; however, the specific location of these items was not documented. No evidence of the use of 2.36-inch rockets, reportedly used at MRS-59, was observed. Additionally, a review of Range Control files included the incomplete entry for an item reportedly located within Training Site 6. No other information in the entry was provided. MRS-27F was evaluated for MEC in the Groups 1 – 5 Track 1 Plug-In Approval Memorandum and determined to be a Track 1 site. MEC is not expected to be found at MRS-27F and no further action related to MEC was

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
			recommended for the site (<i>Army, 2006b</i>). The USEPA and the DTSC concurred in letters dated July 21 and July 26, 2006, respectively.
MRS-27G Training Site 7 (Parcel E19a.5)	MD MEC	1970s through facility closure	This area was incorporated into Site MRS-53. See MRS-53.
MRS-27O Training Site 15 (Parcel L20.8)	MD MEC	1964 through facility closure	The northern portion of Barloy Canyon Road passes through MRS-27O (Plate 10). MRS-27O is identified as a former training site in the 1994 supplement to the ASR and was used as a bivouac area since at least 1964. In support of the ASR, a UXO Safety Specialist performed a munitions response (site walk) in March 1996 and found expended small arms blanks and expended pyrotechnic items (<i>USADEH, 1997</i>). A follow-up munitions response was performed by a munitions response contractor. This munitions response was completed in October 1999 and included a surface investigation conducted over a large portion of Barloy Canyon Road. No MEC or munitions debris were found on the parcel. Two MEC items (pyrotechnics) and munitions debris (expended grenade fuze) were found on a trail that parallels Parcel L20.8, south of MRS-27O. Additionally, a visual surface Time-Critical Removal Action (TCRA) was performed that included MRS-27O following an accidental fire in the area (Eucalyptus Fire Area). One MEC item (pyrotechnic signal) was found within MRS-27O (<i>Shaw, 2005b</i>). MEC is not expected to be present on Parcel L20.8. MRS-27O and the surrounding area will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-28 Military Operations on Urbanized Terrain (MOUT) Site (Parcel F1.7.2)	MD MEC	Ongoing	This site includes Impossible City, a mock city training area that is currently used for tactical training of military, federal, and local law enforcement agencies. MRS-28 was investigated during two separate munitions responses. Additionally, a visual surface TCRA was performed following an accidental fire in the area (Eucalyptus Fire Area). According to the MMRP database, 118 MEC items and 293 munitions debris items were removed during the investigations and the TCRA. MEC is not expected to remain on the surface at MRS-28. MRS-28 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-29 Laguna Seca Bus Turn Around (Parcels L20.5.2 and L20.5.3)	MEC MD	Unknown	This area was believed to be an impact location for 7-inch to 8-inch naval gun projectiles. A munitions response (sampling investigation) that included over 50% of MRS-29 was conducted in 1995 (<i>HFA, 1995</i>). Following investigation, a munitions response (removal) to a depth of 4 feet using geophysical equipment was completed. According to the MMRP database, one MEC item (smoke grenade) and 208 munitions debris items were discovered during these munitions responses. No evidence of 7-inch or 8-inch projectiles was found at MRS-29 or in adjacent MRS-14A. Based on the results of the munitions responses, no further munitions responses were recommended within MRS-29 (<i>USA, 2000d</i>). MEC is not expected to remain at MRS-29. MRS-29 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
			MMRP.
MRS-30 Laguna Seca Turn 11 (Parcels L20.3.1, L20.3.2 and L20.5.4)	MD MEC	At least since 1945	The December 1956 Training Areas map shows the area as a training site. The ASR notes this site is considered a military munitions site because it lies within the boundaries of the Impact Area and is adjacent to the Wolf Hill Training Area (Plate 11). A munitions response (removal) to a depth of 4 feet was conducted using geophysical equipment. According to the MMRP database, two MEC items and eight munitions debris items were removed. Based on the results of the munitions response, no further munitions response was recommended within MRS-30 (<i>UXB, 1995b</i>). Upon completion of the munitions response, approximately 30 feet to 40 feet of fill material was placed over most of MRS-30 in support of construction activities associated with the expansion of Turn 11 of Laguna Seca Raceway. MEC is not expected to be found at MRS-30. MRS-30 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-31 CSU Footprint (Parcel S1.3.2)	MD MEC	1940s through 1990s	MRS-31 encompasses MRS-4C, MRS-7, MRS-8, and MRS-18 (Plate 4). The boundary of MRS-31 was established to correspond to the boundary of transfer Parcel S1.3.2 and to include each of the MRSs. Initial munitions response (investigation) at MRS-31 was conducted in 1994. Based on the results, 3-foot and 4-foot removals were conducted throughout the site. According to the MMRP database, 1,831 MEC items and 2,485 munitions debris items were found during munitions responses at MRS-4C, MRS-7, MRS-8, MRS-18, and MRS-31. MEC is not expected to remain at MRS-31 and no further munitions response was recommended (<i>UXB, 1995c</i>). MRS-31, as well as the MRSs within MRS-31, will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-37 Parker Flats Practice Mortar Range (Parcel E19a.3 and E19a.4)	MD MEC	Unknown	According to the ASR, this site appeared on an undated map from the Fort Ord Fire Department. This area was most likely used for firing practice mortars or in non-firing drills (dry-fire). A munitions response (sampling investigations) were performed in March and June of 1998. All munitions responses were to a depth of 4 feet. According to the MMRP database, 58 MEC items and 994 munitions debris items were found and removed during munitions responses. MRS-37 is included in the Parker Flats MRA (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-37 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-40 Parker Flats Gas House (Parcel E18.1.2)	MD MEC	Unknown	MRS-40 is identified as the Parker Flats Gas House and included a facility to train troops in the use of gas masks. According to the ASR, this site has the same characteristics as Sites MRS-4A and MRS-4B. Tear gas agents (CS and CN) may have been used in the gas chambers. Based on a review of a 1983 U.S. Chemical Systems Laboratory document, classroom training occurred in Building 2820 on this site, and part of the training involved use of minute quantities of mustard gas. SiteStats/GridStats sampling investigation was performed at this site in October 1997. No MEC was found. Three munitions debris items (unknown fragments) were found. MRS-40 is included in the Parker Flats MRA and the entire site underwent a munitions response (removal) to a depth

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
			of 4 feet using geophysical equipment. The data associated with the removal at MRS-40 was included with the data for adjacent MRS-50 and MRS-50EXP (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-40 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-42/MRS-42EXP Demolition Area-Rifle Grenade Area (Parcels E11b.7.1.1, E11b.8 and L20.19.1.1)	MD MEC	1940s	MRS-42 was formerly the Fort Ord Ammunition Supply Point (ASP) Rifle Grenade Area, as identified on a 1946 training map. This area includes the northern portion of the ASP (Plate 5). MRS-42 underwent a munitions response (removal) to a depth of 4 feet using geophysical equipment. Due to the presence of MEC and munitions debris at the edge of the site the munitions response extended beyond the original boundary of MRS-42. The extended area is identified as MRS-42EXP. According to the former Fort Ord MMRP database, 61 MEC items (primarily M9 series antitank rifle grenades) and 27 munitions debris items (mostly MKII hand grenade fragments and practice antitank rifle grenades) were removed. It was recommended additional investigation be conducted within MRS-42 (<i>USA, 2001f</i>). MRS-42 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-43 South Boundary Area (Parcels E29.1, L6.2, L20.13.1.2 and L20.13.3.1)	MD MEC	1942 to 1944	According to the former Fort Ord Fire Chief, a portion of the ridge in this site was used as a backstop for rifle grenades and shoulder launched projectiles from 1942-1944. During a munitions response (investigation) by an UXO Safety Specialist, a 37mm fragment was discovered at the northwest end of the site. In 1999, nineteen 100-foot by 200-foot grids were investigated using SS/GS and 100% grid sampling, and 19 munitions debris items were recovered. Based on the sampling results a munitions response (removal) to a depth of 4 feet was conducted at the northwest end of MRS-43 (Parcels E29.1 and L6.2). Upon completion of the removal, the removal area was investigated using digital geophysical equipment. The digital geophysical investigation of MRS-43 included the unpaved shoulder of South Boundary Road (Parcels L20.13.1.2 and L20.13.3.1; Plate 9). All munitions responses were conducted to a depth of 4 feet. According to the MMRP database 28 MEC items and 36 munitions debris items were removed during the munitions responses. Five of the 28 MEC items removed from MRS-43 were found in Parcels L20.13.3.1 and L6.2 and only one MEC item was found in Parcel E29.1. No MEC items were found within Parcel L23.13.1.2. Based on the results of the munitions responses, no further munitions response was recommended within the Del Rey Oaks (DRO) Group, which includes MRS-43 (<i>USA, 2001c</i>). No MEC is expected to remain at MRS-43. MRS-43 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP. Also see MRS-15 DRO 01.

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-44EDC (Parcels E18.1.1, E18.1.2 and E20c.2)	MD MEC	Unknown	MRS-44 was established based on the presence of fragmentation from 37mm LE projectiles found during a munitions response (site walk) conducted by a USACE UXO Safety Specialist as part of the PA/SI (USAEDH, 1997). To facilitate the transfer of property, MRS-44 was subdivided into MRS-44EDC and MRS-44PBC. Two munitions responses (sampling investigations) were conducted at the site. The sampling investigations were completed to a depth of 4 feet. According to the MMRP database, 11 MEC items and 53 munitions debris items were removed during investigation. It was recommended that a munitions response (removal) to 4 feet be conducted at MRS-44EDC (USA, 2001i). MRS-44EDC will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-44PBC (Parcels L20.18 and L23.2)	MD MEC	Unknown	MRS-44 was established based on the presence of fragmentation from 37mm LE projectiles found during a munitions response (site walk) conducted by a USACE UXO Safety Specialist as part of a PA/SI (USAEDH, 1997). To facilitate the transfer of property, MRS-44 was subdivided into MRS-44EDC and MRS-44PBC. Two munitions responses (sampling investigation and a removal action) were conducted at MRS-44PBC. All munitions responses were to a depth of 4 feet. According to the MMRP database, 16 MEC items and 73 munitions debris items were removed during munitions responses. MRS-44PBC will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-45 Tactical Training Area-TTA (Parcels L20.2.1, L5.7, E19a.3, and E19a.4)	MD MEC	Unknown	A portion of MRS-45 lies within Parcel L20.2.1 (Plate 4). Munitions response (sampling investigation) of MRS-45 was conducted in 1997. According to the MMRP database, a total of 5 MEC items (all pyrotechnic or practice/training-related items) and 224 munitions debris items were found during the sampling investigation in MRS-45. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) of accessible areas, including the eastern portion of MRS-45, was performed by a munitions response contractor under the direction of the USACE. Three MEC items (pyrotechnic signals) and small arms ammunition were found and removed. None of these items were found in the portion of MRS-45 that lies within Parcel L20.2.1 (Parsons, 2002b). Sampling and a visual surface removal conducted at this site identified evidence of past training involving only the use of practice and pyrotechnic items that are not designed to cause injury. MEC is not expected to remain at MRS-45. MRS-45 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-47 Wolf Hill (Parcels L20.3.1 and L20.3.2)	MD MEC	1950s	MRS-47 was identified on a 1957 training map as the Wolf Hill Training Area. MRS-47 has undergone munitions responses (two sampling investigations and a removal). During investigation, evidence that the site was used as an impact area was found. The MEC items found included high explosive mortars and projectiles. A removal to a depth of 4 feet using geophysical equipment was performed. According to the MMRP database, 261 MEC items and 127 munitions debris items were removed from MRS-47. Seventy of the MEC items were rifle-fired smoke grenades found intentionally buried in a pit at a depth of 3 feet. MEC is not expected to remain at MRS-47. No further military munitions investigation was recommended (USA, 2000b). MRS-47 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-48 Former Dummy Grenade Range (Parcel L20.19.1.1)	MD MEC	1940s through 1950s	MRS-48 lies is located on the west side of Barloy Canyon Road (Plate 5). The eastern boundary of MRS-48 overlaps portions of the right-of-way associated with Barloy Canyon Road. MRS-48 was identified on a 1946 Fort Ord Master Plan as a “Dummy Grenade Range.” During a munitions response (investigation) by a UXO Safety Specialist, fragments from 4.2-inch mortars and other debris were discovered. A munitions response (grid sampling) was completed at the site in 1988. According to the MMRP database, 3 MEC items (practice hand grenade fuze, a rifle-fired signal, and a screening smoke pot) and 22 munitions debris items were removed. Additionally, over 100 pounds of fragments, mostly from 4.2-inch smoke mortars and smoke grenades, were removed. No sampling occurred within Parcel L20.19.1.1. It was concluded that a grenade and 4.2-inch mortar impact area existed within or near the site and that additional munitions responses be conducted within, to the north and to the south of the site (<i>USA, 2001h</i>). MRS-48 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-50 Artillery Hill (Parcels E18.1.1 and E18.1.2)	MD MEC	1940s through 1960s	This area was identified during interviews conducted as part of the ASR. Artillery Hill was reportedly used as a target area for rifle grenades and shoulder launched projectiles in the 1940s, 1950s and 1960s. A munitions response (site walk) was conducted by a USACE UXO Safety Specialist as part of a PA/SI. During the munitions response, fragments from 37mm projectiles and 75mm high explosive (HE) projectiles were discovered. A munitions response (removal) to a depth of 4 feet was completed over all of the Parker Flats MRA, including MRS-50, using digital geophysical equipment. According to the MMRP database, 442 MEC items and 724 munitions debris items were removed from the site. MRS-50 is part of the Parker Flats MRA (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-50 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-50EXP (Parcels E18.1.1, E18.1.2 and E19a.1)	MD MEC	1940s through 1960s	MRS-50EXP was identified as a MRS due to the expansion of the removal area associated with MRS-50. MEC and munitions debris were found at the boundary of MRS-50, which warranted an expansion of the investigation area in all directions. The investigation of MRS-50 and its expansion areas included a munitions response (removal) conducted over the entire site to a depth of 4 feet using digital geophysical equipment. According to the MMRP database, 430 MEC items and 1,186 munitions debris items were found and removed from MRS-50EXP. MRS-50EXP is part of the Parker Flats MRA (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-50EXP and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-52 Rifle Grenade and Projectile Target Area (Parcel E19a.3 and E19a.4)	MD MEC	1950s	This site was identified during interviews conducted as part of the ASR and a 1958 map of Fort Ord Training Areas & Facilities shows a Rifle Grenade and Projectile Target Area. During a site inspection, a 37mm fragment and an AT mine (inert) were discovered. Because of the expansion of the removal area associated with adjacent MRS-53, MRS-52 is now part of MRS-53 and included in the Parker Flats MRA (Plate 6). The Parker Flats MRA underwent a munitions response (removal) to a depth of 4 feet using digital geophysical equipment. The munitions data for MRS-52 is reported with the MRS-53 data. The items found included both MEC and munitions debris. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-52 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-53 Shoulder-Launched Projectile Area (Parcel E19a.5)	MD MEC	1940s through 1960s	Parcel E19a.5 lies predominantly within MRS-53 and MRS-53 EXP (Plate 6). According to the ASR, MRS-53 was a Shoulder Launched Projectile Target Area from the 1940s through the 1960s. The hill between the two flats was a target area for rifle grenades and shoulder-launched projectiles. Rifle grenades and shoulder-launched projectiles were shot from the southeast at the hill. The hill south of the large flat at Parker Flats was a target area for rifle grenades and ground/tube launched projectiles. A munitions response (site walk) was conducted by a USACE UXO Safety Specialist as part of a PA/SI (USAEDH, 1997). During the munitions response, a 3-inch stokes mortar round was found and additional investigation was recommended. During a second munitions response (sampling investigation), a 75mm shrapnel projectile, two more 3-inch Stokes mortars and projectile fragments were found. Based on the sampling results, a 4-foot removal was conducted. Munitions responses (removals) resulted in discovery of MEC and live small arms ammunition. MRS-53 is included in the Parker Flats MRA. The Parker Flats MRA underwent a munitions response (removal) to a depth of 4 feet using digital geophysical equipment. According to the MMRP database, 465 MEC items and 5,163 munitions debris items were removed from MRS-53. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-53 and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-53EXP (Parcels E19a.1, E19a.3, E19a.4, and E19a.5)	MD MEC	1940s - 1960s	MRS-53EXP was identified as a MRS due to the expansion of the removal area associated with MRS-53. MEC and munitions debris were found at the boundary of MRS-53, which warranted an expansion of the investigation area in all directions. MRS-53EXP and the adjacent sites now comprise the Parker Flats MRA (Plate 6). The munitions response at MRS-53 and its expansion areas included a removal conducted over the entire site to a depth of 4 feet below ground surface. According to the MMRP database, 803 MEC items and 4,500 munitions debris items were removed from MRS-53EXP. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-53EXP and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-54EDC Canyon Target Area (Parcel E19a.4)	MD MEC	Unknown	MRS-54EDC is the portion of MRS-54 within Parcel E19a.4, which is slated for development. MRS-54 (Canyon Target Area) was identified during interviews conducted during the PA/SI Phase of the Archives Search. The area was reportedly used for flamethrowers, but was also a firing point and range for hand grenades (unknown type), rifle grenades (unknown type), and shoulder-launched projectiles (unknown type). During a munitions response (investigation) conducted in 1996 by a USACE UXO Safety Specialist, munitions debris was discovered, including a 2.36-inch practice rocket, two 75mm shrapnel projectiles, and three 81mm practice mortars. A munitions response (removal) to a depth of 4 feet over the entire site using digital geophysical equipment was performed in 1999. According to the MMRP database, 18 MEC items and 192 munitions debris items were removed from MRS-54EDC. MRS-54EDC is part of the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-54EDC and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-55 Parker Flats (Parcels	MD MEC	Unknown	This area was identified during interviews conducted as part of the ASR and was reportedly a firing point and range for hand grenades, rifle grenades, shoulder-launched projectiles, and artillery. This site includes portions of MRS-27A and MRS-27B. During a munitions response (investigation) in 1996, an expended 75mm shrapnel projectile, and two fragments from 37mm

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
E19a.3 and E19a.4)			practice projectiles, and one mine fuze were discovered. SS/GS sampling investigation was conducted in March 1998. Following the investigation, a removal over the entire site using digital geophysical equipment was performed. All munitions responses were to a depth of 4 feet. According to the MMRP database, 144 MEC items and 1,608 munitions debris items were removed from MRS-55. Items removed include simulators, smoke pots, and grenades. MRS-55 is included in the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-55 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-57 Unnamed (Parcel L20.2.1)	MD MEC	1940's – 1960's	MRS-57 was identified during interviews conducted as part of the ASR (Plate 4). This area was reportedly used in the 1940s, 1950s, and 1960s. The intersection of Hennekens Ranch Road and Watkins Gate Road was reportedly a firing point for machine guns, M-1, rifle grenades, smoke grenades, and shoulder-launched projectiles. Rifle grenades and bazooka rounds were reportedly found on the hill at Watkins Gate Road and Parker Flats Road intersection. This area was often burned to detonate the UXO. A munitions response (site walk) that included MRS-57 was conducted in January 1996 by a USACE UXO Safety Specialist as part of a PA/SI. Military munitions found included an expended 75mm shrapnel projectile, a smoke grenade, and illumination signals. The data was insufficient to determine if the smoke grenade and the illumination signals were MEC or munitions debris. Additionally, 4 expended smoke grenades were found on a dirt road adjacent to MRS-57 during a munitions response (investigation) completed in October 1999. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) was performed by munitions response contractors under the direction of the USACE in 2001 and 2002. The visual surface removal included MRS-57. No MEC items were found at MRS-57 (<i>Parsons, 2002b</i>). Historical research and field investigations identified past training involving only the use of practice and pyrotechnic items that are not designed to cause injury. No evidence of other types of training or use as an impact area was observed. MEC is not expected to be found at MRS-57. MRS-57 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-59 Unnamed (Parcel L20.2.1)	MD	Unknown	A small portion of MRS-59 overlaps Parcel L20.2.1 (Plate 4). MRS-59 was identified during interviews conducted as part of the ASR and was reported to have included a 2.36-inch rocket range in the early 1940s. A munitions response (investigation) that included MRS-59 and MRS-27F was conducted by a USACE UXO Safety Specialist as part of a PA/SI (<i>USADEH, 1997</i>). Munitions debris (expended pyrotechnics) and two fragments from the incomplete detonation of a 60mm mortar were found; however, the specific location of these items was not documented. No evidence of the use of 2.36-inch rockets, reportedly used at MRS-59, was observed. MEC is not expected to be present within MRS-59. MRS-59 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-15 DRO 01 (Parcels L20.13.1.2 and L20.13.3.1)	MD MEC	Unknown	MRS-15 DRO 01 and Parcel L6.1 lie adjacent to Parcel L6.2 (Plate 9). Sites MRS-15 DRO 01, MRS-15 DRO 02, and MRS-43 are collectively called the DRO Group (Plate 9). The initial munitions responses (investigations) conducted at MRS-15 DRO 01 included random grid sampling, a removal to a depth of 4 feet along a fuel break on the east side of MRS-15 DRO 01, a removal to a depth of 4 feet on the roads and trails within the site, SS/GS sampling at MRS-15 DRO 01 and MRS-43, and removal of spent small arms ammunition in Ranges 24, 25 and 26 (HA-24, HA-25 and HA-26). MEC and munitions debris were identified within the eastern portion of MRS-15 DRO 01 and the area was subjected to a munitions response (removal) to a depth of 4 feet. Upon

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
and adjacent to Parcel L6.2)			completion of the removal, the removal area and the rest of MRS-15 DRO 01 were resurveyed using digital geophysical equipment. The digital geophysical survey on the southern margin of MRS-15 DRO 01 included investigation up to the fence-line running parallel to South Boundary Road (Parcels L20.13.3.1 and L20.13.1.2). According to the MMRP database 168 MEC items and 15,300 munitions debris items were removed from MRS-15 DRO 01. The removal at MRS-15 DRO 01 is complete and no MEC is expected to remain in the portions of MRS-15 DRO 01 overlapping Parcels L20.13.1.2 and L20.13.3.1. MRS-15 DRO 01 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-15 MOCO 02 (Parcel E21b.3)	MD MEC	Unknown	The boundary of MRS-15 MOCO 02 was developed to support the transfer of Parcel E21b.3 and not on evidence of munitions use. MRS-15 MOCO 02 lies within the boundary of the former Fort Ord Impact Area and contains the firing lines for Ranges 44 and 45. Range 44 was used for firing of antitank weapons and Range 45 was a 40mm grenade range. Munitions response (investigation) at the site was performed in 1999 and approximately 100 military munitions-related items (MEC and munitions debris) were found (<i>USA, 2001g</i>). To address the threat to human health associated with MEC at MRS-15 MOCO 02, a non-time critical removal action (NTCRA) to a depth of 4 feet was completed across the northern portion of the site. According to the MMRP database 663 MEC items and 3,964 munitions debris items were removed from the site. All accessible areas within the northern portion of MRS-15 MOCO 02 were investigated to a depth of 4 feet. Based on the results of the NTCRA the threat to the public posed by the presence of MEC at the site has been mitigated (<i>Parsons, 2006c</i>). MRS-15 MOCO 02 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-Ranges 43-48 (Parcels E38, E39, E40, E41, and E42)	MD MEC	1940s through 1990s	MRS-Ranges 43-48 includes all or portions of six former firing ranges that were part of the Impact Area. To address threats to public safety associated with MEC potentially remaining at MRS-Range 43-48, several munitions responses were performed. The munitions responses included grid sampling, a surface time-critical removal action (TCRA) over accessible areas, and an Interim Action that included additional surface and subsurface MEC removal conducted throughout the parcels to a depth of 4 feet. Inaccessible SCAs ² (Plate 7, Attachment 1) and pending areas underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2007</i>). According to the MMRP database 11,955 MEC items and 28,840 munitions debris items were removed from the site. MRS-Ranges 43-48 (including the SCAs) will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-15 SEA 01 (Parcel E24)	MD MEC	Unknown	The boundary of MRS-15 SEA 01 was developed to support the transfer of Parcel E24 and not on evidence of munitions use. MRS-15 SEA 01 included the firing points and some of the targets associated with three small arms ranges (Ranges 21, 22, and 23) and a non-firing target detection range. Several munitions responses were conducted on MRS-15 SEA 01, including an investigation of field latrines, road clearances, grid sampling, removals within the small arms ranges and fuel breaks, a surface TCRA, a NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 01 not covered by the NTCRA. According to the MMRP database, 203 MEC items and 17,845 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 01 have been conducted to a depth of 4 feet. Inaccessible SCAs ³ (Plate 8, Attachment 1) underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
			addressed in a follow-up investigation. MRS-15 SEA 01 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-15 SEA 02 (Parcel E34)	MD MEC	Unknown	The boundary of MRS-15 SEA 02 was developed to support the transfer of Parcel E34 and not on evidence of munitions use. MRS-15 SEA 02 included the firing points and some of the targets associated with two small arms ranges (Ranges 19 and 20). Several munitions responses were conducted on MRS-15 SEA 02, including grid sampling, removals within the small arms ranges and fuel breaks, a surface TCRA, NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 02 not covered by the NTCRA. According to the MMRP database, 12 MEC items and 1,390 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 02 were conducted to a depth of 4 feet. Inaccessible SCAs (Plate 8, Attachment 1) underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be addressed in a follow-up investigation. MRS-15 SEA 02 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-15 SEA 03 (Parcel E23.1)	MD MEC	Unknown	The boundary of MRS-15 SEA 03 was developed to support the transfer of Parcel E23.1 and not on evidence of munitions use. MRS-15 SEA 03 includes a portion of Range 18, a former small arms range. Features associated with Range 18 that lie within Parcel E23.1 include some of the firing points and some of the targets. Several munitions responses were conducted on MRS-15 SEA 03, including grid sampling, removals within the small arms range, roads and fuel breaks, a surface TCRA, a NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 03 not covered by the NTCRA. According to the MMRP database, 124 MEC items and 220 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 03 were conducted to a depth of 4 feet. Inaccessible SCAs (Plate 7, Attachment 1) underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be addressed in a follow-up investigation. MRS-15 SEA 03 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-15 SEA 04 (Parcel E23.2)	MD MEC	Unknown	The boundary of MRS-15 SEA 04 was developed to support the transfer of Parcel E23.2 and not on evidence of munitions use. MRS-15 SEA 04 included the firing points and some of the targets associated with two small arms ranges (Ranges 18 and 46), and the firing points for a mortar and antitank weapons range (Range 48). Several munitions responses were conducted on MRS-15 SEA 04, including grid sampling, removals within the small arms ranges and fuel breaks, a surface TCRA, a NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 04 not covered by the NTCRA. According to the MMRP database, 189 MEC items and 380 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 04 were conducted to a depth of 4 feet. Inaccessible SCAs (Plate 7, Attachment 1) underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be addressed in a follow-up investigation. MRS-15 SEA 04 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
<p>*<u>Munitions and Explosives of Concern (MEC)</u>U. This term, which distinguishes specific categories of military munitions that may pose unique explosives safety risks, means: (A) Unexploded Ordnance (UXO), as defined in 10 U.S.C. 101(e)(5); (B) Discarded military munitions (DMM), as defined in 10 U.S.C. §2710(e)(2); or (C) Munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. §2710(e)(3), present in high enough concentrations to pose an explosive hazard.</p> <p>¹ Resolution of anomalies detected below the depth specified in a project scope of work was at the discretion of the project managers and determined on a case-by-case basis considering, among other things, the likelihood that the anomaly was MEC or other material. At munitions response sites where 4-foot removal or removal-to-depth was conducted since June 1996, all detected anomalies were investigated or resolved (e.g. Parker Flats Munitions Response Area), or unresolved anomalies were recorded (e.g. special-case areas in MRS-15 SEA 01-4). For 1-foot and 3-foot removals, and 4-foot removals conducted prior to June 1996, after-action reports do not provide information about any detected but unresolved anomalies; further evaluation of site-specific information would be required to conclusively state that there were no such anomalies.</p> <p>² SCA is an area in the MRS in which MEC removal cannot be completed within the scope of work due to metallic clutter or obstructions that compromise instrument performance or technician safety or because the removal process would cause a serious adverse impact to the habitat. The specific types of SCAs at MRS-Ranges 43-48 are high density munitions debris and range-related debris areas (Ranges 44 and 48); high density MEC and range-related debris (Range 47); target box trench (Range 45); non-completed areas; steel-reinforced concrete observation bunker; and metallic fence. See the <i>Final MRS-Ranges 43-48 Interim Action Technical Information Paper, Former Fort Ord, Monterey, California, Military Munitions Response Program</i>, January 26, 2007, for additional information.</p> <p>³ SCA is an area in the MRS in which MEC removal cannot be completed within the scope of work due to metallic clutter or obstructions that compromise instrument performance or technician safety or because the removal process would cause a serious adverse impact to the habitat. The specific types of SCAs at MRS-15 SEA 01-4 are metallic fence; asphalt and concrete paved areas; non-completed backhoe excavation areas; heavy equipment excavation areas (concrete bunkers, fighting positions, flag poles, target boxes, tie downs, utility poles and wood stairs); berms (wood retaining walls with metal connectors); structures and latrines; former remote automated weather station (Range 46); and debris piles. See the <i>Final Technical Information Paper MRS-15 SEA 01-4, Time-Critical Removal Action and Geophysical Operations (Phase I), Former Fort Ord, Monterey, Military Munitions Response Program</i>, February 11, 2006, for additional information.</p>			

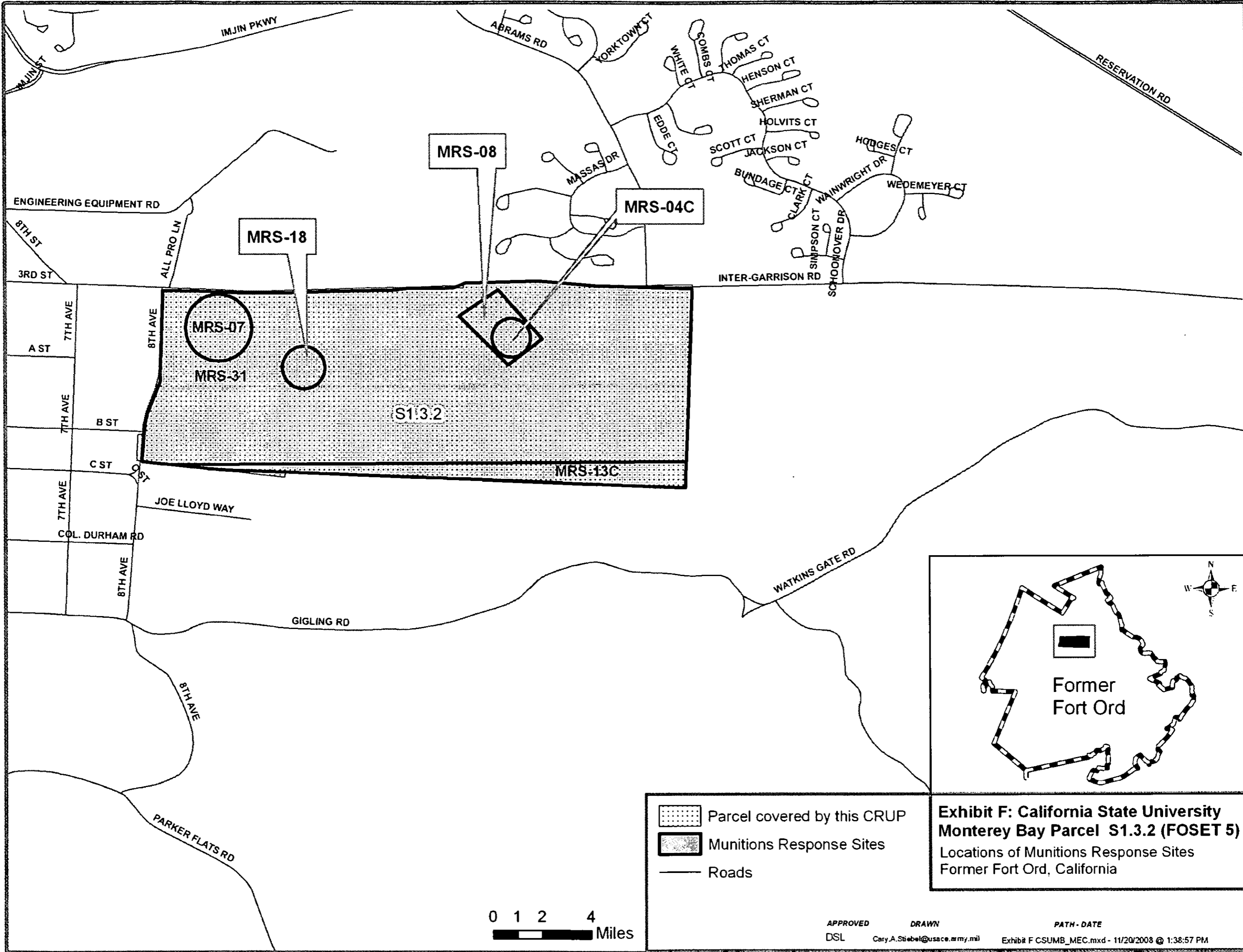





Exhibit F: California State University Monterey Bay Parcel S1.3.2 (FOSET 5)
 Locations of Munitions Response Sites
 Former Fort Ord, California

-  Parcel covered by this CRUP
-  Munitions Response Sites
-  Roads

0 1 2 4
 Miles

APPROVED: DSL
 DRAWN: Cary.A.Stiebel@usace.army.mil
 PATH - DATE: Exhibit F CSUMB_MEC.mxd - 11/20/2008 @ 1:38:57 PM

EXHIBIT 'F'

PARCEL 1

SEE SHEET 1
END 1 1/2" IRON PIPE
WITH 2 1/2" BRASS
DISK WITH PUNCH
"RCF 15310"

$\Delta = 15^{\circ} 18' 30"$
 $R = 710.00$
 $L = 226.87$

602
N: 2132330.01
E: 5744471.41

EASEMENT 13
20' DRAINAGE

PARCEL 3A
(S1.3.1)
(38.178 AC.)

END 1 1/2" IRON PIPE
WITH 2 1/2" BRASS
DISK WITH PUNCH
"RCF 15310"

PARCEL 3B
(S1.3.2)
(332.839 AC.)

$\Delta = 15^{\circ} 37' 40"$
 $R = 900.00$
 $L = 245.51$

605
N: 2131795.52
E: 5744369.66

END 1 1/2" IRON
PIPE WITH BRASS
DISK "RCF 15310"
BESTOR ENGINEERS"

BASIS OF BEARING

N 87°45'00"W 747.04
824.44

END 2" IRON PIPE
WITH 2 1/2" BRASS
DISK WITH PUNCH
"RCF 15310"

N 04°55'44"E
63.13

EASEMENT 13
20' DRAINAGE

604
N: 2151441.08
E: 5744249.49

END 2" IRON PIPE
WITH 2 1/2" BRASS
DISK WITH PUNCH
"RCF 15310"

N 54°17'25" E
HD 38.33
to property
corner to Ditch 1

HEADWALL
N: 2121247.19
E: 5744273.43

N 60°59'06" W
HD 248.48

PARCEL F2.6

END 1 1/2" IRON
PIPE WITH BRASS
DISK "RCF 15310"
BESTOR ENGINEERS"

PROP. COR.
N: 2131223.67
E: 5744242.28

N 47°21'33" W
HD 49.65

N 6°16'22.492" E
2 ft from DITCH 2
to the corner of the CL FE
SLIP

PARCEL "D" 0.657 AC.
(1785.0)

611
N: 2131124.
E: 5744256.

SEE SHEET 3

BASIS OF BEARINGS:

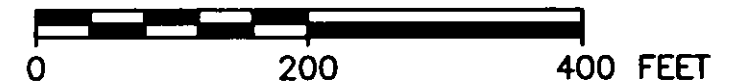
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE GRID BEARING OF N 37°05'40" E BETWEEN CALIFORNIA HIGH PRECISION GEODETIC NETWORK (HPGN) CONTROL POINTS "CA HPGN 05 13" AND "941 3450 M TIDAL". THE HORIZONTAL DATUM IS THE NORTH AMERICAN DATUM OF 1983 (1992). THE GRID BEARING IS BASED ON THE LAMBERT PROJECTION FOR CALIFORNIA STATE PLANE ZONE 4. THE COORDINATES FOR THE TWO CONTROL POINTS WERE ESTABLISHED BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) IN CONJUNCTION WITH THE NATIONAL GEODETIC SURVEY (NGS) IN 1992. THE BEARINGS FOR THIS SURVEY WERE ESTABLISHED USING GLOBAL POSITIONING SYSTEM (GPS) "FAST-STATIC" SURVEYING TECHNIQUES.

NOTE REGARDING DERIVATION OF COORDINATES:

STATE PLANE COORDINATES BASED ON THE NORTH AMERICAN DATUM OF 1983 (1992), ZONE 4 WERE DETERMINED FOR THE BOUNDARY CORNERS USING GLOBAL POSITIONING SYSTEM (GPS) "FAST STATIC" SURVEYING TECHNIQUES. THESE COORDINATES WERE THEN SCALED BY A MEAN PROJECT COMBINATION FACTOR OF .999938023 TO PRODUCE "GROUND" COORDINATES. THE COORDINATES LISTED ARE THEREFORE NOT STATE PLANE COORDINATES. TO OBTAIN GRID DISTANCES, MULTIPLY THE GROUND DISTANCES BY THE MEAN PROJECT COMBINATION FACTOR. NO ROTATION WAS APPLIED WHEN THE STATE PLANE COORDINATES WERE SCALED. THEREFORE, THE BEARINGS SHOWN ARE GRID BEARINGS BASED ON THE LAMBERT PROJECTION FOR CALIFORNIA STATE PLANE ZONE 4.



SCALE





 Shaw Environmental, Inc.		 DEPARTMENT OF THE ARMY SACRAMENTO DISTRICT, CORPS OF ENGINEERS	
DESIGNED: C. STIEBEL	STORM WATER EASEMENT U.S. ARMY CORPS OF ENGINEERS (SHEET 2 OF 4) FORMER FORT ORD, CALIFORNIA		
DRAWN: K. BLACK			
DATE: 4/20/07			
SCALE:	FILE: 536604_COMBINED.dwg		

EXHIBIT G

SEE SHEET 2

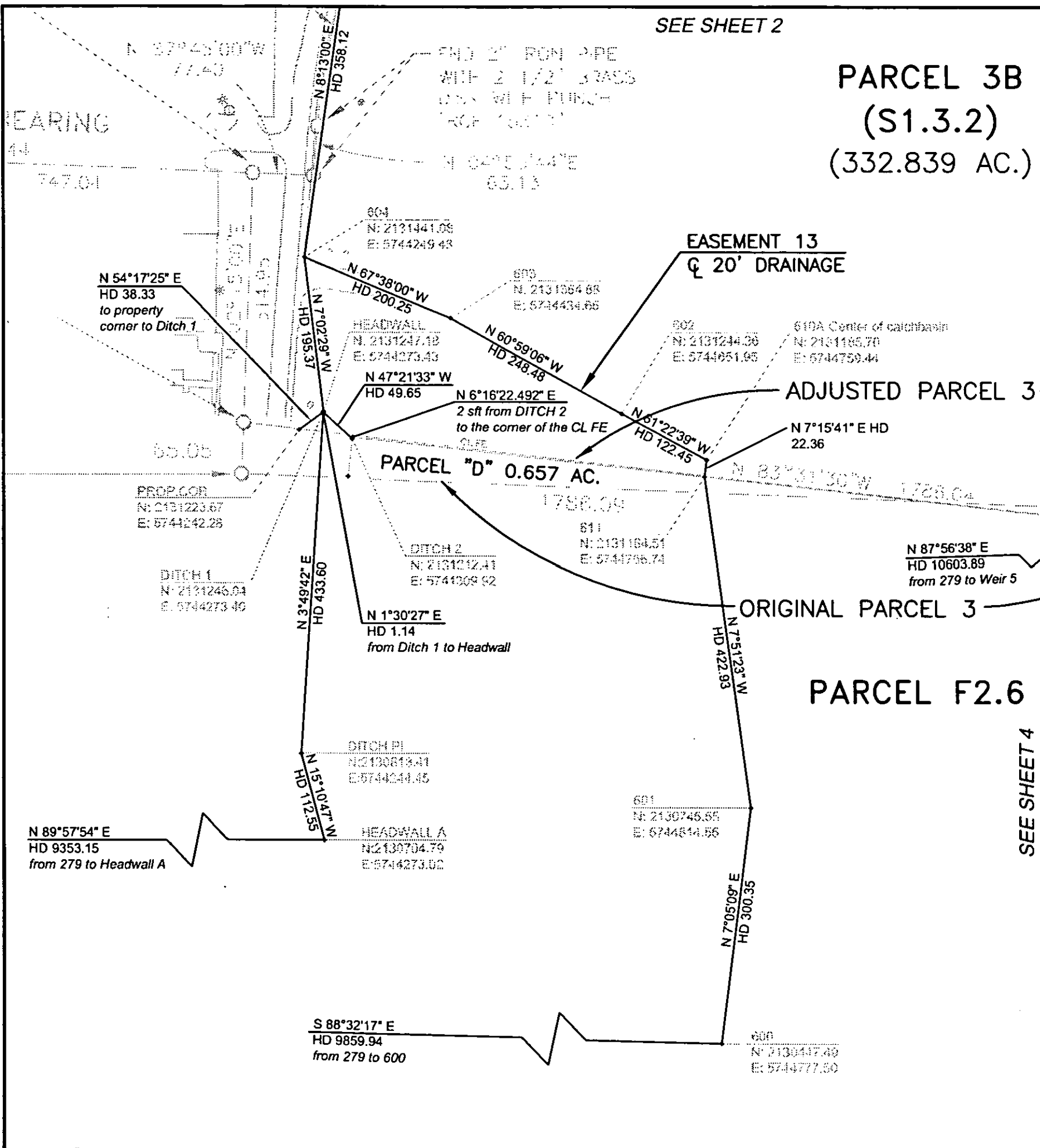
**PARCEL 3B
(S1.3.2)
(332.839 AC.)**

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE GRID BEARING OF N 37°05'40" E BETWEEN CALIFORNIA HIGH PRECISION GEODETIC NETWORK (HPGN) CONTROL POINTS "CA HPGN 05 13" AND "941 3450 M TIDAL". THE HORIZONTAL DATUM IS THE NORTH AMERICAN DATUM OF 1983 (1992). THE GRID BEARING IS BASED ON THE LAMBERT PROJECTION FOR CALIFORNIA STATE PLANE ZONE 4. THE COORDINATES FOR THE TWO CONTROL POINTS WERE ESTABLISHED BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) IN CONJUNCTION WITH THE NATIONAL GEODETIC SURVEY (NGS) IN 1992. THE BEARINGS FOR THIS SURVEY WERE ESTABLISHED USING GLOBAL POSITIONING SYSTEM (GPS) "FAST-STATIC" SURVEYING TECHNIQUES.

NOTE REGARDING DERIVATION OF COORDINATES:

STATE PLANE COORDINATES BASED ON THE NORTH AMERICAN DATUM OF 1983 (1992), ZONE 4 WERE DETERMINED FOR THE BOUNDARY CORNERS USING GLOBAL POSITIONING SYSTEM (GPS) "FAST STATIC" SURVEYING TECHNIQUES. THESE COORDINATES WERE THEN SCALED BY A MEAN PROJECT COMBINATION FACTOR OF .999938023 TO PRODUCE "GROUND" COORDINATES. THE COORDINATES LISTED ARE THEREFORE NOT STATE PLANE COORDINATES. TO OBTAIN GRID DISTANCES, MULTIPLY THE GROUND DISTANCES BY THE MEAN PROJECT COMBINATION FACTOR. NO ROTATION WAS APPLIED WHEN THE STATE PLANE COORDINATES WERE SCALED. THEREFORE, THE BEARINGS SHOWN ARE GRID BEARINGS BASED ON THE LAMBERT PROJECTION FOR CALIFORNIA STATE PLANE ZONE 4.

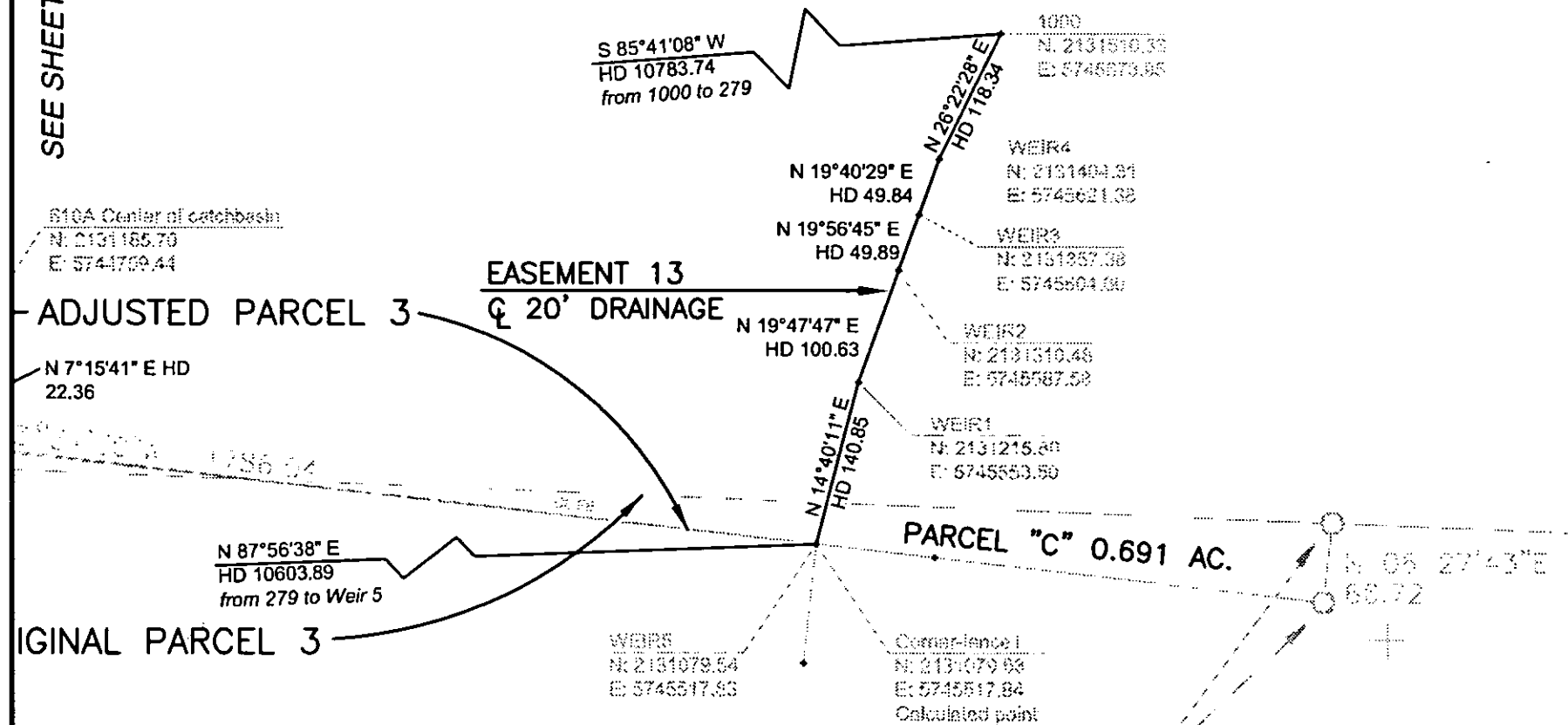


SEE SHEET 4

DESIGNED: C. STIEBEL		STORM WATER EASEMENT U.S. ARMY CORPS OF ENGINEERS (SHEET 3 OF 4) FORMER FORT ORD, CALIFORNIA	
DRAWN: K. BLACK			
DATE: 4/20/07			
SCALE:		FILE: 536604_COMBINED.dwg	

**PARCEL 3B
(S1.3.2)
(332.839 AC.)**

SEE SHEET 3

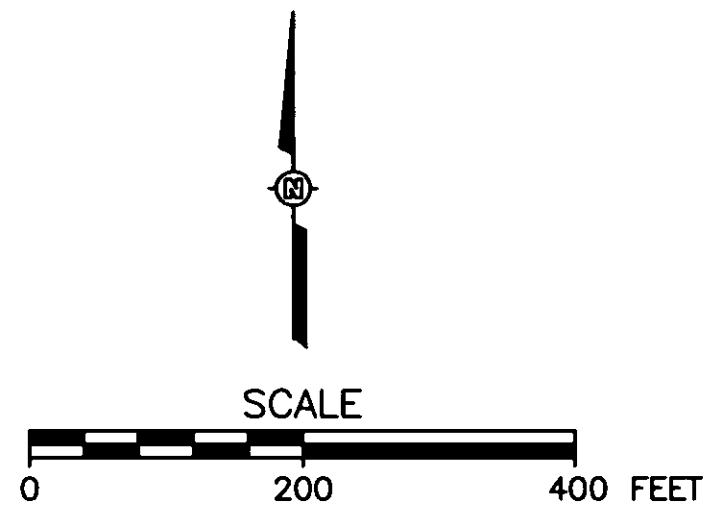


BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE GRID BEARING OF N 37°05'40" E BETWEEN CALIFORNIA HIGH PRECISION GEODETIC NETWORK (HPGN) CONTROL POINTS "CA HPGN 05 13" AND "941 3450 M TIDAL". THE HORIZONTAL DATUM IS THE NORTH AMERICAN DATUM OF 1983 (1992). THE GRID BEARING IS BASED ON THE LAMBERT PROJECTION FOR CALIFORNIA STATE PLANE ZONE 4. THE COORDINATES FOR THE TWO CONTROL POINTS WERE ESTABLISHED BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) IN CONJUNCTION WITH THE NATIONAL GEODETIC SURVEY (NGS) IN 1992. THE BEARINGS FOR THIS SURVEY WERE ESTABLISHED USING GLOBAL POSITIONING SYSTEM (GPS) "FAST-STATIC" SURVEYING TECHNIQUES.

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		DEPARTMENT OF THE ARMY SACRAMENTO DISTRICT, CORPS OF ENGINEERS	
DESIGNED:	C. STIEBEL	STORM WATER EASEMENT U.S. ARMY CORPS OF ENGINEERS (SHEET 4 OF 4) FORMER FORT ORD, CALIFORNIA	
DRAWN:	K. BLACK		
DATE:	4/20/07		
SCALE:			
		FILE:	536604_COMBINED.dwg

EXHIBIT H

UNRECORDED EASEMENTS AND ENCUMBRANCES

Existing utilities, if any, along Intergarrison Road.

Existing utilities, if any, along paved roads within this parcel including 8th Avenue, which may currently service U.S. Department of the Interior, Bureau of Land Management (BLM) facilities.

END OF DOCUMENT

APPENDIX C

**First Amendment to and Partial Termination of Covenant to Restrict
Use of Property Environmental Restriction, California State University
Monterey Bay, Munitions and Explosives of Concern, Fort Ord Reuse
Authority Early Transfer Parcels**

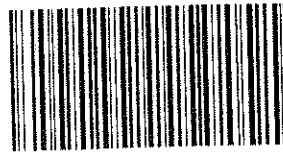
Filer

RECORDING REQUESTED BY:

Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, California 93933

DOCUMENT: **2016033452**

Titles: 1/ Pages: 19



Fees....
Taxes...
Other...
AMT PAID

WHEN RECORDED MAIL TO:

Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826
Attention: Charlie Ridenour
Branch Chief
Brownfields and Environmental
Restoration Program

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

AMENDED COVENANT TO RESTRICT USE OF PROPERTY
ENVIRONMENTAL RESTRICTION

(Re: California State University Monterey Bay - Munitions and Explosives of Concern, Fort
Ord Reuse Authority Early Transfer Parcels,
Monterey County, California)

This Amended Covenant and Agreement ("**Covenant**") replaces in its entirety the Covenant and Agreement to Restrict Use of Property recorded May 8, 2009 as Instrument No. 2009028285 (the "**Original Covenant**") for the California State University Monterey Bay - Munitions and Explosives of Concern (MEC), Fort Ord Reuse Authority (FORA) Early Transfer Parcels, County of Monterey, State of California. The Original Covenant is, accordingly, replaced by virtue of this Covenant and pursuant to Section 6.03 of the Original Covenant.

This Covenant is made by and between FORA (the "**Covenantor**"), the current owner of the Property, and the California Department of Toxic Substances Control ("**DTSC**"). Pursuant to California Civil Code section 1471, DTSC has determined that this Covenant is

reasonably necessary to protect present or future human health or safety or the environment as a result of the presence on a portion of the Property of hazardous materials as defined in California Health and Safety Code ("H&SC") section 25260. The Covenantor and DTSC hereby agree that, pursuant to H&SC section 25355.5 and California Civil Code section 1471, that the use of the Property will be restricted as set forth in this Covenant, and that the Covenant shall conform with the requirements of California Code of Regulations, Title 22, section 67391.1. The provisions of this Covenant shall be for the benefit of, and shall be enforceable by, the United States Environmental Protection Agency ("U.S. EPA"), as a third party beneficiary pursuant to general contract law, including, but not limited to, Civil Code Section 1559.

ARTICLE I STATEMENT OF FACTS

1.01. Property Location. The Property, consisting of PBC Parcel S1.3.2 and totaling approximately 332.839 acres, is more particularly described in Exhibit B. The Property is located on the former Fort Ord, California, near the southeast corner of Intergarrison Road and 8th Avenue and within the jurisdiction of the County of Monterey, California. The name of the Property on the legal description in Exhibit B is "PBC Parcel S1.3.2" and its intended reuse is expansion of the California State University Monterey Bay (CSUMB) campus.

1.02. Property History. Portions of the former Fort Ord were used for maneuvers, target ranges, and other purposes from 1917 until base closure in 1994.

The U.S. EPA placed Fort Ord on the National Priorities List (Superfund) in 1990. The Department of the Army ("Army") transferred the Property to the Covenantor prior to the end of the CERCLA remediation process.

Remedial actions were conducted pursuant to the Administrative Order on Consent (AOC) for Cleanup of Portions of the Former Fort Ord between the Covenantor, the U.S. EPA, and DTSC finalized on April 18, 2007.

The Property is included in the Finding of Suitability for Early Transfer, Former Fort Ord, California, Environmental Services Cooperative Agreement (ESCA) Parcels, Operable Unit

2 Fort Ord Landfills Parcels, and Operable Unit Carbon Tetrachloride Plume Parcels (FOSET 5). The Property lies within a "Special Groundwater Protection Zone" which is addressed in a separate Covenant.

The County adopted Ordinance No. 5012, entitled "Digging and Excavation on the Former Fort Ord" (hereinafter "Excavation Ordinance") amending the County Code to add Chapter 16.10. The Excavation Ordinance addresses the potential MEC risk by prohibiting excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil on the former Fort Ord without a permit. Section 4.02 of this covenant further prohibits these activities.

In accordance with the Munitions Response Site (MRS) Security Program, dated April 2005, the Army offers MEC recognition and safety training to any persons conducting intrusive activities on the former Fort Ord. This training includes identification of MEC that might be found, the safety and notification procedures to follow if suspected MEC is found, and the distribution and explanation of "Safety Alert" brochures. MEC recognition and safety training is required for access to restricted MRSs. FORA is developing an online training course on MEC recognition and safety.

A Memorandum of Agreement (MOA) was entered into by and among DTSC, FORA, CSUMB and other Jurisdictions on February 27, 2008 requiring jurisdictions to monitor compliance with land use covenants for property on the former Fort Ord, report to FORA or the County concerning their compliance with all recorded Land Use Controls (LUC) within their jurisdiction and requires FORA or the County to compile and transmit monitoring compliance reports to DTSC.

1.03. Remediation of Property. MEC investigations and removal actions were conducted in the CSUMB Off-Campus Munitions Response Area (MRA) prior to the Original Covenant.

In 2013, a Residential Quality Assurance (RQA) evaluation, including a RQA Pilot Study and RQA Implementation Study, was conducted on 48.93 acres at the west end of the CSUMB Off-Campus MRA. The Residential Protocol Implementation Report, CSUMB Off-Campus MRA provides data to support the removal of the residential use restrictions in the

Original Covenant for this residential area. This residential area, Residential CSUMB Campus Housing, is described as CSUMB RQA RESIDENTIAL in Exhibit A and depicted in Exhibit B.

1.04. Basis for Environmental Restrictions. The Property includes seven "Munitions Response Sites" (MRSs): MRS-4C, MRS-8, MRS-13C, MRS-18 and a portion of MRS-7, MRS-13B, and MRS-31 as shown in Exhibit B. The MRSs have been evaluated for the presence of MEC. Based on a review of existing records and available information, as described in FOSET 5, there is evidence MEC are or may be present on the Property.

ARTICLE II DEFINITIONS

2.01. DTSC. "DTSC" means the California Department of Toxic Substances Control and includes its successor agencies, if any.

2.02. Environmental Restrictions. "Environmental Restrictions" means all protective provisions, covenants, restrictions, requirements, prohibitions, and terms and conditions as set forth in this Covenant.

2.03. Improvements. "Improvements" includes, but is not limited to buildings, structures, roads, driveways, improved parking areas, wells, pipelines, or other utilities.

2.04. Lease. "Lease" means lease, rental agreement, or any other document that creates a right to use or occupy any portion of the Property.

2.05. Occupant. "Occupant" or "Occupants" means Owner and any person or entity entitled by ownership, leasehold, or other legal relationship to the right to occupy any portion of the Property.

2.06. Owner. "Owner" or "Owners" means the Covenantor, and any successor in interest including any heir and assignee, who at any time holds title to all or any portion of the Property.

2.07. U.S. EPA. "U.S. EPA" means the United States Environmental Protection Agency and includes its successor agencies, if any.

2.08. Jurisdictions. "Jurisdictions" means the County of Monterey, the City of Del Rey Oaks, the City of Marina, the City of Monterey, the City of Seaside, California State University Monterey Bay, University of California Santa Cruz, and Monterey Peninsula College.

ARTICLE III GENERAL PROVISIONS

3.01. Restrictions to Run with the Land. This Covenant sets forth Environmental Restrictions that apply to and encumber the Property and every portion thereof no matter how it is improved, held, used, occupied, leased, sold, hypothecated, encumbered, or conveyed. This Covenant: (a) runs with the land pursuant to Civil Code section 1471 and H&SC section 25355.5; (b) inures to the benefit of and passes with each and every portion of the Property; (c) is for the benefit of, and is enforceable by the DTSC; and (d) is imposed upon the entire Property unless expressly stated as applicable only to a specific portion thereof.

3.02. Binding upon Owners/Occupants. This Covenant: (a) binds all Owners of the Property, their heirs, successors, and assignees; and (b) the agents, employees, and lessees of the Owners and the Owners' heirs, successors, and assignees. Pursuant to Civil Code section 1471, all successive Owners of the Property are expressly bound hereby for the benefit of DTSC; this Covenant, however, is binding on all Owners and Occupants, and their respective successors and assignees, only during their respective periods of ownership or occupancy except that such Owners or Occupants shall continue to be liable for any violations of, or non-compliance with, the Environmental Restrictions of this Covenant or any acts or omissions during their ownership or occupancy.

3.03. Incorporation into Deeds and Leases. This Covenant shall be incorporated by reference in each and every deed and Lease for any portion of the Property.

3.04. Conveyance of Property. The Owner shall provide Notice to DTSC of this transfer not later than 30 days after any conveyance of any ownership interest in the Property (excluding Leases, mortgages, liens, and other non-possessory encumbrances). The Notice shall include the name and mailing address of the new Owner of the Property and shall reference the site name and site code as listed on page one of this Covenant. The notice shall also include the Assessor's Parcel Number(s) noted on page one. If the new Owner's property has been assigned a different Assessor Parcel Number, each such Assessor Parcel Number that covers the Property must be provided. DTSC shall not, by reason of this Covenant, have authority to approve, disapprove, or otherwise affect proposed conveyance, except as otherwise provided by law or by administrative order.

3.05. Costs of Administering this Covenant. DTSC has already incurred and will in the future incur costs associated with this Covenant. Therefore, the Covenantor hereby covenants for the Covenantor and for all subsequent Owners that, pursuant to California Code of Regulations, title 22, section 67391.1(h), the Owner agrees to pay, DTSC's reasonable costs in administering, implementing and enforcing this Covenant.

ARTICLE IV RESTRICTIONS

4.01. Prohibited Uses. Except for Residential CSUMB Campus Housing Area, the Property shall not be used for any of the following purposes:

- a) A residence, including any mobile home or factory built housing.
- b) A hospital for humans.
- c) A public or private school for persons under 21 years of age, except for post-secondary schools.
- d) A day care center for children.

4.02. Prohibited Activities and Soil Management Requirements. After certification of completion of remedial action under the AOC, the excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil, except pursuant to a valid excavation permit from the County, are prohibited.

4.03 Written Notice of Presence of MEC. Prior to the sale, lease, or sublease of the Property, or any portion thereof; or the execution of a license or easement on the Property, the owner, lessor, or sub-lessor shall give the buyer, lessee, or sub-lessee written notice that there is the potential for the presence of MEC in the soil of the Property.

4.04. Access. The DTSC and the U.S. EPA, and their contractors and agents shall have reasonable right-of-entry and access to the Property for inspection, monitoring, testing, sampling and other activities consistent with the purposes of this Covenant as deemed necessary by the DTSC in order to protect the public health and safety or the environment and oversee any required activities. Nothing in this instrument shall limit or otherwise affect U.S. EPA's right of entry and access, or U.S. EPA's authority to take response actions, under CERCLA; the National Contingency Plan, 40 Code of Federal Regulations Part 300 (1997) and its successor provisions; or federal law. Nothing in this instrument shall limit or otherwise effect the DTSC's right of entry and access, or authority to take response actions, under CERCLA; the National Contingency Plan, 40 Code of Federal Regulations Part 300 (1997) and its successor provisions; Chapter 6.8, Division 20 of the California Health and Safety Code; California Civil Code, or other applicable State Law.

4.05. Inspection and Reporting Requirements. Owner shall submit an annual report detailing compliance with Article IV of this Covenant, including an annual inspection, and check of county and city records. The submission of an annual report containing this information, as outlined in the MOA by and among DTSC, FORA, and the Jurisdictions, shall satisfy this requirement.

ARTICLE V ENFORCEMENT

5.01. Enforcement. Failure of the Owner or Occupant to comply with this Covenant shall be grounds for DTSC to require modification or removal of any Improvements constructed or placed upon any portion of the Property in violation of this Covenant. Violation of this Covenant, such as failure to submit (including submission of any false statement) record or report to DTSC, shall be grounds for DTSC to pursue administrative, civil, or criminal actions, as provided by law.

5.02 Enforcement Rights of U.S. EPA as a Third Party Beneficiary. U.S. EPA, as a third party beneficiary, has the right to enforce the Environmental Restrictions contained herein.

ARTICLE VI
VARIANCE, REMOVAL, AND TERM

6.01. Variance from Environmental Restrictions. Any person may apply to DTSC for a written variance from any of the Environmental Restrictions imposed by this Covenant. Such application shall be made in accordance with H&SC section 25233 and a copy of the application shall be submitted to U.S. EPA simultaneously with the application submitted to the DTSC. No variance may be granted under this paragraph without prior notice to and an opportunity to comment by U.S. EPA.

6.02. Removal of Environmental Restrictions. Any person may apply to DTSC to remove any of the Environmental Restrictions imposed by this Covenant or terminate the Covenant in its entirety. Such application shall be made in accordance with H&SC section 25224 and a copy of the application shall be submitted to U.S. EPA simultaneously with the application submitted to the DTSC. No termination may be granted under this paragraph without prior notice to and opportunity to comment by U.S. EPA.

6.03. Term. Unless ended in accordance with paragraph 6.02, by law, or by DTSC in the exercise of its discretion, this Covenant shall continue in effect in perpetuity.

ARTICLE VII
MISCELLANEOUS

7.01. No Dedication Intended. Nothing set forth in this Covenant shall be construed to be a gift or dedication, or offer of a gift or dedication, of the Property, or any portion thereof to the general public or anyone else for any purpose whatsoever. Further, nothing in this Covenant shall be construed to effect a taking under state or federal law.

7.02. Recordation. The Covenantor shall record this Covenant, with all referenced Exhibits, in the County of Monterey within ten (10) days of the Covenantor's receipt of a fully executed original.

7.03. Notices. Whenever any person gives or serves any Notice ("Notice" as used herein includes any demand or other communication with respect to this Covenant), each such Notice shall be in writing and shall be deemed effective: (a) when delivered, if personally delivered to the person being served or to an officer of a corporate party being served; or (b) five calendar days after deposit in the mail, if mailed by United States mail, postage paid, certified, return receipt requested:

To Owners: Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, California 93933
Attention: Michael Houlemard
Executive Officer

To DTSC: Department of Toxic Substances Control
Brownfields and Environmental Restoration Program
8800 Cal Center Drive
Sacramento, California 95826
Attention: Charlie Ridenour
Branch Chief

To U.S. EPA: U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105-3901
Attention: John Chestnut
Chief, Federal Facilities Section

Any party may change its address or the individual to whose attention a Notice is to be sent by giving written Notice in compliance with this paragraph.

7.04. Partial Invalidity. If any portion of the Restrictions or other term set forth herein is determined by a court of competent jurisdiction to be invalid for any reason, the surviving portions of this Covenant shall remain in full force and effect as if such portion found invalid had not been included herein.

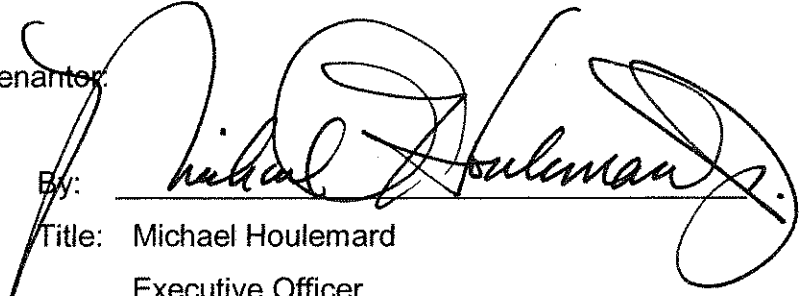
7.05. Statutory References. All statutory references include successor provisions.

7.06. Incorporation of Exhibits. All exhibits and attachments to this Covenant are incorporated herein by reference.

IN WITNESS WHEREOF, the Parties execute this Covenant.

Covenantor:

By:



Title: Michael Houlemard
Executive Officer
Fort Ord Reuse Authority

Date:

June 16, 2016

Department of Toxic Substances Control:

By:


Title: Charlie Ridenour
Branch Chief

Brownfields and Environmental Restoration Program – Sacramento Office
Department of Toxic Substances Control

Date:

6/6/2016

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Sacramento)

On 6/6/2016, before me, Umesh Hasji,

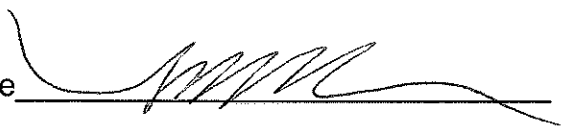
(insert name of notary)

Notary Public, personally appeared Charlie Riderow, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

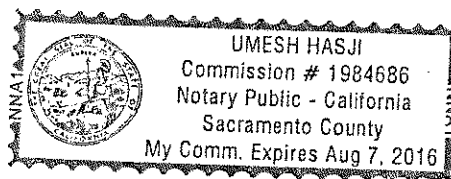
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of MONTEREY)

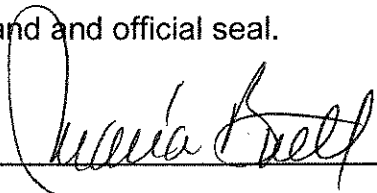
On JUNE 16, 2016, before me, MARIA BUELL,

(insert name of notary)

Notary Public, personally appeared MICHAEL A. HOWENAND, JR., who proved to me on the basis of satisfactory evidence to be the person(☉) whose name(☉) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(☉) on the instrument the person(☉), or the entity upon behalf of which the person(☉) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

(Seal)

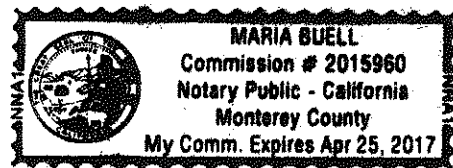


EXHIBIT 'A'
LEGAL DESCRIPTION
CSUMB RQA RESIDENTIAL

Certain real property situate in the City Lands of Monterey, Tract No. 1, County of Monterey, State of California, described as follows:

Being a portion of the land shown as Parcel 3B (332.837 AC.) on the map filed on August 28, 1993 in Volume 19 of Surveys at Page 86, Official Records of said County, particularly described as follows:

Being all that land lying westerly of the following described line

Beginning at a point on the southerly line of said Parcel, lying distant 1236.06 feet from the most southwesterly corner of said Parcel; thence northerly to a point on the northerly line of said Parcel, lying distant 896.29 feet from the most northwesterly corner of said Parcel.

Containing 48.93 acres of land, more or less.

Attached hereto is a plat to accompany legal description, and by this reference made a part hereof.

END OF DESCRIPTION

Prepared by:

WHITSON ENGINEERS

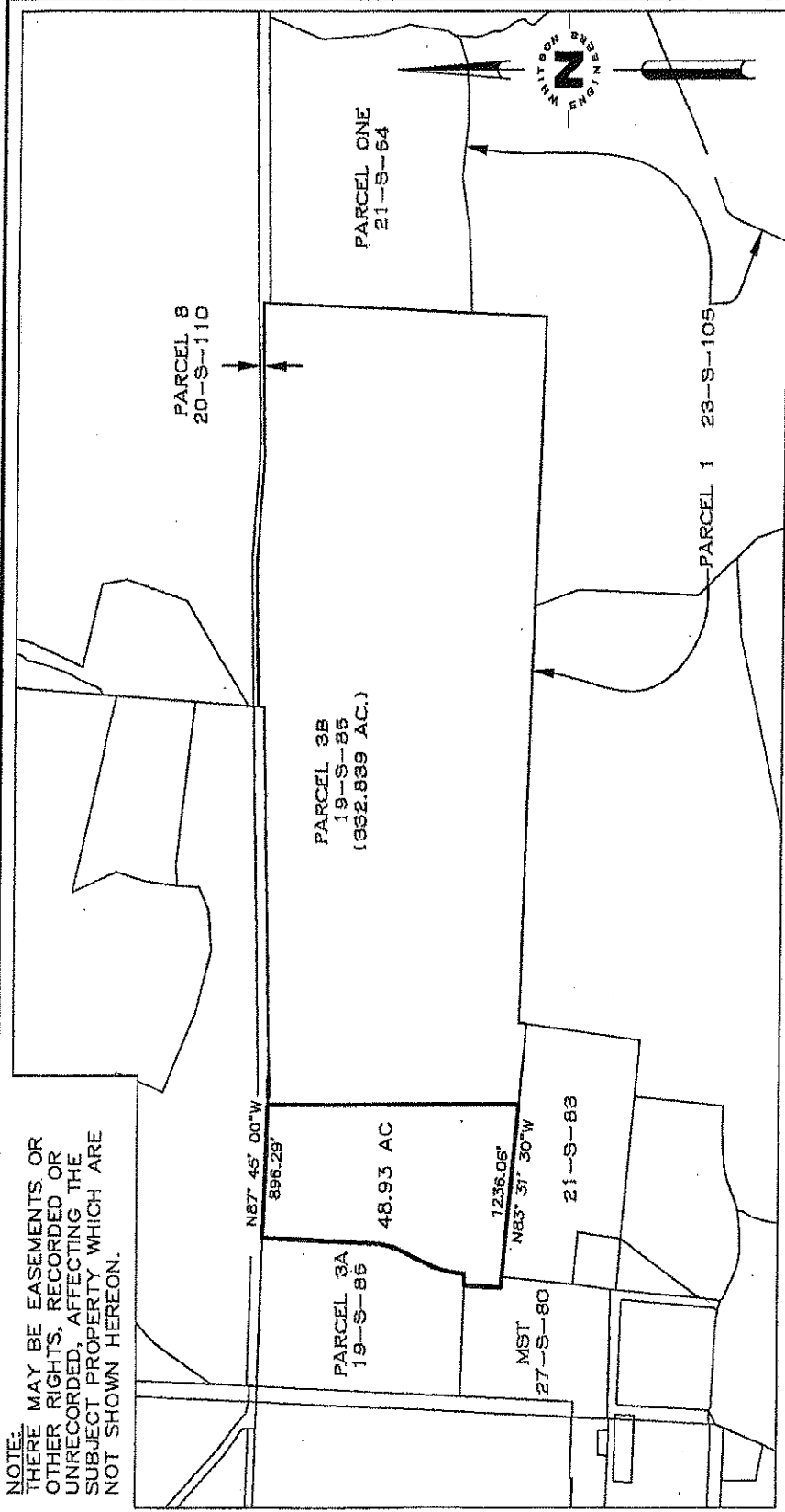


RICHARD P. WEBER P.L.S.
L.S. NO. 8002

Job No.: 1827.06



NOTE:
 THERE MAY BE EASEMENTS OR
 OTHER RIGHTS, RECORDED OR
 UNRECORDED, AFFECTING THE
 SUBJECT PROPERTY WHICH ARE
 NOT SHOWN HEREON.




		MONTEREY		DATE: JULY 29, 2014		SHEET	
		CALIFORNIA		SCALE: 1" = 100'		1	
DRAWING PATH: T:\Monterey Projects\18271827-Legal Desc CSUMB RQA 2014.dwg 9696 ELDE LARKSPUR LANE, SUITE 105 - MONTEREY, CALIFORNIA 93940 - TEL (831) 649-9225 - FAX (831) 755-065 - WWW.WHITSONENGINEERS.COM				DRAWN: BUH CHECKED: RPW		PROJECT No.: 1827.00 OF 1	
ATTACHMENT TO EXHIBIT A							

EXHIBIT B

PBC Parcel S1.3.2
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being all of Parcel 3B as it is shown on that certain map recorded in Volume 19 of Surveys at Page 86; and being more particularly described as follows:

BEGINNING at the northwest corner of said Parcel 3B being also a point on the southerly boundary of Parcel 7 as said parcel is shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence from said Point of Beginning along the common boundary between said Parcels 3B and 7

1. South $87^{\circ} 45' 00''$ East for a distance of 950.52 feet to the beginning of a tangent curve; thence
2. Along a curve to the left, through a central angle of $3^{\circ} 40' 00''$, having a radius of 2000.00 feet, for an arc length of 127.99 feet, and whose long chord bears South $89^{\circ} 35' 00''$ East for a distance of 127.97 feet to an intersection with a tangent line; thence
3. North $88^{\circ} 35' 00''$ East for a distance of 2505.45 feet to the southeast corner of Parcel 7 being also the southwest corner of Parcel 6, as said parcels are shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence leaving said common boundary of said Parcels 3B and 7 and running along the boundary common to said Parcels 6 and 7
4. North $3^{\circ} 30' 00''$ East for a distance of 50.18 feet along the boundary common to said Parcels 7 and 6 to the northwest corner of Parcel 6 being also the southwest corner of Parcel 8 as said parcels are shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence along the boundary common to said Parcels 6 and 8
5. North $88^{\circ} 35' 00''$ East for a distance of 912.70 feet to the beginning of a tangent curve; thence continuing along said common boundary of Parcels 6 and 8
6. Along a curve to the right, through a central angle of $5^{\circ} 55' 00''$, having a radius of 1050.00 feet, for an arc length of 108.43 feet, and whose long chord bears South $88^{\circ} 27' 30''$ East for a distance of 108.38 feet to an intersection with a tangent line; thence continuing along said common boundary of Parcels 6 and 8

PBC Parcel S1.3.2
FOSET 5
Fort Ord Military Reservation
Monterey County, California

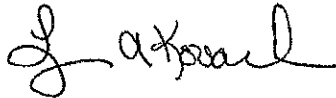
7. South 85° 30' 00" East for a distance of 616.17 feet to the beginning of a tangent curve; thence continuing along said common boundary of Parcels 6 and 8
8. Along a curve to the left, through a central angle of 05° 37' 00", having a radius of 1450.00 feet, for an arc length of 142.14 feet, and whose long chord bears South 88° 18' 30" East for a distance of 142.09 feet to a point of intersection with a tangent line; thence
9. North 88° 53' 00" East for a distance of 970.67 feet to the northeast corner of said Parcel 6; thence leaving said common boundary
10. South 2° 15' 00" West for a total distance of 2426.25 feet; at 56.10 feet the northwest corner of Parcel 1 as said parcel is shown on that certain map recorded in Volume 21 of Surveys at Page 64; at 1781.10 feet the southwest corner of said Parcel 1; at 2426.25 feet the southeast corner of said Parcel 3B; thence continuing along the southerly boundary of said Parcel 3B
11. North 87° 45' 00" West for a distance of 4791.91 feet; thence continuing along the southerly boundary of said Parcel 3B
12. South 06°27'43" West for a distance of 66.72 feet to the northeast corner of Parcel 7 as it is shown on that certain map recorded in Volume 21 of Surveys at Page 83; thence along the common boundary of said Parcels 3B and 7
13. North 83°31'30" West for a total distance of 1786.04 feet; at 1714.55 feet the northwest corner of said Parcel 7; thence continuing along the boundary of said Parcel 3B
14. North 2° 15' 00" East for a distance of 314.95 feet to the southerly corner common to Parcels 3A and 3B as shown on said map; thence continuing along the common boundary of said Parcels 3A & 3B
15. South 87° 45'00" East for a distance of 77.40 feet; thence
16. North 04°55' 44" East for a distance of 63.13 feet; thence
17. Along a tangent curve to the right, through a central angle of 15° 37' 46", having a radius of 900.00 feet, for an arc length of 245.51 feet, and whose long chord bears North 12° 44' 37" East for a distance of 244.75 feet to a point of intersection with a tangent line; thence
18. North 20° 33'30" East for a distance of 290.67 feet; thence

PBC Parcel S1.3.2
FOSET 5
Fort Ord Military Reservation
Monterey County, California

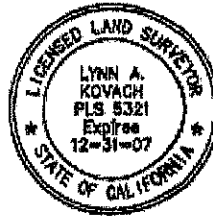
19. Along a tangent curve to the left, through a central angle of $18^{\circ} 18' 30''$, having a radius of 710.00 feet, for an arc length of 226.87 feet, and whose long chord bears North $11^{\circ} 24' 15''$ East for a distance of 225.91 feet to a point of intersection with a tangent line; thence
20. North $2^{\circ} 15' 00''$ East for a distance of 935.13 feet to the POINT OF BEGINNING.

Containing an area of 332.839 acres, more or less.

This legal description was prepared by



Lynn A. Kovach L.S. 5321
My license expires December 31, 2007



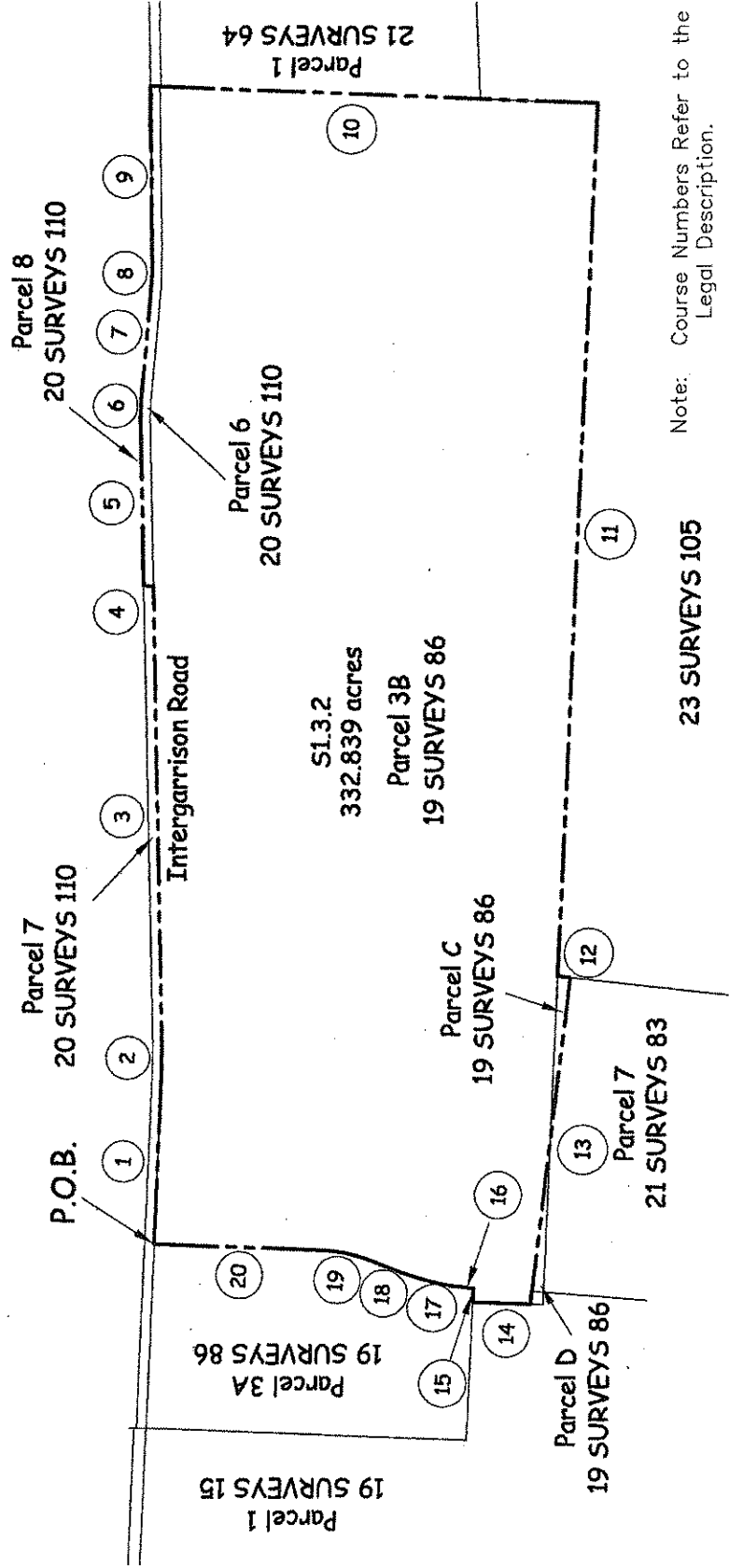
ATTACHMENT TO EXHIBIT B



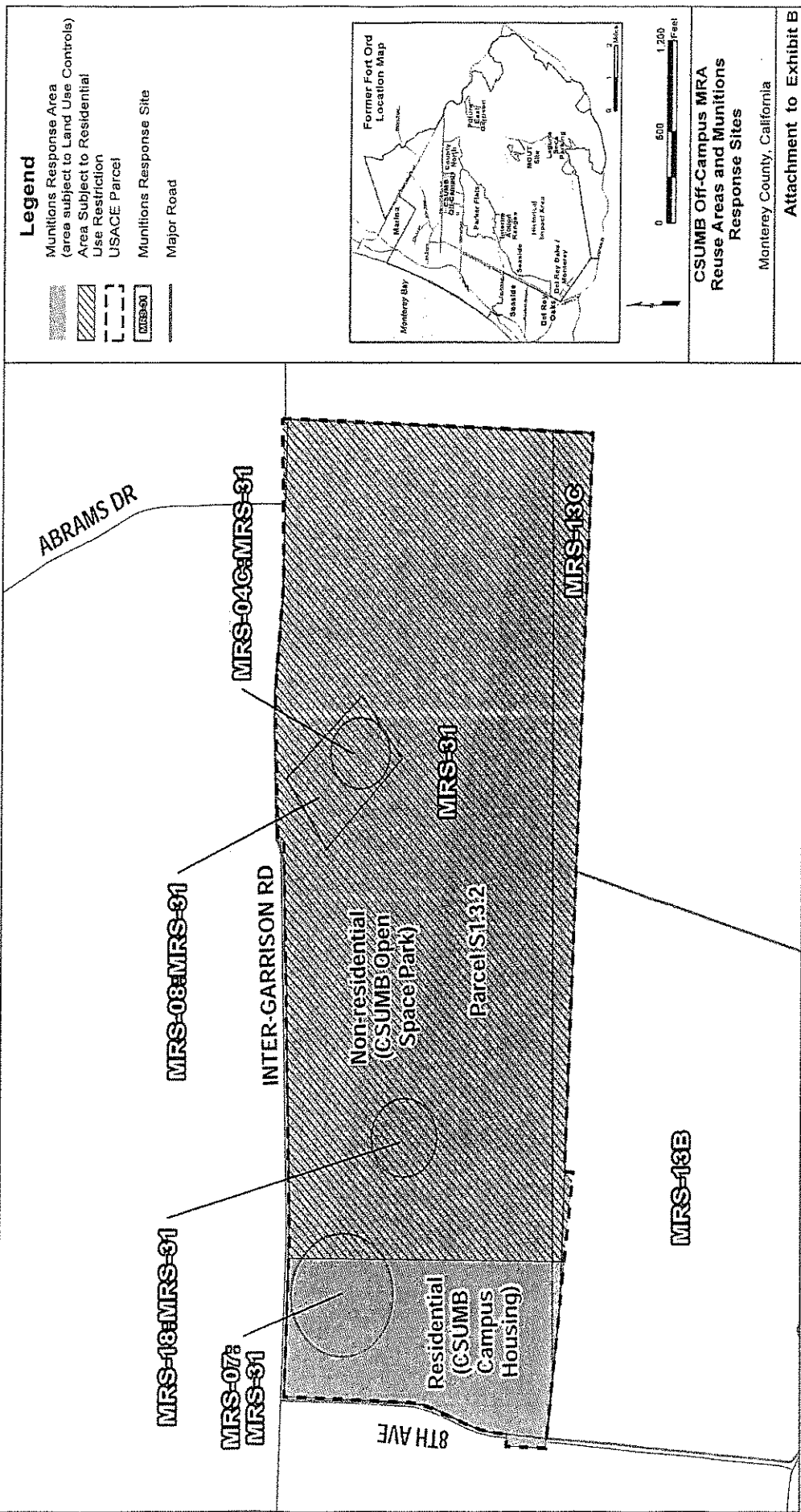
EXHIBIT
of

PBC Parcel S1.3.2
Being Parcel 3B as shown on Vol. 19 of Surveys at Page 86
Monterey County Jurisdiction
Fort Ord FOSET 5

Lying within the Fort Ord Military Reservation
as shown on Vol. 19 of Surveys at Page 1
Being also within Monterey City Lands Tract No. 1
Monterey County, California

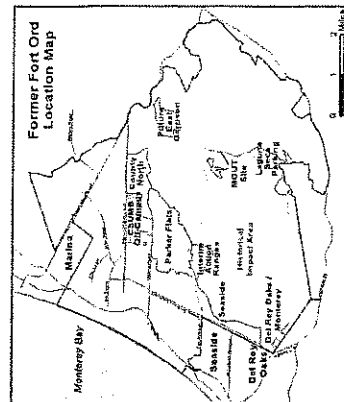


Note: Course Numbers Refer to the
Legal Description.



Legend

- Munitions Response Area (area subject to Land Use Controls)
- Area Subject to Residential Use Restriction
- USACE Parcel
- Munitions Response Site
- Major Road



CSUMB Off-Campus MRA
Reuse Areas and Munitions
Response Sites
Monterey County, California

Attachment to Exhibit B

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of MONTEREY)

On JUNE 16, 2016, before me, MARIA BUELL,

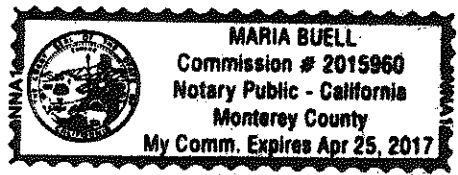
(insert name of notary)

Notary Public, personally appeared MICHAEL HOULEMARD, who proved to me on the basis of satisfactory evidence to be the person(☉) whose name(☉) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(☉) on the instrument the person(☉), or the entity upon behalf of which the person(☉) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Maria Buell*



(Seal)

APPENDIX D

Fort Ord Military Munitions 3Rs Explosives Safety Guide

HISTORY

As an active U.S. Army post, Fort Ord's mission was to train soldiers to protect the interests of the United States. An important part of the mission was infantry and artillery training. As a result of this training, unexploded ordnance may remain on portions of the former Fort Ord.

After reviewing the records of past training activities, the Army identified areas where ordnance may still remain and began conducting investigations and removing ordnance from those areas. Cleanup of all identified areas will not be completed for many years.



Examples of Military Munitions at former Fort Ord

Military Munitions 3Rs Explosives Safety Guide



If you find an object (or even a piece of one) resembling those shown in this safety guide —

**Don't Touch It
Mark the Location
Call 911 to Report the Item**

Si descubre cualquier objeto que se asemeje a los que se muestran en este photographia —

**¡NO LO TOQUE!
MARQUE LA UBICACIÓN
LLAME A LA POLICÍA AL 911!**



Fort Ord Military Munitions 3Rs Explosives Safety Guide

DANGER

Areas where unexploded ordnance may be present are posted with DANGER signs. Do not enter areas where you see signs like the one below. Off-road vehicular traffic is prohibited on the former Fort Ord.



Additional Munitions Safety Resources

The Fort Ord Reuse Authority offers free munitions recognition and safety training through an easy to access eLearning tool. This training is recommended for anyone conducting ground-disturbing activities on former Fort Ord and required for all personnel as a condition for excavation permits.

Munitions recognition and safety training eLearning may be accessed at: www.fortordsafety.com.

More information about munitions safety at the former Fort Ord, contact the Fort Ord Reuse Authority by calling 831-883-3672 or the Fort Ord Base Realignment and Closure Field Office by calling 831-242-7919.

For information about munitions cleanup at the Former Fort Ord, visit www.fortordcleanup.com.



Produced by the **Fort Ord Reuse Authority**
920 2nd Ave. Suite A, Marina, CA 93933
tel: 831-883-3672 Email: info@fora.org
www.fora.org

The 3Rs of Explosives Safety

Recognize — Recognizing when you may have encountered a munition is key to reducing the risk of injury or death. If you encounter or suspect you may have encountered a munition, consider it extremely dangerous. Remember, munitions are sometimes hard to identify.

Retreat — If you encounter or suspect you may have encountered a munition, do not touch, move or disturb it. Immediately and carefully - do not run - leave the area following the same path on which you entered. If you can, mark the general area, not the munition, in some manner (e.g., with a hat, piece of cloth, or tying a piece of plastic to a tree branch).

Report — When you think you may have encountered a munition, notify your local law enforcement — call 911.

DON'T FORGET

Munitions are dangerous and may not be easily recognizable. Never touch, move or disturb a munition or suspected munition.

Learn and follow the 3Rs Of explosives safety



Introduction

The purpose of this pamphlet is to inform you of the military training activities that took place at the former Fort Ord and to raise awareness of the explosive hazards that may exist at the former fort.

As a result of the Army's use of military munitions on the former Fort Ord, unexploded ordnance (UXO) may be encountered during ground disturbing activity on former Fort Ord property.

Users of the former Fort Ord should be aware of the potential for unexploded ordnance to remain after cleanup and be aware of the potential hazards munitions pose. To protect yourself, your family and your neighbors, you should learn and follow the 3Rs of Explosive Safety.

Before You Dig

Any activity within former military munitions areas at former Fort Ord that involves the disturbance of ten (10) cubic-yards or more of soil requires an Excavation Permit from the County or City building department.

The County and Cities have each adopted digging and excavation ordinances that specify special standards and procedures for ground disturbing activities on the former Fort Ord ("digging and excavation ordinances"; Monterey County Code Chapter 16.10, City of Del Rey Oaks Chapter 15.48, City of Monterey Chapter 9 Article 8, and City of Seaside Chapter 15.34, respectively).

The intent of these ordinances is to ensure that site purchasers, developers or workers are aware of the potential that explosive hazards may still be located on these properties, and to ensure that appropriate precautions, including UXO Construction Support, are implemented prior to any ground disturbance.

As a condition for excavation permits, all personnel working on the site must also complete munitions recognition and safety training. If a suspect munition item is encountered, it is imperative that all site workers understand the potential hazards, safety precautions, and protective measures in place.

APPENDIX E

**Local County Digging and Excavation Ordinances related to CSUMB Off-Campus
MRA Property and Confirmation of Agreement between Fort Ord Reuse Authority
and California State University Monterey Bay**

- Chapter 16.10 - DIGGING AND EXCAVATION ON THE FORMER FORT ORD
- 16.10.010 - Purpose and intent.
- 16.10.020 - General.
- 16.10.030 - Applicability.
- 16.10.040 - Excavation and digging restrictions.
- 16.10.050 - Permit requirements.
- 16.10.060 - Permit procedure.
- 16.10.070 - Term of permit.
- 16.10.080 - Exceptions to permit conditions.
- 16.10.090 - Performance bond.
- 16.10.100 - Amendment to permits.
- 16.10.110 - Appeals.
- 16.10.120 - Notification to property owners and other land users.
- 16.10.130 - Revision of Chapter.

Chapter 16.10 - DIGGING AND EXCAVATION ON THE FORMER FORT ORD

16.10.010 - Purpose and intent.

The United States Army (Army) is in the process of transferring various parcels of the former Fort Ord military installation (Fort Ord) to the County or to other entities within the County's land use jurisdiction. Some parcels of the former Fort Ord were contaminated with unexploded ordnance and explosives (UXO), which is a hazardous waste. The Army will not transfer those parcels until it has cleared those parcels of UXO to its standard. Even following the Army's completion of UXO response activities, it is possible that some UXO materials may remain on those parcels. The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) has statutory responsibility to oversee cleanup of releases of hazardous substances, which includes hazardous waste. DTSC cannot certify that all UXO has been cleared and it will require a land use covenant to be recorded with the Monterey County Recorder on those parcels to provide additional controls and restrictions to protect the public health and safety. The County will also enter into an Agreement with DTSC to provide additional safety measures and reporting.

(Ord. 5012 § 1 (part), 2005)

16.10.020 - General.

The Board of Supervisors finds and determines that those properties formerly included within the Fort Ord military installation that are suspected of containing UXO require special standards and procedures for digging and excavation in addition to those contained in the Building Code, to ensure that:

- A. Neither digging or excavation nor development of such properties occurs until ordnance or explosive remediation thereon is completed;
- B.
- B. Potential purchasers or developers of sites which may contain UXO and those persons whose work at such sites includes disturbing soil, are aware of the potential that UXO may be located on these properties and are aware of the requirements for UXO precautions prior to any digging, excavation or ground disturbance thereon; and
- C. DTSC should be continuously involved in the establishment of controls for those properties because it has statutory oversight responsibility with respect to hazardous substance response actions.

(Ord. 5012 § 1 (part), 2005)

16.10.030 - Applicability.

A. The Board of Supervisors, with the concurrence of DTSC, hereby designates all real property within the County's land use jurisdiction which was formerly part of Fort Ord and which have been identified in the Archives Search Report and supplement, dated 1997, or otherwise identified, as the possible location of unexploded ordnance or explosives as an Ordinance Remediation District (hereafter "district"). All such districts are defined as those areas of the unincorporated portions of the former Fort Ord, excepting therefrom the "Track 0" parcels as identified in the *Finding of Suitability to Transfer, Track 0 Parcels, Former Fort Ord, California* document, dated May 2003. The County shall notify DTSC of any change in the permitted land uses in any district within thirty (30) days after it adopts any change.

B. The regulations in this Chapter shall apply in all districts and shall be in addition and subject to all provisions of the County Code, including Titles 16, 18 and 21.

(Ord. 5012 § 1 (part), 2005)

16.10.040 - Excavation and digging restrictions.

It shall be unlawful for any person, including utilities, to engage in any of the following activities on any property located within a district unless that person is acting pursuant to a valid excavation permit (hereafter "permit") issued pursuant to this Chapter: excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil.

(Ord. 5012 § 1 (part), 2005)

16.10.050 - Permit requirements.

An owner or user of real property located within a district who desires to conduct the activities described in Section 16.10.040 shall apply to the Building Official for a permit. The application shall be on a form approved by the County, may be combined with an application for grading pursuant to County Code Chapter 16.08, shall be signed by the permit applicant and all owners of each parcel of property on which excavation will be done, and shall contain the following information:

- A. Six copies of a description of any previous UXO excavation or removal activity conducted on the property whose soil is proposed to be excavated, moved or graded;
- B. Six copies of a description of the property where soil is proposed to be excavated, moved or graded. The description shall include a drawing with dimensions to a scale which sets forth the size and details of all proposed excavation activity, including any proposed cut and fill, trenching, well drilling, mineral excavation, post hole drilling, or other activity of any sort whenever the applicant proposes to do either of the following: (1) disturb ten (10) cubic yards or more of soil; or (2) disturb soil in a manner inconsistent with restrictions placed on the property by the Army or as noted on the district map;
- C. Six copies of a statement that the person submitting the application acknowledges liability for removing all detected unexploded ordnance and explosives in accordance with this Chapter and the permit;
- D. Six copies of a statement by the person submitting the application that they have, within the preceding twelve (12) months, delivered a copy of the notice to everyone whose work at the property described in Subsection 16.10.050(B) includes disturbing soil;
- E. The expected completion date of the activities authorized by the permit;
- F. Any other information which the Building Official may require as pertinent to the determination of the adequacy of the proposed plan;
- G. Payment of the permit fee, as established by the Board of Supervisors, at the time of filing the application for the permit.

(Ord. 5012 § 1 (part), 2005)

16.10.060 - Permit procedure.

The Building Official shall review the permit application and shall approve the permit unless evidence is available which indicates that the proposed grading or excavation will create an undue risk to the health and safety of the public at large. Prior to acting on any such application, the Building Official, in his/her sole discretion, may set and conduct a public hearing for the purpose of receiving comments on the proposed grading and excavation. Except as otherwise indicated in Section 16.10.080, any permit issued hereunder shall be subject to the following conditions:

- A. All excavation and grading shall be performed solely in accordance with the permit approved and issued by the County.
- B. Prior to movement of any soil on any property located within a district, the permittee or designee shall personally deliver to each person who intends to work on the property described in the permit the Safety Alert—Ordnance and Explosives at former Fort Ord, as prepared by the Directorate of Environmental and Natural Resources Management at the Presidio of Monterey, or its successor document, and explain to each such person the information set forth in that notice.
- C. The permittee may not move or disturb soil unless the permittee is in compliance with the requirements placed on the property by an Agreement executed between the County, Redevelopment Agency, FORA and DTSC. Said Agreement shall, at a minimum, include OE construction support ("Construction Support") and shall be attached to and become a part of any permit issued pursuant to this Chapter.
- D. The permittee shall cease soil disturbance activities upon a discovery of any suspected unexploded ordnance. The permittee shall notify the Monterey County Sheriff, Directorate of Law Enforcement at the Presidio of Monterey, the Army and DTSC of any suspected unexploded ordnance discovered during any excavation or soil removal immediately upon discovery. The permittee shall coordinate appropriate response actions with the Army and DTSC.
- E. No later than thirty (30) days following the completion of the permitted soil disturbance activity, the permittee shall prepare and file with the Building Official, the Army and DTSC an After Action Report that shall state whether and where UXO was detected and the extent and depth of UXO response actions undertaken and completed on the property that is the subject of the permit. The After Action Report shall be in the form provided in Exhibit "A" and shall include site maps to illustrate the information contained in the report. All After Action Reports prepared and filed in accordance with this Chapter shall be deemed public records.

- F. --In consideration for the issuance of a permit and project approval, permittee shall defend at its sole expense any action or proceeding brought against the County and its Agents, Officers, and employees because of the approval of said permit. In further consideration for the issuance of a permit and project approval, the permittee shall indemnify and hold harmless from any liability the County and its agents, officers and employees and reimburse the County for any expenses incurred resulting from or in connection with the approval of the project including any claim, suit or legal proceeding and any and all related litigation costs, court costs, and attorneys' fees which the County may be required to pay as a result of such action. The County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the permittee of its obligations under this Subsection.
- G. The Building Official shall mail a notice of permit approval to the Army, DTSC, and all owners of property within three hundred (300) feet of the real property that is the subject of the permit application.

(Ord. 5012 § 1 (part), 2005)

16.10.070 - Term of permit.

Every permit issued by the Building Official under the provisions of this Chapter shall expire if the work authorized by such permit is not commenced within one hundred twenty (120) days from the date of such permit, or if the work authorized by such permit is commenced and then suspended or abandoned for a period of thirty (30) days, unless such suspension is approved by the Building Official. Before such work can be recommenced, a new permit shall first be obtained, and the fee therefor shall be as established from time to time by the Board of Supervisors for a new permit for such work, provided no changes have been made or will be made in the original plans and specification for such work.

(Ord. 5012 § 1 (part), 2005)

16.10.080 - Exceptions to permit conditions.

Following consultation with and approval by DTSC, the Board of Supervisors may, upon a finding that the requirements of Section 16.10.060(C) are no longer necessary, designate by ordinance or resolution any district as a Limited Control District and/or no longer subject to the provisions of this Chapter. The holder of any permit issued for any Limited Control District shall not be subject to Section 16.10.060(C).

(Ord. 5012 § 1 (part), 2005)

16.10.090 - Performance bond.

Upon a finding by the Building Official that a permit should be issued for excavation or grading on the proposed site, a surety bond, in the form prescribed by the Monterey County Code Section 16.08.290, conditioned upon the faithful performance and completion of the permitted excavation activity, shall be filed with the County. Such surety shall be executed in favor of the County and shall be maintained in an amount prescribed by the Building Official sufficient to ensure the completion of the ordnance remediation and excavation of the site as prescribed in the approved permit.

(Ord. 5012 § 1 (part), 2005)

16.10.100 - Amendment to permits.

Request for amendments to an approved excavation permit may be submitted to the Building Official at any time, detailing proposed changes from the original permit. Deviations from the original permit shall not be undertaken until such amendment has been approved by the County in writing. Amendments to an approved permit shall be approved by the same procedure as prescribed for the approval of the original excavation permit.

(Ord. 5012 § 1 (part), 2005)

16.10.110 - Appeals.

Any person aggrieved by any determination of the Building Official in exercise of the authority granted in this Chapter shall have the right to appeal pursuant to Monterey County Code Sections 16.08.460 through 16.08.510, inclusive.

(Ord. 5012 § 1 (part), 2005)

16.10.120 - Notification to property owners and other land users.

A. The County shall notify the owners of property designated as Ordnance Remediation Districts, and those utilities known to be providing service within the County, of the requirements of this Chapter and provide those persons with the Safety Alert—Ordnance and Explosives at Former Fort Ord, as identified in Section 16.10.060(B), above. The County shall annually notify the owners of said property as shown on the equalized tax rolls of the requirements of this Chapter and provide those persons with a copy of the notice. Failure of any owner, occupant or user of such land to receive said notification shall not relieve them from responsibility for compliance with this Chapter.

B. All owners, occupants or users of land subject to this Chapter, including utilities, shall notify any subsequent owners, assigns, lessees or users of such land of the requirements of this Chapter. Notification shall be made prior to transfer of the property in question.

Monterey County Code Chapter 16.10 - DIGGING AND EXCAVATION ON THE FORMER FORT ORD

C. All persons identified in Subsection 16.10.120(A) above shall deliver, at least annually, a copy of the notice to everyone whose work at UXO sites includes disturbing soil and shall explain the contents thereof to those persons.

(Ord. 5012 § 1 (part), 2005)

16.10.130 - Revision of Chapter.

This Chapter shall not be revised without prior written notice to the DTSC.

(Ord. 5012 § 1 (part), 2005)



FORT ORD REUSE AUTHORITY

920 2ND Avenue, Suite A, Marina, CA 93933
Tel: 831 883 3672 | Fax: 831 883 3675 | www.fora.org

December 19, 2017

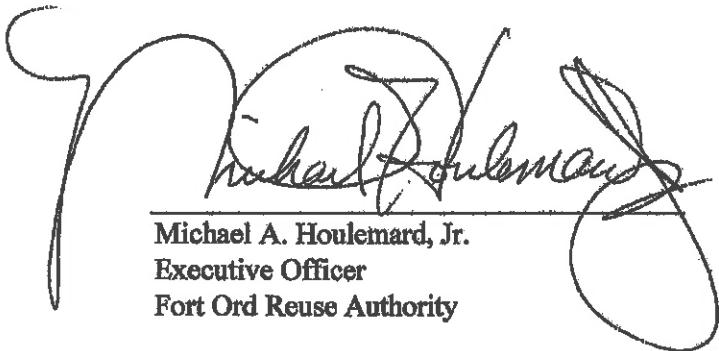
Michael Houlemard
Fort Ord Reuse Authority
Executive Officer
920 2nd Avenue, Suite A
Marina, California 93933

Kevin R. Saunders
VP Administration and Finance, CFO
University Corporation at Monterey Bay
100 Campus Center, Mountain Hall Suite D
Seaside, California 93955-8001


Confirmation of CSUMB Agreement with Excavation Permitting Requirements

This document confirms that California State University Monterey Bay (CSUMB) concurs with the excavation permitting requirements outlined in the Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan ("the Group 2 LUCIP/OMP").

CSUMB 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. CSUMB is not required to obtain an excavation permit under the local digging and excavation ordinance. However, CSUMB has agreed to comply with the local digging and excavation ordinance, specifically the requirements for munitions recognition and safety training, construction support, notifications, and monitoring and reporting, under the MOA in place with FORA, CSUMB, the County, and DTSC. In addition, CSUMB, as landowner, is prohibited from activities in violation of the digging and excavation ordinance under the Amended State CRUP and Federal deed; therefore, excavation permits are required.



Michael A. Houlemard, Jr.
Executive Officer
Fort Ord Reuse Authority



Kevin R. Saunders
VP Administration and Finance, CFO
University Corporation at Monterey Bay

APPENDIX F

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, California,
February 27, 2008

**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 SUBSTANCES CONTROL
CONCERNING MONITORING AND REPORTING ON ENVIRONMENTAL
RESTRICTIONS ON
THE FORMER FORT ORD, MONTEREY COUNTY, CALIFORNIA (HEREINAFTER
REFERRED TO AS "AGREEMENT")**

This Agreement is made and entered into, by and among the State Department of Toxic Substances Control ("Department"), and the Respondents including the Fort Ord Reuse Authority ("FORA"), Monterey County ("County"), the City of Seaside ("Seaside"), the City of Monterey ("Monterey"), the City of Del Rey Oaks ("Del Rey Oaks"), the City of Marina ("Marina"), California State University Monterey Bay ("CSUMB"), University of California Santa Cruz ("UCSC"), and Monterey Peninsula College ("MPC") pursuant to Health and Safety Code section 25355.5 (a)(1)(c). The cities, County, CSUMB, UCSC, and MPC are collectively referred to as "jurisdictions." This agreement:

- Requires the jurisdictions to monitor compliance with all land use covenants ("LUCs"), including those imposed after this Agreement is executed, for all property on the former Fort Ord, except Fort Ord Dunes State Park, which will be transferred to the State of California Department of Parks and Recreation.
- Requires the jurisdictions to report to FORA or the County concerning their compliance with all recorded LUCs within their jurisdiction.
- Requires FORA or the County to compile data in the jurisdiction reports and transmit those data in a report to the Department. FORA or the County will report to the Department from the effective date of this Agreement until FORA ceases to exist. The possibility of extending FORA's existence will be explored in 2013. If the Legislature extends FORA's existence, FORA will remain the reporting agency for this agreement after June 20, 2014 or until FORA ceases to exist. When FORA ceases to exist, the County will become responsible for compiling the jurisdictions' monitoring reports and transmittal of the compiled report to the Department.
- Provides funding for the Department's review and oversight costs relating to this agreement and all covenants referred to above (see Section 1.16 below).

1.0 Background

- 1.1 Fort Ord was selected for closure in 1991 under Public Law 101-510, the Base Realignment and Closure Act of 1990. Soldiers remained on the base until

1993. Some of the former Fort Ord property is owned by the United States Army ("Army"). Some former Fort Ord property has transferred and will transfer to various cities, other entities and the County. A detailed map of the former Fort Ord with affected Parcels identified is provided as Attachment 1. This map will be updated annually by FORA/the County as part of the annual report.

- 1.2 In 1990, Fort Ord was listed on the National Priorities List ("Superfund"). In 1990, the Fort Ord Federal Facility Agreement was signed by the Army, the United States Environmental Protection Agency, the Department and the California Regional Water Quality Control Board, Central Coast Region. The entire Property is undergoing, or has undergone, the federal Comprehensive Environmental Compensation and Liability Act ("CERCLA") remediation process.
- 1.3 LUCs are required under state law for any properties having remnant hazardous materials. Covenants are placed on such properties being transferred from the federal government to a subsequent owner. Portions of Fort Ord were used as practice ranges and/or maneuver areas for military munitions training. The Army and/or private professionals have and will continue to investigate and clean up the munitions and explosives of concern ("MEC"). FORA cannot find all MEC using current technology. FORA cannot safely remove MEC until it is found. FORA's goals for the subject Environmental Services Cooperative Agreement property are to: a) locate and remove as much MEC as possible, and b) minimize MEC-related risk. FORA is committed to achieving those goals to a level established by the Department before it transfers former munitions areas to local jurisdictions for reuse. Remedies for several MEC areas and potential MEC areas have been selected in the following Records of Decision:

- Interim Action For Ordnance and Explosives at Ranges 43-48, Range 30A and MRS-16 (dated September 13, 2002, signed September 26, 1994)
- No Further Action Related to Munitions and Explosives of Concern, Track 1 Sites, No Further Remedial Action with Monitoring for Risks from Chemical Contamination at Site 3 (MRS-22) (dated March 10, 2005, signed April 6, 2005) (Track 1)

The parties to this Agreement anticipate the following Records of Decision for MEC to be signed in 2007:

- Track 2 Munitions Response Parker Flats Munitions Response Area
- Track 3 Impact Area Munitions Response Area

- 1.4 The County adopted Ordinance No. 5012¹, amending the County Code to include Chapter 16.10, titled “*Digging and Excavation on the Former Fort Ord.*” The ordinance prohibits excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil without a permit. Chapter 16.10 also indicates that the County will also enter into an Agreement with the Department to provide additional safety measures and reporting (Ordinance 5012 § 1 (part), 2005). This Memorandum of Agreement fulfills that reporting requirement.
- 1.5 The City of Marina adopted Ordinance No. 98-04 amending the Municipal Code to add Chapter 15.56. That Ordinance prohibits excavation, digging, development or ground disturbance of any type on the former Fort Ord that involves the displacement of ten (10) cubic feet or more of soil without a permit. The parties anticipate that the City of Marina will amend Municipal Code to add Chapter 15.56 to prohibit excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil without a permit to be consistent with adjacent jurisdictions’ municipal codes.
- 1.6 The City of Del Rey Oaks adopted Ordinance No. 259 amending the Municipal Code to add Chapter 15.48. The ordinance prohibits excavation, digging, development or ground disturbance of any type on the former Fort Ord that involves the displacement of ten (10) cubic yards or more of soil without a permit.
- 1.7 The City of Seaside adopted Ordinance No. 924, amending the Municipal Code to add Chapter 15.34. The ordinance prohibits excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil without a permit on the former Fort Ord.
- 1.8 The City of Monterey adopted Ordinance No. 3384, amending the Municipal Code to add Chapter 9 Article 8. The ordinance prohibits excavation, digging, developing or ground disturbing activities of any type that involves the displacement of ten (10) cubic feet or more of soil without a permit on the former Fort Ord.
- 1.9 FORA Resolution 98-1 contains measures that avoid/ minimize impacts from hazardous material (See Attachment 2, FORA Resolution 98-1).
- 1.10 Non-MEC hazardous waste and/or hazardous substances were disposed of in various locations throughout Fort Ord. The Army remediated many of these locations. There are, however, locations where wastes remain, such as Operable Unit 2 (“OU2”) Landfill. Measures must be taken at these locations to assure that they can be safely used. The Department requires LUCs in

¹ As the State of California acting in a higher education capacity, CSUMB, UCSC, and MPC are not bound by local regulations and specifically the ordinances and regulations discussed in Sections 1.4—1.9 and 1.12—1.14.

these cases. Remedies for these sites, which may include institutional controls including LUCs, were selected in the following Records of Decision ("ROD"):

- Interim Action ROD, Contaminated Surface Soil Remediation (dated February 23, 1994, signed March 15, 1994)
- OU2, Fort Ord Landfills (dated July 15, 1994, signed August 23, 1994)
- Remedial Investigation Sites (dated January 13, 1997, signed January 24, 1997)

1.11 Portions of Fort Ord overlie contaminated groundwater. The contaminated groundwater at OU1, OU2 and Sites 2/12 is currently being remediated by the Army via comprehensive pumping and treatment systems. Activities which may affect the groundwater monitoring, pumping and treatment systems must be prevented. To achieve that goal, authorized representatives must be allowed to enter these areas. Well drilling in contaminated areas and consumption of unsafe groundwater must also be prevented. Remedies for these sites, which include institutional controls, were selected in the following Records of Decision:

- Operable Unit 1 ("OU1") Fritzsche Army Airfield, Fire Drill Area (dated July 25, 1995, signed May 8, 1996)
- OU2, Fort Ord Landfills (dated July 15, 1994, signed August 23, 1994)
- Remedial Investigation Sites, including Sites 2/12 Groundwater Remedy (dated January 13, 1997, signed January 24, 1997)

The parties expect the following Groundwater ROD will be signed in 2007:

- Operable Unit Carbon Tetrachloride Plume ("OUCTP")

1.12 The County adopted Ordinance No. 4011. Ordinance 4011, which amends and adds to Chapter 15.08 of Title 15 of the County Code, indicates that *"in areas overlying or adjacent to the contaminant plumes on the former Fort Ord ("Prohibition Zone"), water well construction shall be prohibited and no application for a ministerial well permit shall be accepted for any real properties within the Prohibition Zone area. The Prohibition Zone area is identified on the former Fort Ord, Special Ground Water Protection Zone Map, prepared and maintained by the United States Army and on file in the County of Monterey, Department of Health."*

- 1.13 Chapter 13.12 of the City of Marina Municipal Code regulates the construction of water wells so as to protect the quality of groundwater. Section 13.12.030 of the City Code requires a written permit to construct a water well first be obtained from the County.
- 1.14 Chapter 8.24 of the City of Seaside Municipal Code regulates the construction of water wells so as to protect the quality of groundwater and requires a written permit to construct a water well to be approved by the health officer.
- 1.15 The Army and the Department have or will enter into, Covenants to Restrict Use of Property (hereinafter referred to as "Covenants") prior to transfer of the Property. The purpose of these Covenants is to prohibit certain land uses on Fort Ord. FORA and other entities may also enter into such covenants directly with the Department. After EPA has selected one or more remedies for the Property in a ROD(s), the then-current land owner, the Department and Regional Water Quality Control Board ("RWQCB") may, if appropriate, modify or remove the restrictions in the LUC to be consistent with the land and water use restrictions, if any, selected in the ROD(s). The land use covenants variously include restrictions based on MEC, lead based paint, groundwater contamination and proximity to the landfill.
- 1.16 FORA, the County and the jurisdictions enter into this agreement to monitor and report on compliance with all covenants, past, present and future, signed for all former Fort Ord property except for Fort Ord Dunes State Park. FORA will pay the Department's invoices from the effective date of this agreement until FORA ceases to exist. (See California Code of Regulations (hereinafter referred to as "CCR"), Title 22, Division 4.5, Chapter 39, section 67391.1 and Health and Safety Code section 25355.5 (a)(1)(c)). The County agrees to pay the Department's costs from and after the date FORA ceases to exist (See Section 3.14).
- 1.17 Attachment 3 (Table 3-1) contains a summary of the recorded LUCs as of the date of this agreement. The summary also lists the restrictions in the covenant and the associated monitoring requirements.
- 1.18 FORA will supplement the property descriptions as set forth in the LUCs with specific GPS coordinates. These GPS coordinates will be included in the annual report.
- 1.19 The references to "schools" in this agreement and in Attachment 4 do not include post-secondary schools.

The Parties agree as follows:

2.0 Implementation of This Agreement

- 2.1 The above recitals are incorporated into this Agreement. FORA, the County

and the jurisdictions agree that this Agreement applies to all properties on the former Fort Ord except Fort Ord Dunes State Park. The parties agree to perform the following tasks:

2.1.1 Annual Review of Compliance with LUCs

Annually (starting on July 1 and being completed by June 30 of each year), the jurisdictions shall:

- a. Inspect each property within their jurisdiction for which a covenant has been signed, to assure compliance with all restrictions, and report findings to FORA/County in the report format provided in Attachment 4. CSUMB, UCSC, and MPC will report findings directly to FORA/County. The City of Marina, the City of Seaside, the City of Del Rey Oaks, the City of Monterey, and Monterey County will not report on CSUMB, UCSC, and MPC's properties, explicitly defined in Attachment 3 "Table 3-1 Summary of Land Use Covenants." If property owners other than CSUMB, UCSC, and MPC have multiple parcels within multiple jurisdictions, each jurisdiction will be responsible to report on only those properties within their jurisdiction. The number of annual reports to be provided by the local jurisdictions will be based on the initial land conveyance parcels as described in Table 3-1, and the total number of reports will not increase over time as land is subsequently sold and subdivided (i.e. the Department does not expect one report for each subsequent Assessor's Parcel Number).
- b. Check with the applicable building departments or campus planning and development departments to ensure no structures were approved or built in violation of any covenant and report findings to FORA/County.
- c. Check with the applicable planning departments or campus planning and development departments to assure no uses were approved in violation of any covenant.
- d. All jurisdictions shall review the jurisdiction well permit applications or the institution records, in the case of CSUMB, UCSC, and MPC, to ensure no wells have been approved, dug or installed in violation of the ordinance or the covenants.

2.1.2 Annual Review of Local Ordinances²

- a. Summarize compliance with the jurisdictions' digging ordinances, including the number of permits issued.

² Section 2.1.2 does not apply to CSUMB, UCSC, and MPC.

- b. Document any changes to the jurisdictions' excavation/grading ordinances.
- c. Document any changes to the jurisdiction well permit ordinances.
- d. FORA and the County, in conjunction with the Department and in consultation with RWQCB, will annually, prior to June 30th, update and distribute copies to the other parties to this agreement:
 1. The map illustrating parcels with LUCs (Attachment 1)
 2. Table 3-1 summarizing LUCs for the Fort Ord property (Attachment 3)
 3. Changes to County Digging and Excavation on the former Fort Ord Ordinance No. 5012
 4. Changes to the County Groundwater Ordinance No. 4011

2.2 MEC Incident Reporting (*pending Department discussions with Army*)

For parcels that have been transferred and are not being regulated under the former Fort Ord Munitions Response Site (hereinafter referred to as "MRS") Site Security Plan, the Department requests FORA and the County to provide data regarding MEC found at the parcels. The Department requests to track MEC found at parcels where cleanup has been completed, although some MEC may remain in place at depth.

On an annual basis, the jurisdictions agree to report 911 call data for MEC found, including but not limited to:

- a) date and time of the call,
- b) contact name,
- c) location of MEC finding,
- d) type of munitions, if available and
- e) response of jurisdiction law enforcement agency.

2.3 Annual Report

No later than September 1 of each year, FORA agrees to submit a report to the Department describing compliance with each of the prohibited activities and uses listed in the covenants. The County agrees to submit this report when FORA ceases to exist. The letter report will summarize the annual reviews conducted under 2.1 and 2.2 above. A Draft Annual Report outline is provided in Attachment 4. This report outline provides the minimum requirements for the annual report. Other information gathered during inspections or records searches should be attached (i.e., inspection notes and photos of violations, excavation permits, applicable County well records, and other relevant data). Each jurisdiction will certify the accuracy and

validity of its annual land use monitoring report. Except for land in the County's jurisdiction, the Department does not expect FORA or the County to:

- a. verify the accuracy of the local jurisdiction reports prior to submittal to Department;
 - b. perform monitoring or testing relative to these annual reports; or
 - c. accept responsibility for enforcement of the provisions of the LUCs.
- 2.4 The Department's activities will include, but not be limited to, review and comment on annual reports, travel to the Properties, inspection of implementation and compliance with this Agreement and the covenants as outlined in Attachment 5. The Department will notify FORA and the County of the change in scope and cost if it determines that it must undertake additional work to oversee compliance with this MOA and LUCs. FORA and the County agree to pay those additional costs.
- 2.5 FORA and the County have no responsibility for enforcement of this Agreement if a local jurisdiction fails to submit its annual reports to FORA or the County on time or at all. Local jurisdictions have no responsibility for enforcement of this Agreement if FORA or the County fail to compile and submit their annual report to the Department. The Department is responsible for enforcing compliance with this Agreement.

3.0 General Provisions

- 3.1 Any Notice given under this Agreement, including any communication with respect to this Agreement must be in writing. It will be deemed effective: (1) when delivered, if personally delivered to the person being served, or (2) three business days after deposit in the United States mail, postage paid, certified, return receipt requested. Such Notices must be addressed as follows:

To Monterey County: Director of Health
Monterey County Health Department
2170 Natividad Road
Salinas, California 93901

To FORA: Executive Officer
Fort Ord Reuse Authority (FORA)
100 12th Street
Building 2880
Marina, California 93933

To City Of Monterey: City Manager
City of Monterey
City Hall
Monterey, California 93940

To City Of Marina	City Manager City of Marina 211 Hillcrest Avenue Marina, California 93933
To City Of Seaside	City Manager City of Seaside 440 Harcourt Avenue Seaside, California 93955
To City Of Del Rey Oaks	City Manager City of Del Rey Oaks 650 Canyon Del Rey Del Rey Oaks, California 93940
To University of California Santa Cruz	Chancellor University of California Santa Cruz 1156 High Street Santa Cruz, California 95064
To California State University Monterey Bay	<i>VICE</i> President <i>for ADMIN. & FINANCE</i> CSU Monterey Bay 100 Campus Center Seaside, California 93955
To Monterey Peninsula College	Superintendent/President Monterey Peninsula College 980 Fremont Street Monterey, California 93940
To Department:	Anthony Landis, Chief Northern California Operations Office of Military Facilities Department of Toxic Substances Control 8800 Cal Center Drive Sacramento, California 95826

3.2 Obligations of the Department. The Department agrees to review and oversee the measures to be performed by FORA, jurisdictions and the County under this Agreement.

3.3 Coordinator. The FORA Coordinator is the Executive Officer. The Coordinator is responsible for receiving and submitting all notices, comments, approvals, and other communications to and from the Department until FORA

ceases to exist. The County Coordinator is the Monterey County Health Department Director of Health. The County Coordinator will receive and submit all notices, comments, approvals, and other communications from and to the Department after FORA ceases to exist.

- 3.4 Submittals. All submittals, reports and notifications from FORA and the County that are required by this Agreement shall be sent to:

Anthony Landis, Chief
Northern California Operations
Office of Military Facilities
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826

- 3.5 Communications. FORA and the County may not be relieved of their obligation to obtain formal approvals by informal advice, guidance, suggestions or comments given by the Department regarding reports, plans, specifications, schedules or any other writings by FORA, County and jurisdictions.
- 3.6 Department Review and Approval. If the Department determines that any report, plan, schedule or other document submitted to the Department for approval under this Agreement fails to comply with this Agreement or fails to protect public health or safety or the environment, the Department may return comments to FORA, the County and or jurisdictions with recommended changes and a date by which a revised document must be submitted to the Department incorporating the recommended changes.
- 3.7 Compliance with Applicable Laws. FORA, the County and jurisdictions shall carry out this Agreement in compliance with all applicable local, state, and federal requirements, including, but not limited to, requirements to obtain permits and to assure worker safety. CSUMB, UCSC, and MPC are not bound by local regulations when they act in their higher education capacity.
- 3.8 Liabilities. This Agreement does not satisfy or release FORA, the County or jurisdictions from liability for any conditions or claims arising as a result of their current or future operations. This Agreement does not limit or preclude the Department from taking any lawful act to protect public health or safety or the environment and recovering the cost thereof. Notwithstanding compliance with this Agreement, the Department may require FORA, the County and jurisdictions to take further actions necessary to protect public health and the environment.
- 3.9 Record Retention. All data, reports and other documents including email, and electronic deliverables required by this Agreement shall be transferred to the County within 90 days after the FORA agreement period ends (i.e., six years

and three months unless FORA's existence is extended). The County shall preserve the records for a minimum of ten (10) years after the conclusion of all activities under this Agreement. If the Department requests that some or all of these documents be preserved for a longer period of time, FORA and the County shall either comply with that request or deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. FORA and the County shall notify the Department in writing at least six (6) months prior to destroying any documents prepared pursuant to this Agreement.

- 3.10 State Liabilities. The State of California is not liable for personal injuries or property damage resulting from acts or omissions by FORA, the County and/or the jurisdictions, in carrying out activities pursuant to this Agreement, nor shall the State of California be held as a party to any contract entered into by FORA, the County, the jurisdictions or its agents in carrying out this Agreement.
- 3.11 Severability. The requirements of this Agreement are severable, and FORA, the County and the jurisdictions and/or shall comply with each and every provision hereof notwithstanding the effectiveness of any other provision.
- 3.12 Modification and Termination. FORA, the County and/or the jurisdictions may, upon written request, seek modification or termination of this Agreement at any time. In addition to modification as provided elsewhere in this Agreement, this Agreement may only be modified or terminated by mutual written agreement of the parties at any time.
- 3.13 Parties Bound. This Agreement applies to and is binding upon FORA, the County and jurisdictions and its officers, directors, agents, employees, successors and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon any successor agency of the State of California that may have responsibility for and jurisdiction over the subject matter of this Agreement. FORA, the County and the jurisdictions shall provide a copy of this Agreement to any successor or assignee.
- 3.14 Cost Recovery. FORA and the County as FORA's successor are liable for all of the Department's costs incurred in reviewing and overseeing compliance with this MOA and all past, present and/or future LUCs. FORA will pay the Department's and its own costs for their activities under this MOA. FORA will recover these costs from each local jurisdiction through payment of the local agencies' FORA "dues." FORA "dues" are funds that FORA collects annually from agencies represented on the board in accordance with SB 899, Title 7.85 Section 67690. FORA will pay for costs incurred by the department and FORA for fiscal years 2008 and 2009 and will not seek cost recovery from the local jurisdictions for this initial two-year period. When FORA ceases to exist and the County assumes FORA's responsibilities under this Agreement, the other parties to this agreement shall pay the Department and the County costs

as determined in this Section to the County. If any party defaults on such payment, the Department shall pursue collection of the Department's costs directly from that party. FORA's and the County's cost recovery will be based on the Department's accounting of its actual costs, broken down by jurisdiction, and will include an additional 15% cost for FORA's or the County's administrative activities. The cost estimate for Department services is provided in Attachment 5. The estimate is based on the attached 2007 Department Contract Estimation Rates for the time period between July 1, 2006 and June 30, 2007 (see Attachment 5A). Actual charges will be based on each employee's salary and benefits, actual per diem, mileage rates and expenses. The Department will send quarterly "time and materials" invoices. Title 22 California Code of Regulations section 67391.1(h) provides: "The Department shall require responsible parties, facility owners or operators, or project proponents involved in land use covenants to pay all costs associated with the administration of such controls." Cost recovery may also be pursued by the Department under CERCLA, Health and Safety Code Section 25360, or any other applicable state or federal statute or common law.

On an annual basis, the Department will compare this cost estimate with actual charges. If the invoice variance is greater than 20% from the original cost estimate for any jurisdiction, the Department will notify FORA and prepare an addendum to this cost estimate. Agreements to distribute financial liability between the jurisdictions, the County or FORA are beyond the scope of this agreement.

Invoices shall be transmitted to:

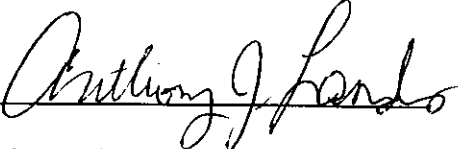
Mr. Michael Houlemard, Jr.
Executive Officer
Fort Ord Reuse Authority (FORA)
100 12th Street
Building 2880
Marina, California 93933

County of Monterey
Director of Health
Monterey County Health Department
2170 Natividad Road
Salinas, California 93901

- 3.15 Effective Date. The effective date of this Agreement is the date of signature by the Department's authorized representative.
- 3.16 Representative Authority. Each undersigned representative of the parties to this Agreement certifies that she or he is authorized to enter into the terms and conditions of this Agreement and to execute and legally bind the parties to this Agreement.

IN WITNESS WHEREOF, the authorized representatives below have executed this Memorandum of Agreement among FORA, the County and Cities of Seaside, Monterey, Del Rey Oaks and Marina, CSUMB, UCSC, MPC and the Department concerning monitoring and reporting on environmental restrictions on the former Fort Ord on the dates set forth below at Sacramento, California.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL



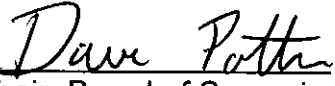
Anthony J. Landis, P.E.
Chief
Northern California Operations
Office of Military Facilities
Department of Toxic Substances Control



Date



IN WITNESS WHEREOF, the authorized representatives below have executed this Memorandum of Agreement among FORA, the County and Cities of Seaside, Monterey, Del Rey Oaks and Marina, CSUMB, UCSC, MPC and the Department concerning monitoring and reporting on environmental restrictions on the former Fort Ord on the dates set forth below at _____, California.

COUNTY OF MONTEREY


Chair, Board of Supervisors
168 W. Alisal Street
Salinas, California 93901

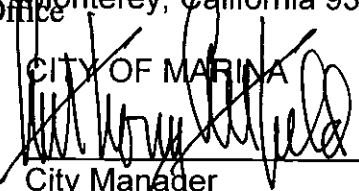
10-16-07
Date

CITY OF MONTEREY


APPROVED BY City Manager
City Hall
Monterey, California 93940

City Attorney's Office

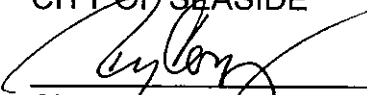
2-25-2009
Date

CITY OF MARINA


City Manager
211 Hillcrest Avenue
Marina, California 93933


11.29.07
Date

CITY OF SEASIDE


City Manager
440 Harcourt Avenue
Seaside, California 93955

2.27-08
Date

CITY OF DEL REY OAKS


City Manager
650 Canyon Del Rey
Del Rey Oaks, California 93940

2/27/08
Date

IN WITNESS WHEREOF, the authorized representatives below have executed this Memorandum of Agreement among FORA, the County and Cities of Seaside, Monterey, Del Rey Oaks and Marina, CSUMB, UCSC, MPC and the Department concerning monitoring and reporting on environmental restrictions on the former Fort Ord on the dates set forth below at _____, California.

University of California Santa Cruz




Chancellor
1156 High Street
Santa Cruz, California 95064

1/18/08

Date

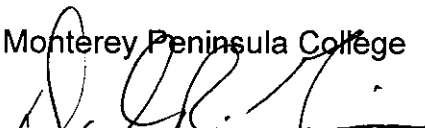
California State University Monterey Bay


VICE President *ADMIN. & FINANCE*
100 Campus Center
Seaside, California 93955

1-25-08

Date

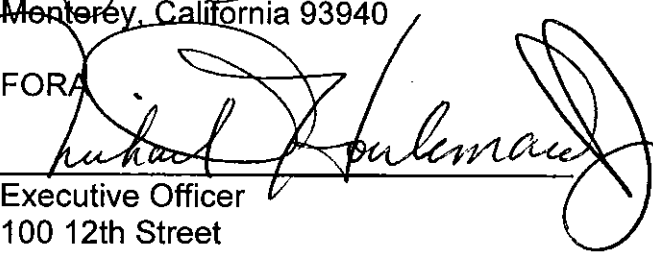
Monterey Peninsula College


Superintendent/President
980 Fremont Street
Monterey, California 93940

12-18-07

Date

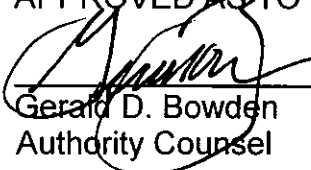
FORA


Executive Officer
100 12th Street
Building 2880
Marina, California 93933

11/28/07

Date

APPROVED AS TO FORM:


Gerald D. Bowden
Authority Counsel

12/8/07

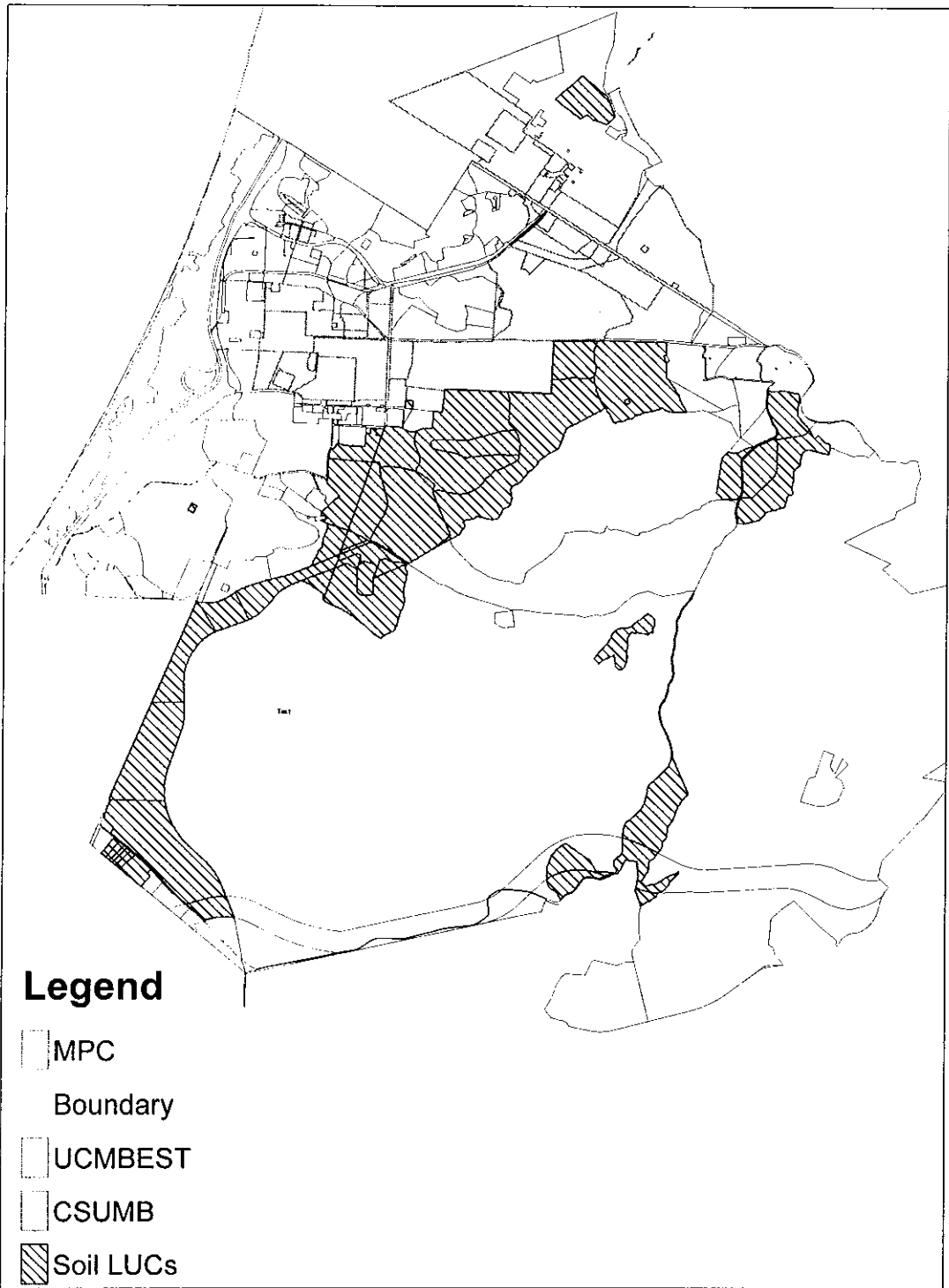
Date

ATTACHMENT "1"

LUC Parcel Maps

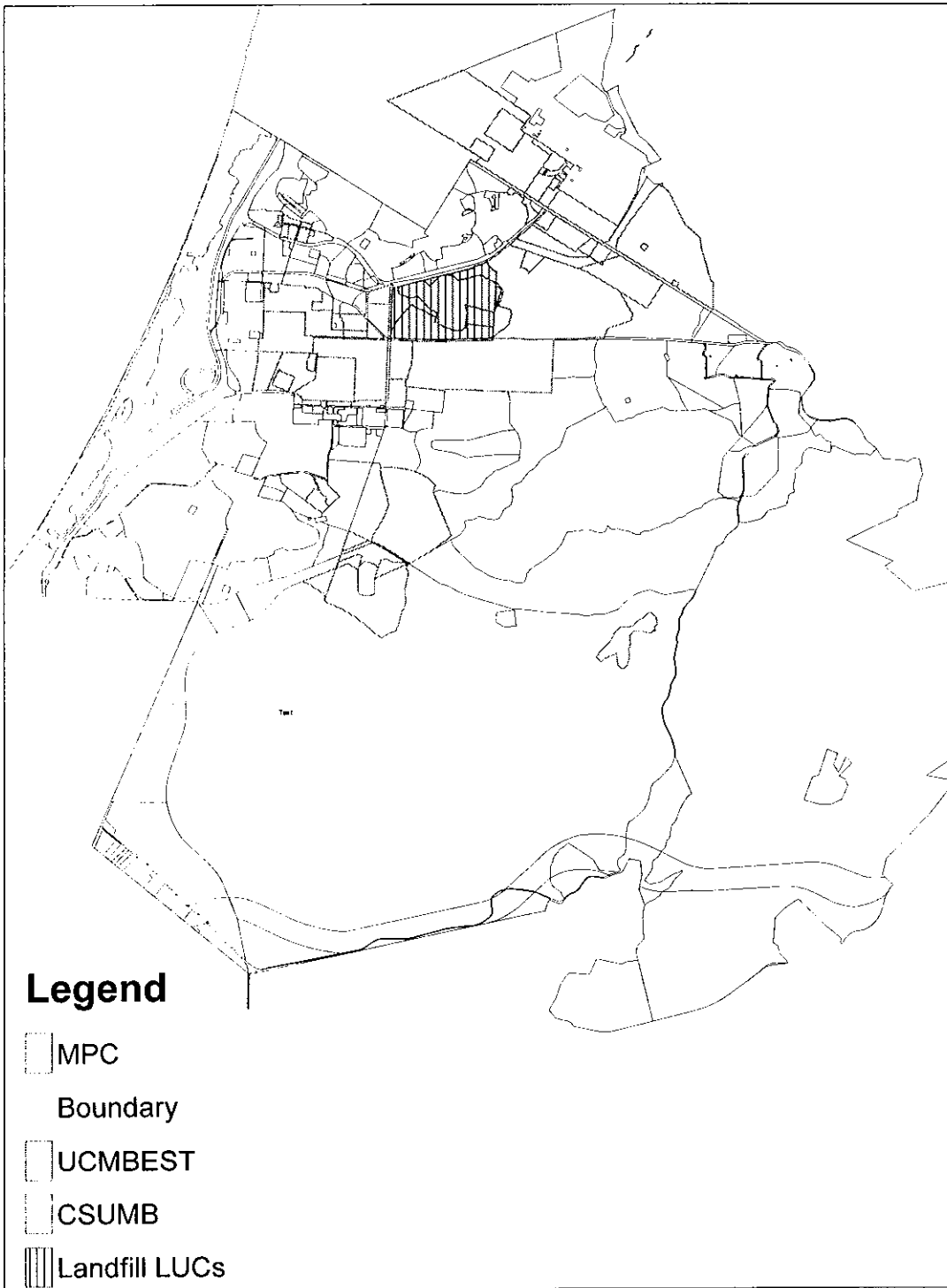
ATTACHMENT 1

Fort Ord LUCs - Soil



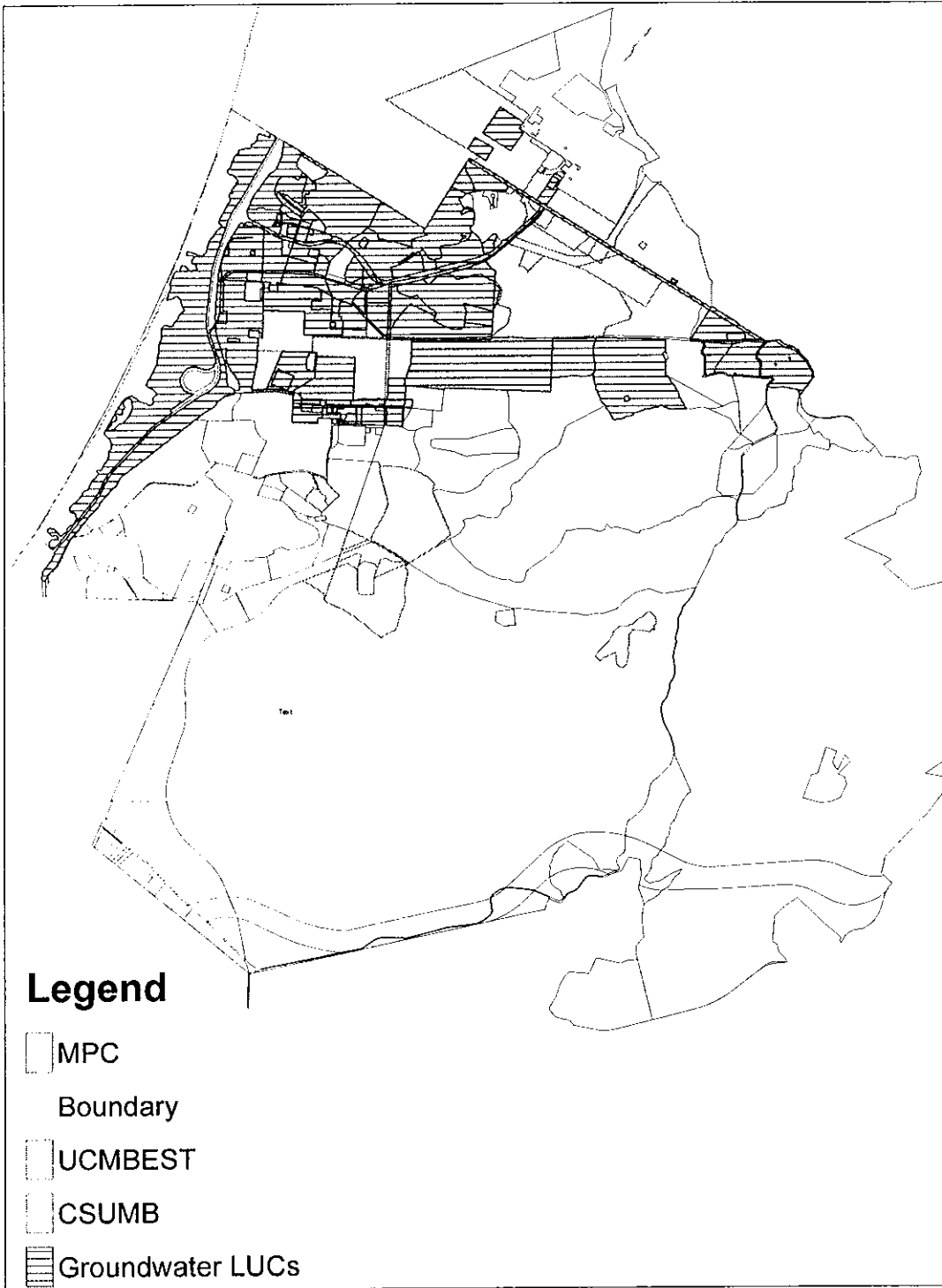
0 1,950 3,900 7,800 11,700 15,600 Feet

Fort Ord LUCs - Landfill



0 1,950 3,900 7,800 11,700 15,600 Feet

Fort Ord LUCs - Groundwater



0 1,9503,900 7,800 11,700 15,600 Feet

ATTACHMENT "2"

FORA, Resolution 98-1

ATTACHMENT 2

Resolution 98-1

A RESOLUTION OF THE FORT ORD REUSE AUTHORITY, AMENDING SECTION 1.01.050 AND ADDING CHAPTER 8 TO THE FORT ORD REUSE AUTHORITY MASTER RESOLUTION, RELATING TO BASE REUSE PLANNING AND CONSISTENCY DETERMINATIONS

Section 1. Section 1.01.050 of the Fort Ord Reuse Authority Master Resolution is amended by adding the following definitions to such section in alphabetical order:

“Affected territory” means property within the Fort Ord Territory that is the subject of a legislative land use decision or an application for a development entitlement and such additional territory within the Fort Ord Territory that may be subject to an adjustment in density or intensity of allowed development to accommodate development on the property subject to the development entitlement.

“Army urbanized footprint” means the Main Garrison Area and the Historic East Garrison Area as such areas are described in the Reuse Plan.

“Augmented water supply” means any source of potable water in excess of the 6,600 acre feet of potable water from the Salinas Basin as allowed under the Reuse Plan.

“Development entitlements” includes but is not limited to tentative and final subdivision maps, tentative, preliminary, and final parcel maps or minor subdivision maps, conditional use permits, administrative permits, variances, site plan reviews, and building permits. The term “development entitlement” does not include the term “legislative land use permits” as that term is defined in this Master Resolution. In addition, the term “development entitlement” does not include:

- 1) Construction of one single family house, or one multiple family house not exceeding four units, on a vacant lot within an area appropriately designated in the Reuse Plan.
- 2) Improvements to existing single family residences or to existing multiple family residences not exceeding four units, including remodels or room additions.
- 3) Remodels of the interior of any existing building or structure.
- 4) Repair and maintenance activities that do not result in an addition to, or enlargement of, any building or structure.
- 5) Installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and development approved pursuant to the Authority Act.
- 6) Replacement of any building or structure destroyed by a natural disaster with a comparable or like building or structure.
- 7) Final subdivision or parcel maps issued consistent with a development entitlement subject to previous review and approval by the Authority Board.
- 8) Building permit issued consistent with a development entitlement subject to previous review by the Authority Board.

"Fort Ord Territory" means all territory within the jurisdiction of the Authority.

"Habitat Management Plan" means the Fort Ord Installation-Wide Multi-Species Habitat Management Plan, dated April, 1997.

"Land use agency" means a member agency with land use jurisdiction over territory within the jurisdiction of the Authority Board.

"Legislative land use decisions" means general plans, general plan amendments, redevelopment plans, redevelopment plan amendments, zoning ordinances, zone district maps or amendments to zone district maps, and zoning changes.

"Noticed public hearing" means a public hearing noticed in the following manner

1. Notice of the public hearing shall be posted on the public meeting room at the FORA office at least 10 days before the date of the hearing; and
2. Notice of the public hearing shall be mailed or delivered at least 10 days prior to the affected land use agency, to any person who has filed an appeal, and to any person who has requested special notice; and
3. Notice of the public hearing shall be published at least 10 days before the date of the hearing in at least one newspaper of general circulation within the area that the real property that is the subject of the public hearing is located.

"Reuse Plan" means the plan for reuse and development of the territory within the jurisdiction of the Authority, as amended or revised from time to time, and the plans, policies, and programs of the Authority Board, including the Master Resolution.

Section 2. Chapter 8 is added to the Fort Ord Master Resolution to read:

**CHAPTER 8.
BASE REUSE PLANNING AND CONSISTENCY DETERMINATIONS.**

Article 8.01. GENERAL PROVISIONS.

8.01.010. REUSE PLAN

(a) The Authority Board shall prepare, adopt, review, revise from time to time, and maintain a Reuse Plan for the use and development of the territory within the jurisdiction of the Authority. Such plan shall contain the elements mandated pursuant to the Authority Act and such other elements, policies, and programs as the Authority Board may, in its sole discretion, consider and adopt.

Article 8.02. CONSISTENCY DETERMINATION CRITERIA

8.02.010. LEGISLATIVE LAND USE DECISION CONSISTENCY.

(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land use decision for which there is substantial evidence supported by the record, that

- (1) Provides a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory;
- (2) Provides for a development more dense than the density of uses permitted in the Reuse Plan for the affected territory;
- (3) Is not in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution.
- (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority;
- (5) Does not require or otherwise provide for the financing and/or installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the legislative land use decision; and
- (6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan.

(b) FORA shall not preclude the transfer of intensity of land uses and/or density of development involving properties within the affected territory as long as the land use decision meets the overall intensity and density criteria of Sections 8.02.010(a)(1) and (2) above as long as the cumulative net density or intensity of the Fort Ord Territory is not increased.

(c) The Authority Board, in its discretion, may find a legislative land use decision is in substantial compliance with the Reuse Plan when the Authority Board finds that the applicant land use agency has demonstrated compliance with the provisions specified in this section and Section 8.020.020 of this Master Resolution.

8.02.020. SPECIFIC PROGRAMS AND MITIGATION MEASURES FOR INCLUSION IN LEGISLATIVE LAND USE DECISIONS.

(a) Prior to approving any development entitlements, each land use agency shall act to protect natural resources and open spaces on Fort Ord Territory

by including the open space and conservation policies and programs of the Reuse Plan, applicable to the land use agency, into their respective general, area, and specific plans.

- (1) Each land use agency shall review each application for a development entitlement for compatibility with adjacent open space land uses and require suitable open space buffers to be incorporated into the development plans of any potentially incompatible land uses as a condition of project approval.
- (2) When buffers are required as a condition of approval adjacent to Habitat Management areas, the buffer shall be designed in a manner consistent with those guidelines set out in the Habitat Management Plan. Roads shall not be allowed within the buffer area adjacent to Habitat Management areas except for restricted access maintenance or emergency access roads.

(b) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will ensure consistency of future use of the property within the coastal zone through the master planning process of the California Department of Parks and Recreation, if applicable. All future use of such property shall comply with the requirements of the Coastal Zone Management Act and the California Coastal Act and the coastal consistency determination process.

(c) Monterey County shall include policies and programs in its applicable general, area, and specific plans that will ensure that future development projects at East Garrison are compatible with the historic context and associated land uses and development entitlements are appropriately conditioned prior to approval.

(d) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall limit recreation in environmentally sensitive areas, including, but not limited to, dunes and areas with rare, endangered, or threatened plant or animal communities to passive, low intensity recreation, dependent on the resource and compatible with its long term protection. Such policies and programs shall prohibit passive, low-density recreation if the Board finds that such passive, low-density recreation will compromise the ability to maintain an environmentally sensitive resource.

(e) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall encourage land uses that are compatible with the character of the surrounding districts or neighborhoods and discourage new land use activities which are potential nuisances and/or hazards within and in close proximity to residential areas. Reuse of property in the Army urbanized footprint should be encouraged.

(f) Each land use agency with jurisdiction over property in the Army urbanized footprint shall adopt the cultural resources policies and programs of the Reuse Plan concerning historic preservation, and shall provide appropriate incentives for historic preservation and reuse of historic property, as determined by the affected land use agency, in their respective applicable general, area, and specific plans.

(g) The County of Monterey shall amend the Greater Monterey Peninsula Area Plan and designate the Historic East Garrison Area as an historic district in the County Reservation Road Planning Area. The East Garrison shall be planned and zoned for planned development mixed uses consistent with the Reuse Plan. In order to implement this aspect of the plan, the County shall adopt at least one specific plan for the East Garrison area and such specific plan shall be approved before any development entitlement shall be approved for such area.

(h) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall support all actions necessary to ensure that sewage treatment facilities operate in compliance with waste discharge requirements adopted by the California Regional Water Quality Control Board.

(i) Each land use agency shall adopt the following policies and programs:

- (1) A solid waste reduction and recycling program applicable to Fort Ord Territory consistent with the provisions of the California Integrated Waste Management Act of 1989, Public Resources Code Section 40000 *et seq.*
- (2) A program that will ensure that each land use agency carries out all action necessary to ensure that the installation of water supply wells comply with State of California Water Well Standards and well standards established by the Monterey County Health Department; and
- (3) A program that will ensure that each land use agency carries out all actions necessary to ensure that distribution and storage of potable and non-potable water comply with State Health Department regulations.

(j) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans to address water supply and water conservation. Such policies and programs shall include the following:

- (1) Identification of, with the assistance of the Monterey County Water Resources Agency and the Monterey Peninsula Water Management District, potential reservoir and water impoundment sites and zoning of such sites for watershed use, thereby precluding urban development;

- (2) Commence working with appropriate agencies to determine the feasibility of development additional water supply sources, such as water importation and desalination, and actively participate in implementing the most viable option or options;
- (3) Adoption and enforcement of a water conservation ordinance which includes requirements for plumbing retrofits and is at least as stringent as Regulation 13 of the Monterey Peninsula Water Management District, to reduce both water demand and effluent generation.
- (4) Active participation in support of the development of "reclaimed" or "recycled" water supply sources by the water purveyor and the Monterey Regional Water Pollution Control Agency to ensure adequate water supplies for the territory within the jurisdiction of the Authority.
- (5) Promotion of the use of on-site water collection, incorporating measures such as cisterns or other appropriate improvements to collect surface water for in-tract irrigation and other non-potable use.
- (6) Adoption of policies and programs consistent with the Authority's Development and Resource Management Plan to establish programs and monitor development of territory within the jurisdiction of the Authority to assure that it does not exceed resource constraints posed by water supply.
- (7) Adoption of appropriate land use regulations that will ensure that development entitlements will not be approved until there is verification of an assured long-term water supply for such development entitlements.
- (8) Participation in the development and implementation of measures that will prevent seawater intrusion into the Salinas Valley and Seaside groundwater basins.
- (9) Implementation of feasible water conservation methods where and when determined appropriate by the land use agency, consistent with the Reuse Plan, including; dual plumbing using non-potable water for appropriate functions; cistern systems for roof-top run-off; mandatory use of reclaimed water for any new golf courses; limitation on the use of potable water for golf courses; and publication of annual water reports disclosing water consumption by types of use.

(k) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will require new development to demonstrate that all measures will be taken to ensure that storm water

runoff is minimized and infiltration maximized in groundwater recharge areas. Such policies and programs shall include:

- (1) Preparation, adoption, and enforcement of a storm water detention plan that identifies potential storm water detention design and implementation measures to be considered in all new development, in order to increase groundwater recharge and thereby reduce potential for further seawater intrusion and provide for an augmentation of future water supplies.
- (2) Preparation, adoption, and enforcement of a Master Drainage Plan to assess the existing natural and man-made drainage facilities, recommend area-wide improvements based on the approved Reuse Plan, and develop plans for the control of storm water runoff from future development. Such plans for control of storm water runoff shall consider and minimize any potential for groundwater degradation and provide for the long term monitoring and maintenance of all storm water retention ponds.

(l) Each land use agency shall adopt policies and programs that ensure that all proposed land uses on the Fort Ord Territory are consistent with the hazardous and toxic materials clean-up levels as specified by state and federal regulation.

(m) Each land use agency shall adopt and enforce an ordinance acceptable to the California Department of Toxic Substances Control ("DTSC") to control and restrict excavation or any soil movement on those parcels of the Fort Ord Territory, which were contaminated with unexploded ordnance, and explosives. Such ordinance shall prohibit any digging, excavation, development, or ground disturbance of any type to be caused or otherwise allowed to occur without compliance with the ordinance. A land use agency shall not make any substantive change to such ordinance without prior notice to and approval by DTSC.

(n) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will help ensure an efficient regional transportation network to access the territory under the jurisdiction of the Authority, consistent with the standards of the Transportation Agency of Monterey County. Such policies and programs shall include:

- (1) Establishment and provision of a dedicated funding mechanism to pay for the "fair share" of the impact on the regional transportation system caused or contributed by development on territory within the jurisdiction of the Authority; and
- (2) Support and participate in regional and state planning efforts and funding programs to provide an efficient

regional transportation effort to access Fort Ord Territory.

(o) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that ensure that the design and construction of all major arterials within the territory under the jurisdiction of the Authority will have direct connections to the regional network consistent with the Reuse Plan. Such plans and policies shall include:

- (1) Preparation and adoption of policies and programs consistent with the Authority's Development and Resource Management Plan to establish programs and monitor development to assure that it does not exceed resource constraints posed by transportation facilities;
- (2) Design and construction of an efficient system of arterials in order to connect to the regional transportation system; and
- (3) Designate local truck routes to have direct access to regional and national truck routes and to provide adequate movement of goods into and out of the territory under the jurisdiction of the Authority.

(p) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans to provide regional bus service and facilities to serve key activity centers and key corridors within the territory under the jurisdiction of the Authority in a manner consistent with the Reuse Plan.

(q) Each land use agency shall adopt policies and programs that ensure development and cooperation in a regional law enforcement program that promotes joint efficiencies in operations, identifies additional law enforcement needs, and identifies and seeks to secure the appropriate funding mechanisms to provide the required services.

(r) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that ensure development of a regional fire protection program that promotes joint efficiencies in operations, identifies additional fire protection needs, and identifies and seeks to secure the appropriate funding mechanisms to provide the required services

(s) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will ensure that native plants from on-site stock will be used in all landscaping except for turf areas, where practical and appropriate. In areas of native plant restoration, all cultivars, including, but not limited to, manzanita and ceanothus, shall be obtained from stock originating on Fort Ord Territory.

(t) Each land use agency shall include policies and programs in their general, area, and specific plans that will ensure compliance with the 1997 adopted FORA Reuse Plan jobs/housing balance provisions. The policies and programs for the provision of housing must include flexible targets that generally correspond with expected job creation on the former Fort Ord. It is recognized that, in addressing the Reuse Plan jobs/housing balance, such flexible targets will likely result in the availability of affordable housing in excess of the minimum 20% local jurisdictional inclusionary housing figure, which could result in a range of 21% - 40% below market housing. Each land use agency should describe how their local inclusionary housing policies, where applicable, address the Reuse Plan jobs/housing balance provisions.

(1) Agencies submitting consistency determination requests to FORA should identify and describe, where applicable, any factors that impact production of housing. These factors may include, without limitation, public financing, water resources, land use regulations, and environmental conditions. Each jurisdiction should consider but not be limited to, the following in establishing its Reuse Plan jobs/housing balance policies and programs:

- (a) Earmarking of tax increment housing set aside funds for housing programs, production, and/or preservation linked to jobs;
- (b) Development and/or preservation of ownership or rental housing linked to jobs;
- (c) Incorporation of job creation targets in project specifications;
- (d) Linkage of existing housing resources with jobs created;
- (e) Development of agreements with such jurisdictions for Reuse Plan-enhancing job creation or housing programs, production, and/or preservation; and
- (f) Granting of incentives to increase additional below-market housing productions to meet job creation needs.

(2) As a reference and guide for determining income limits and housing affordability levels, each land use agency should use measures established by the U.S. Department of Housing and Urban Development, the California Department of Housing and Community Development, and/or the Association of Monterey Bay Area Governments when determining compliance for very low, low, median, moderate affordability and comparable affordability factors for below-market housing up to 180% of median as approved as FORA

policy guidelines at the January 9, 2004 FORA Board meeting.

8.02.030. DEVELOPMENT ENTITLEMENT CONSISTENCY.

(a) In the review, evaluation, and determination of consistency regarding any development entitlement presented to the Authority Board pursuant to Section 8.01.030 of this Resolution, the Authority Board shall withhold a finding of consistency for any development entitlement that:

- (1) Provides an intensity of land uses, which is more intense than that provided for in the applicable legislative land use decisions, which the Authority Board has found consistent with the Reuse Plan;
- (2) Is more dense than the density of development permitted in the applicable legislative land use decisions which the Authority Board has found consistent with the Reuse Plan;
- (3) Is not conditioned upon providing, performing, funding, or making an agreement guaranteeing the provision, performance, or funding of all programs applicable to the development entitlement as specified in the Reuse Plan and in Section 8.02.020 of this Master Resolution and consistent with local determinations made pursuant to Section 8.02.040 of this Resolution.
- (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority.
- (5) Does not require or otherwise provide for the financing and installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the applicable legislative land use decision.
- (6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan.
- (7) Is not consistent with the Highway 1 Scenic Corridor design standards as such standards may be developed and approved by the Authority Board.
- (8) Is not consistent with the jobs/housing balance requirements developed and approved by the Authority Board as provided in Section 8.02.020(t) of this Master Resolution.

8.03.080. CONFLICT DETERMINATIONS.

This article establishes procedural guidelines for the evaluation of the environmental factors concerning activities within the jurisdiction of the Authority and in accordance with State Guidelines. Where conflicts exist between this article and State Guidelines, the State Guidelines shall prevail except where this article is more restrictive.

Section 3. This resolution shall become effective upon adoption.

PASSED AND ADOPTED this 20 day of November, 1998, upon motion of Member MANEINI, seconded by Member RUCKER, and carried by the following vote:

AYES: 10

NOES: 2

ABSENT: 1

I, EDITH JOHNSEN, Chair Of the Board of Directors of the Fort Ord Reuse Authority of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of the said Board of Directors duly made and entered in the minutes thereof at section 4a., page 2 of Minute Book
Nov. 20 1998 on Dec 2, 1998.

Dated: January 20, 1999

By: Edith Johnson
EDITH JOHNSEN
Chair, Board of Directors
Fort Ord Reuse Authority

ATTACHMENT "3"

*Table 3-1
Summary of Land Use Covenants*

ATTACHMENT 3

**TABLE 3-1
SUMMARY OF LUCS BY JURISDICTION**

Jurisdiction	Date LUC Recorded	DTSC LUC Tracking Number	Parcel	GPS Coordinates	Restrictions
Del Rey Oaks	12/28/05	Soil 3	E29a		1. No sensitive uses. 2. No soil disturbance or violation of ordinance without soil management plan 3. Notification of MEC 4. Access rights
			E29b.1		
			E31.b		
			E31a		
			E31c		
			E36		
	In Review	Soil 4	L20.13.1.2		1. No sensitive uses. 2. No soil disturbance or violation of ordinance without soil management plan 3. Notification of MEC 4. Access rights
			L20.13.3.1		
L6.2					

Explanations:

Soil = chemicals (such as metals) and Munitions and Explosives of Concern (MEC) are the primary concern in soil media

Groundwater = chemicals such as Volatile organic compounds (VOCs) are the primary concern in the groundwater media

Landfill = chemicals such as Volatile Organic Compounds (VOCs) are the primary concern in the landfill (soil) and landfill gas (vapor)

**TABLE 3-1
SUMMARY OF LUCS BY JURISDICTION**

Jurisdiction	Date LUC Recorded	DTSC LUC Tracking Number	Parcel	GPS Coordinates	Restrictions
Marina	10/12/01	Soil 1	L5.1.1		1. No sensitive uses. 2. No soil disturbance or violation of ordinance without a mangement plan 3. Access rights
	05/22/02	Groundwater 1a	E17		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
			E4.1.1		
			E4.2		
			E4.3.1.1		
	09/17/03	Groundwater 1	L2.2.1		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
			L35.1		
			L35.2		
	09/22/03	Groundwater 2	E2B.1.1.1		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
			E2B.1.1.2		
			E2B.1.2		
			E2B.1.3		
			E2B.1.4		
			E2B.1.5		
			E2B.2.1		
			E2B.2.2		
			E2B.2.3		
			E2B.2.4		
			E2B.2.5		
			E2B.3.1.1		
			E2B.3.2		
			E2C.1		
			E2C.2		
			E2C.3.1		
			E2C.3.2		
			E2C.3.3		
			E2C.4.1.1		
			E2C.4.2.1		
E2D.1					
E2D.2					
E2E.1					
E4.5					
L12.2.2					
L12.2.3					
L12.3					
L20.16.1					
L20.16.2					
L20.16.3					
L20.17.1					
L5.8.1					
L5.8.2					
S4.1.4					
09/28/04	Groundwater 3	S4.1.3		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area.	

**TABLE 3-1
SUMMARY OF LUCS BY JURISDICTION**

Jurisdiction	Date LUC Recorded	DTSC LUC Tracking Number	Parcel	GPS Coordinates	Restrictions
	03/29/07	Groundwater 6	S4.1.5		3. Notify damages to remedy and monitoring systems. 4. Access rights.
	03/13/06	Groundwater 4	E2a E4.1.2.1 E4.1.2.2 E4.1.2.3 E4.3.1.2 E4.3.2.1 E4.6.1 L5.6.1 L5.6.2		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
	03/21/06	Groundwater 5	E2d.3.1 E5a.2 L5.10.2		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
	In Review	Groundwater 8	E4.3.2.2 E4.7.1 E5a.1 L5.10.1		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
	In Review	Groundwater TBA	E2c.4.1.2 E2c.4.2.2 E2c.4.3 E2c.4.4 E2d.3.2 L5.9.2 L20.17.2		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
	In Review	Groundwater TBA	L2.2.2		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.

Explanations:

Soil = chemicals (such as metals) and Munitions and Explosives of Concern (MEC) are the primary concern in soil media

Groundwater = chemicals such as Volatile organic compounds (VOCs) are the primary concern in the groundwater media

Landfill = chemicals such as Volatile Organic Compounds (VOCs) are the primary concern in the landfill (soil) and landfill gas (vapor) media

**TABLE 3-1
SUMMARY OF LUCS BY JURISDICTION**

Jurisdiction	Date LUC Recorded	DTSC LUC Tracking Number	Parcel	GPS Coordinates	Restrictions
City of Monterey	In Review	Soil 5	E29.1		1. No sensitive uses. 2. No soil disturbance or violation of ordinance without a mangement plan 3. Notification of MEC 4. Access rights

Explanations:

Soil = chemicals (such as metals) and Munitions and Explosives of Concern (MEC) are the primary concern in soil media

Groundwater = chemicals such as Volatile organic compounds (VOCs) are the primary concern in the groundwater media

Landfill = chemicals such as Volatile Organic Compounds (VOCs) are the primary concern in the landfill (soil) and landfill gas (vapor) media

**TABLE 3-1
SUMMARY OF LUCS BY JURISDICTION**

Jurisdiction	Date LUC Recorded	DTSC LUC Tracking Number	Parcel	GPS Coordinates	Restrictions
Monterey County	05/22/02	Groundwater 1a	L2.4.2		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
			L2.4.3.2		
	09/17/03	Groundwater 1	L35.3		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
			L35.6		
			L35.7		
			L35.8		
	9/28/04 and TBD	Groundwater 3 and Landfill 1	E8a.1.2		1. No construction of wells. 2. No disturbance or creation of recharge area. 3. No sensitive uses. 4. Notify damages to remedy and monitoring system. 5. Access rights. 6. No structures unless protective for LFG per Title 27
			E8a.1.3		
			E8a.1.4		
			E8a.1.5		
09/28/04	Groundwater 3	E11B.1		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.	
		E11B.2			
		E11B.3			
		E11B.4			
		E2E.2			
		L20.10.1.1			
		L20.10.1.2			
		L20.10.2			
		L20.14.1.2			
		L20.20			
		L20.21.1			
		L20.21.2			
		L20.22			
		L23.3.1			
L23.3.2.1					
L32.4.2					
S4.1.2.2					
06/26/06	Groundwater 6	E4.6.2		1. No construction of wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.	
6/26/2006 and TBD	Groundwater 6 and Landfill 2	E8a.1.1.2		1. No construction of wells. 2. No disturbance of systems or cap. 3. No sensitive uses. 4. No disturbance or creation of recharge area. 5. Notify damages to remedy and monitoring systems. 6. Access rights 7. No structures unless protective for LFG per Title 27	
10/18/06	Groundwater 7	S3.1.1		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.	
In Review	Groundwater 9	E4.7.2, L5.7, L20.2.1, L32.1		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.	
		E4.7.2		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.	

**TABLE 3-1
SUMMARY OF LUCS BY JURISDICTION**

Jurisdiction	Date LUC Recorded	DTSC LUC Tracking Number	Parcel	GPS Coordinates	Restrictions
In Review		Soil TBD/GW 9	L5.7		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights. 5. No sensitive uses. 6. No soil disturbance or violation of ordinance without soil management plan 7. Notification of MEC
			L20.2.1		
			L32.1		
			E11.b.6.1		1. No sensitive uses. 2. No soil disturbance or violation of ordinance without soil management plan 3. Notification of MEC 4. Access rights
			E11b.7.1.1		
			E11b.8		
			E18.1.2		
			E19a.1		
			E19a.2		
			E19a.3		
			E19a.4		
			E19a.5		
			E21b.3		
			E39		
			E40		
			E41		
			E42		
			F1.7.2		
			L20.3.1.		
			L20.3.2		
			L20.5.1		
			L20.5.2		
			L20.5.3		
			L20.5.4		
L20.8					
L20.18					
L20.19.1.1					
L23.2					
TBD	Landfill 3 and Groundwater 11	E8a.2		1. No construction of wells. 2. No disturbance of systems or cap. 3. No sensitive uses. 4. No disturbance or creation of recharge area. 5. Notify damages to remedy and monitoring systems. 6. Access rights 7. No structures unless protective for LFG per Title 27	
		E8a.1.1.1			
TBD	Soil TBD	L23.3.2.2		1. No sensitive uses. 2. No soil disturbance or violation of ordinance without soil management plan 3. Access rights	

Explanations:

Soil = chemicals (such as metals) and Munitions and Explosives of Concern (MEC) are the primary concern in soil media
 Groundwater = chemicals such as Volatile organic compounds (VOCs) are the primary concern in the groundwater media
 Landfill = chemicals such as Volatile Organic Compounds (VOCs) are the primary concern in the landfill (soil) and landfill gas (vapor)

**TABLE 3-1
SUMMARY OF LUCS BY JURISDICTION**

Jurisdiction	Date LUC Recorded	DTSC LUC Tracking Number	Parcel	GPS Coordinates	Restrictions
Seaside	05/22/02	Groundwater 1a	L2.4.3.1		1. No construction of wells. 2. no disturbance or creation of recharge area 3. Notify damages to remedy and monitoring systems. 4. Access rights
			L32.4.1.2		
			L37		
	09/17/03	Groundwater 1	L1.1		1. No construction of wells. 2. no disturbance or creation of recharge area 3. Notify damages to remedy and monitoring systems. 4. Access rights
	09/22/03	Groundwater 2	E15.1		1. No construction of wells. 2. no disturbance or creation of recharge area 3. Notify damages to remedy and monitoring systems. 4. Access rights
			L19.2		
			L19.3		
			L19.4		
	03/22/04	Soil 2	F2.7.2		1. No sensitive uses. 2. No soil disturbance or violation of ordinance without a mangement plan 3. Access rights
	09/28/04	Groundwater 3	L15.1		1. No construction of wells. 2. no disturbance or creation of recharge area 3. Notify damages to remedy and monitoring systems. 4. Access rights
			L20.19.2		
			L32.4.1.1		
			L36		
L7.8					
L7.9					
In Review	Soil 6	S4.1.2.1		1. No sensitive uses. 2. No soil disturbance or violation of ordinance without a mangement plan 3. Notification of MEC 4. Access rights	
		E18.1.1			
		E18.1.3			
		E18.4			
		E20c.2			
		E23.1			
		E23.2			
E24					
E34					

Explanations:

Soil = chemicals (such as metals) and Munitions and Explosives of Concern (MEC) are the primary concern in soil media

Groundwater = chemicals such as Volatile organic compounds (VOCs) are the primary concern in the groundwater media

Landfill = chemicals such as Volatile Organic Compounds (VOCs) are the primary concern in the landfill (soil) and landfill gas (vapor) media

**TABLE 3-1
SUMMARY OF LUCS BY JURISDICTION**

Jurisdiction	Date LUC Recorded	DTSC LUC Tracking Number	Parcel	GPS Coordinates	Restrictions
MPC (Marina)	09/28/04	Groundwater 3	L23.1.1		1. No construction of wells. 2. No disturbance or creation of recharge area 3. Notify damages to remedy and monitoring systems. 4. Access rights
			L23.1.2		
			L23.1.3		
			L23.1.4		
			L23.1.5		
			L23.4		
MPC (Seaside)			L23.6		
MPC (Monterey County)	In Review	Soil TBD	E19a.5		1. No sensitive uses. 2. No soil disturbance or violation of ordinance without a mangement plan 3. Notification of MEC 4. Access rights
			E21b.3		
			E39		
			E40		
			E41		
			E42		
			F1.7.2		
L23.2					
MPC (Seaside)	In Review	Soil 6	E38		1. No sensitive uses. 2. No soil disturbance or violation of ordinance without a mangement plan 3. Notification of MEC 4. Access rights

Explanations:

Soil = chemicals (such as metals) and Munitions and Explosives of Concern (MEC) are the primary concern in soil media

Groundwater = chemicals such as Volatile organic compounds (VOCs) are the primary concern in the groundwater media

Landfill = chemicals such as Volatile Organic Compounds (VOCs) are the primary concern in the landfill (soil) and landfill gas (vapor) media

When an above described LUC contains parcels belonging to more than one jurisdiction, shading is used to clarify the jurisdiction.

**TABLE 3-1
SUMMARY OF LUCS BY JURISDICTION**

Jurisdiction	Date LUC Recorded	DTSC LUC Tracking Number	Parcel	GPS Coordinates	Restrictions
CSUMB (Seaside)	05/22/02	Groundwater 1a	S1.4		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
CSUMB (Marina)			S1.5.1.1		
			S1.5.2		
			S1.5.1.1		
S1.5.2					
CSUMB (Monterey County)	09/17/03	Groundwater 1	L32.2.1		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
CSUMB (Seaside)			S1.3.3		
			L32.2.2		
			L32.3		
			L33.1		
L33.2					
CSUMB (Marina)			S1.5.1.2		
CSUMB (Monterey County)	In Review	Groundwater 9	S1.3.2		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.

Explanations:

Soil = chemicals (such as metals) and Munitions and Explosives of Concern (MEC) are the primary concern in soil media

Groundwater = chemicals such as Volatile organic compounds (VOCs) are the primary concern in the groundwater media

Landfill = chemicals such as Volatile Organic Compounds (VOCs) are the primary concern in the landfill (soil) and landfill gas (vapor)

When an above described LUC contains parcels belonging to more than one jurisdiction, shading is used to clarify the jurisdiction.

**TABLE 3-1
SUMMARY OF LUCS BY JURISDICTION**

Jurisdiction	Date LUC Recorded	DTSC LUC Tracking Number	Parcel	GPS Coordinates	Restrictions
UCSC (Monterey County)	05/22/02	Groundwater 1a	S2.5.2.2		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
UCSC (Marina)			S2.1.3		
			S2.1.4.1		
			S2.5.1.1		
			S2.5.2.1		
UCSC (Monterey County)	09/17/03	Groundwater 1	F7.2		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
UCSC (Marina)			S2.1.4.2		
UCSC (Marina)	TBD FOST 11	Groundwater 10 (UCSC, OU1 GW)	S2.1.2		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.

Explanations:

Soil = chemicals (such as metals) and Munitions and Explosives of Concern (MEC) are the primary concern in soil media

Groundwater = chemicals such as Volatile organic compounds (VOCs) are the primary concern in the groundwater media

Landfill = chemicals such as Volatile Organic Compounds (VOCs) are the primary concern in the landfill (soil) and landfill gas (vapor) media

When an above described LUC contains parcels belonging to more than one jurisdiction, shading is used to clarify the jurisdiction.

ATTACHMENT "4"

LUC Review Annual Report Outline

ATTACHMENT 4

Former Fort Ord

Land Use Covenant Report Outline

Annual Status Report for _____ (Jurisdiction) _____ on Land Use Covenants
Covering July 1, 2___ to June 30, 2___.

(See Parcel and LUC lists in Table 3-1)

This form is to be submitted by each Jurisdiction to:

Fort Ord Reuse Authority

by

August 1 of each year

DATE OF REPORT: _____

SUBMIT TO: Fort Ord Reuse Authority
Attn: _____
100 12th Street, Bldg. 2880
Marina, California 93933

GENERAL:

Has jurisdiction staff previously provided a compliance summary in regards to the local digging and excavation ordinances, including the number of permits issued?

yes or no

Has jurisdiction staff provided an annual update of any changes to applicable digging and excavation ordinances?

yes or no

Has jurisdiction staff provided an annual update of any changes to the Monterey County Groundwater Ordinance No. 4011?

yes or no

PARCELS:

Have any of the parcels with covenants in the jurisdiction split since the last annual report?

yes or no

If so, please reflect the split(s) in reporting on compliance with section 2.1.2 of the MOA in Table 3-1.

GROUND WATER COVENANTS:

Is a ground water covenant applicable in your jurisdiction? yes or no
(If no, skip questions 1 through 4)

1. Did jurisdiction staff visually inspect the parcels in your jurisdiction (see Table 3-1) with ground water covenants? Such visual inspection shall include observed groundwater wells, and any other activity that would interfere with or adversely affect the groundwater monitoring and remediation systems on the Property or result in the creation of a groundwater recharge area (e.g., unlined surface impoundments or disposal trenches).

yes or no

2. Did jurisdiction staff check with the applicable local building department (please list department name: _____) to ensure that no wells or recharge basins such as surface water infiltration ponds were built within your jurisdiction?

yes or no

3. Did jurisdiction staff check with the applicable local planning department (please list department name: _____) to ensure that no well permits were granted or recharge basins requested within your jurisdiction?

yes or no

4. Did jurisdiction staff review the County well permit applications pertaining to your jurisdiction to ensure that no wells have been dug or installed in violation of the ordinance or the ground water covenants?

yes or no

If you answered yes to any questions 1 through 4 above, please note and describe violations with USACE parcel numbers and street addresses (Use additional sheets if needed).

LANDFILL BUFFER COVENANTS:

Is a landfill buffer covenant applicable in your jurisdiction? yes or no
(If no, skip questions 1 through 3)

1. Did jurisdiction staff visually inspect the parcels in your jurisdiction (see Table 3-1) with landfill buffer covenants? Such visual inspection shall include observation of any structures and any other activity that would interfere with the landfill monitoring and remediation systems on the Property.

yes or no

2.. Did jurisdiction staff check with the applicable local building department (please list department name: _____) to ensure that no sensitive uses such as residences, hospitals, day care or schools (not including post-secondary schools, as defined in Section 1.19 of the MOA), were built on the restricted parcels within your jurisdiction?

yes or no

3. Did jurisdiction staff check with the applicable local planning department (please list department name: _____) to ensure that no other structures were built without protection for vapors in accordance with the landfill buffer covenants?

yes or no

If you answered yes to any questions 1 through 3 above, please note and describe violations with street addresses. (Use additional sheets if needed).

SOIL COVENANTS:

Is a soil covenant applicable in your jurisdiction?
(If no, skip questions 1 through 4)

yes or no

1. Did jurisdiction staff visually inspect the parcels (see Table 3-1) in your jurisdiction with soil covenants to assure no sensitive uses such as residences, hospitals, day care or schools (not including post-secondary schools, as defined in Section 1.19 of the MOA), were constructed or are occurring on the restricted parcels in your jurisdiction?

yes or no

2. Did jurisdiction staff check with the applicable local building department to ensure that no soil was disturbed without an approved soil management plan in accordance with the excavation and digging Ordinance in your jurisdiction?

yes or no

3. Did jurisdiction staff check with the applicable local planning department for notification of MEC within your jurisdiction?

yes or no

4. Did jurisdiction staff review the 911 records of MEC observations and responses and provide a summary in annual report?

yes or no

If you answered yes to any questions 1 through 4 above, please provide the following information:
(Use additional sheets if needed).

- a) date and time of the call,
- b) contact name,
- c) location of MEC finding,
- d) type of munitions, if available and
- e) response of jurisdiction law enforcement agency.

Jurisdiction's Representative Compiling this Report: _____

Contact Information: **Phone:** _____
 Email: _____

Signature of Preparer: _____

Suggested Attachments to Annual LUC Report

1. Table summarizing inspections, parcels, restrictions and any deficiencies in the LUCs.
2. Inspection Notes for each parcel.
3. Inspection Photos for each parcel.
4. County and jurisdiction well records, permit reports.
5. Building department permit records.
6. Planning department permit records.
7. MEC findings (911 call records).
8. GPS coordinates for parcels.

ATTACHMENT "5"

DEPARTMENT'S Annual Cost Estimate

ATTACHMENT 5

Attachment

Cost Estimate The Department's LUC Oversight

The number of parcels anticipated to require LUCs are listed below and the restrictions are detailed in Section 4.0 of each LUC. The list of parcels and respective restrictions are summarized by jurisdiction in Table 3-1 of the Memorandum of Agreement (MOA) between the Department of Toxic Substances Control (DTSC), Fort Ord Reuse Authority (FORA), Monterey County (County), the City of Seaside (Seaside), the City of Monterey (Monterey), the City of Del Rey Oaks (Del Rey Oaks), the City of Marina (Marina) California State University Monterey Bay ("CSUMB"), University of California Santa Cruz ("UCSC"), and Monterey Peninsula College ("MPC"). The restrictions generally fall in one of three categories:

1. Prohibition of groundwater wells for injection or extraction and utilization of groundwater and any other activity that would interfere with or adversely affect the groundwater remediation systems on the former Fort Ord on property within the Prohibition Zone of the Special Groundwater Protection Zone.
2. Prohibition of sensitive land uses (residences, schools [not including post-secondary schools as defined in Section 1.19 of the MOA], hospitals, day care centers, etc.) and soil disturbance on property where Munitions and Explosives (MEC) may remain. These covenants will also have requirements for construction support, and reporting to DTSC if soil disturbance occurs.
3. Prohibition of sensitive land uses (residences, schools [not including post-secondary schools, as defined in Section 1.19 of the MOA], hospitals, day care centers, etc.) the Fort Ord Landfills and excavation activities (i.e. digging, drilling, or any other excavation or disturbance of the land surface or subsurface) or other activities, which may damage the OU2 Fort Ord Landfills soil cover and liners or landfill gas extraction and treatment systems.

Total Costs by Jurisdiction

Jurisdiction	# Parcels with Soil/MEC LUCs	# Parcels with Groundwater LUCs	# Parcels with Landfill LUCs	Annual DTSC oversight cost (includes FORA Administrative Costs of 15%)	Annual DTSC oversight cost (without FORA Administrative Costs)
Monterey County	2	55	7	\$6,081	\$5,288
City of Marina	<u>1</u>	<u>58</u>	0	\$5,633	\$4,898
City of Monterey	1	0	0	\$958	\$833
City of Del Rey Oaks	9	0	0	\$2,944	\$2,560
City of Seaside	<u>10</u>	15	0	\$3,036	\$2,640
CSUMB		11		\$1,213	\$1,055
UCSC		8		\$787	\$684
MPC	<u>1</u>	15		\$1,669	\$1,451
			Total Estimate	\$22,321	\$19,409

Estimate By Jurisdictions

Monterey County

DTSC Task	Hours per year	\$ per hour/day	Annual Total
Review the MOA and 13 LUCs for 70 parcels	<u>4</u>	117	\$468
Review Annual Report on compliance with MOA and LUCs	<u>6</u>	117	\$702
Annual inspection of 70 parcels (including travel)	<u>24</u>	117	\$2,805
Review of Property Transfer Documents	<u>4</u>	117	\$468
Mileage	<u>1</u>	\$205	\$205
Per Diem	<u>3</u>	\$138	\$414
Draft and complete inspection reports, and/or approval letter	<u>6</u>	117	\$702
Supervisor QA	<u>2</u>	166	\$332
Branch Chief Briefing	<u>1</u>	166	\$166
Clerical	<u>4</u>	58	\$232
Subtotal DTSC Costs in County	<u>24</u>		\$6,494
Subtotal Prorated County Costs 57/70 LUC parcels)			\$5,288
FORA Administrative Costs (15%)			\$793
Total County Costs			\$6,081

City of Marina

DTSC Task	Hours per year	\$ per hour	Annual Total
Review the MOA and 9 LUCs for 73 parcels	<u>4</u>	117	\$468
Review Annual Report on compliance with MOA and LUCs	<u>3</u>	117	\$351
Annual inspection of 73 parcels (including travel)	<u>24</u>	117	\$2,805
Draft and complete inspection reports, and/or approval letter	<u>6</u>	117	\$702
Mileage	<u>1</u>	\$205	\$205
Per Diem	<u>3</u>	\$138	\$414
Review of Property Transfer Documents	<u>4</u>	117	\$468
Supervisor QA	<u>2</u>	166	\$332
Branch Chief Briefing	<u>1</u>	166	\$166
Clerical	<u>4</u>	58	\$232
Subtotal DTSC Costs in Marina	<u>9</u>		\$6,143
Subtotal Prorated Marina Costs 59/74 LUC parcels			\$4,898
FORA Administrative Costs (15%)			\$735
Total Marina Costs			\$5,633

City of Monterey

DTSC Task	Hours per year	\$ per hour	Annual Total
Review 1 LUC for <u>1</u> parcel	<u>0.5</u>	117	\$58.5
Review Annual Report on compliance with MOA and LUC	<u>0.5</u>	117	\$58.5
Annual inspection of the parcel (no travel)	<u>1</u>	117	\$117
Mileage to Site and per diem	<u>0</u>	0	\$0
Review of Property Transfer Documents	<u>1</u>	117	\$117
Draft and complete inspection reports and/or approval letter	1	117	\$117
Supervisor QA	2	166	\$306
Branch Chief Briefing	0.5	166	\$83
Clerical	2	58	\$116
Subtotal DTSC Costs in Monterey	<u>24</u>		\$833
FORA Administrative Costs (15%)			\$125
Total Monterey Costs			\$958

City of Del Rey Oaks

DTSC Task	Hours per year	\$ per hour	Annual Total
Review the MOA and 2 LUCs for <u>9</u> parcels	<u>1</u>	117	\$117
Review Annual Report on compliance with MOA and LUCs	<u>4</u>	117	\$468
Annual inspection of <u>9</u> parcels (including travel)	<u>6</u>	117	\$702
Review of Property Transfer Documents	<u>1</u>	117	\$117
Mileage	<u>1</u>	\$102	\$102
Per Diem	<u>1</u>	\$138	\$138
Draft and complete inspection reports, and/or approval letter	4	117	\$468
Supervisor QA	1	166	\$166
Branch Chief Briefing	1	166	\$166
Clerical	2	58	\$116
Subtotal DTSC costs in Del Rey Oaks	<u>22</u>		\$2,560
FORA Administrative Costs (15%)			\$384
Total Del Rey Oaks Costs			\$2,944

City of Seaside

DTSC Task	Hours per year	\$ per hour	Annual Total
Review the MOA and 7 LUCs for <u>32</u> parcels	<u>2</u>	117	\$234
Review Annual Report on compliance with MOA and LUCs	<u>5</u>	117	\$585
Annual inspection of <u>32</u> parcels (including travel)	<u>10</u>	117	\$1,170
Review of Property Transfer Documents	<u>2</u>	117	\$234
Mileage	<u>1</u>	\$205	\$205
Per Diem	<u>1</u>	\$138	\$138

Draft and complete inspection reports and/or approval letter	4	117	\$468
Supervisor QA	<u>1</u>	166	\$166
Branch Chief Briefing	1	166	\$166
Clerical	<u>2</u>	58	\$116
Subtotal DTSC costs in Seaside	<u>28</u>		\$3,379
Subtotal Prorated Seaside Costs 25/32 LUC parcels			\$2,640
FORA Administrative Costs (15%)			\$396
Total Seaside Costs			\$3,036

CSUMB

Description	Factor	Annual Cost	Annual Total
Monterey County (Prorated 3/70 LUC parcels)	4.29%	\$6,494	\$278
Marina (Prorated 3/74 LUC parcels)	4.05%	\$6,143	\$249
Seaside (Prorated 5/32 LUC parcels)	15.63%	\$3,379	\$528
Subtotal CSUMB costs to DTSC			\$1,055
FORA Administrative Costs (15%)	15%	\$1,055	\$158
Total CSUMB Costs			\$1,213

UCSC

Description	Factor	Annual Cost	Annual Total
Monterey County (Prorated 2/70 LUC parcels)	<u>2.86%</u>	\$6,494	\$186
Marina (Prorated 6/74 LUC parcels)	8.11%	\$6,143	\$498
Subtotal UCSC costs to DTSC			\$684
FORA Administrative Costs (15%)	15%	\$684	\$103
Total UCSC Costs			\$787

MPC

Description	Factor	Annual Cost	Annual Total
Monterey County (Prorated 8/70 LUC parcels)	11.43%	\$6,494	\$742
Marina (Prorated 6/74 LUC parcels)	8.11%	\$6,143	\$498
Seaside (Prorated 2/32 LUC parcels)	<u>6.25%</u>	\$3,379	\$211
Subtotal MPC costs to DTSC			\$1,451
FORA Administrative Costs (15%)	15%	\$1,173	\$218
Total MPC Costs			\$1,669

Notes and Assumptions:

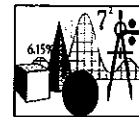
1. The estimates in the tables above are for DTSC's costs to oversee the LUCs on existing and anticipated future land transfers. These estimates based on the attached 2007 DTSC Contract Estimation Rates for the time period between July 1, 2006 and June 30, 2007. Actual charges will be based on actual individual salary and benefits of each employee, actual per diem, mileage rates and expenses and will be invoiced quarterly on a "time and materials" basis. On an annual basis, DTSC will compare this cost estimate with actual charges. If the invoice variance is greater than 20% from the original cost estimate for any jurisdiction, DTSC will notify FORA and prepare an addendum to this cost estimate. DTSC anticipates that staff time required to inspect parcels and review and approve annual reports may increase over time due to increased development and increase in the number of LUCs on newly transferred properties.
2. Pursuant to CCR Section 67391.1, a LUC Implementation and Enforcement Plan (IEP) is required. FORA and the jurisdictions are entering into the MOA, which describes each participant's roles and responsibilities and serves as the EIP.
3. The Army will continue to perform all operation and maintenance activities, monitoring, inspections and five-year reviews for the groundwater remediation and the OU 2 landfill as required by the FFA. DTSC's oversight costs for these tasks will continue to be paid by the Army via DSMOA or equivalent mechanism.
4. DTSC costs for variances, changes or termination of the covenant will be paid by the party requesting the action and are not included in this cost estimate.
5. This cost estimate is based on 2007 DTSC billing rates (attached) and expenses (i.e. mileage, per diem and expenses). Annually, DTSC publishes new billing rates; therefore, this cost estimate may change.

ATTACHMENT "5A"

DTSC Cost Estimation Rates

ATTACHMENT 5A

DEPARTMENT OF TOXIC SUBSTANCES CONTROL



Contract Estimation Rates
Effective 7/01/06 - 06/30/07

These rates are to be used to estimate contract costs for the 2006/07 Fiscal Year effective 7/1/06. The rates are based on the highest salary rate for the class including all pay and equity raises that DTSC is aware of as of 11/1/06. Actual costs will be determined by individual salary rates and benefits, which may be higher or lower than the rate shown.

Questions concerning these rates should be addressed to:
Lillian Haglo, Fiscal Systems at CALNET 8-454-6431 or (916) 324-6431

Rev 11/15/06

SITE MITIGATION AND BROWNFIELD REUSE HAZARDOUS WASTE MANAGEMENT SCIENCE POLLUTION PREVENTION & TECHNOLOGY

Class Code	Class Name	ALL INCLUSIVE HOURLY RATE 175.11%	ALL INCLUSIVE HOURLY RATE 159.37%	ALL INCLUSIVE HOURLY RATE 194.36%
5871	Assistant Chief Counsel	\$212	\$200	\$227
4711	Associate Environmental Planner	\$115	\$108	\$123
5393	Associate Governmental Program Analyst	\$109	\$103	\$117
3856	Associate Industrial Hygienist	\$122	\$115	\$131
7941	Associate Toxicologist	\$131	\$123	\$140
3833	CEA II	\$176	\$166	\$188
8060	Chemist	\$112	\$105	\$120
7574	Criminal Investigator, DTSC	\$115	\$108	\$123
3756	Engineering Geologist	\$145	\$137	\$155
8054	Environmental Biochemist	\$151	\$142	\$162
3726	Hazardous Substances Engineer	\$145	\$136	\$155
3564	Hazardous Substances Scientist	\$117	\$110	\$125
4247	Health Program Audit Manager I, DHS	\$126	\$119	\$135
5278	Management Services Technician	\$70	\$66	\$75
1441	Office Assistant (General)	\$57	\$53	\$61
1379	Office Assistant (Typing)	\$58	\$54	\$62
1148	Office Services Supervisor I (Typing)	\$67	\$63	\$71
1150	Office Services Supervisor II (General)	\$73	\$69	\$79
1138	Office Technician (General)	\$66	\$62	\$70
1139	Office Technician (Typing)	\$67	\$63	\$71
5373	Public Participation, Specialist (DHS)	\$109	\$103	\$117
5372	Public Participation, Supervisor (DHS)	\$125	\$118	\$134
6001	Research Program Specialist II (Soil Erosion)	\$132	\$124	\$141
5581	Research Scientist II (Chemical Sciences)	\$131	\$123	\$140
5638	Research Scientist Sup 1	\$159	\$149	\$170
3751	Senior Engineering Geologist	\$166	\$157	\$178
4713	Senior Environmental Planner	\$138	\$130	\$147
3725	Senior Hazardous Substances Engineer	\$166	\$156	\$178
3565	Senior Hazardous Substances Scientist	\$134	\$127	\$144
3852	Senior Industrial Hygienist	\$139	\$131	\$149
7943	Senior Toxicologist	\$166	\$157	\$178
8068	Staff Chemist	\$122	\$115	\$131
5778	Staff Counsel	\$165	\$156	\$177
5795	Staff Counsel III (Specialist)	\$200	\$189	\$214
5815	Staff Counsel III (Supervisor)	\$201	\$189	\$215
5157	Staff Services Analyst (General)	\$91	\$86	\$97
4800	Staff Services Manager I	\$125	\$118	\$134
4801	Staff Services Manager II (Supervisor)	\$138	\$130	\$147
7978	Staff Toxicologist (Specialist)	\$158	\$149	\$169
8070	Supervising Chemist	\$123	\$116	\$131
7575	Supervising Criminal Investigator I, DTSC	\$126	\$119	\$135
7576	Supervising Criminal Investigator II, DTSC	\$142	\$134	\$152
3748	Supervising Engineering Geologist	\$182	\$172	\$195
3724	Supervising Hazardous Substances Engineer I	\$166	\$157	\$178
3723	Supervising Hazardous Substances Engineer II	\$182	\$172	\$195
3566	Supervising Hazardous Substances Scientist I	\$135	\$127	\$144
3567	Supervising Hazardous Substances Scientist II	\$155	\$146	\$166
1181	Word Processing Technician	\$61	\$57	\$65

APPENDIX G

Safety Alert – Ordnance and Explosives at former Fort Ord Pamphlet

DANGER

Areas where unexploded ordnance may be present are posted with DANGER signs. Do not enter areas where you see signs like the ones below. Off-road vehicular traffic is prohibited on the former Fort Ord.

PELIGRO

Las zonas donde podría estar presente material de artillería que aún no ha explotado están marcadas con letreros de PELIGRO. No entre en zonas donde vea letreros como los que se muestran abajo. El tráfico automotor fuera de la vía principal está prohibido en el antiguo Fort Ord.



If you have questions regarding the ordnance and explosives cleanup at the former Fort Ord, please contact:

Si tiene preguntas relacionadas con los armamentos y la erradicación de explosivos en el antiguo Fort Ord, por favor póngase en contacto

**Fort Ord Base Realignment and Closure Field Office
831-393-1284**

SAFETY ALERT

Ordnance and Explosives at former Fort Ord

If you discover any object that resembles those shown inside this brochure

DO NOT TOUCH IT!

Instead, **MARK THE LOCATION,**
and **CALL THE POLICE - 911**

to report what you've found.

ALERTA DE SEGURIDAD

Material de artillería y explosivos en el antiguo Fort Ord

Si descubre cualquier objeto que se asemeje a los que se muestran en este folleto

¡NO LO TOQUE!

En su lugar, **MARQUE LA UBICACIÓN,**
y **LLAME A LA POLICÍA - 911**



HISTORY

As an active U.S. Army post, Fort Ord's mission was to train soldiers to protect the interests of the United States. An important part of the mission was infantry and artillery training. As a result of this training, unexploded ordnance remains on portions of the now-closed Fort Ord.

After reviewing the records of past training activities, the Army identified areas where ordnance may still remain and began conducting investigations and removing ordnance from those areas. Cleanup of all identified areas will not be completed for many years.

If you find an object (or even a piece of one) that resembles those shown in the photograph —

**Don't Touch It
Mark the Location
Call 911**

Si descubre cualquier objeto que se asemeje a los que se muestran en este photographía —

**¡NO LO TOQUE!
MARQUE LA UBICACIÓN
LLAME AL 911**



75mm Projectile



40mm Projectile



MK2 Hand Grenade



M18 Smoke Grenade



M67 Hand Grenade



37mm Projectile



M127 Slap Flare



Rifle Smoke Grenade



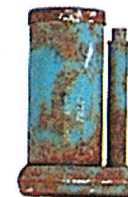
M1 Firing Device



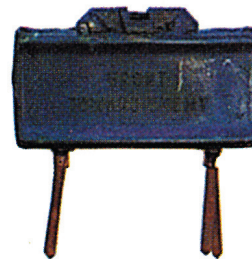
Electric Firing Device



Grenade Fuse



Bounding Anti-Personnel Mine



Claymore Mine



Firing Device



3.5" Rocket



60mm Mortar



3" Anti-Tank Rifle Grenade



22mm Sub Cal for 81mm Mortar



81mm Mortar



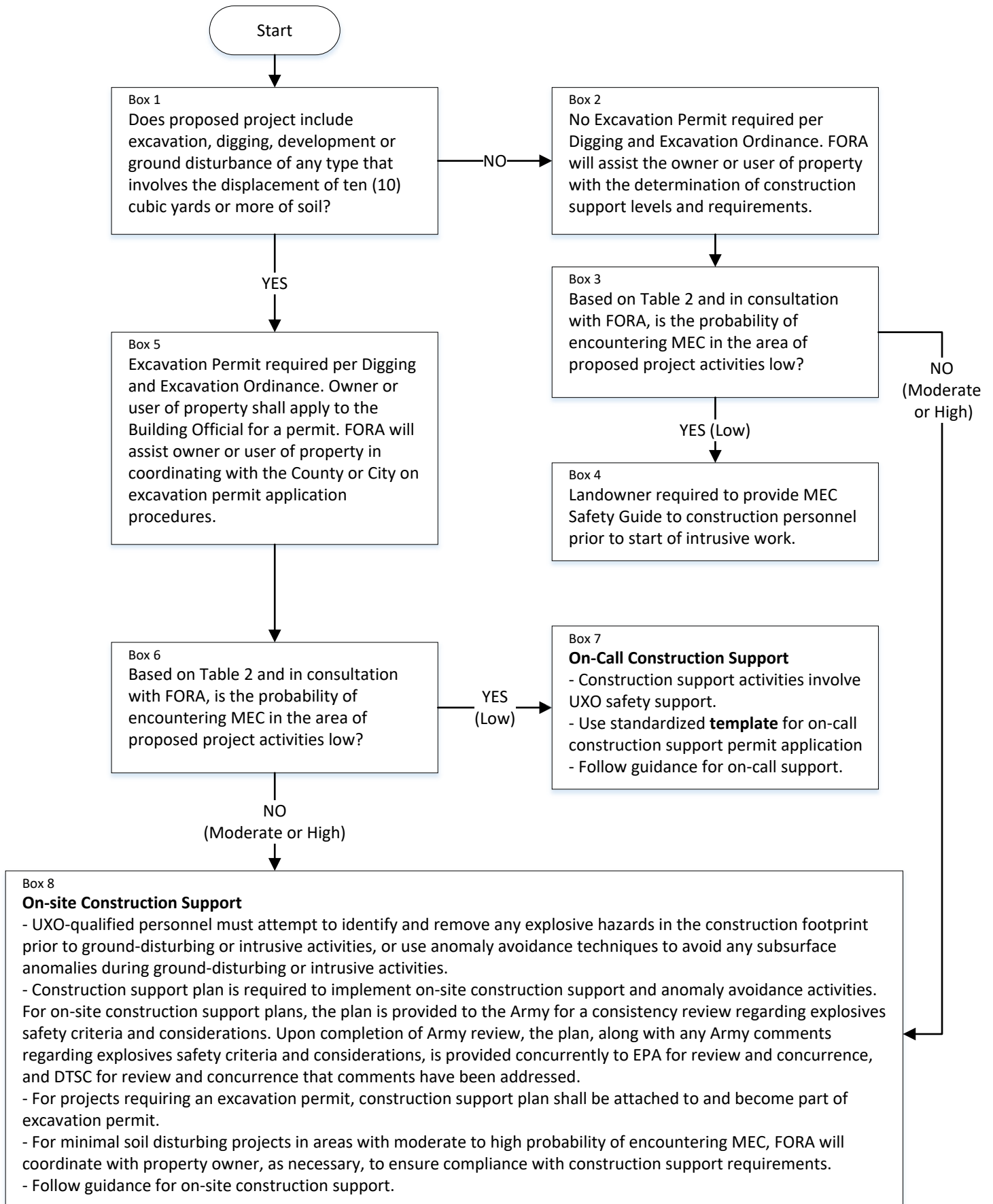
2.36" Rocket

APPENDIX H

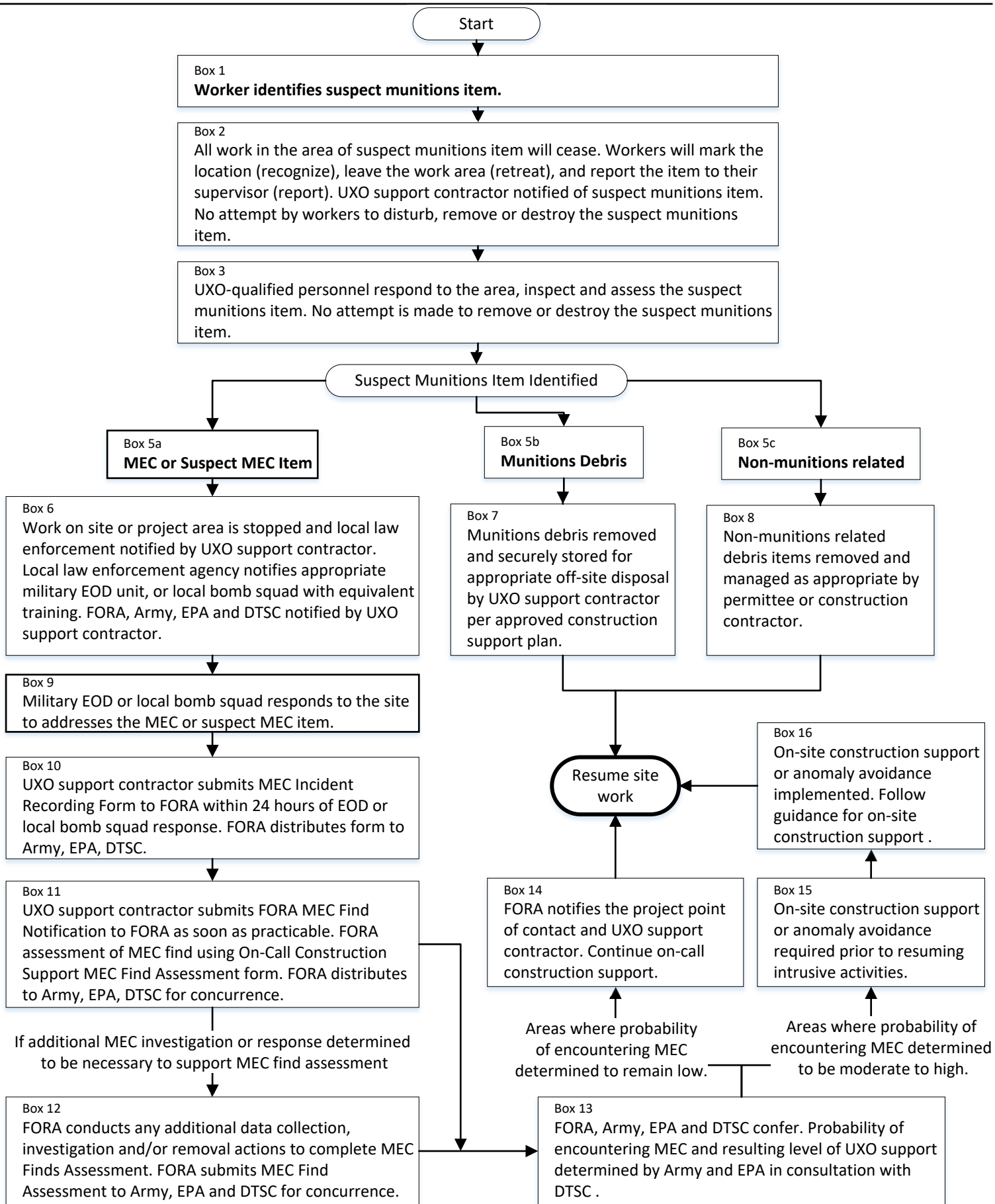
Decision Trees

Construction Support Implementation Requirements
On-site Construction Support Process
Response to Suspect Munitions during On-Call Construction Support

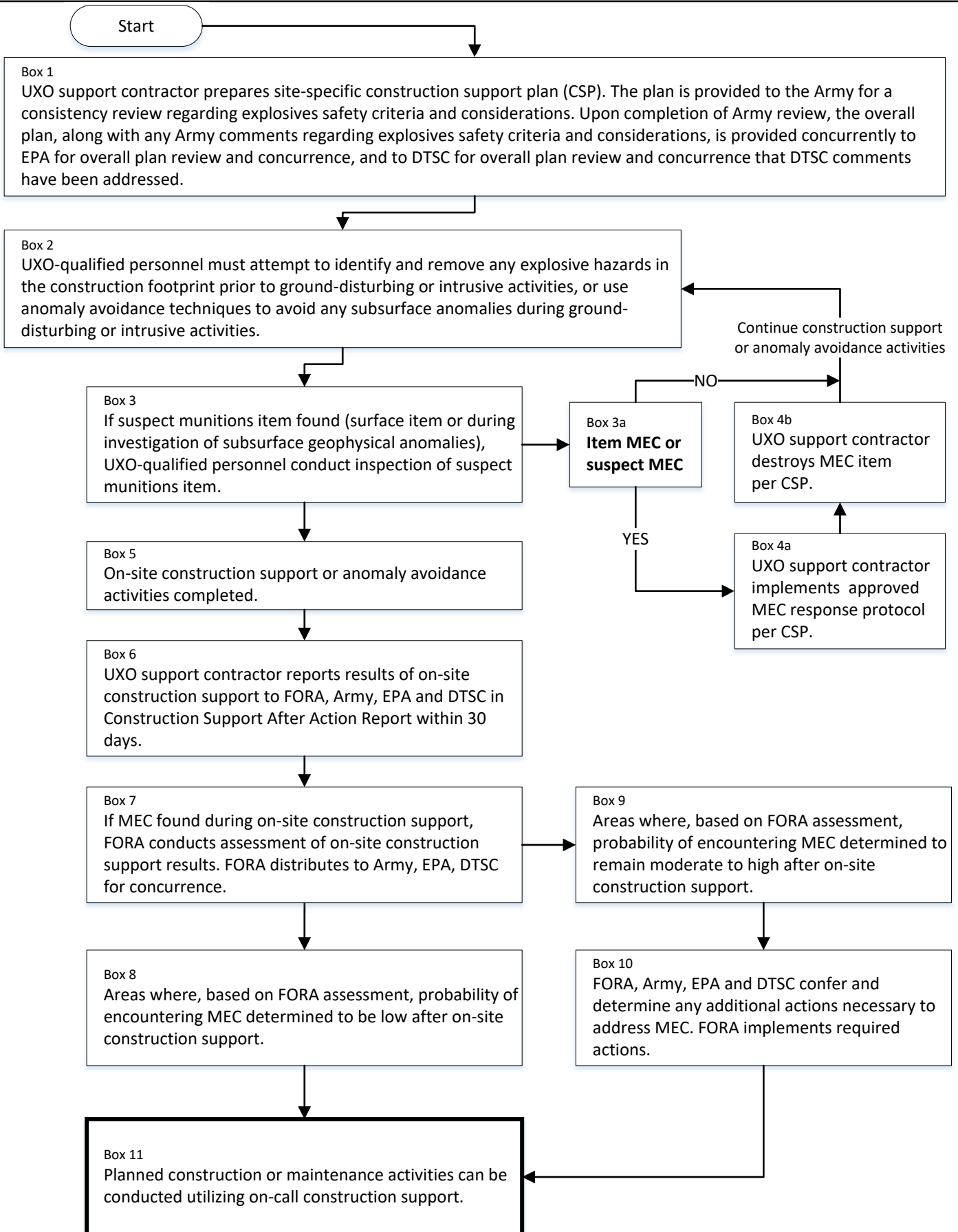
Decision Tree: Construction Support Implementation Requirements



Decision Tree: Response to Suspect Munitions during On-Call Construction Support



Decision Tree: On-site Construction Support Process



APPENDIX I

Templates and Forms

On-call Construction Support Plan Template
MEC Find Notification to FORA Form
FORA MEC Finds Assessment Form
Construction Support After Action Report Form
Army's Fort Ord MEC Incident Recording Form

On-Call Construction Support Plan

[Project Name]

[Plan Date]

Prepared for:

[Property Owner / Excavation Permit Holder Names & Addresses]

Prepared by:

[UXO Support Contractor Name & Address]

Instructions: This template has been developed to facilitate the development of Construction Support Plans to implement on-call construction support to fulfill the requirement for UXO construction support on certain areas of the Former Fort Ord, Monterey County, California. Construction support is required on those properties formerly within the Fort Ord military installation that are suspected of containing UXO.

This template is specifically designed for projects at sites where the probability of encountering MEC is low and on-call construction support is appropriate. The template is intended to be completed by UXO support contractors to guide the development of UXO Construction Support Plans. However, the template is only a guide. The appropriate level of construction support and procedures to implement support are both project- and site-specific. It is anticipated that project-specific requirements and procedures may vary from those identified in this template.

The template includes instruction boxes to provide guidance in developing each section of the plan; black text as suggested basic text and blue text to be replaced with project-specific information.

On-call construction support plans must be provided to the Army, EPA and DTSC for review and comment. Upon resolution of comments, the final construction support plan must be provided to the Army, EPA and DTSC for concurrence that comments have been resolved. The on-call construction support plan will be final upon resolution of Army, EPA, and DTSC comments.

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1. INTRODUCTION

Instructions: In this section, provide general project identification information along with confirmation that the current probability of encountering MEC on the site is low and on-call construction support is appropriate. Suggested text documents the purpose of the plan, regulatory authorities, plan submission and finalization, and general disclaimer on the use of this template.

This On-Call Construction Support Plan (CSP) has been prepared to support the [project name]. The [project name] is being conducted by the [property owner name/permittee name] on [enter Former Fort Ord Munitions Response Area (MRA) name]. The [MRA name] is shown in Figure 1 [Project Location Map]. The [project name] is located in [local jurisdiction name(s)] jurisdictional boundaries and subject to excavation permit requirements as identified in [enter local jurisdiction(s) municipal digging and excavation on Former Fort Ord Ordinance code] (i.e., the digging and excavation ordinance). The purpose of this plan is to identify the construction support requirements and activities for ground-disturbing and intrusive activities conducted within the [MRA name] MRA boundaries during the [project name] in accordance with the digging and excavation ordinance.

The project site occupies land that is formerly part of the former Fort Ord Army Installation and was historically used for military training. Because of the former military use at the project site, munitions response actions were completed to remove detected Munitions and Explosives of Concern (MEC). Even with completion of munitions response actions, there is potential for MEC to be encountered.

The probability of encountering MEC on the project site is considered low; therefore, on-call construction support is appropriate for this construction project (Section 2). Under certain circumstances, anomaly avoidance techniques will be implemented by Unexplode Ordnance (UXO)-qualified personnel to avoid subsurface anomalies during specific ground-disturbing or intrusive activities (e.g., [specific activities were anomaly avoidance techniques can be implemented]), if appropriate (Section 3.2). The basis for the low probability of encountering MEC was determined through review of the of [reference source of low probability determination (Remedial Investigation / Feasibility Study [RI/FS]), Land Use Control Implementation Plan and Operation and Maintenance Plan [LUCIP/OMP], etc.), including determinations made by the County or City in consultation with DTSC and any FORA assessments or determinations].

The federal, state and local government agencies (i.e., U.S. Department of the Army [Army], U.S. Environmental Protection Agency [EPA], and California Department of Toxic Substances Control [DTSC]) and other interested parties involved with this CSP for the [project name] are summarized below:

- Army – Ensures FORA [or FORA’s Successor in Interest name] compliance with the ESCA
- EPA – Provides regulatory review of this CSP
- DTSC – Provides regulatory review of this CSP

- Property Owner – Ensures [permittee name] is in compliance with the [local jurisdiction name(s)] digging and excavation ordinance requirements; and provides the UXO support contractor to support preparation and submittal of this CSP, and associated reporting, to regulatory agencies and the Army for comment and/or concurrence
- FORA [or FORA’s Successor in Interest name] (as party to the ESCA and Administrative Order on Consent [AOC]) – Conducts MEC find assessment for the probability of encountering MEC in the event confirmed MEC or suspect MEC find is encountered during activities related to this CSP and any additional requirements to ensure that the probability of encountering MEC is low prior to construction activities resuming following a confirmed MEC or suspect MEC find
- [local jurisdiction name(s)] – Enforces the digging and excavation ordinance
- [permittee name] – Complies with the [local jurisdiction name(s)] digging and excavation ordinance
- [construction contractor] – Complies with this CSP on behalf of [permittee name] in support of the [project name]

This plan is limited to on-call construction support [and anomaly avoidance, if applicable] during [project name] ground-disturbing and intrusive activities to be conducted in the [insert general area; i.e., north, south, central, etc.] of the [MRA name] (Figure 2). In addition, this plan describes the munitions recognition and safety training program to be provided to construction workers conducting ground-disturbing and intrusive activities, the procedures for conducting construction support, and the procedures for initiating a response if a suspect munitions is encountered. The construction support requirements that will be implemented for the [project name] include:

- Munitions recognition and safety training – to ensure that workers involved in ground-disturbing or intrusive activities are educated about the possibility of encountering munitions and to ensure that workers involved in ground-disturbing or intrusive activities know to stop the activity if a suspect munitions is encountered and report the suspect munitions to the appropriate personnel.
- On-call construction support and anomaly avoidance – to ensure ground-disturbing or intrusive activities are coordinated with UXO-qualified personnel, ensure that encountered suspect munitions items are evaluated as confirmed or suspect MEC, munitions debris (MD) or non-munitions debris (e.g., metal scrap), and that suspect munitions items are reported and managed appropriately. No attempt will be made by workers to disturb, remove, or destroy a suspect munitions item. UXO-qualified personnel may visually assess the suspect munition item to determine whether it poses or may pose an explosive hazard. Under certain circumstances, anomaly avoidance techniques will be implemented by UXO-qualified personnel to avoid subsurface anomalies during specific ground-disturbing or intrusive activities (e.g., [specific activities were anomaly avoidance techniques can be implemented]), if appropriate.

This CSP will be present at the project site with the [project name] construction contractor responsible personnel during ground-disturbing or intrusive activities on former FORA ESCA property. This CSP will also be present with the UXO-qualified personnel at all times during ground-disturbing or intrusive activities on former FORA ESCA property. Copies of the CSP will be provided to responsible personnel for [property owner name/permittee name], [local jurisdiction name(s)], [UXO Support Contractor], FORA [or FORA's Successor in Interest name], Army, EPA and DTSC. This CSP will be amended as site conditions change, if determined to be necessary.

1.1. Site Description

Instructions: In this section provide a brief description of the location of the property on which the project will occur including: 1) a locator map (see Figure 1) and 2) project site map (Figure 2). Provide a description of the project footprint and detailed description of the areas where intrusive or ground-disturbing activities will occur. Identify any building, roadway or utility demolition activities anticipated during the project. Identify any areas where temporary ground-disturbing activities may occur during the project. Provide any additional Figures necessary to identify the extent of the project and locations of all potential intrusive or ground-disturbing activities, including impacts to adjacent property.

The project site is located in the [MRA name and parcel number], which is located in the [insert general area; i.e., north, south, central, etc.] portion of the former Fort Ord (Figure 1). The project site is within the boundaries of the [MRA name] [insert designated land use area] (Figure 2), which is wholly contained within the jurisdictional boundaries of the [local jurisdiction name(s)]. The [MRA name] is bordered by [insert bordering land marks (i.e., city name, road name, MRAs, etc.)].

The portion of the project site located on former FORA ESCA property generally consists of [insert types of vegetation habitats identified for the area (i.e., maritime chaparral with patches of non-native grassland and scattered stands of coastal and inland coast live oak woodlands)] [reference source (i.e., RI/FS, LUCIP/OMP, etc.)].

1.2. Construction Project Description

Instructions: In this section provide a brief overview of the construction project that this UXO Construction Support Plan will be supporting. Describe the footprint of the project, general construction sequence, construction schedule and any other project-specific information pertinent to providing UXO construction support. Describe major intrusive or ground-disturbing activities, the soil management plan, and their timing within the construction sequence. Describe any vegetation cutting or removal activities to be conducted.

[Property owner name/permittee name] is constructing [insert what is being constructed; i.e., housing development, commercial development, well development, etc.] as part of the [project name] (Figures 2 and 3). The [project name] will be conducted [insert brief project description]. A description of the ground-disturbing and intrusive activities, which will exceed 10 cubic yards, and the soil management plan are provided below in Sections [insert relevant section number(s)] and in

Attachment A, if applicable. The [project name] is anticipated to start in [insert anticipated start month and year] and be completed in [insert anticipated completion month and year].

1.2.1 Ground-Disturbing and Intrusive Activities

[Insert type of ground-disturbing and intrusive activities to be conducted (i.e., vegetation clearing, grading, drilling, etc.)] to include the following (Figure 3):

- [insert bullet list of specific ground-disturbing and intrusive activities to be conducted (i.e., surveying and boundary staking, grading of existing access roads, if necessary, and clearing, grubbing and grading of work area, etc.)]

[Permittee name anticipates having UXO-qualified personnel provide anomaly avoidance for [insert specific activities where anomaly avoidance techniques can be implemented, if applicable] to ensure potential subsurface anomalies are avoided (Section 3.2)]. On-call construction support will be provided for the ground-disturbing and intrusive activities (Section 3). No attempt will be made by workers to disturb, remove, or destroy a suspect munitions item.

1.2.2 Soil Management Plan

Ground-disturbing and intrusive activities within the former FORA ESCA property are subject to the following soil management practices [examples are provided below, but practices are project- and site-specific]:

- Soils within the project site may not leave the [MRA name], with the exception of small quantities of soil to allow for laboratory analysis under a chain-of custody protocol, for purposes of well design
- Importing fill material, if needed, will be conducted in accordance with the Department of Toxic Substance Control (DTSC) Information Advisory for Clean Imported Fill Material.
- Separate soil management practices are established for the residential reuse areas and non-residential development reuse areas ensuring that soils from non-residential development reuse areas are not staged, stockpiled or spread within the designated residential reuse areas
- Grading and compacting of soil along access routes will remain within the designated reuse areas
- Excess soils and cuttings generated during ground-disturbing and intrusive operations will be stockpiled on the ground surface within the designated work area.
- Best management practices will be implemented to avoid erosion
- Prior to project completion stockpiles will be spread evenly within the designation work area insuring soils are not relocated outside the designated reuse area.

1.3. Organizational Roles and Responsibilities

[Property owner name/permittee name] and their construction contractors are the primary organizations involved with construction activities and have their own construction-related roles and responsibilities. [Property owner name/permittee name] and their construction contractors will require site visitors and subcontractors to check in with the field office prior to entering the project site and will ensure that all project person expected to conduct ground-disturbing and intrusive activities have received munitions recognition and safety training prior to allowing site access.

The following table identifies and documents the general roles and responsibilities of both the construction support contractor (i.e., UXO-qualified personnel) and [property owner name/permittee name] and their construction personnel during ground-disturbing and intrusive activities on the project site.

Project Personnel	Role	Responsibilities
[Construction contractor] On-Site Construction Supervisor	Site Access On-call construction support plan compliance Primary contact to coordinate UXO-qualified personnel response	<ul style="list-style-type: none"> • Maintain site access restrictions • Coordinate and ensure munitions recognition and safety training has been received by any and all workers expected to conduct ground-disturbing and intrusive activities • Maintain munitions recognition and safety training records • If a suspect munitions item is encountered, ensure area of item is secured and clearly marked to prevent unauthorized access to the location, and all site workers have vacated the area • Contact UXO-qualified personnel when a suspect munitions item is encountered • Notify construction workers when work can resume
Ground-disturbing and/or Intrusive Site Workers	Munitions recognition and safety training Suspect munitions item notification to Site Construction Supervisor	<ul style="list-style-type: none"> • Receive and acknowledge an understanding of the munitions recognition and safety training • Stop work if a suspect munitions item is encountered, retreat to a safe location, and report encounter to the site construction supervisor • Do not re-enter the area of the suspect munitions item until authorized by the site construction supervisor
UXO Support Contractor	Munitions recognition and safety training confirmation	<ul style="list-style-type: none"> • Confirm munitions recognition and safety training was provided to workers expecting to conduct ground-disturbing or intrusive activities

TEMPLATE - UXO Construction Support Plan
 On-Call UXO Safety Support at Former Fort Ord

	<p>Identify construction support requirements</p> <p>Construction support plan implementation and compliance</p>	<ul style="list-style-type: none"> • Review munitions-related background and munitions use information to verify probability of encountering MEC • Identify appropriate construction support requirements for ground-disturbing and intrusive activities • Develop construction support plan • Ensure proper implementation and compliance of the construction support plan • Complete Army MEC Incident Recording Form for confirmed or suspect MEC items • Complete FORA MEC Notification Form for confirmed or suspect MEC items • Complete FORA MEC Assessment Form for confirmed or suspect MEC items • Complete Construction Support After Action Report
<p>UXO-Qualified Personnel (UXO Technician II or III) – [UXO Contractor]</p>	<p>Construction support during ground-disturbing or intrusive activities</p> <p>Notify Local Law Enforcement Agency of confirmed or suspect MEC</p>	<ul style="list-style-type: none"> • Respond to suspect munitions items, ensure that suspect munitions items are evaluated and classified as confirmed or suspect MEC, MD or non-munitions debris (e.g., scrap metal). No attempt will be made to disturb, remove, or destroy a suspect munitions item. • Manage removal, storage, and appropriate off-site disposal of MD finds • Notify [local jurisdiction name(s)] Local Law Enforcement Agency of confirmed or suspect MEC finds • Notify UXO Support Contractor and [property owner name/permittee name] of confirmed or suspect munitions finds
<p>[Property Owner Name/Permittee Name]</p>	<p>Construction support plan compliance</p>	<ul style="list-style-type: none"> • Ensure compliance of the construction support plan • Review and submit the Army MEC Incident Recording Form for confirmed or suspect MEC items • Review and submit FORA MEC Notification Form for confirmed or suspect MEC items • Review and submit FORA MEC Assessment Form for confirmed or suspect MEC items • Review and submit Construction Support After Action Report
<p>FORA [or FORA's Successor in Interest name]</p>	<p>Munitions recognition and safety training</p>	<ul style="list-style-type: none"> • Provides munitions recognition and safety training to workers expecting to conduct ground-disturbing or intrusive activities

	materials and access Construction support plan compliance	<ul style="list-style-type: none">• Ensure compliance of the construction support plan• MEC find and probability of encountering MEC assessment for confirmed MEC or suspect MEC find, and document the assessment and proposed determination on the FORA MEC Find Assessment Form for submittal to Army, EPA, and DTSC.
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Additional information on construction support, including on-call construction support after-action reporting, and responses to suspect munitions items is provided in Sections 3 and 4 of this CSP, respectively.

2. MILITARY MUNITIONS BACKGROUND

Instructions: Section provides a summary of the military munitions background information considered by the UXO construction support contractor in preparing this plan. The purpose of this section is to document the known historical military training on the site, types of munitions known to be used at the site and the munitions investigation and removal actions conducted. Information on the types of munitions previously used and removed from the site, along with the level of previous investigation and MEC removal actions. This information provides the basis for the UXO Construction Support Plan. This information is available in various document contained in the Fort Ord Administrative Record, including the Remedial Investigation / Feasibility Study, Proposed Plan, and Record of Decision documents.

The [project name] is located within the [general area; i.e., north, south, central, etc.] portion of the [MRA name] where MEC were found and MEC removal actions were completed. The [general area; i.e., north, south, central, etc.] portion of the [MRA name] contains portions of munitions response sites (MRSs) that were used for military training with military munitions (Section 2.1). These MRSs were the subject of investigations and removal actions with all detected MEC removed (Section 2.2). In addition, the previous military use of the area and effectiveness of the MEC removal actions to reduce MEC risks to levels acceptable for construction and maintenance personnel with the appropriate levels of construction support has been documented for the [MRA name], which encompasses the [project name] site (Section 2.2).

2.1. Historical Military Training

Instructions: Provide a brief summary of the types of military training that historically occurred on the project site, the types of munitions used as these are items most likely to be encountered during construction. Include in the summary identification of Munitions Response Sites (MRS) present on or near the project site and provide a brief description of each. Provide a Table or listing identifying the types of munitions and munitions related debris most likely to be encountered during the project. Do not submit a full accounting of every munitions item removed from the site.

The [MRA name] is approximately [insert acreage of MRA] acres in size and had previously been used for [insert historical military use of the MRA per the reference source (RI/FS, LUCIP/OMP, etc.)]. [insert number munitions response sites (MRSs) located within the MRA and identify by name (ex: MRS-42)] with historical ranges and uses were identified in the project site (Figure 4) and are as follows:

- [insert bullet points identifying ranges and types of historical training conducted (i.e., troop training, practice hand grenade training, etc.)]

The types of MEC items most likely to be encountered within [X feet] of the project site include, but are not limited to, the following:

- [List types of MEC items encountered at the site]

2.2. Summary of Previous Munitions Response Actions

Instructions: Provide a brief summary of the munitions response actions conducted on the site, including the date of the action, objective of the action and MEC detection instruments used. Identify any areas where previous MEC removal actions were not completed (i.e., under roadways, building or other obstructions) and any areas with potential for uncertainty or elevated concern regarding potential for residual MEC to be present (i.e., tree roots, steep slopes or other potential technical challenges). Provide a scale map of the project site with plots of recovered MEC items and description. Map should ideally include an overlay of the Army 100x100 foot grid system with reference grid numbers. This map will be used to plot and report any MEC items found during construction efforts and by FORA for MEC find assessment.

The [reference source of MEC data and MEC-related risks (RI/FS, LUCIP/OMP, etc.)] summarized the available data and evaluated MEC-related risks for the [MRA name]. The following bullet points summarize the MEC investigation and removal actions conducted at the project site based on the following referenced documents and shown on Figure 4:

- [list and provide brief description of all relevant MEC investigations conducted for the project site]

The MEC recovered during previous investigation and removal actions within the project site are shown in Figure 5.

Based on an evaluation of the [reference source of MEC data and MEC-related risks (RI/FS, LUCIP/OMP, etc.)], the following conclusions support a low probability of encountering MEC determination in the [project name] construction areas:

- [use bullet points to summarize the reference source probability of encountering MEC determination conclusions]

3. CONSTRUCTION SUPPORT PROCEDURES

Instructions: This section identifies activities to be conducted during on-call construction support and procedures for conducting them. The template provides minimum requirements and should be considered a baseline. The determination of UXO construction support procedures is site- and project-specific and must be made by the UXO support contractor with review and concurrence from the Army, EPA and DTSC. Additional procedures and requirements may be added to those identified in this template, based on site-specific considerations including the desire to minimize potential disruptions to project field activities and construction schedules.

Training and construction support will be provided for ground-disturbing and intrusive activities to fulfill the requirements of the excavation permit under the [local jurisdiction name(s)] Excavation and Digging on the Former Fort Ord Ordinance [insert jurisdiction name(s) ordinance code], and includes:

- Munitions Recognition and Safety Training (Section 3.1)
- On-Call Construction Support (Section 3.2)
- After-Action Reporting (Section 3.3)

3.1. Munitions Recognition and Safety Training

Excavation permitting requirements indicate that all personnel involved in ground-disturbing or intrusive activities obtain munitions recognition and safety training. Site workers involved in ground-disturbing or intrusive activities will be provided munitions recognition and safety training by FORA [or FORA's Success in Interest name] in English and Spanish (translation of additional languages may be available upon request). 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 when suspect munitions are encountered.

The munitions recognition and safety training is provided through a web-based training video that covers the below topics:

- Background Information
 - Who is the training for and why is training needed?
 - What are munitions and types of munitions used on Fort Ord?
 - What was done to remove munitions?
 - If munitions cleanup occurred, why training is still needed?
 - What should you do if you find a suspect munitions item?
- Munitions recognition and hazard awareness
 - Dangerous items may not look dangerous

- Fort Ord specific munitions recognition (by type)
- Munition hazard identification
- Details of munitions safety – emphasizing the 3Rs
 - Recognize (when you may have encountered a munitions item and that munitions are dangerous)
 - Retreat (do not approach, touch, remove, or disturb it, but carefully leave the area)
 - Report (notify your site supervisor to contact the UXO-qualified personnel)

[Property owner name/permittee name] and their construction contractors will ensure that site workers conducting ground-disturbing or intrusive activities have received the required munitions recognition and safety training from FORA [or FORA's Successor in Interest name]. Site workers receiving munitions recognition and safety training will be required to log-in to the web-based training acknowledging their attendance and successful completion of the training and associated knowledge checks to demonstrate an understanding of the training material. The training records are required to be maintained by each contractor on site and be available for inspection upon request by the Army, EPA and/or DTSC. Copies of the training records will also be maintained by [property owner name/permittee name] and provided to the UXO-qualified personnel for tracking and on-call construction support after-action reporting.

3.2. On-Call Construction Support

Instructions: In this section identify the activities to be conducted by UXO-qualified personnel to complete the construction support requirements. Provide standard operating procedures (SOPs) where appropriate as Attachments to the Construction Support Plan.

This section presents procedures for implementing on-call construction support for a project site where the probability of encountering MEC is low (Section 2). On-call construction support is being provided by UXO-qualified personnel consistent with safety criteria and considerations provided in Department of Defense (DoD) and Army explosives safety standards and guidelines and will consist of UXO-qualified personnel (UXO Technician II or III. UXO-qualified personnel will possess the appropriate training to include 40-hour Hazardous Waste Operations and Emergency Response and associated 8-hour Hazardous Waste Operations and Emergency Response refresher course (within the past 12 months), and appropriate qualifications of an UXO Technician II or III. UXO-qualified personnel will comply with any [permittee name] and their construction contractors approved safety plans and also conduct responses in accordance with applicable company health and safety requirements.

UXO-qualified personnel will be on standby (i.e., on call) 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. [permittee and their construction contractors may elect to have UXO-qualified personnel available on-location for a portion of the ground-disturbing and intrusive activities to expeditiously facilitate a response if a

[suspect munitions item is encountered \(Section 4.1\).](#)] The UXO-qualified personnel responsibilities will include the following tasks:

- Maintain a copy of this CSP while on-location and in-hand at all times while on-call
- Maintain a copy of Munitions Recognition and Safety Training attendance logs
- Conduct anomaly avoidance activities if applicable
- If on the project site, attend daily informational and/or tailgate safety briefings conducted by [\[permittee name\]](#) and their construction contractors
- Respond to suspect munitions items as described below and in Section 4 of this CSP
- Produce daily field reports of on-call/on-location activities and submit to the [\[property owner name/permittee name\]](#) on a weekly basis
- After-action reporting to construction support contractor [\[UXO support contractor name\]](#) as described in Section 3.3

[\[insert example, if applicable: Anomaly avoidance will consist of a technology-aided surface inspection using a handheld geophysical detection instrument \(e.g., magnetometer and Whites All-Metals detector\) for certain ground-disturbing/intrusive activities to avoid contact with potential subsurface anomalies. If an anomaly is detected, the anomaly location will be cordoned off, if necessary, to prevent disturbance and ground-disturbing/intrusive activities will be relocated in coordination with project personnel.\]](#)

If a suspect munitions item is encountered during ground-disturbing or intrusive activities, it is imperative that the item not be disturbed and be reported immediately to the site construction supervisor. Workers should:

- Mark or otherwise note the location of the suspect munitions item (Recognize)
- Stop work, take a photograph of the item, if possible, but do not approach the item to get a better view, and leave the work area (Retreat)
- Report the suspect munitions item to their on-site construction supervisor (Report)

The site construction supervisor will ensure that all construction-related activities within a [\[X-foot area\]](#) of the suspect munitions item cease, the [\[X-foot area\]](#) area is cleared of all workers, and the [\[X-foot area\]](#) area is secured from unauthorized entry. The on-site construction supervisor will then contact the UXO-qualified personnel for support. [\[Insert rationale for specified stop work area.\]](#)

UXO-qualified personnel will respond to the area, and inspect and assess the suspect munitions item. No attempt will be made by workers to disturb, remove, or destroy the suspect munitions item. UXO-qualified personnel will ensure that encountered suspect munitions items are evaluated and classified as confirmed or suspect MEC, MD or non-munitions related debris (e.g., scrap metal). UXO-qualified personnel may visually assess the suspect munitions item during inspection and will follow the appropriate procedure identified in Section 4 of this CSP, which generally include:

- If the encountered item is classified as confirmed or suspect MEC by UXO-qualified personnel, the procedures presented in Section 4.2 will be implemented.
- If the encountered item is classified as MD by UXO-qualified personnel, the item will be removed from the project site by the UXO-qualified personnel and securely stored for appropriate off-site disposal at project conclusion. Following removal of the MD, the UXO-qualified personnel will notify the site construction supervisor that ground-disturbing or intrusive activity may resume at the site. The UXO-qualified personnel will contact FORA as an informational notification of any MD finds. Recovered MD will be certified as materials documented as safe (MDAS) and free from explosives (FFE) by the construction support contractor using Form 1348 prior to releasing the MD to an appropriate foundry or recycler at project conclusion (Section 3.3).
- If the encountered item is classified as non-munitions related debris (e.g., scrap metal) by the UXO-qualified personnel, the item will be removed from the project site by the construction contractor and managed as appropriate. Following removal of the non-munitions related debris, the UXO-qualified personnel will notify the site construction supervisor that ground-disturbing or intrusive activity may resume at the project site. Notification to FORA regarding non-munitions related debris or inclusion of non-munitions related debris in the on-call construction support after-action report is not required.

3.3. After-Action Reporting

Instructions: In this section identify the activities to be conducted to complete the on-call construction support notification and reporting requirements. Provide standard operating procedures (SOPs) where appropriate as Attachments to the Construction Support Plan.

Following completion of the construction support activities conducted on former FORA ESCA property, [UXO support contractor name] will submit an on-call construction support after-action report to the [property owner name/permittee name] excavation permitting agency, Army, EPA, and DTSC (Attachment B). The on-call construction support after-action report will be submitted within 30 days of project completion and will include at a minimum: a map of the excavation footprint with any MEC finds plotted; table summarizing any MEC, munitions debris, or military training related items recovered from the project site; applicable munitions recognition and safety training logs; and applicable UXO construction support daily reports.

4. RESPONSE TO SUSPECT MUNITIONS ITEM PROCEDURES

Instructions: In this section provide a concise description of the actions, roles and responsibilities for response to suspect munitions items and confirmed MEC finds. The intent is for this section to provide a single point of reference and clearly communicate the actions to be taken in response to a suspect munitions item find on the project site. Several of the procedures discussed in this section were also presented in Section 3 UXO Support Procedures. They may be repeated here for ease of reference and clarity in suspect munitions and MEC response protocol.

Response to suspect munitions items will only be conducted by the UXO-qualified personnel. The suspect munitions item response procedures are presented in this section and are summarized as follows:

- Response to Suspect Munitions Item (Section 4.1) – In the event a suspect munitions item is encountered by site workers (i.e., Recognize), work within a [X-foot area] will immediately cease (i.e., Retreat) and the UXO-qualified personnel will be notified (i.e., Report).
- Response to Confirmed or Suspect MEC Item (Section 4.2) – In the event the encountered item is classified by the UXO-qualified personnel as a confirmed or suspect MEC item work outside the [X-foot area] may continue; however, work should not interfere with security measures set in place for the suspect munitions item or authority's response to the suspect munitions item. UXO-qualified personnel will immediately notify the [local jurisdiction name(s)] Local Law Enforcement Agency (Table 1) followed by [property owner name] of the confirmed or suspect MEC find. [Property owner name] will immediately contact the Army, EPA and DTSC of the confirmed or suspect MEC find.
- MEC Find Notification Form (Section 4.3) – If, after disposal, the suspect item is confirmed to be MEC or remains a suspect MEC by Explosive Ordnance Disposal (EOD) personnel, or local bomb squad with equivalent training, the UXO-qualified personnel will complete the Army MEC Incident Recording Form (Attachment C) and MEC Find Notification to FORA Form (Attachment D) and transmit the two forms to [property owner].
- MEC Find Assessment Form (Section 4.4) – If, after disposal, the suspect MEC item is confirmed to be MEC or remains a suspect MEC by EOD personnel, or local bomb squad with equivalent training, FORA [or FORA's Successor in Interest name] will assess the probability of encountering MEC and will submit the assessment to Army, EPA and DTSC for concurrence using the FORA MEC Find Assessment Form (Attachment E).
- Restart of Work after MEC Find (Section 4.5) – Work will not resume within the [X-foot area, entire project site, or other; to be determined based on project- and site-specific information] exclusion zone until any additional necessary investigation is completed based on the MEC find assessment and Army, EPA and DTSC concurrence that the probability of encountering MEC is low.

4.1. Response to Suspect Munitions Item

Instructions: In this section, provide a concise description of the actions, roles, and responsibilities for response to suspect munitions items. The intent is for this section to provide a single point of reference and clearly communicate the actions to be taken in response to suspect munitions items on the project site. Several of the procedures discussed in this section were also presented in Section 3 UXO Support Procedures. They are repeated here for ease of reference and clarity in MEC response protocol.

Each individual is responsible for reporting suspect munitions items discovered during construction activities. If a suspect munitions item is discovered at the project site (i.e., Recognize), all work activities will cease within a [X-foot area] of the suspect munitions item and all site workers will vacate the [X-foot area] area (i.e., Retreat). No attempt should be made by workers to disturb, remove, or destroy the suspect munitions item. The site workers will notify their on-site construction supervisor, who will contact the UXO-qualified personnel to mobilize to the project site and assess the suspect munitions item (i.e., Report). Contact information is provided in Table 1.

The general sequence of work stoppage in response to a suspect munitions item is as follows:

- Ground-disturbing and intrusive activities will cease, heavy equipment and/or site vehicles are to stay in place, and site workers are to vacate the area within a [X-foot area].
 - If feasible and safe to do, the general location of the suspect munitions item should be marked, global position system (GPS) coordinates should be recorded and pictures of the item taken.
- Site personnel will immediately contact the on-site construction supervisor to report the suspect munitions item.
- site construction supervisor will confirm that all work has stopped within a [X-foot area] of the suspect munitions item and all site workers have retreated to a safe location at least [X feet] from the suspect munitions item.
- site construction supervisor will immediately contact the on-call UXO-qualified personnel (Table 1) and provide GPS coordinates and/or pictures of the suspect munitions item, if available.
 - If the UXO-qualified personnel cannot respond within the normal work day, [property owner name/permittee name] and their construction contractors will maintain control of the [X-foot area] area to prevent unauthorized entry.
- On-call UXO-qualified personnel will mobilize to the location of the suspect munitions item and ensure the item is evaluated and classified as confirmed or suspected MEC, MD, or non-munitions related debris (e.g., scrap metal).
 - If feasible, a visual assessment of any photographs will be conducted by the UXO-qualified personnel prior to mobilization to the site to determine if the item is munitions-related or non-munitions-related debris (e.g., metal scrap).

- **If the item is classified by the UXO-qualified personnel as confirmed or suspect MEC, the UXO-qualified personnel will implement the procedures outlined in Section 4.2.**
- If the item is classified by the UXO-qualified personnel as MD, the item will be removed from the project site by the UXO-qualified personnel and securely stored for appropriate off-site disposal at project conclusion.
 - Following removal of the MD, the UXO-qualified personnel will notify the site construction supervisor that ground-disturbing and intrusive activities may resume at the project site.
 - Following notification that ground-disturbing and intrusive activities may resume, the UXO-qualified personnel will contact [property owner] within 24 hours as an informational notification of the MD find. A summary of the recovered MD will be provided in the on-call construction support after-action report (Section 3.3).
- If the item is confirmed to be non-munitions-related debris (e.g., scrap metal), the item will be removed from the project site by the construction contractor and managed as appropriate.
 - Following removal of the non-munitions-related debris, the UXO-qualified personnel will notify the on-site construction supervisor that ground-disturbing and intrusive activities may resume at the project site.
 - Notification to [property owner] regarding non-munitions-related debris or inclusion of non-munitions-related debris in the on-call construction support after-action report is not required.

4.2. Response to Confirmed or Suspect MEC Item

Instructions: In this section provide a concise description of the actions, roles and responsibilities for response to confirmed or suspect MEC items. The intent is for this section to provide a single point of reference and clearly communicate the actions to be taken in response to an item which cannot be verified as safe by UXO-qualified personnel (i.e., MEC or suspect MEC) on the project site. Several of the procedures discussed in this section were also presented in Section 3 UXO Support Procedures. They are repeated here for ease of reference and clarity in MEC response protocol.

At no time should a confirmed or suspect MEC item be disturbed, removed, or destroyed by unauthorized personnel. If an item is classified as a confirmed or suspect MEC item by the UXO-qualified personnel, all work within the [X-foot area] may not resume until further notice. If it is determined that the confirmed MEC or suspect munitions item requires detonation by EOD personnel, or local bomb squad with equivalent training, all work on the entire project site will immediately cease and all site workers will gather at a location designated by the construction contractor under their emergency evacuation plan.

The general sequence of work stoppage and construction support actions in response to a confirmed or suspect MEC item is as follows:

- All work activities within a [X-foot area] of the confirmed or suspect MEC item will stop and all affected site workers will retreat to a safe location at least [X feet] from the confirmed or suspect MEC item. Work outside the [X-foot area] may continue; however, work should not interfere with security measures set in place for the confirmed or suspect MEC item or authority's response to the item.
- UXO-qualified personnel will secure the location of the confirmed MEC or suspect munitions item to prevent unauthorized access.
- UXO-qualified personnel will record the GPS location and take photographs of the confirmed or suspect MEC item.
- UXO-qualified personnel will immediately contact the [local jurisdiction name(s)] Local Law Enforcement Agency to mobilize to the project site and secure the location of the confirmed or suspect MEC item.
- Upon arrival, the [local jurisdiction name(s)] Local Law Enforcement Agency will secure the area, consult with the UXO-qualified personnel on confirmed or suspect MEC item identification and request EOD personnel, or local bomb squad with equivalent training, respond to address the item.
 - If the [local jurisdiction name(s)] Local Law Enforcement Agency and/or EOD personnel, or local bomb squad with equivalent training, cannot respond within the normal work day, [property owner name/permittee name] and their construction contractors will maintain control of the [X-foot area] area to prevent unauthorized entry.
- UXO-qualified personnel will immediately contact [property owner name] and [UXO support contractor name] of the confirmed or suspect MEC item and provide status of the [local jurisdiction name(s)] Local Law Enforcement Agency/EOD personnel or local bomb squad response.
- [Property owner name] will immediately contact the Army, EPA, and DTSC regarding the confirmed or suspect MEC item.
- If the confirmed or suspect MEC item requires detonation by EOD personnel, or local bomb squad with equivalent training, all work activities within the project site will stop and affected site workers will gather at a location designated by the construction contractor under their emergency evacuation plan for accurate head-count.
- After the confirmed or suspect MEC item has been addressed by EOD personnel, or local bomb squad with equivalent training, the UXO-qualified personnel will assist [UXO support contractor name] with completion of necessary notifications and reporting (Section 4.3).
 - If determined to be MEC, or remains a suspect MEC, by EOD personnel, or local bomb squad with equivalent training, site work may not resume within the [X-foot area, entire project site, or other; to be determined based on project- and site-specific information] of the item location until the appropriate reporting in accordance with Section 4.3 has been completed; any additional necessary investigation is completed based on the MEC find assessment; and Army, EPA and DTSC concurrence that the probability of encountering MEC remains low to support

continuation of activities within the [X-foot area, entire project site, or other; to be determined based on project- and site-specific information].

- If determined to be MD by EOD personnel, or local bomb squad with equivalent training, site work may resume within the [X-foot] area as described in Section 4.1.

4.3. MEC Find Notification to FORA Form

Instructions: In this section provide a concise description of the actions, roles and responsibilities for notification and reporting of MEC item finds. The intent of this section is to provide a single point of reference and clearly communicate MEC find notification and reporting requirements. Several of the procedures discussed in this section were also presented in Section 3 UXO Support Procedures. They may be repeated here for ease of reference and clarity in MEC response protocol.

If after disposal, the item is confirmed to be MEC or determined by EOD personnel, or local bomb squad with equivalent training, to remain a suspect MEC and, therefore, assumed to be MEC, the construction support contractor (i.e., [UXO support contractor name]) in coordination with the UXO-qualified personnel will complete an Army MEC Incident Recording Form (Attachment C) and a MEC Find Notification to FORA Form (Attachment D), and submit the forms to [property owner] for distribution to FORA [or FORA's Successor in Interest], Army, EPA, and DTSC. The Army MEC Incident Recording Form will be submitted to [property owner] within 24 hours of MEC item disposal. [Property owner] will distribute the completed MEC Incident Recording Form to FORA [or FORA's Successor in Interest], Army, EPA and DTSC with 48 hours of MEC item disposal. The construction support contractor will provide FORA [or FORA's Successor in Interest] with the MEC Find Notification to FORA Form within 48 hours of MEC item disposal to support the MEC find assessment (Section 4.4).

4.4. MEC Find Assessment Form

Instructions: In this section provide a concise description of the actions, roles and responsibilities for the UXO Support Contractor to provide information to FORA in support of a FORA MEC Finds Assessment. The intent of this section is to provide a single point of reference and clearly communicate the information and actions to be conducted to support the FORA MEC Finds Assessment. Several of the procedures discussed in this section were also presented in Section 3 UXO Support Procedures. They may be repeated here for ease of reference and clarity in MEC response protocol.

After a MEC find, the probability of encountering MEC will be reassessed by FORA [or FORA's Successor in Interest]. FORA [or FORA's Successor in Interest] will assess the probability of encountering additional MEC. FORA [or FORA's Successor in Interest] will propose to the Army, EPA, and DTSC an appropriate probability of encountering MEC (low or moderate/high) and a recommendation for the level of construction support (on-call or on-site) appropriate for the site conditions. FORA [or FORA's Successor in Interest] will document the MEC find assessment and proposed determination on the FORA MEC Find Assessment Form (Attachment E) and will submit

the form with required attachments to the Army, EPA, and DTSC for review within 20 days of a MEC find.

The probability of encountering MEC and the resulting level of construction support will be jointly determined by the Army, EPA, and DTSC. If determined that additional investigation is required as part of the assessment, FORA [or FORA's Successor in Interest] will conduct the investigation in accordance with an approved work plan, if within the scope of its obligations. Army, EPA, and DTSC will review the results of the investigation to support the MEC find assessment.

If the probability of encountering MEC is determined to remain low, ground-disturbing and intrusive activities may resume using on-call construction support and this CSP (Section 4.5). FORA [or FORA's Successor in Interest] will receive written determination from the Army, EPA, and DTSC on the MEC finds assessment completion and provide a copy of the written determination to [property owner name/permittee name] and their construction contractors prior to resuming ground-disturbing and intrusive activities.

If the probability of encountering MEC is determined to be moderate to high, on-site construction support or other actions may be required prior to resuming ground-disturbing and intrusive activities. [Property owner name/permittee name] will prepare an on-site CSP consistent with the explosives safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines for Army, EPA, and DTSC review and comment, as necessary, or FORA [or FORA's Successor in Interest] will conduct any additional investigation required by Army, EPA, and DTSC in accordance with an approved work plan, if within the scope of its obligations. Army, EPA, and DTSC will jointly evaluate the results of the additional investigation. The agency consultation process will be completed as expeditiously as practicable. Site work on the former FORA ESCA property may not restart until the assessment is completed, the Army, EPA, and DTSC have made a determination of the probability of encountering MEC, and any required additional action has been conducted by FORA [or FORA's Successor in Interest]. FORA [or FORA's Successor in Interest] will receive written determination from the Army, EPA, and DTSC on the MEC finds assessment completion and provide a copy of the determination to [property owner name/permittee name] and their construction contractors prior to resuming ground-disturbing and intrusive activities on the former FORA ESCA property using on-call construction support and this CSP (Section 4.5).

4.5. Restarting Work after a MEC Find

Instructions: In this section provide a concise description of the actions, roles and responsibilities for restarting work after completion of a FORA MEC Finds Assessment. The intent of this section is to provide a single point of reference and clearly communicate the information and actions to be conducted before restarting work. Several of the procedures discussed in this section were also presented in Section 3 UXO Support Procedures. They are repeated here for ease of reference and clarity in MEC response protocol.

Site work may not resume within a [X-foot area, entire project site, or other; to be determined based on project- and site-specific information] of the MEC item until the MEC find assessment has

been completed, the Army, EPA and DTSC have concurred with the assessment, and any required addition actions have been conducted. FORA [or FORA's Successor in Interest] will receive written determination from the Army, EPA, and DTSC on the MEC finds assessment completion and provide a copy of the determination to the [property owner name/permittee name] prior to resuming ground-disturbing or intrusive site activities using on-call construction support and this CSP.

5. REFERENCES

6. ATTACHMENTS [EXAMPLES]

Table 1 – List of Contacts

Figure 1 – Site locator map

Figure 2 – Munitions Response Area project site map with project footprint showing the designated future land uses

Figure 3 – Project Site map providing details of the project site showing the designated future land uses.

Figure 4 – Project vicinity map identifying MRS present on or near the project site. Map should also identify areas where MEC removal were completed.

Figure 5 – Construction site grading map showing past MEC finds plotted. Map should identify the project site with plots of recovered MEC items and descriptions. This map will be used to plot and report any MEC items found during construction efforts and for an MEC find assessment.

- A Project Site Grading and Soil Management Specifications (as applicable)
- B On-Call Construction Support After-Action Report
- C Army MEC Incident Recording Form (<http://www.fodis.net/mec/public>)
- D FORA MEC Find Notification Form
- E FORA MEC Find Assessment Form
- F Regulatory Concurrence Letters

FORM LUC-02

MEC Find Notification to FORA

During Construction Support Projects

Application: This form shall to be utilized by UXO Construction Support contractors to notify FORA of MEC finds during construction support activities pursuant to a final Construction Support Plan. The form is to be finalized as soon as possible after the MEC incident response is complete and the MEC item removed by military EOD, or local bomb squad with equivalent training. This form is in addition to the Army MEC Incident Recording form, which must be submitted to FORA within 24 hours of a MEC find. This form documents the MEC find in support of FORA’s MEC Finds Assessment.

Suspect munitions items should be inspected and assessed by UXO-qualified personnel. No attempt should be made by UXO support contractor to disturb, remove or destroy a suspect munitions item. Non-MEC items do not require a MEC Find Notification to FORA Form. If a suspect munitions item cannot be verified as safe (i.e., MEC or suspect MEC items) by UXO-qualified personnel, all intrusive or ground-disturbing work on site must remain stopped and local law enforcement notified by the UXO support contractor. Local law enforcement immediately notifies appropriate military EOD personnel, or local bomb squad with equivalent training, who will respond to the site and remove the suspect munitions item. Upon completion of military EOD or local bomb squad response, if the suspect munitions item is determined to be MEC, the UXO support contractor must submit this MEC Find Notification to FORA Form, along with the Army’s MEC Incident Recording Form, to FORA documenting the MEC incident and initiating FORA’s MEC Find Assessment. An assessment of MEC finds must be completed and approved prior to restarting work on the site.

Instructions: Line-by-line instructions are provided at the end of this form. UXO support contractor must complete the required MEC Find Notification to FORA Form and submit to FORA as soon as practicable after a MEC find incident. If all information is not immediately available, a partially completed form may be submitted, however all required information must be submitted to support the FORA MEC Finds Assessment. A copy of the completed FORA MEC Finds Assessment and Army, EPA and DTSC concurrence must be received by FORA prior to providing permission to resume intrusive site work. For purposes of this form, the terminology of “FORA” refers to obligations or requirements that are currently assigned to FORA, but will eventually transfer to FORA’s successor in interest.

PROJECT DESCRIPTION AND CONTACT INFORMATION (Use information from Construction Support Plan)

Project Name		Excavation / Grading Permit Number	
Project Support Start Date		Monterey County Real Estate Parcel	
Project Support End Date		COE Real Estate Parcel Number	
Project Contact		Contact Phone	

Project Location

Brief Project Description (attach project site map from Construction Support Plan):

Construction Support Contractor		UXO Safety Officer Name / Contact Phone	
Construction Support Contractor Address			

MEC INCIDENT RESPONSE SUMMARY INFORMATION

Person Reporting Date & Time		Contact Phone	
Final MEC Item Description		MEC Find Date & Time	
Law Enforcement Response Date & Time		EOD Response Date & Time	

**FORM LUC-02
MEC Find Notification to FORA
During Construction Support Projects**

Final MEC Disposition:			
CONSTRUCTION SUPPORT ACTIVITY DETAILS			
Construction Support Plan / Date		Probability of Encountering MEC	
Level of soil disturbance at time of MEC find	<input type="checkbox"/> Shallow surface disturbances (less than 6-inches); Maximum depth: _____ <input type="checkbox"/> Isolated hand digging / post holes / drilling or bore holes <input type="checkbox"/> Linear trench excavation or underground utilities <input type="checkbox"/> Excavation of construction footprint (building foundation, roadway, etc.) <input type="checkbox"/> Site wide grading / large scale excavation <input type="checkbox"/> Other _____		
Description of soil disturbance at time of MEC find:			
Level of Construction Support utilized at time of MEC find	<input type="checkbox"/> On-call UXO-qualified personnel support <input type="checkbox"/> On-site construction support by UXO-qualified personnel <input type="checkbox"/> Anomaly avoidance by UXO-qualified personnel <input type="checkbox"/> Other _____		
Description of actions taken by UXO-qualified personnel in response to MEC find:			
Actions taken to secure site:			
Current Site Status	<input type="checkbox"/> Work currently stopped on entire project site as result of MEC find. <input type="checkbox"/> Work currently stopped on following portion of project site as result of MEC find: _____		

**FORM LUC-02
 MEC Find Notification to FORA
 During Construction Support Projects**

Other information regarding Construction Support Activities:

MEC FIND DETAILED INFORMATION

MEC item found (include model number, if known):

Brief description of MEC find (attach applicable UXO contractor field notes and use map from Construction Support Plan Section 2.2, Summary of Previous Munitions Response Actions with plot identifying location of current MEC item):

MEC find type of munition: UXO DMM ISD

- Pyrotechnic
- Projectile
- Mortar

- Hand Grenade
- Rifle Grenade
- Rocket

- Pre-WWII munition item
- Mine & Booby Trap
- Other _____

Total number of MEC items recovered during this project to date: _____

List items and dates recovered:

Other munitions related items or evidence of munitions use recovered in the area during construction support:

**FORM LUC-02
MEC Find Notification to FORA
During Construction Support Projects**

Description of any follow-on actions conducted by construction support personnel in response to MEC find (attach applicable data, maps, and reports):

DETAILED MEC INCIDENT RESPONSE INFORMATION

Responding Local Law Enforcement Agency		Incident / Report Number	
Responding Officer		Date / Time of Response	

Description of Local Law Enforcement Response (attach report if available):

Responding EOD Unit		EOD Incident / Report Number	
Responding EOD Unit Leader / Contact		Date / Time of Response	

Description of EOD Response (attach EOD report if available):

Final Disposition of Item(s) (include disposition of any munitions debris):

FINAL MEC ITEM IDENTIFICATION DETAILS

Person making final identification:
Position / Company
Contact phone/email:

Final Identification of Item(s) Found (provide make and model if available):

**FORM LUC-02
MEC Find Notification to FORA
During Construction Support Projects**

Rationale in Support of Final MEC Item Determination (If identification is revised from preliminary identification, provide reason for revision.):

- | | | |
|--|---|--|
| <input type="checkbox"/> Unexploded Ordnance (UXO) | <input type="checkbox"/> Discarded Military Munitions (DMM) | <input type="checkbox"/> Insufficient Data to make determination (ISD) |
|--|---|--|

MEC find type of munition:

- | | | |
|--------------------------------------|--|---|
| <input type="checkbox"/> Pyrotechnic | <input type="checkbox"/> Hand Grenade | <input type="checkbox"/> Pre-WWII munition item |
| <input type="checkbox"/> Projectile | <input type="checkbox"/> Rifle Grenade | <input type="checkbox"/> Mine & Booby Trap |
| <input type="checkbox"/> Mortar | <input type="checkbox"/> Rocket | <input type="checkbox"/> Other _____ |

REQUIRED ATTACHMENTS

Attachments to report (check all that apply)

- Map of extent of ground-disturbing or intrusive activity (i.e., excavation footprint) indicating completed areas and planned areas with excavation depths
- UXO Daily Reports and field logs for MEC find response
- Map of location of MEC find
- Local law enforcement MEC response report
- Military EOD MEC response report
- Army's Fort Ord MEC Incident Recording Form
- Other _____

REPORT DISTRIBUTION

Report Distribution list:

- Local Building Department, Attention: Fort Ord Excavation Permit Point of Contact
- Fort Ord Reuse Authority, Attention: ESCA Program Manager
- U.S. Army – BRAC Office
- U.S. Environmental Protection Agency, Region IX, Superfund Division, Attention: Fort Ord Project Manager
- State of California, Department of Toxic Substances Control, Attention: Fort Ord Project Manager
- Other _____

FORM LUC-03

FORA MEC Finds Assessment Report

On-Call Construction Support Projects

Application: This form shall be utilized by FORA to document required evaluation of MEC finds reported during construction support activities. An assessment of MEC finds must be completed by FORA with concurrence by the Army, EPA and DTSC prior to restarting work on the site.

Instructions: Line-by-line instructions are provided at the end of this form. FORA must complete the required MEC find assessment and submit FORA recommendation to Army, EPA and DTSC within 20 days of a MEC find. Form must be submitted with all attachments to the Army, EPA and DTSC. FORA must receive written concurrence with assessment findings before work can resume on the site. A copy of the completed assessment and Army, EPA and DTSC concurrences will be provided prior to receiving permission to resume intrusive site work. For purposes of this form, the terminology of "FORA" refers to obligations or requirements that are currently assigned to FORA, but will eventually transfer to FORA's successor in interest.

PROJECT DESCRIPTION AND CONTACT INFORMATION (Use information from MEC Find Notification Report)

Project Name		Excavation / Grading Permit Number	
Project Support Start Date		Monterey County Real Estate Parcel	
Project Support End Date		COE Real Estate Parcel Number	
Project Contact		Contact Phone	

Project Location

Brief Project Description (attach project site map from MEC Find Notification Report):

Construction Support Contractor		UXO Safety Officer Name / Contact Phone	
---------------------------------	--	---	--

Construction Support Contractor Address			
---	--	--	--

CONSTRUCTION SUPPORT ACTIVITIES (Use information from MEC Find Notification Report)

Level of Construction Support utilized at time of MEC find	<input type="checkbox"/> On-call UXO-qualified personnel support <input type="checkbox"/> On-site construction support by UXO-qualified personnel <input type="checkbox"/> Anomaly avoidance by UXO-qualified personnel <input type="checkbox"/> Other _____
Level of Soil Disturbance at time of MEC find	<input type="checkbox"/> Shallow surface disturbances (less than 6-inches); Maximum depth: _____ <input type="checkbox"/> Isolated hand digging / post holes / drilling or bore holes <input type="checkbox"/> Linear trench excavation or underground utilities <input type="checkbox"/> Excavation of construction footprint (building foundation, roadway, etc.) <input type="checkbox"/> Site wide grading / large scale excavation <input type="checkbox"/> Other _____
Current Site Status	<input type="checkbox"/> Work currently stopped on entire project site as result of MEC find. <input type="checkbox"/> Work currently stopped on following portion of project site as result of MEC find: _____

**FORM LUC-03
FORA MEC Finds Assessment Report
On-Call Construction Support Projects**

MEC FIND INFORMATION		
MEC item found (include model number if known):		
Probability of Encountering MEC at time of MEC find: <input type="checkbox"/> Low <input type="checkbox"/> Moderate to High Rationale supporting probability of encountering MEC:		
Brief description of MEC find (attach applicable MEC Find Notification to FORA Form and map of item location with past finds):		
MEC find type of munition: <input type="checkbox"/> UXO <input type="checkbox"/> DMM <input type="checkbox"/> ISD		
<input type="checkbox"/> Pyrotechnic <input type="checkbox"/> Projectile <input type="checkbox"/> Mortar	<input type="checkbox"/> Hand Grenade <input type="checkbox"/> Rifle Grenade <input type="checkbox"/> Rocket	<input type="checkbox"/> Pre-WWII munition item <input type="checkbox"/> Mine & Booby Trap <input type="checkbox"/> Other _____
MEC item disposal information (attach local law enforcement and EOD incident reports):		
Total number of MEC items recovered during this project to date: _____ List items and dates recovered:		
Other munitions related items or evidence of munitions use recovered in the area during construction support:		
Description of any follow-on actions conducted by construction support personnel in response to MEC find (attach applicable data, maps, and reports):		

**FORM LUC-03
FORA MEC Finds Assessment Report
On-Call Construction Support Projects**

MUNITIONS SITE BACKGROUND INFORMATION

Historical military training in project area and/or Munitions Response Sites (see RI/FS):

List previous MEC removal actions in project area and detection equipment used for removals (see RI/FS):

Historical types of munitions recovered from site (check all that apply):

- | | | |
|--|--|---|
| <input type="checkbox"/> Pyrotechnic
<input type="checkbox"/> Projectile
<input type="checkbox"/> Mortar | <input type="checkbox"/> Hand Grenade
<input type="checkbox"/> Rifle Grenade
<input type="checkbox"/> Rocket | <input type="checkbox"/> Pre-WWII munition item
<input type="checkbox"/> Mine & Booby Trap
<input type="checkbox"/> Other _____ |
|--|--|---|

Is MEC find consistent with previous site use? (Yes / No) Explain:

Historical evidence of use of this type of munitions in the vicinity of the site:

Is there specific evidence or reason to believe that additional residual MEC of this type may be present? (Yes / No) Explain:

FORA RECOMMENDATION BASED ON MEC FIND

Based on this MEC find, is the current level of construction support appropriate? (Yes / No)

Current construction support level: _____

Revised construction support level: _____

FORM LUC-03
FORA MEC Finds Assessment Report
On-Call Construction Support Projects

FORA MEC find assessment recommendation:

- Probability of encountering MEC determined to remain low. Work can resume with current level of construction support.
- Probability of encountering MEC determined to be moderate to high. On-site construction support required prior to resuming any intrusive activities.
- Additional MEC investigation or response determined to be necessary.
- Other: _____

Assessment Form Distribution:

- U.S. Army – BRAC Office
- U.S. Environmental Protection Agency, Region IX, Superfund Division, Attention: Fort Ord Project Manager
- State of California, Department of Toxic Substances Control, Attention: Fort Ord Project Manager
- Other: _____

FORM REVIEW AND APPROVAL DOCUMENTATION

FORA MEC Finds Assessment Tracking:

- Completed form submitted by FORA to Army, EPA, and DTSC (Date: _____)
- Agency Concurrence Received (attach documentation)
- Approved to resume work with current construction support level
- Approved to resume work with additional conditions
Required additional conditions: _____
- Other: _____

**FORM LUC-03
FORA MEC Finds Assessment Report
On-Call Construction Support Projects**

Line-by-Line Instructions	
PROJECT DESCRIPTION AND CONTACT INFORMATION (From Construction Support Plan)	
Project Name	Enter the name for the Project (or portion thereof) for which this FORA MEC Find Assessment Report is being submitted.
Excavation Permit Number	This is the Excavation Permit number provided by the Permitting Authority under the applicable local building code (i.e., Digging and Excavation on Fort Ord)
Monterey County Real Estate Parcel	Provide the Monterey County Real Estate Parcel number(s) for the property for which this FORA MEC Find Assessment Report is being submitted.
COE Real Estate Parcel	Provide the U.S. Army Corps of Engineers Real Estate Parcel number(s) for the property for which this FORA MEC Find Assessment Report is being submitted. The parcel number is available in the Federal Deeds and property transfer documents.
Construction Support Project Start and End Dates	Provide the dates when construction support services were in place for the project. For on-call support, report the date range during which on-call support services were available regardless of whether a call was made or support was utilized. For on-site support, report the first and last day construction support personnel were physically on-site providing support.
Project Contact, Contact Phone	Provide the name and contact phone number for the person submitting the FORA MEC Find Assessment Report.
Project Location	Provide a physical address for the project site. If an address is not available, provide the nearest cross streets and a description of the physical location.
Project Description	Provide a brief description of the permitted project. The description should be limited to a few sentences. The full description and details regarding the project are documented in the excavation permit and do not need to be repeated here.
Construction Support Contractor	Provide the name of the contractor providing construction support for the project.
UXO Safety Officer Contact Phone	Provide the name and contact phone number for the UXO Safety Officer for the project.
Construction Support Contractor Address	Provide the permanent mailing address and contact information for the contractor providing construction support for the project.
CONSTRUCTION SUPPORT ACTIVITIES (from MEC Find Notification Form)	
Level of Construction Support utilized at time of MEC find (check all that apply)	This box identifies the general category of construction support provided at the time of the MEC find. Check the box(es) which best describe the level of construction support utilized on this project at the time of the MEC find. If multiple levels of construction support were provided, check the box for each type utilized. The methods and details regarding implementation of construction support are not provided here as they are documented in the project's Construction Support Plan.
Level of Soil Disturbance at time of MEC find	This box identifies the general category and level of soil disturbance for which construction support was provided at time of MEC find. Check the box(es) which best describe the level of soil disturbance at time of MEC find. If multiple levels of soil disturbance occurred, check each box that is applicable.
Current Site Status	Provide the current status of activities at the project site and site of the MEC find.
MEC FIND INFORMATION (from MEC Find Notification Form)	
MEC Item found	Provide the type of MEC item recovered including model number, if known.

**FORM LUC-03
FORA MEC Finds Assessment Report
On-Call Construction Support Projects**

Probability of Encountering MEC at time of MEC find	Provide the probability of encountering MEC (i.e., low, moderate, high) at the project site at the time of the MEC find and supporting rationale for the determined probability of encountering MEC.
Brief description of MEC find	Provide a description of the activities being performed at the time of the MEC find and the response actions taken. Attach applicable MEC Find Notification to FORA Form and map of item location showing past finds.
MEC find type of munition	Check the box appropriate box indicating the type of munition recovered (UXO, DMM, or ISD) and the box that corresponds most closely with the category of the munitions item.
MEC item disposal information	Describe how the munitions item was disposed of and attach local law enforcement and EOD incident reports.
Total number of MEC items recovered during this project to date	In this box, provide a tally of the total number of MEC items recovered to date during construction support on this project. Provide a listing of previous MEC items recovered during construction support on this project, including the date of recovery and a brief summary of each MEC find incident from the Fort Ord MEC Incident Recording Form. Attach a table listing previous MEC items, if necessary.
Other munitions related items or evidence of munitions use recovered in the area during construction support	Provide a brief summary of the evidence of past military munitions or military training activities recovered during construction support. The summary should be limited to concise statements regarding the evidence identified and types of training indicated.
Description of any follow-on actions conducted by construction support personnel in response to MEC find	Describe any follow-on actions conducted by construction support personnel in response to MEC find (attach applicable data, maps, and reports).
MUNITIONS SITE BACKGROUND INFORMATION	
Historical military training in project area and/or Munitions Response Sites (see RI/FS)	Provide a brief summary of past military training activities in the project area, including any Munitions Response Sites (MRS) or former ranges. The summary should be limited to concise statements regarding the identified training areas and/or MRS, types of training, and types of munitions used. This information is documented in the Remedial Investigation/Feasibility Study (RI/FS) Report available on the Administrative Record.
List previous MEC removal actions in project area with detection equipment used for removals (see RI/FS)	Provide a list and summary of previous MEC removal actions in the project area. The summary should include the date of the action, objective of the action, and technology used for the action. This information is documented in the Remedial Investigation/Feasibility Study (RI/FS) Report available on the Administrative Record.
Historical types of munitions recovered from site (check all that apply):	Check boxes for each category of munitions recovered from the project site.
Is MEC find consistent with previous site use? (Yes / No) Explain	Indicate if the MEC find is consistent with the documented historical use of the site. Past military training areas and/or MRS, types of training, and types of munitions used are documented in the Remedial Investigation/Feasibility Study (RI/FS) Report available on the Administrative Record.

**FORM LUC-03
FORA MEC Finds Assessment Report
On-Call Construction Support Projects**

Historical evidence of use of this type of munitions in the vicinity of the site	Provide historical evidence of the use of the MEC find type at the site. Past military training areas and/or MRS, types of training, and types of munitions used are documented in the Remedial Investigation/Feasibility Study (RI/FS) Report available on the Administrative Record.
Is there specific evidence or reason to believe that additional residual MEC of this type may be present? (Yes/No) Explain	Indicate if there is or is not evidence or reason to believe that additional residual MEC of this type may be present at the site and provide supporting rationale.
FORA RECOMMENDATION BASED ON MEC FIND	
Based on this MEC find, is the current level of construction support appropriate?	State if, based on this MEC find, the current level of construction support is or is not appropriate. State the level of construction support at the time of the MEC find and the revised level of construction support, if applicable.
FORA MEC find assessment recommendation	Check the box that describes FORA's recommendation regarding probability of encountering MEC at the site and actions to be taken, if any.
Assessment Form Distribution	This box is used to identify the specific organizations receiving a copy of this MEC Find Assessment.
FORM REVIEW AND APPROVAL DOCUMENTATION	
FORA MEC Finds Assessment Tracking	This box is used to indicate the steps completed during the MEC Finds Assessment review and approval process.

Construction Support After Action Report Form

Fort Ord Digging & Excavation Permit

On-Call and On-site Construction Support Projects

Application: This form shall to be utilized by Permittee to provide required After Action Reporting for Fort Ord Digging and Excavation Permits on projects where On-Call Construction Support, Anomaly Avoidance and/or On-site Construction Support was implemented. The form shall also be utilized for non-permitted (i.e., de minimis) On-call Construction Support projects.

Instructions: Line-by-line instructions are provided at the end of this Form. Permittee must complete this Form and submit the requested project information within 30 days of project completion. Form must be submitted with all required attachments to the permitting Agency and FORA, as required under the Fort Ord Digging and Excavation Ordinance. FORA uses information provided in this Form to complete required annual reporting. Required attachments are identified at the end of this Form and include a map of the final ground disturbance footprint with excavation depths, a table summarizing any munitions debris or other military training related items recovered from the project site, copies of applicable training logs and applicable UXO Construction Support daily reports. For purposes of this form, the terminology of "FORA" refers to obligations or requirements that are currently assigned to FORA, but will eventually transfer to FORA's successor in interest.

PROJECT DESCRIPTION AND CONTACT INFORMATION

Project Name		Excavation Permit Number	
Construction Support Start Date		Monterey County Real Estate Parcel	
Construction Support End Date		COE Real Estate Parcel Number	
Project Contact:		Contact Phone	

Project Location

Project Description (attach map of final ground disturbance footprint with excavation depths):

Construction Support Contractor		UXO Safety Officer Contact Phone	
Construction Support Contractor Address			

CONSTRUCTION SUPPORT ACTIVITIES

Munitions Recognition and Safety Training (attach training logs)	<input type="checkbox"/> On-site training – number trained _____ <input type="checkbox"/> On-line training – number trained _____ <input type="checkbox"/> Other _____ - number trained _____	Total Trained _____
Level of Construction Support Utilized for Project (check all that apply)	<input type="checkbox"/> On-call UXO-qualified personnel support <input type="checkbox"/> Anomaly avoidance by UXO-qualified personnel <input type="checkbox"/> On-site construction support by UXO-qualified personnel <input type="checkbox"/> Other _____	
Level of Soil Disturbance (check all that apply)	<input type="checkbox"/> Shallow surface disturbances (less than 6-inches); Maximum depth: _____ <input type="checkbox"/> Isolated hand digging / post holes / drilling or bore holes <input type="checkbox"/> Linear trench excavation or underground utilities <input type="checkbox"/> Excavation of construction footprint (building foundation, roadway, etc.) <input type="checkbox"/> Site wide grading / large scale excavation <input type="checkbox"/> Other _____	

**Construction Support After Action Report Form
Fort Ord Digging & Excavation Permit
On-Call and On-site Construction Support Projects**

Level of Effort for Construction Support During Project (attach daily reports and field logs)	<ul style="list-style-type: none"><input type="checkbox"/> Idle on-call support days (days without a UXO support request) _____<input type="checkbox"/> Non-idle on-call support days (days with one or more calls for UXO-qualified personnel to respond to site and assess suspect munitions items) _____<input type="checkbox"/> Anomaly avoidance support days _____<input type="checkbox"/> On-site construction support days _____
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Construction Support After Action Report Form

Fort Ord Digging & Excavation Permit

On-Call and On-site Construction Support Projects

CONSTRUCTION SUPPORT RESULTS	
Were military munitions related items (MEC or MD) or other evidence of military training identified? (Yes) / (No) [If no, skip remainder to Certification section.] (Attach map identifying locations of recovered munitions related items and a table listing items recovered along with item size, weight and recovery depth.)	
Total number of MEC items recovered (attach applicable MEC Incident Reports): _____	
Summary of MEC find assessment(s) (Attach applicable FORA MEC Find Assessment reports)	
Summary of evidence of military munitions or military training activities found during project	
Total number of munitions debris items recovered _____ and approximate total weight _____ (lbs)	
Disposition of munitions debris items recovered (attach certifications and manifests)	<input type="checkbox"/> Munitions debris inspected, certified free from explosive hazards, and transferred to appropriate munitions debris recycling facility <input type="checkbox"/> Munitions debris transferred to U.S. Department of Defense (i.e., EOD Unit) <input type="checkbox"/> Munitions debris transferred to local civil authority <input type="checkbox"/> Other _____
UXO CONTRACTOR REPORT CERTIFICATION	
I hereby certify that the information submitted in the report is true and complete.	
Name, Title _____	
Signature _____, Date _____	
REQUIRED ATTACHMENTS	
Attachments to report (check all that apply) <ul style="list-style-type: none"> <input type="checkbox"/> Map of extent of ground disturbing activity (i.e., excavation footprint) with excavation depths <input type="checkbox"/> Munitions Recognition and Safety Training logs <input type="checkbox"/> UXO Daily Reports and field logs <input type="checkbox"/> Map of locations of recovered munitions related items <input type="checkbox"/> Table listing munitions related items (MEC and MD) recovered, including size, weight and recovery depth <input type="checkbox"/> Applicable MEC Incident Recording forms <input type="checkbox"/> Disposition of munitions debris (applicable certifications and recycling records) <input type="checkbox"/> Applicable FORA MEC Find Assessment reports with attached Army, EPA and DTSC concurrences and notices to resume work 	

**Construction Support After Action Report Form
Fort Ord Digging & Excavation Permit
On-Call and On-site Construction Support Projects**

REPORT DISTRIBUTION

Report Distribution list:

- Local Building Department, Attention: Fort Ord Excavation Permit Point of Contact
- Fort Ord Reuse Authority, Attention: ESCA Program Manager
- U.S. Army – BRAC Office
- U.S. Environmental Protection Agency, Region IX, Superfund Division, Attention: Fort Ord Project Manager
- State of California, Department of Toxic Substances Control, Attention: Fort Ord Project Manager
- Other _____

Construction Support After Action Report Form

Fort Ord Digging & Excavation Permit

On-Call and On-site Construction Support Projects

Line-by-Line Instructions	
PROJECT DESCRIPTION AND CONTACT INFORMATION	
Project Name	Enter the name for the Project (or portion thereof) for which this Construction Support After Action Report is being submitted.
Excavation Permit Number	This is the Excavation Permit number provided by the Permitting Authority under the applicable local building code (i.e., Digging and Excavation on Fort Ord)
Monterey County Real Estate Parcel	Provide the Monterey County Real Estate Parcel number(s) for the property for which this Construction Support After Action Report is being submitted.
COE Real Estate Parcel	Provide the U.S. Army Corps of Engineers Real Estate Parcel number(s) for the property for which this Construction Support After Action Report is being submitted. The parcel number is available in the Federal Deeds and property transfer documents.
Construction Support Project Start and End Dates	Provide the dates when Construction Support services were in place for the project. For On-Call support, report the date range during which On-Call support services were available regardless of whether a call was made or support was utilized. For On-site support, report the first and last day Construction Support personnel were physical on-site providing support.
Project Contact Contact Phone	Provide the name and contact phone number for the person submitting the Construction Support After Action Report.
Project Location	Provide a physical address for the project site. If an address is not available, provide the nearest cross streets and a description of the physical location.
Project Description	Provide a brief description of the permitted project and ground-disturbing activities being conducted at the site. Attach a map of planned ground-disturbing activity footprint, including expected depth of soil disturbance. The full description and details regarding the project are documented in the excavation permit and do not need to be repeated here.
Construction Support Contractor	Provide the name of the contractor providing construction support for the project.
UXO Safety Officer Contact Phone	Provide the name and contact information for the construction support contractor's UXO Safety Officer for the project.
Construction Support Contractor Address	Provide the permanent mailing address and contact information for the UXO support contractor.
CONSTRUCTION SUPPORT ACTIVITIES	
Munitions Recognition and Safety Training	This box documents required munitions recognition and safety training. Provide the number of people trained and the type of training received. The total trained should tally the total number of people who received the training, regardless of the format or number of trainings each individual attended. Attach required training logs and training certificates documenting training compliance.
Level of Construction Support Utilized for Project (check all that apply)	This box identifies the general category of Construction Support provided on the project. Check the box(s) which best describe the level of construction support utilized on this project during the timeframe of this report. If multiple levels of construction support were provided, check the box for each type utilized. The methods and details regarding implementation of construction support are not provided here as they are documented in the project's Construction Support Plan.
Level of Soil Disturbance (check all that apply)	This box identifies the general category and level of soil disturbance for which Construction Support was provided during the project. Check the box(s) which best describe the level of soil disturbance on this project during the timeframe of this report. If multiple levels of soil disturbance occurred, check each box that is applicable. The locations of soil disturbance

**Construction Support After Action Report Form
Fort Ord Digging & Excavation Permit
On-Call and On-site Construction Support Projects**

	during the project must also be identified on the map of the project’s final excavation footprint with depths of excavation or soil disturbance.
Level of Effort for Construction Support During Project (attach daily reports and field logs)	This box summarizes the actual level of effort utilized in providing construction support for the project. Check the box(s) which best describe the level of effort for construction support utilized on this project during the timeframe of this report. Provide the number of days each level of effort was utilized. If multiple levels of construction support were provided, check the box for each type utilized. If multiple levels of effort were implemented on the same day, tally that day in the higher level of effort. Idle on-call support days are days when UXO-qualified personnel are on-call to support the project but their support is not requested. Non-idle on-call support days are days when on-call UXO-qualified personnel respond to the site to assess one or more suspect munitions items. Multiple calls occurring on the same day should be tallied as one day. If UXO-qualified personnel provide construction monitoring during on-call construction support, provide the number of days for which construction monitoring was provided. Construction monitoring days should not be tallied as on-call support days. If on-site construction support is provided on the project, report the number of days in which on-site support was provided. On-site construction support days should not be tallied as on-call or construction monitoring days.
Were military munitions related items (MEC or MD) or other evidence of military training identified?	This box should be checked in the affirmative (Yes) if evidence of military munitions or other evidence of military training was identified during construction support utilized on this project during the timeframe of this report. If no evidence of military munitions or other evidence of military training was identified, the remainder of this section should be skipped. If evidence is identified, the following information is required to be submitted as attachments to this report: 1) A scaled map identifying the locations of recovered munitions related items, and 2) a table detailing the items recovered (item description, size, weight and recovery depth).
Total number of MEC items recovered	In this box provide a tally of the total number of MEC items recovered during construction support on this project during the timeframe of this report. When a suspected munitions item has been encountered during on-call construction support and confirmed as MEC, a MEC Incident Recording form must be completed and submitted to FORA and the Army. Copies of applicable MEC Incident Recording forms from on-call construction support must also be attached to this report.
Total number of munitions debris items recovered and approximate total weight	Munitions debris items are not reported as MEC incidents during the construction support project. In this box provide a tally of the total number of munitions debris items recovered and an estimate of the approximate total weight (in pounds) of munitions debris items recovered during construction support on this project during the timeframe of this report.
Disposition of munitions debris items recovered	Check all boxes that apply regarding disposition of munitions debris items recovered during construction support on this project during the timeframe of this report. Munitions debris must be inspected and certified as free from explosives by UXO-qualified personnel prior to transfer to an appropriate munitions debris recycling facility and applicable certification records attached to this report. The DoD (i.e., EOD Unit) and civilian authorities may choose to take possession of specific munitions debris items during a MEC incident response. Any such items should be documented and the documentation attached to this report.
Summary of MEC find assessment(s)	This box provides a summary of the results of MEC Find Assessments conducted by FORA for MEC items recovered during construction support on this project during the timeframe of this report. MEC Find Assessments are required to be completed prior to restarting work after a MEC find. The completed FORA MEC Find Assessment forms must be attached to this report. If no MEC are recovered, enter “Not Applicable” in this box.

**Construction Support After Action Report Form
 Fort Ord Digging & Excavation Permit
 On-Call and On-site Construction Support Projects**

Summary of evidence of military munitions or military training activities found during project	Provide brief summary of the evidence of past military munitions or military training activities recovered during construction support on this project during the timeframe of this report. The summary should be limited to concise statements regarding the evidence identified and types of training indicated. The Remedial Investigation/Feasibility Study Report for the property provides a summary of known military training and munitions used.
REPORT CERTIFICATION	
After Action Report Certification and Signature	The box is used to provide certification of the submitted report and true and accurate. The report must be certified by the UXO support contractor representative identified in the project Contact box above.
REQUIRED ATTACHMENTS	
Attachments to the Report	This box is used to identify the specific attachments included with this Construction Support After Action Report.
Report Distribution List	This box is used to identify the specific organizations receiving a copy of this Construction Support After Action Report.

FORT ORD MUNITIONS INCIDENT FORM

If you recognize any object that resembles munitions or explosives on or near former Fort Ord property, retreat to a safe location, and **report the finding to 911 or the appropriate agency immediately** (see below). **You must telephone 911 to report suspected munitions or explosives on other than US Army property.**

This form can be submitted online at <http://fodis.net/mec/public/>. Completing this form does not constitute emergency (911) notification. This form is used to assist in the recording and investigation of MEC incidents.

CONTACT THE APPROPRIATE AGENCIES IMMEDIATELY:

Location of Item	Contact Number	Date & Time Called
Public / Private / Unknown Property	Phone: 911*	
US Army, Fort Ord	MMRP Site Security Manager: (831) 242-7919	

* **If 911 is contacted please notify the Fort Ord MMRP Site Security Manager afterward:**
Fax/email this form with **Part A** completed to: (831) 393-9188 / Natalie.n.gordon2.ctr@mail.mil

A. To be completed by person reporting the incident

Name of Person Reporting:	Telephone:
Agency/Affiliation of person reporting:	Email Address:
Date & Time of Incident/Discovery:	
Description of Item Found (refer to the "Safety Alert" pamphlet if possible):	
Location (direction and distance from nearest road/building, attach map if possible):	
GPS Coordinate Location Type of Instrument: Coordinate System:	Northing/Latitude and Easting/Longitude:
Describe how the item was found (e.g. activity leading to discovery, persons involved, etc.):	

B. To be completed by the Fort Ord MMRP Site Security Manager when response/investigation is complete

Report Received By:	Date & Time:
Nomenclature of Item Found: Quantity: (Attach photo if possible)	Type (UXO/DMM/MD/Other): Depth:
Disposition of Item (e.g. detonated, removed to scrap, etc):	Name of digital file for picture (date):
Investigation Summation:	
Regulatory Agencies Notified:	Date:

APPENDIX J

Former Fort Ord Land Use Covenant Report Outline [Revised]

Former Fort Ord
Land Use Covenant Report Outline

Annual Status Report for
_____ (Jurisdiction)
on Land Use Covenants
Covering July 1, _____ to June 30, _____.

(See Parcel and LUC lists in MOA Table 3-1)

This form is to be submitted by each Jurisdiction to:

Fort Ord Reuse Authority

By

September 1, _____*

DATE OF REPORT: _____

PARCELS ADDRESSED IN REPORT: _____

SUBMIT TO: Fort Ord Reuse Authority
Attn: _____
920 2nd Avenue, Suite A
Marina, CA 93933

Former Fort Ord

Land Use Covenant Report Outline

GENERAL:

Has jurisdiction staff previously provided a compliance summary in regards to the local digging and excavation ordinances, including the number of permits issued?

yes or no

Has jurisdiction staff provided an annual update of any changes to applicable digging and excavation ordinances?

yes or no

Has jurisdiction staff provided an annual update of any changes to the Monterey County Groundwater Ordinance No. 4011?

yes or no

PARCELS:

Have any parcels in the jurisdiction with covenants been sub-divided or split into two or more parcels since the last annual report?

yes or no

If yes, please reflect the split(s) and new parcel designations in reporting on compliance with section 2.1.2 of the MOA in Table 3-1.

Have any land use covenants, controls, or restrictions been modified or removed from any parcels in the jurisdiction?

yes or no

If you answered yes, please provide a list of the LUC modifications, impacted parcels, and approval document references along with updated Table 3-1.

Former Fort Ord

Land Use Covenant Report Outline

GROUND WATER COVENANTS:

Is a ground water covenant applicable in your jurisdiction?

yes or no

(if you answered no, skip questions 1 through 4)

1. Did jurisdiction staff visually inspect the parcels in your jurisdiction (see Table 3-1) with ground water covenants? Such visual inspection shall include observed groundwater wells, and any other activity that would interfere with or adversely affect the groundwater monitoring and remediation systems on the Property or result in the creation of a groundwater recharge area (e.g., unlined surface impoundments or disposal trenches).

yes or no

2. Did jurisdiction staff check with the applicable local building department (please list department name: _____) to ensure that no wells or recharge basins such as surface water infiltration ponds were built within your jurisdiction?

yes or no

3. Did jurisdiction staff check with the applicable local planning department (please list department name: _____) to ensure that no well permits were granted or recharge basins requested within your jurisdiction?

yes or no

4. Did jurisdiction staff review the County well permit applications pertaining to your jurisdiction to ensure that no wells have been dug or installed in violation of the ordinance or the ground water covenants?

yes or no

If you answered yes to any questions 1 through 4 above, please note and describe violations with USACE parcel numbers and street addresses (Use additional sheets if needed.)

Former Fort Ord

Land Use Covenant Report Outline

LANDFILL BUFFER COVENANTS:

Is a landfill buffer covenant applicable in your jurisdiction?

yes or no

(if you answered no, skip questions 1 through 3)

1. Did jurisdiction staff visually inspect the parcels in your jurisdiction (see Table 3-1) with landfill buffer covenants? Such visual inspection shall include observation of any structures and any other activity that would interfere with the landfill monitoring and remediation systems on the Property.

yes or no

2. Did jurisdiction staff check with the applicable local building department (please list department name: _____) to ensure that no sensitive uses such as residences, hospitals, day care or schools (not including post-secondary schools, as defined in Section 1.19 of the MOA) were built on the restricted parcels within your jurisdiction?

yes or no

3. Did jurisdiction staff check with the applicable local planning department (please list department name: _____) to ensure that no other structures were built without protection for vapors in accordance with the landfill buffer covenants.

yes or no

If you answered yes to any questions 1 through 3 above, please note and describe violations with street addresses. (Use additional sheets if needed.)

Former Fort Ord

Land Use Covenant Report Outline

SOIL COVENANTS (MEC LAND USE CONTROLS ANNUAL REPORTING):

Is a soil covenant (i.e., MEC land use control, restriction or CRUP) applicable to parcels within your jurisdiction (see Table 3-1)?

yes or no

If you answered no, skip questions 1 through 10, and answer questions 11 through 13 under MEC Incident Reporting.

Annual MEC LUC compliance requirements include on-site inspections of parcels and the review of local building and planning department records; munitions recognition and safety training records; excavation permits issues under the local digging and excavation ordinance; MEC Construction Support After Action Reports; and MEC Incident Recording Forms and emergency 911 call records. MEC LUC annual inspections and records review results are documented and summarized through the following questions.

Munitions Recognition and Safety Training

People involved in ground-disturbing or intrusive operations within parcels subject to the munitions recognition and safety training LUC are required to have munitions recognition and safety training to increase their awareness of and ability to identify suspect munitions items, ensure they are educated about the possibility of encountering MEC, and ensure that they stop intrusive activity when a suspect munitions item is encountered and report the encounter to the appropriate authority. The local digging and excavation ordinances require local jurisdictions (County or City) to provide annual notification to property owners of the requirements of the digging and excavation ordinance, including the requirements for munitions recognition and safety training, and excavation permits. Copies of the MEC Safety Guide and Army Safety Alert are also required to be included in the annual notifications. Further, property owners are required to notify any subsequent owners, lessees or users of the requirements. The MEC Safety Guide must be delivered and explained, at least annually, to everyone whose works at the site includes disturbing soil. Additional questions regarding munitions recognition and safety training monitoring and reporting are addressed under Construction Support.

Question 1 – Did jurisdiction staff provide annual notification to all parcel owners of record within the portion of the Fort Ord Ordnance Remediation District in their jurisdiction of the requirements of the digging and excavation ordinance, including the requirements for excavation permits, munitions recognition and safety training, notification of the availability of munitions recognition and safety training, and copies of the MEC Safety Guide and Army Safety Alert?

yes or no

Former Fort Ord

Land Use Covenant Report Outline

If you answered yes, please provide the date(s) of the annual notification and attach an example of the notification letter.

If you answered no, please provide the reason that annual notification was not provided. For example, if FORA or jurisdiction is sole property owner of record.

Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities

The digging and excavation ordinances prohibit excavation, digging, development or ground disturbance of any kind within property on the former Fort Ord known or suspected of containing MEC that involves the displacement of ten (10) cubic yards or more of soil without a valid excavation permit and identify that construction support is a permit requirement. Ground-disturbing or intrusive activities involving less than ten (10) cubic yards of soil disturbance do not require a digging and excavation permit. However, ground-disturbing or intrusive activities involving less than ten (10) cubic yards 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) cubic yards 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. Construction support must be arranged through a UXO support contractor during the planning stages of the construction or maintenance project, prior to the start of any intrusive or ground-disturbing activities. Construction support plans must be coordinated through the County or the City for review and approval by the Army, EPA and DTSC prior to the issuance of an excavation permit. The jurisdictions monitor and report on compliance with excavation permits and associated construction support plans including required munitions recognition and safety training, construction support by UXO-qualified personnel, notification of response to suspect munitions items, FORA MEC find assessments, and construction support after action reporting. The jurisdictions also monitor and report on compliance with on-site construction support requirements for projects involving less than ten (10) cubic yards of soil disturbance.

Former Fort Ord

Land Use Covenant Report Outline

Question 2 - Did jurisdiction staff visually inspect the parcels subject to the local digging and excavation ordinance to verify that no intrusive or ground-disturbing activities were conducted or are occurring without an excavation permit and associated construction support plan?

yes or no

If you answered yes, please provide the date(s) of the annual visual inspections and attach annual visual inspection report.

If you answered no, please provide the reason that annual visual inspection was not conducted.

Question 2a – Did jurisdiction staff identify any evidence that intrusive or ground-disturbing activities may have been conducted without required excavation permit or construction support?

yes or no

If you answered yes, please provide details regarding evidence that intrusive or ground-disturbing activities may have been conducted without required excavation permit or construction support.

Question 3 – Did jurisdiction staff check with the applicable local building department and FORA to verify that required excavation permits, including approved construction support plans, were issued for any approved projects or activities involving disturbance of ten (10) cubic yards or more soil, per the digging and excavation ordinance; and that required on-site construction support plans were approved for any projects involving less than ten (10) cubic yards of soil disturbance in areas with moderate to high probability of encountering MEC?

Former Fort Ord

Land Use Covenant Report Outline

yes or no

If you answered yes, please provide the date(s) of the checks with the local building department and FORA, and attach documentation of the checks.

If you answered no, please provide the reason that annual checks with the local building department and/or FORA were not conducted.

Question 3a – Did the local building department issue excavation permits per the digging and excavation ordinance this year or do any prior year excavation permits remain active?

yes or no

Question 3b – Did FORA coordinate Army, EPA and DTSC approval of construction support plans for any on-site construction support plans for projects involving less than ten (10) cubic yards of soil disturbance this year, or do any prior year on-site construction support plans for projects involving less than ten (10) cubic yards of soil disturbance remain active?

yes or no

If you answered no to both questions 3a and 3b, skip to question 4.

Question 3c – Do all excavation permits issued by the local building department include required construction support plans and documentation of coordination and approval of construction support plans by Army, EPA and DTSC?

yes or no

If you answered yes, please attach a list of approved construction support plans along with the level of construction support for each project. Include approved construction support plans for any on-site construction support projects involving less than ten (10) cubic yards of soil disturbance in this reporting.

Former Fort Ord

Land Use Covenant Report Outline

If you answered no, you must also provide a list of all excavation permits issued without construction support plans and the reasons why construction support plans were not required.

Question 3c – Do all excavation permits and construction support plans include requirement that all personnel working on the project site complete munitions recognition and safety training, and that records documenting successful completion of the training requirements be reported in the Construction Support After Action Report?

yes or no

If you answered yes, please provide the following munitions recognition and safety training statistics from eLearning system or other equal training, and available Construction Support After Action Reports:

- 1) Number of people trained: _____
- 2) Number of people completing web-based eLearning course: _____
- 3) Number of people completing job site specific training: _____

If you answered no, provide a list of all excavation permits issued without training requirements and the reasons why training requirements were not required.

Question 4 – Were Construction Support After Action Reports received by local building department at completion of construction support projects under excavation permits issued per the local digging and excavation ordinance or in support of on-site construction support projects involving less than ten (10) cubic yards of soil disturbance?

yes or no

If you answered yes, please attach a Table identifying the Construction Support After Action Reports along with types of construction support (on-call or on-site), if MEC items were found, and the amount and types of MEC items found.

Access Management Measures

Access management measures (applicable to habitat reserve areas where subsurface removal of military munitions was not conducted), including informational displays, are monitored annually to ensure compliance. Annual monitoring includes physical inspection of informational displays, such as signs, kiosks, and/or display boards, assessment of formally reported trespassing incidents, and reporting. Annual monitoring is conducted by the jurisdiction and includes visual inspection of the informational displays to ensure displays are posted in designated trail areas such that they are legible to recreational users.

Former Fort Ord

Land Use Covenant Report Outline

Question 5 - Did jurisdiction staff visually inspect informational displays in habitat reserve areas, where required, within your jurisdiction to assure informational displays are adequate, in place, and maintained?

yes or no

If you answered yes, please provide the date(s) of the visual inspections and attach inspection report, including description of maintenance needed/completed, additional displays installed, and coordination with property owners (if other than jurisdiction), if any.

If you answered no, please provide the reason that annual visual inspection was not conducted.

Question 6 - Were trespassing incidents formally reported on property subject to access management measures?

yes or no

If you answered yes, please provide a summary of the incidents and actions taken to mitigate future incidents, such as additional signs, kiosks, display boards, and/or implementation of other access management measures.

Restrictions Prohibiting Residential Use and Restrictions Against Inconsistent Uses

Environmental use restrictions, including the residential use restriction and restrictions against inconsistent uses (applicable to habitat reserve areas), are monitored annually to ensure

Former Fort Ord

Land Use Covenant Report Outline

compliance. Annual monitoring includes review of deeds and other property filings, physical inspection of the property and reporting. Annual monitoring is conducted by the jurisdictions and includes visual inspection of the properties and review the property deeds to ensure the residential use restriction and restrictions against inconsistent uses remain in place and that no unapproved development or prohibited uses have occurred.

Question 7 - Did jurisdiction staff visually inspect the parcels (see Table 3-1) in your jurisdiction with residential use restrictions to assure no sensitive uses such as residences, hospitals, day care or schools (not including post-secondary schools, as defined in Section 1.19 of the MOA) were constructed or are occurring on the restricted parcels in your jurisdiction?

yes or no

If you answered yes, please provide the date(s) of the visual inspections and attach inspection report.

If you answered no, please provide the reason that annual visual inspection was not conducted.

Question 8 - Did jurisdiction staff visually inspect the habitat reserve parcels (see Table 3-1) in your jurisdiction with restrictions against inconsistent uses to assure no uses inconsistent with the Habitat Management Plan, including but not limited to residential, school, and commercial/industrial development, have occurred or are occurring on the restricted parcels in your jurisdiction?

yes or no

If you answered yes, please provide the date(s) of the visual inspections and attach inspection report.

Former Fort Ord

Land Use Covenant Report Outline

If you answered no, please provide the reason that annual visual inspection was not conducted.

Question 9 – Did jurisdiction staff review property deeds and other property filings as recorded with the County Clerk’s office to verify that residential use restrictions, restrictions against inconsistent uses, and other Environmental Protection Provisions placed on the property by the Army remain in place?

yes or no

If you answered yes, please provide the date(s) of the staff review of property deeds and other property filings and attach documentation of the review.

If you answered no, please provide the reason that annual staff review of property deeds and other property filings was not conducted.

Question 10a – Were there any records of amendment or modification to the residential use restrictions, restrictions against inconsistent uses, and other Environmental Protection Provisions placed on the property by the Army?

yes or no

If you answered yes, please provide list of any impacted parcels and the identified amendments and/or modifications to the residential use restrictions, restrictions against inconsistent uses, and other Environmental Protection Provisions.

MEC Incident Reporting

The standard procedure for reporting unanticipated encounters with a suspected munitions item on the transferred former Fort Ord property is to immediately call 911, which will transfer the call to the appropriate local law enforcement agency. The local law enforcement agency will promptly request DoD response support (e.g., a military EOD Unit). To ensure that all potential

Former Fort Ord

Land Use Covenant Report Outline

MEC incidents are identified and reported to the Army, EPA and DTSC, the jurisdictions review 911 call records to identify any potentially unreported MEC incidents.

Question 11 – Did jurisdiction staff review the 911 call records for potential incidents involving MEC observations and responses and provide a summary in annual report as required by the LUC MOA dated November 15, 2007?

yes or no

If you answered yes, please provide the date(s) of the staff review of 911 call records and attach documentation of the review.

If you answered no, please provide the reason that annual staff review of 911 call records was not conducted.

Question 12a – Did review of 911 call records identify any potential incidents involving MEC items?

yes or no

If you answered yes, please attach a Table providing the following information:

- a) details on how the 911 records were reviewed (such as County point of contact requested 911 records from responsible County department and distributed 911 records to reporting entities),
- b) date and time of the call,
- c) contact name,
- d) location of MEC finding,
- e) type of munitions, if available, and
- f) response of jurisdiction law enforcement agency.

Question 13 – Did jurisdiction staff identify any records of potential MEC item finds or changes in site conditions that could increase the probability of encountering MEC on a parcel?

yes or no

If you answered yes, please provide a summary of the information identified.

Former Fort Ord
Land Use Covenant Report Outline

Former Fort Ord

Land Use Covenant Report Outline

LUC Annual Report Signature Block and Attachments

Jurisdiction's Representative Compiling this Report: _____

Contact Information: Phone _____
 Email _____

Signature of Preparer: _____

Suggested Attachments to Annual LUC Report

1. Table summarizing inspections, parcels, restrictions and any deficiencies in the LUCs.
2. Inspection Notes for each parcel.
3. Inspection Photos for each parcel.
4. County and jurisdiction well records, permit reports.
5. Building department permit records.
6. Planning department permit records.
7. MEC findings (911 call records).
8. GPS coordinates for parcels
9. Example of the Annual Digging and Excavation Ordinance Notification Letter
10. Listing of approved construction support plans and level of construction support
11. Table identifying the Construction Support After Action Reports along with types of construction support (on-call or on-site), if MEC items were found, and the amount and types of MEC items found
12. List of any parcels identified per Question 8 and the identified amendments and/or modifications to the residential use restrictions, restrictions against inconsistent uses, and other Environmental Protection Provisions
13. Table providing details regarding MEC 911 calls

APPENDIX K

Response to Comments on the Draft Group 2 LUCIP/OMP

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by Judy Huang of the EPA, dated July 27, 2015
 General Comments

No.	Comment Type / Report Section	Comment/Response
1	General Comment	<p>Comment: Please incorporate all EPA Draft Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan comments and requested changes in to the Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan (Draft Group 2 LUCIPOMP).</p> <p>Response: The Draft Final Group 2 LUCIP/OMP includes revisions consistent with those made in response to EPA comments on the Draft, Administrative Draft, and Draft Final Group 3 LUCIP/OMP.</p>
2	General Comment	<p>Comment: Please incorporate all lessons learned from the Veterans' Cemetery construction project LUCIPOMP implementation into the Draft Group 2 LUCIP.</p> <p>Response: Revisions have been incorporated into the LUCIP/OMP to reflect lessons learned from implementation of land use controls during construction activities at the Central Coast Veterans Cemetery and the CSUMB Roundabout.</p>
3	General Comment	<p>Comment: Please address concerns expressed by the jurisdictions in the Wednesday, July 15th FORA Administrative Committee Land Use workshop.</p> <p>Response: Revisions have been incorporated into the LUCIP/OMP to address concerns expressed by the jurisdictions during the July 2015 meeting and in response to comments received from the jurisdiction on the Draft Group 2 LUCIP/OMP and Draft, Administrative Draft, and Draft Final Group 3 LUCIP/OMP.</p>
4	General Comment	<p>Comment: Please include redevelopment MEC discovery response procedure with clear roles and responsibilities and timelines.</p> <p>Response: The LUCIP/OMP has been revised to include procedures for response to suspect munitions finds and requirements for reporting and documentation, including actions to be taken if a suspect munitions item is encountered during ground disturbing activities. Sections 4.3.2.4 and 4.3.3.5 present the detailed approach and requirements for responding to suspect munitions items encountered during on-call and on-site construction support,</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by Judy Huang of the EPA, dated July 27, 2015
 General Comments

No.	Comment Type / Report Section	Comment/Response
		respectively. Specific responsibilities of each organization are now presented in Section 5.0.
5	General Comment	<p>Comment: Please include a reference to ensure consistency between construction support plan and Draft Group 2 LUCIPOMP requirements.</p> <p>Response: The LUCIP/OMP has been revised to clarify construction support plan requirements. Sections 4.3.2.1 and 4.3.3.1 present detailed requirements for on-call and on-site construction support plans, respectively. An On-call Construction Support Plan Template is provided in Appendix I.</p>

Response to Comments
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 May 26, 2015
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 Specific Comments

No	Comment Type / Report Section	Comment/Response
1	Page 1-1, Section 1.0, Introduction	<p>Comment: Fourth paragraph: “The determination of whether the concentration of munitions constituents present an explosive hazard should be made with the assistance of construction support by UXO-qualified personnel.” The determination has been made by the Army through the basewide assessment. What is the purpose of this additional assessment? Are we expecting explosive soil?</p> <p>Response: The cited statement has been deleted.</p>
2	Page 1-3, Section 1.2.1, FORA Successor in Interest	<p>Comment: Third sentence: “FORA or its successor”. Doesn't this refer to entity and not obligation?</p> <p>Response: The cited statement has been revised to state that the terminology of “FORA” refers to the entity responsible for obligations or requirements that are currently assigned to FORA, but will eventually be transferred to FORA’s successor in interest.</p>
3	Page 1-4, Section 1.4, Description of Selected Remedy	<p>Comment: Second paragraph, second sentence: Any proposal for residential development in the proposed non-residential reuse portion of the CSUMB Off-Campus MRA will be subject to regulatory agency and Army review, and approval, <i>and remedy modification through the CERCLA process.</i></p> <p>Response: The cited statement has been revised as suggested.</p>
4	Page 1-4, Section 1.4, Description of Selected Remedy	<p>Comment: Fifth paragraph, fourth sentence: FORA, or its successor under the ESCA and the AOC, will prepare and submit annual letter reports to EPA and DTSC summarizing <i>the reporting year's land use controls implementation efforts, problems encountered, corrective actions taken,</i> any MEC found and changes in site conditions that could increase the possibility of encountering MEC.</p> <p>Response: The cited statement has been revised as follows:</p> <p style="padding-left: 40px;">“FORA, or its successor under the ESCA and the AOC, will prepare and submit annual letter reports to EPA and DTSC summarizing <i>the reporting year's land use controls implementation efforts, problems encountered, corrective</i></p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by Judy Huang of the EPA, dated July 27, 2015
 Specific Comments

No	Comment Type / Report Section	Comment/Response
		<i>actions taken</i> , any MEC found and changes in site conditions that could increase the possibility of encountering MEC.”
5	Page 1-6, Section 1.4.4, Long-Term Management Measures	<p>Comment: First bullet, first sentence: “The deed to FORA for the CSUMB Off-Campus MRA parcel restricts residential use in the proposed future non-residential reuse area.” Attach map?</p> <p>Response: The designated future residential reuse area is displayed in Figure 2 and added Figure 3 and the Federal deed is included as Appendix B.</p>
6	Page 1-6, Section 1.4.4, Long-Term Management Measures	<p>Comment: Second bullet, second sentence: “FORA or its successor entity will notify the regulatory agencies, as soon as practicable, of any MEC-related information identified during use of the property, and report the results of monitoring activities annually.” Please provide a "no later than" date.</p> <p>Response: Sections 4.3.2.4 and 4.3.4.1 have been revised to include specific notification timeframes.</p>
7	Page 1-6, Section 1.4.4, Long-Term Management Measures	<p>Comment: Third bullet, third sentence: “Based on the evaluation, the selected LUCs may be modified or discontinued <i>through appropriate CERCLA process</i>, with the approval of EPA and DTSC.”</p> <p>Response: Section 4.7.3 has been added to provide the process for discontinuing a portion of the LUC remedy. The cited sentence has been revised as follows:</p> <p style="text-align: center;">“Based on the evaluation, the selected LUCs may be modified or discontinued, with the Army, EPA, and DTSC approval of EPA and DTSC (<i>Section 4.7.3</i>).”</p>
8	Page 3-2, Section 3.2, Construction Support	<p>Comment: Implementation Strategy, fifth sentence: “FORA will develop procedure for construction support planning, including guidelines and requirements for determining appropriate levels of construction support, response to potential MEC finds, reporting and documentation.” Needs to have the plan as part of the LUCIP.</p> <p>Response: The LUCIP/OMP has been revised to include detailed procedures for construction support planning in Section 4.3 (Construction Support for</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by Judy Huang of the EPA, dated July 27, 2015
 Specific Comments

No	Comment Type / Report Section	Comment/Response
		Ground-disturbing or Intrusive Activities).
9	Page 3-2, Section 3.3, Restrictions Prohibiting Residential Use	<p>Comment: Performance Objectives, first sentence: “Ensure that any proposals to allow residential development or modifications to residential restrictions are approved by EPA and Army in coordination with DTSC.” Ensure residences will not be built on areas where data does not support an unrestricted use.</p> <p>Response: The cited sentence has been revised as follows:</p> <p style="text-align: center;">“Ensure that any proposals to allow residential development or <i>Prohibit residential development in designated non-residential reuse areas, unless</i> modifications to residential restrictions are approved by EPA and Army in coordination with DTSC.”</p>
10	Page 3-2, Section 3.3, Restrictions Prohibiting Residential Use	<p>Comment: Implementation Strategy, first sentence: “Residential use is currently prohibited within the proposed future non-residential reuse area of the CSUMB Off-Campus MRA by deed restriction, FOSET EPP and State CRUP.” Needs to include a discussion on lifting the residential use restriction on the planned residential area.</p> <p>Response: The cited sentence has been revised to state that the residential use is currently prohibited within the designated future non-residential reuse area of the CSUMB Off-Campus MRA by deed restrictions and the Amended State CRUP.</p>
11	Page 3-3, Section 3.4, Long-term Management Measures	<p>Comment: Annual Monitoring and Reporting, first sentence: I thought it is the jurisdictions that will be doing the monitoring and FORA's responsibility is limited to reporting?!</p> <p>Response: The cited sentence has been revised to state that annual monitoring (including inspections and required reviews) and reporting will be conducted for the CSUMB Off-Campus MRA. Section 4.5.2 has been revised to provide details on responsibilities associated with the implementation of this LTMM. CSUMB is responsible for conducting annual LUC reporting upon property transfer as established in the executed MOA with DTSC and the Amended State CRUP. FORA will compile the annual LUC monitoring reports and submit them to the</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by Judy Huang of the EPA, dated July 27, 2015
 Specific Comments

No	Comment Type / Report Section	Comment/Response
		Army, EPA, and DTSC.
12	Page 3-3, Section 3.4, Long-term Management Measures	<p>Comment: Five-year Review Reporting, third sentence: “Based on the evaluation, the selected LUCs may be modified or discontinued, with the approval of the EPA and DTSC. See section 4.9.2 for details on the implementation of this LTMM.” Need to insert the Army and it also has to go through the CERCLA process.</p> <p>Response: The cited text has been revised to include the Army in the review process. Section 4.5.3 has been revised to provide details of the five-year review process and Section 4.7.3 has been added to provide the process for discontinuing a portion of the LUC remedy.</p>
13	Page 4-4, Section 4.2, Construction Support by UXO-Qualified Personnel for Ground- disturbing or Intrusive Activities	<p>Comment: First paragraph, first sentence: “Construction support by UXO-qualified personnel is required during any intrusive or ground disturbing construction activities at the CSUMB Off-Campus MRA to address potential MEC risks to construction and maintenance personnel.” Delete or modify “any” to say greater than 10 cubic yards.</p> <p>Response: The LUCIP/OMP has been revised to include detailed procedures for construction support planning. The cited statement has been deleted. Section 4.3 and the following subsections have been revised to include the procedure for determining which construction support levels are required for projects involving disturbance of ten (10) cy or more of soil and for projects involving disturbance of less than ten (10) cy of soil.</p>
14	Page 4-4, Section 4.2, Construction Support by UXO-Qualified Personnel for Ground- disturbing or Intrusive Activities	<p>Comment: First paragraph, fifth sentence: “CSUMB <i>in conjunction with DTSC</i> shall determine the level of construction support required on a case-by-case basis during the excavation permitting process.”</p> <p>Response: The LUCIP/OMP has been revised to include detailed procedures for construction support planning. The cited statement has been deleted. Section 4.3 and the following subsections have been revised to include the procedure for determining which construction support levels are required for projects involving disturbance of ten (10) cy or more of soil and for projects involving disturbance of less than ten (10) cy of soil.</p>
15	Page 4-4, Section 4.2, Construction	<p>Comment: Second paragraph, first sentence: Define “on call” please.</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by Judy Huang of the EPA, dated July 27, 2015
 Specific Comments

No	Comment Type / Report Section	Comment/Response
	Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities	<p>Response: The LUCIP/OMP has been revised to include detailed procedures for construction support planning. The cited text has been deleted. Section 4.3.2 has been added to include the approach and requirements for implementing on-call construction support.</p>
16	Page 4-4, Section 4.2, Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities	<p>Comment: Second paragraph, last sentence: “The probability of encountering MEC in CSUMB Off-Campus MRA is considered to be low.” Please check. I think the RI stated that the risk to construction workers may be low but did we ever officially assessed the probability of encountering MEC?</p> <p>Response: Section 4.2 (now Section 4.3) has been revised and the cited statement has been deleted; however, similar statements are made throughout the LUCIP/OMP. The current probability of encountering MEC at the MRA has been added to the Group 2 LUCIP/OMP as a result of regulatory comments made on the Draft Group 3 LUCIP/OMP.</p>
17	Page 4-4, Section 4.2, Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities	<p>Comment: Third paragraph, first sentence: “If evidence of MEC is found during “construction activities”, the intrusive or ground-disturbing work will immediately cease, no attempt will be made to disturb, remove, or destroy the MEC, and the local law enforcement agency having jurisdiction on the property will be immediately notified so that appropriate EOD personnel can be dispatched to address the MEC, as required under applicable laws and regulations.” Please check. On a private property, often the local bomb disposal unit responds.</p> <p>Response: The LUCIP/OMP has been revised to include procedures for proper response to potential MEC finds and requirements for reporting and documentation, including actions to be taken if evidence of MEC is encountered during ground disturbing activities. The cited occurrence of the statement has been deleted; however, similar statements are made throughout the LUCIP/OMP. 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 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 under an approved on-site</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by Judy Huang of the EPA, dated July 27, 2015
 Specific Comments

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		construction support plan and supporting ESS. Sections 4.3.2.4 and 4.3.3.5 provide the response procedures to be taken if a suspect munitions item is encountered during on-call or on-site construction support, respectively.
18	Page 4-4, Section 4.2.1, Construction Support Planning	<p>Comment: Remedy Implementation Phase, second bullet: Needs to include DTSC in the planning, and references to the construction support plan which needs to be consistent with the LUCIP requirements.</p> <p>Response: The LUCIP/OMP has been revised to include detailed procedures for construction support planning. The cited section has been deleted. Sections 4.3.2.1 and 4.3.3.1 have been added to provide detailed requirements for on-call and on-site construction support plans, respectively.</p>
19	Page 4-4, Section 4.2.1, Construction Support Planning	<p>Comment: Remedy Implementation Phase, fourth bullet: "CSUMB shall provide notice of permit approval to the Army, DTSC, <i>EPA</i> and all property owners within 300 feet of impacted property."</p> <p>Response: The cited statement no longer appears in the LUCIP/OMP.</p>
20	Page 4-5, Section 4.2.2, Construction Support Evidence of MEC	<p>Comment: Remedy Implementation Phase, first and second bullets: Procedures need to be in the LUCIP.</p> <p>Response: The LUCIP/OMP has been revised to include procedures for proper response to potential MEC finds and requirements for reporting and documentation, including actions to be taken if evidence of MEC is encountered during ground disturbing activities. The cited section has been deleted. Sections 4.3.2 and 4.3.3 present the detailed approach and requirements for implementing on-call and on-site construction support, respectively.</p>
21	Page 4-5, Section 4.2.2, Construction Support Evidence of MEC	<p>Comment: Remedy Execution Phase, second, third, and fourth bullets: Needs more detail on this. Who will do the reporting? How much time do we have? Who will pay for and collect additional information if needed? How will this information be conveyed?</p> <p>Response: The LUCIP/OMP has been revised to include requirements for reporting</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by Judy Huang of the EPA, dated July 27, 2015
 Specific Comments

No	Comment Type / Report Section	Comment/Response
		and documentation if evidence of MEC is encountered during ground disturbing activities. The cited section has been deleted. Sections 4.3.2.4 and 4.3.3.5 have been added to clarify the response procedures to be taken if a suspect munitions item is encountered during on-call or on-site construction support, respectively. Sections 4.3.2.5 and 4.3.3.6 provide Construction Support After Action Report details for on-call and on-site construction support, respectively. Section 4.3.5 describes the process of FORA's assessment of a confirmed MEC find and reassessment of the probability of encountering MEC.
22	Page 4-6, Section 4.2.3, Construction Support Documentation and Reporting	<p>Comment: Remedy Implementation Phase, third bullet: Needs to have the procedures in the LUCIP, including roles, responsibilities, and timelines.</p> <p>Response: The LUCIP/OMP has been revised to include detailed procedures for construction support planning. The cited section has been deleted. Sections 4.3.2.1 and 4.3.3.1 have been added to provide detailed requirements for on-call and on-site construction support plans, respectively.</p>
23	Page 4-6, Section 4.2.4, Determination Construction Support No Longer Necessary	<p>Comment: Remedy Execution Phase, second bullet: Needs to include the Army since it is their remedy. Any determination needs to go through the CERCLA process.</p> <p>Response: The cited section has been deleted. Section 4.7.3 has been added to provide the process for discontinuing a portion of the LUC remedy. Section 4.7.3 states that 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 to remove the specific LUC requirement for all or a portion of the CSUMB Off-Campus MRA.</p>
24	Page 4-7, Section 4.3.1, Maintaining Residential Use Restriction	<p>Comment: Remedy Implementation Phase: Procedures need to be in the LUCIP.</p> <p>Response: The cited section has been deleted. Section 4.5 presents details on implementation of LTMM including LUCIP/OMP annual inspections and monitoring reports.</p>
25	Page 4-7, Section 4.4, Long-Term	<p>Comment: First sentence: "The LUCIP/OMP also describes the following LTMM implementation defined in the ESCA and supporting documents. FORA</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
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 Specific Comments

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	Management Measures	<p>will implement post-Site Closeout LTO through the ESCA 2037 performance period.” Did you not just say the responsibility will be transferred to CSUMB at property transfer?</p> <p>Response: The LUCIP/OMP has been revised to include clarification of the roles and responsibilities associated with LTMM. Section 5.0 details the responsibilities of each entity, including LTMM implementation activities. Section 5.1.4 states that FORA will implement post-site closeout long-term obligations through the ESCA 2037 performance period, at which time responsibility will revert to the Army.</p>
26	Page 4-10, Section 4.8, Notification of MEC Item Discovery During Ground-Disturbing Activities	<p>Comment: Third to last sentence: Please pick an entity.</p> <p>Response: The cited section has been deleted. Section 5.2.4 has been added to present CSUMB responsibilities during implementation of LTMM. It states that after local law enforcement has been notified, the FORA, Army, EPA, and DTSC are immediately notified by CSUMB of the suspect munitions find.</p>
27	Page 4-10, Section 4.8, Notification of MEC Item Discovery During Ground-Disturbing Activities	<p>Comment: Last sentence: How will it be initiated and who is responsible for conducting these additional investigations?</p> <p>Response: The cited section has been deleted. Section 4.7.1 (previously Section 4.9.1) has been revised to provide a detailed process to be followed should additional investigation or follow-up action be determined necessary by the Army, EPA, and DTSC.</p>
28	Page 4-10, Section 4.9.1, Additional Investigation or Follow-up Action	<p>Comment: First sentence: How will the information be presented to the Army and EPA? Who will be responsible for providing us with the data?</p> <p>Response: The cited sentence has been deleted. Sections 4.3.5 describes FORA’s MEC find assessment process. 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.</p>
29	Page 4-10, Section 4.9.1, Additional	<p>Comment: Second paragraph, first sentence: “If EPA, <i>DTSC</i>, and <i>the Army</i> determines that additional investigation and/or action is required, EPA</p>

Response to Comments
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 May 26, 2015
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 Specific Comments

No	Comment Type / Report Section	Comment/Response
	Investigation or Follow-up Action	<p>will advise the Army that it is obligated under the FFA to conduct the investigation and/or action.” Isn't FORA the primary party responsible for the implementation of the remedy? What is the basis for EPA to notifying the Army?</p> <p>Response: The cited sentence has been revised as follows:</p> <p style="padding-left: 40px;">“If EPA determines that additional investigation and/or action is required <i>that is not within the scope of FORA obligations under the AOC and ESCA</i>, EPA will advise the Army that it is obligated under the FFA to conduct the investigation and/or action.”</p>
30	Page 5-1, Section 5.1, General Administrative Sequence for Establishing LUC Remedy	<p>Comment: Third bullet, first sentence: “FORA or its successor may be <i>is</i> required to provide input to the Army in the five-year reviews as defined in the ESCA grant award.”</p> <p>Response: The cited section has been deleted. Section 5.4.4 has been added to provide details of the Army’s responsibilities associated with the five-year review. The sections states that FORA may assist the Army in these five-year reviews as defined in the ESCA. Additionally, Section 1.4 states that copies of the annual LUC monitoring report compiled by FORA will also be provided to the Army for inclusion in the five-year reviews.</p>
31	Page 5-1, Section 5.2.1, Pre-Land Transfer from FORA to CSUMB	<p>Comment: Second bullet, first sentence: “FORA will be responsible for executing annual inspections and annual LUC monitoring reports in accordance with Section 4.0.” Not CSUMB?</p> <p>Response: The cited bullet has been deleted. Section 5.2.6 clarifies that CSUMB is responsible for conducting annual LUC inspections and monitoring for the CSUMB Off-Campus MRA and submitting them to FORA. FORA will submit the reports to the Army, EPA, and DTSC.</p>
32	Page 5-1, Section 5.2.1, Pre-Land Transfer from FORA to CSUMB	<p>Comment: Fourth bullet, first sentence: Process should be defined now.</p> <p>Response: The cited bullet has been deleted. The LUCIP/OMP has been revised to include detailed procedures for construction support planning in accordance with local digging and excavation ordnance requirements</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by Judy Huang of the EPA, dated July 27, 2015
 Specific Comments

No	Comment Type / Report Section	Comment/Response
		(Section 4.3).
33	Page 5-2, Section 5.2.2, Post-Land Transfer from FORA to CSUMB	<p>Comment: Fifth bullet: Not sure what this means. Clarify.</p> <p>Response: The cited bullet has been deleted.</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by William K. Collins of the Army, dated July 21, 2015
 General and Specific Comments

No.	Comment Type / Report Section	Comment/Response
1	General Comment	<p>Comment: The document is unclear regarding the responsibilities and actions of various entities involved. Also there are some inconsistency in the descriptions of planned actions in different sections of the document. Please revise the document to clarify the responsibilities and actions of:</p> <ul style="list-style-type: none"> • Fort Ord Reuse Authority (FORA) or its successor entity as a party to the Environmental Services Cooperative Agreement (ESCA) and Administrative Order on Consent (AOC). • FORA as the current property owner, and subsequent property owners. • CSUMB as “municipal jurisdiction” (not as a property owner). • U.S. Environmental Protection Agency (EPA), California Department of Toxic Substances Control (DTSC) and the Army. <p>The document should be revised to clearly demonstrate the actions and responsibilities of FORA or its successor entity as a party to the ESCA. Under the ESCA, FORA or its successor is responsible for all actions necessary to achieve Site Closeout, including implementation of the selected remedy and any Long-Term Obligations. The ESCA does not authorize any assignment of ESCA responsibilities from FORA (or its successor) to a third party without the prior approval by the Army. Further, the Group 2 Record of Decision (ROD) documents that FORA assumes full responsibility for completion of necessary response actions (except Army Obligations) which include implementing, maintaining, reporting, and enforcing the land use controls. The Group 2 ROD does not provide for any transfer of remedy implementation responsibilities from FORA (or its successor) to another party.</p> <p>Response: The LUCIP/OMP has been revised to clarify responsibilities and actions for LUC implementation and operation and maintenance. Section 4.0 provides an overview of roles and responsibilities and Section 5.0 presents responsibilities and actions for the operation and maintenance of LUCs. Specific revisions include:</p> <ul style="list-style-type: none"> • Section 1.2 revised to clarify FORA responsibility for remedy implementation under the ESCA. • Section 3.0 revised to clarify responsibilities for FORA or its successor entity, CSUMB, and the County in implementing the

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by William K. Collins of the Army, dated July 21, 2015
 General and Specific Comments

No.	Comment Type / Report Section	Comment/Response
		<p>remedy and separate them from the responsibility of current and future property owner.</p> <ul style="list-style-type: none"> • Section 4.0 revised to identify FORA or its successor entity responsibilities as parties to the AOC and ESCA.
2	General Comment	<p>Comment: This document provides FORA’s plan for remedy implementation for the Group 2 MRA in a manner that mirrors the draft plan for the Group 3 MRAs. The Army’s comments on the draft Group 3 LUCIP OMP apply to this document. Please see the Army’s comments in the letter dated June 23, 2015 (Administrative Record number: ESCA-0301.3). Additional comments specific to the Group 2 LUCIP OMP are listed below.</p> <p>Response: The Group 2 LUCIP/OMP has been revised to address comments received from the Army on the Draft, Administrative Draft, and Draft Final Group 3 LUCIP/OMP.</p>
3	Page 1-1, Section 1.0, Introduction	<p>Comment: Fourth paragraph. The first two sentences describe munitions constituents that are not part of the scope of the draft Group 2 LUCIP OMP. Suggestion to modify the first sentence (or combine the first two sentences) to remove text “will be handled accordingly” since such procedures are not provided in this plan.</p> <p>Response: The cited sentences have been deleted.</p>
4	Page 1-6, Section 1.4.4, Long-Term Management Measures	<p>Comment: Existing Land Use Restrictions. The section should be updated to reflect that the deed for the CSUMB Off-Campus MRA property currently includes a residential use restriction that applies to the entire parcel, and that the Army will modify the deed to remove the restriction on the proposed future residential reuse area. Similarly, the covenant to restrict the use of property (CRUP) for the property restricts residential use; the Group 2 LUCIP OMP should describe the current status of the CRUP amendment to remove the restriction from the proposed future residential reuse area (the amendment has not yet been completed.) (This comment applies to Section 3.3 and Section 3.4.)</p> <p>Response: The cited bullet and Sections 3.3 and 3.4 have been updated to reflect that the current Federal deed restricts residential use on the entire MRA, the deed will be modified, and that the Amended State CRUP includes</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by William K. Collins of the Army, dated July 21, 2015
 General and Specific Comments

No.	Comment Type / Report Section	Comment/Response
		modifications to restrict residential use only in the designated future non-residential reuse area.
5	Page 2-8, Section 2.6, Potential Future Land Use and Resources Uses	<p>Comment: Second bullet. The description of the non-residential portion of the property includes a 100-ft buffer along the Natural Resources Management Area (NRMA) interface and cites the <i>Summary of Existing Data Report</i> (SEDR) developed by the ESCA Remediation Program Team in 2008. That document mentions a “borderland buffer along the NRMA interface” without any distance, citing the <i>Installation-wide Multispecies Habitat Management Plan for Former Fort Ord, California</i> (HMP), and displayed a “200-ft buffer from borderland interface” citing draft Habitat Conservation Plan being developed by FORA. The information about the buffer should be clarified to avoid misinterpretation, since the 100-ft width is not specified in the HMP.</p> <p>Response: The second bullet of Section 2.4 (previously Section 2.6) has been expanded to clarify that the 100-ft buffer was identified in the ESCA and width is subject to change based on fire-wise planning by FORA.</p>
6	Page 4-4, Section 4.2, Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities	<p>Comment: First paragraph. Second to the last sentence states that CSUMB shall determine the level of construction support required during the excavation permitting process. In Section 3.2, the County in consultation with DTSC determine the level of construction support required. Please resolve the discrepancy.</p> <p>In the event that a MEC item is discovered, the probability of encountering MEC is to be reassessed. As we commented on the draft Group 3 LUCIP OMP, the process of reassessment should be consistent with the current process as documented in the LUCIP OMP for the Parker Flats MRA Phase I (Administrative Record number: ESCA-0166) and a FORA memorandum on the subject dated March 24, 2009 (Administrative Record number: ESCA-0148).</p> <p>Response: The LUCIP/OMP has been revised to include detailed procedures for construction support planning. The cited statement has been deleted. Section 4.3 (previously Section 4.2) and the following subsections have been revised to include the procedure for determining which construction support levels are required for projects involving disturbance of ten (10) cy or more of soil and for projects involving disturbance of less than ten (10) cy of soil.</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by William K. Collins of the Army, dated July 21, 2015
 General and Specific Comments

No.	Comment Type / Report Section	Comment/Response
		The document has been revised to clarify that, in the event of a discovery of MEC, FORA will reassess probability of encountering MEC (Sections 4.3.2.4, 4.3.3.5, and 4.3.5).
7	Page 4-8, Section 4.5.1, Compliance with LUCIP/OMP	<p>Comment: First sentence. The text suggests that 2008 Memorandum of Agreement among DTSC, FORA and local jurisdictions, including CSUMB, concerning monitoring and reporting of environmental restrictions in CRUPs (the 2008 MOA) requires CSUMB to facilitate the implementation of the remedy. This is not a true statement and should be revised.</p> <p>Response: The cited sentence has been deleted. Section 1.2 has been expanded to include discussion of FORA's responsibility for implementation of the selected remedy.</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by Ed Walker of the DTSC, dated August 11, 2015
 General Comments

No.	Comment Type / Report Section	Comment/Response
1	General Comment	<p>Comment: The Five-Year Review is repeatedly discussed as an opportunity for the Army to modify or terminate the land use control (LUC). Modification or termination of LUCs is not the purpose of the Five-Year Review. During the Five-Year Review, the Army will document an evaluation of the long-term effectiveness of the remedy. While a request to modify or terminate the LUC can be submitted any time, this is not the focus of the Five-Year review. Proper documentation of additional remediation will be required before institutional controls (IC) can be dropped or the LUC can be terminated. Further details should be included in the LUCIP/OMP on the process for modifying ICs or LUCs.</p> <p>Response: Section 4.7.2 (previously Section 4.9.2) has been revised and Section 4.7.3 has been added to clarify the process for modifying the LUC remedy, including the requirements for Army, EPA, and DTSC approvals.</p>
2	General Comment	<p>Comment: The LUCIP should describe events and activities in sufficient detail so they can be performed and reported. Various activities listed identify the entity who will develop events and activities. Please develop the events and activities, then document and describe them in the revised draft LUCIP/OMP.</p> <p>Response: The LUCIP/OMP has been revised to provide detailed information for LUC implementation and LUC operation and maintenance (Sections 4.0 and 5.0, respectively).</p>
3	General Comment	<p>Comment: All the ICs should be framed as requirements of the Covenant to Restrict Use of Property (CRUP) that will remain in place until further remediation is completed and documented, and a CRUP variance or termination has been approved by DTSC and U.S. Environmental Protection Agency. Please reference the CRUPS in place.</p> <p>Response: Sections 4.0 and 5.0 have been revised to identify and clarify the various legal instruments and agreements which contain obligations to conduct specific actions to implement and maintain the land use controls. Section 4.1.3 has been added to provide specific details regarding the Amended State CRUP in place on the Group 2 property.</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by Ed Walker of the DTSC, dated August 11, 2015
 General Comments

No.	Comment Type / Report Section	Comment/Response
4	General Comment	<p>Comment: The LUCs discussed come with long-term financial responsibilities to various entities. Please provide a discussion on financial responsibilities that includes a discussion of how ongoing costs will be paid if, for whatever reason, one of these entities is no longer able to meet their obligations.</p> <p>Response: Funding for LUC implementation, operation, and maintenance is outside the scope of the LUCIP/OMP.</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by Ed Walker of the DTSC, dated August 11, 2015
 Specific Comments

No.	Comment Type / Report Section	Comment/Response
1	Page vii, Glossary	<p>Comment: Please define “Depth of Detection”</p> <p>Response: The definition of “Depth of Detection” has been added to the Glossary.</p>
2	Page vii, Glossary	<p>Comment: Define “10 U.S.C.”</p> <p>Response: The definition of “10 U.S.C.” has been added to the Glossary.</p>
3	Section 1.4, Description of Selected Remedy	<p>Comment: Stipulations in the existing deeds are mentioned several times including in Section 1.4. Please include a copy of the deeds in the LUCIP/OMP.</p> <p>Response: Section 1.4 has been revised to include the existing deeds in the LUCIP/OMP as Appendix B. The corresponding appendix has been referenced in other sections of the LUCIP/OMP, where applicable.</p>
4	Section 1.4, Description of Selected Remedy	<p>Comment: Fourth paragraph: The purpose of the Five-Year Review is to determine if the remedy is still protective. Please explain in the LUCIP/OMP that if restrictions in the CRUP are no longer protective, additional remediation may be required. Modifications to the CRUP can be requested at any time but must be approved by EPA and DTSC.</p> <p>Response: Detailed discussion of the CRUP is provided in new Section 4.1.3. Additional response actions and modification to the remedy are discussed in revised Section 4.7.2 and newly added Section 4.7.3, including the provision for additional response actions or modification of the remedy if determined to no longer be protective.</p>
5	Section 1.4.1, MEC Recognition and Safety Training, and Section 1.4.2, Construction Support	<p>Comment: It is unclear that MEC Recognition and Safety Training and Construction Support are not Long-Term Management Measures. If these LUCs are not included in the long term management sections, then the LUCIP needs to clearly identify that these measure are intended to be implemented until such time that regulatory concurrence is achieved to remove them. The process for removing the LUCs should be identified.</p> <p>Response: The document has been revised to clarify responsibilities and actions for LUC implementation and LUC operation and maintenance (Sections 4.0</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by Ed Walker of the DTSC, dated August 11, 2015
 Specific Comments

No.	Comment Type / Report Section	Comment/Response
		and Section 5.0, respectively). The process for removing the LUCs is provided in new Section 4.7.3.
6	Section 1.4.3, Restrictions Prohibiting Residential Use	<p>Comment: This section should mention the DTSC residential protocol which may be required before termination of the residential restriction. If residential development of a portion of the property is proposed, then a remedial work plan may be required by DTSC.</p> <p>Response: Section 1.4.3 has been revised and Section 4.7.3 has been added to clarify that the DTSC residential protocol may be required before termination of the residential use restrictions in the Amended State CRUP.</p>
7	Section 1.4.4, Long-Term Management Measures	<p>Comment: Five-year Review Reporting: Further remedial activities will be required before termination of the LUCs can be approved. The LUCIP/OMP needs to provide details on the process for termination of LUCs.</p> <p>Response: Section 4.7.3 has been revised to clarify the process for modifying the LUC remedy to remove a specific LUC requirement, including the requirements for Army, EPA, and DTSC approvals.</p>
8	Section 3.1, MEC Recognition and Safety Training	<p>Comment: Second paragraph: Implementation of MEC Recognition and Safety Training is discussed throughout the LUCIP/OMP. Please provide further details on how this will be implemented. Please provide specific information on who this training will be available to, who to contact to get the training, and what agreements are in place for the training providers identified.</p> <p>Response: Section 4.2 (previously Section 4.1) has been revised to provide details on the implementation of MEC recognition and safety training requirements. New Sections 5.1.1, 5.2.1, 5.3.1, and 5.4.1 present responsibilities and actions for long-term operation and maintenance for munitions recognition and safety training.</p>
9	Section 3.2, Construction Support	<p>Comment: Second paragraph: The development of a construction support plan requires Group 2 jurisdictions in consultation with DTSC, to determine the level of construction support required for a project on a case-by-case basis. Further detail is needed to define what data is used and how the case-by-case evaluation is performed. The procedures for implementing construction support need to be developed and included in this document.</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by Ed Walker of the DTSC, dated August 11, 2015
 Specific Comments

No.	Comment Type / Report Section	Comment/Response
		<p>Response: Section 4.3 has been revised to provide details on the implementation of construction support requirements. Section 5.0 presents responsibilities and actions for long-term operation and maintenance of LUCs, including construction support (specifically Sections 5.1.2, 5.2.2, 5.3.2, and 5.4.2).</p>
10	Section 3.4, Long-term Management Measures	<p>Comment: Third paragraph: Please provide specific details on what the annual monitoring and reporting consists of and what is required for group 2 MRA.</p> <p>Response: Sections 4.5.1 and 4.5.2 (previously Sections 4.4.1 and 4.4.2) have been revised to provide details on the implementation of annual LUC monitoring and reporting requirements. Section 5.0 presents responsibilities and actions for long-term operation and maintenance of LUCs, including annual LUC monitoring and reporting (specifically Sections 5.1.5 and 5.2.6).</p>
11	Section 4.0, Remedy Implementation Actions	<p>Comment: Third paragraph: This section discusses 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 MEC recognition and safety training, construction support, and after action reporting. Please provide detailed guidance for jurisdictions to achieve these directives.</p> <p>Response: The cited text now appears in Section 4.1.1. Section 4.3 (previously Section 4.2) has been revised to provide details on the implementation of construction support requirements under the County digging and excavation ordinance. Section 5.0 presents responsibilities and actions for long-term operation and maintenance of LUCs, including construction support and digging and excavation ordinance implementation responsibilities.</p>
13	Section 4.1.1, Development of Training Materials and Procedures	<p>Comment: Remedy Implementation Phase: Please rewrite the second bullet for clarity.</p> <p>Response: The cited section has been deleted. Section 4.2 (previously Section 4.1) has been revised to clarify the actions and responsibilities for development and implementation of the munitions recognition and safety training</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by Ed Walker of the DTSC, dated August 11, 2015
 Specific Comments

No.	Comment Type / Report Section	Comment/Response
		requirements.
14	Section 4.1.1, Development of Training Materials and Procedures	<p>Comment: The MEC recognition and safety training should be developed and referenced in the LUCIP/OMP.</p> <p>Response: The cited section has been deleted. Section 4.2 (previously Section 4.1) has been revised to clarify the actions and responsibilities for development and implementation of the munitions recognition and safety training requirements. Section 5.0 presents responsibilities and actions for long-term operation and maintenance of LUCs, including munitions recognition and safety training (specifically Sections 5.1.1, 5.2.1, 5.3.1, and 5.4.1).</p>
15	Section 4.2, Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities	<p>Comment: First paragraph. The section identifies that CSUMB shall determine the level of construction support required on a case-by-case basis, but identifies that the probability of encountering MEC is low for the site. The section provides relatively specific construction support requirements for low probability sites. It is unclear whether a case-by-case evaluation is needed or if the level of support is already determined based on low probability. Further detail on the level of construction support should be included rather than relying on CSUMB to determine that at a later date.</p> <p>Response: The LUCIP/OMP has been revised to include detailed procedures for construction support planning. The cited paragraph has been deleted. Section 4.3 (previously Section 4.2) and the following subsections have been revised to include the procedure for determining which construction support levels are required for projects involving disturbance of ten (10) cy or more of soil and for projects involving disturbance of less than ten (10) cy of soil.</p>
16	Section 4.2, Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities	<p>Comment: Third paragraph. The section identifies that when MEC is found, intrusive or ground disturbing work will immediately cease. Further detail needs to be added to define what work needs to cease and the process needed to begin work.</p> <p>Response: The LUCIP/OMP has been revised to include actions to be taken if a suspect munitions item is encountered during ground disturbing activities. Sections 4.3.2.4 and 4.3.3.5 present the detailed approach and requirements for responding to suspect munitions items encountered during on-call and on-site construction support, respectively.</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by Ed Walker of the DTSC, dated August 11, 2015
 Specific Comments

No.	Comment Type / Report Section	Comment/Response
17	Section 4.2.1, Construction Support Planning	<p>Comment: References that identify current probability of encountering MEC within the MRA and available mapping should be specifically identified and included in this LUCIP/OMP.</p> <p>Response: Table 3 and Figure 3 have been added to present the current probability of encountering MEC within the MRA. Section 4.3.1 has been added to provide detailed procedures for determining construction support levels and the construction support activities associated with areas of low and moderate to high probability of encountering MEC.</p>
18	Section 4.2.2, Construction Support Evidence of MEC	<p>Comment: Remedy Implementation Phase Bullets 1 and 2 should be developed and included in the LUCIP/OMP.</p> <p>Response: The LUCIP/OMP has been revised to include procedures for proper response to potential MEC finds and requirements for reporting and documentation, including actions to be taken if evidence of MEC is encountered during ground disturbing activities. The cited bullets have been deleted. Sections 4.3.2 and 4.3.3 present the detailed approach and requirements for implementing on-call and on-site construction support, respectively.</p>
19	Section 4.2.3, Construction Support Documentation and Reporting	<p>Comment: Please update annual LUC inspection checklist and include them in the plan.</p> <p>Response: The cited section has been deleted. The revised Former Fort Ord Land Use Covenant Report Outline is included as Appendix J.</p>
20	Section 4.2.4, Determination Construction Support No Longer Necessary	<p>Comment: Please specify that the Army will evaluate the remedy and determine if it is still protective during the five-year review. Please discuss what happens if it is determined that the LUCs are not protective or no longer needed.</p> <p>Response: The cited section has been deleted. Section 4.5.3 has been revised to provide details of the five-year review process and Section 4.7.3 has been added to provide the process for discontinuing a portion of the LUC remedy.</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by Ed Walker of the DTSC, dated August 11, 2015
 Specific Comments

No.	Comment Type / Report Section	Comment/Response
21	Section 4.3.2, Process for Approval of Proposals to Remove Residential Use Restriction	<p>Comment: Please specify that termination of the residential restriction will require additional remedial activities. Conditions for termination of the residential CRUP should identify that DTSC's Residential Protocol is a DTSC requirement that will need to be addressed prior to removing residential restrictions. Please include DTSC's Residential Protocol in the reference section.</p> <p>Response: The DTSC Residential Protocol is included in Section 6.0, References (DTSC 2008b). Section 1.4.3 has been revised and Section 4.7.3 has been added to clarify that the DTSC residential protocol may be required before termination of the residential use restrictions in the Amended State CRUP.</p>
22	Section 4.8, Notification of MEC Item Discovery During Ground- Disturbing Activities	<p>Comment: As a result of MEC incidents the regulatory agencies may request additional investigation and/or follow-up actions based on the MEC-related data identified during the incident. Further evaluation on this process needs to be performed. The LUCIP/OMP is not clear on what effect this evaluation could have on the continuation of work after a MEC incident and prior to further evaluation being completed.</p> <p>Response: The cited section has been deleted. Section 4.7.1 (previously Section 4.9.1) has been revised to provide a detailed process to be followed should additional investigation or follow-up action be determined necessary by the Army, EPA, and DTSC.</p>
22	Section 4.9.2, Remedy Modification	<p>Comment: If it is determined that selected remedy is no longer protective, this section is not clear on who's responsibility it would be to perform additional response. The scope of FORA's obligations under ESCA and the Army's obligations should be sufficiently clear for this to be implementable. This section appears to indicate that there may be significant disagreement on respective obligations.</p> <p>Response: Section 4.7.2 (previously Section 4.9.2) has been revised to clarify that 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.</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by Christopher Placco of the CSUMB, dated July 27, 2015
 General and Specific Comments

No.	Comment Type / Report Section	Comment/Response
1	General Comment	<p>Comment: Like Monterey Peninsula College, CSUMB acknowledges that the University is required to comply with the local digging/excavation ordinances regarding construction on Fort Ord. However, as a state agency, CSUMB is not subject to project review or permitting by the local jurisdictions and seeks clarification as to how these requirements will be met and carried out for the University.</p> <p>Response: Section 4.3.1.2 has been expanded to include administrative requirements, including “CSUMB Parcel Consultation and Approvals.”</p>
2	Page xi, Glossary	<p>Comment: UXO-Qualified Personnel and UXO Technicians. How does one become qualified UXO personnel; is this something local construction staff or others can be trained to do?</p> <p>Response: Training requirements for certification of UXO-qualified personnel are established by the Department of Defense Explosives Safety Board (DDESB). Training can be obtained from a facility authorized by either the Federal or a State government to provide certified training in the public service sector.</p>
3	Page 1-4, Section 1.4, Description of Selected Remedy	<p>Comment: “(2) Construction support by UXO-qualified personnel for ground-disturbing or intrusive activities.” Please clarify the level of “support” required for low or high risk parcels.</p> <p>Response: The revised Section 4.3.1 provides guidance on determining the level of construction support and probability of encountering MEC.</p>
4	Page 1-5, Section 1.4.1, MEC Recognition and Safety Training	<p>Comment: “Prior to conducting ground-disturbing or intrusive activities, property owners will be required to notify FORA or its successor for MEC recognition and safety training for those performing ground-disturbing or intrusive activities.” Please clarify the process for notification.</p> <p>Response: The referenced text has been revised to clarify that the property owners will be required to contact FORA for munitions recognition and safety</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by Christopher Placco of the CSUMB, dated July 27, 2015
 General and Specific Comments

No.	Comment Type / Report Section	Comment/Response
		training. Section 4.2 has been revised to provide details on the implementation of MEC recognition and safety training requirements.
5	Page 1-5, Section 1.4.2, Construction Support	<p>Comment: “Construction support by UXO-qualified personnel is required during any intrusive or ground-disturbing construction activities ...CSUMB in consultation with DTSC, shall determine the level of construction support required on a case-by-case basis.” Please clarify the process, timing and cost for determining construction support.</p> <p>Response: The cited text has been revised to state that the level of construction support is determined by the probability of encountering MEC. The LUCIP/OMP has been revised to include detailed procedures for construction support planning in Section 4.3 (Construction Support for Ground-disturbing or Intrusive Activities). Funding for LUC implementation, operation, and maintenance is outside the scope of the LUCIP/OMP.</p>
6	Page 1-6, Section 1.4.3, Restrictions Prohibiting Residential Use	<p>Comment: “Residential use restrictions placed on the CSUMB Off-Campus MRA proposed future non-residential reuse area at the time the property was transferred to FORA will be maintained.”</p> <ul style="list-style-type: none"> • Perhaps the "Off-Campus MRA should be called “campus MRA” since it will be on-campus once the transfer occurs. • Please clarify this language and make sure it is consistent throughout indicating that 49 acres previously restricting residential use will be modified to allow residential use. <p>Response: As described in Final Summary of Existing Data Report (ESCA RP Team 2008), the ESCA areas were combined into nine MRAs, including the area referred to as the CSUMB Off-Campus MRA. In effort to maintain consistency with the SEDR, Group 2 technical documentation, Group 2 RI/FS, and Group 2 ROD, the reference to the area as the “CSUMB Off-Campus MRA” has been retained.</p> <p>Sections 1.4.4, 3.4, 4.1.4 have been revised to clarify that the Federal deed will be modified to remove the residential use restriction on the designated future residential reuse area and that the residential use</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by Christopher Placco of the CSUMB, dated July 27, 2015
 General and Specific Comments

No.	Comment Type / Report Section	Comment/Response
		restriction will remain for the designated future non-residential reuse area.
7	Page 1-6, Section 1.4.4, Long-Term Management Measures	<p>Comment: “The CRUP for the CSUMB Off-Campus MRA parcel was amended to restrict residential use only in the proposed future non-residential reuse area.” Suggested language: The CRUP was amended to allow 49 acres of residential use in a previously non-residential reuse area.</p> <p>Response: The statement has been revised as follows:</p> <p style="padding-left: 40px;">“The <i>Amended State</i> CRUP for the CSUMB Off-Campus MRA parcel was amended <i>includes modifications</i> to restrict residential use only in the proposed <i>designated</i> future non-residential reuse area (Appendix C).”</p>
8	Page 2-5, Section 2.4, CSUMB Off- Campus MRA Remedial Investigation Summary	<p>Comment: Please clarify throughout that the 49 acres <i>was recommended as acceptable for future residential reuse with appropriate institutional controls, such as the local digging and excavation ordinance, construction support.</i></p> <p>Response: The statement is made in the fourth paragraph of Section 2.3 (previously Section 2.4).</p>
9	Page 2-8, Section 2.6, Potential Future Land and Resource Uses	<p>Comment: “Residential (CSUMB campus housing) ...for use as off-campus housing for CSUMB (CSUMB 2007).” Note that future housing developed on this property will be <u>on</u>-campus housing, not <u>off</u>-campus housing.</p> <p>Response: The cited comment in Section 2.6 (previously Section 2.4) has been revised to state that the western portion of the MRA (approximately 49 acres) is proposed for use as campus housing.</p>
10	Page 2-8, Section 2.6, Potential Future Land	<p>Comment: “Non-residential (CSUMB open space park), Parcel S1.3.2 - The eastern portion of the MRA (approximately 284 acres) is proposed for an oak woodland and maritime chaparral open space park with a 100-ft</p>

Response to Comments
 Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 May 26, 2015
 Review Comments provided by Christopher Placco of the CSUMB, dated July 27, 2015
 General and Specific Comments

No.	Comment Type / Report Section	Comment/Response
	and Resource Uses	<p>buffer along the Natural Resource Management Area interface (ESCA RP Team 2008).”</p> <ul style="list-style-type: none"> • CSUMB's proposed Open Space has not been defined in detail as a “park” • Should the 100-ft buffer refer to the 200-ft Multi-Species Habitat Management Plan borderland requirement? Is this in a map somewhere? <p>Response: Regarding the first bulleted comment, the “open space” portion of the CSUMB Off-Campus MRA is identified in the Base Reuse Plan (FORA 1997). The Base Reuse Plan describes the “open space” land designation as “all park land which will be publicly owned, including Fort Ord Dunes State Park, regional parks, community parks, and neighborhood parks not identified in the land use concept but designated as permitted use in all districts”. To maintain consistency with the SEDR, Group 2 technical documentation, Group 2 RI/FS, and Group 2 ROD, no revisions have been made in response to this comment.</p> <p>The cited bullet in Section 2.4 (previously Section 2.6) has been revised. In response to the second bulleted comment, the cited bullet has been revised to clarify that 100-ft buffer was identified in the ESCA (USACE/FORA 2007), the buffer width is subject to change based on future fire-wise planning by FORA, and that the borderland development area along the NRMA interface was established in the HMP (USACE 1997).</p>
11	Page 3-1, Section 3.1, MEC Recognition and Safety Training	<p>Comment: “In addition to the ROD requirement, people conducting ground-disturbing or intrusive activities are also required to obtain MEC recognition and safety training as a condition for excavation permits under the local digging and excavation ordinance.” As a state agency, how will CSUMB's process interact the County’s permitting process?</p> <p>Response: The cited statement has been deleted. Section 4.3.1.2 has been expanded to include administrative requirements, including “CSUMB Parcel Consultation and Approvals.” New Sections 5.2.1 and 5.3.1 present CSUMB and property recipient (including CSUMB)</p>

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		responsibilities and actions for long-term operation and maintenance for munitions recognition and safety training.
12	Page 3-1, Section 3.2, Construction Support	<p>Comment: “Implementation Strategy: Construction support is required for ground-disturbing or intrusive activities and is being implemented through an excavation permitting process under the Monterey County (County) digging and excavation ordinance.” As a state agency, how will CSUMB's process interact the County’s permitting process?</p> <p>Response: Section 3.2 has been revised to state that construction support is being implemented through a digging and excavation permitting process under the County digging and excavation ordinance (Monterey County Code Chapter 16.10) for projects involving disturbance of ten (10) cy of soil, and that 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. Section 4.3.1.2 has been expanded to include administrative requirements, including “CSUMB Parcel Consultation and Approvals.” New Sections 5.2.2 and 5.3.2 present CSUMB and property recipient (including CSUMB) responsibilities and actions for long-term operation and maintenance for construction support.</p>
13	Page 3-1, Section 3.2, Construction Support	<p>Comment: “During the excavation permitting process, the County in consultation with DTSC, determine the level of construction support required for a project 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. To facilitate implementation of construction support, FORA will develop procedures for construction support planning. including guidelines and requirements for determining appropriate levels of construction support, response to potential MEC finds, reporting and documentation.” Is there a map or flow chart to determine the level of construction support for projects within the first four feet?</p> <p>Response: Figure 3 has been added and Section 3.2 has been expanded to include additional information on the probability of encountering MEC in the CSUMB Off-Campus MRA. Additionally, the revised Section 4.3.1 provides detailed guidance on determining the level of construction</p>

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		support and probability of encountering MEC. A decision tree (i.e., flow chart) has been added to Appendix H to assist in determining construction support implementation requirements.
14	Page 3-2, Section 3.3, Restrictions Prohibiting Residential Use	<p>Comment: “To ensure the residential use restriction is maintained, FORA and CSUMB conduct annual inspections of the MRA, including review of property transfers and deed amendments, development activities and changes in land use.”</p> <ul style="list-style-type: none"> • What do annual inspections entail? • Will there be a template for this review to clarify what an inspection is? <p>Response: Section 4.5.2 has been revised to clarify annual reporting requirement and responsibilities. CSUMB responsibilities for LUC annual monitoring and reporting are further clarified in Section 5.2.6. The LUC annual inspections and record review results will be summarized in an annual LUC monitoring report. A template for the report is provided in Appendix J, Former Fort Ord Land Use Covenant Report Outline.</p>
15	Page 4-1, Section 4.0, Remedy Implementation Actions	<p>Comment: “All applicable local Building Codes and permits apply to the CSUMB Off-Campus MRA property. In addition, the County has adopted a digging and excavation ordinance that specifies special standards and procedures for ground disturbing activities on the former Fort Ord (“digging and excavation ordinance”).”</p> <ul style="list-style-type: none"> • As a state agency, how will CSUMB’s process interact the County’s permitting process? CSUMB is not subject to local Building Codes and does not apply for permits from any of its underlying jurisdictions. • How should CSUMB comply with the documentation of “construction activities”? <p>Response: The cited text now appears in Section 4.1.1. Section 4.3.1.2 has been expanded to include administrative requirements, including “CSUMB Parcel Consultation and Approvals.” New Sections 5.2.2 and 5.3.2 present CSUMB and property recipient (including CSUMB)</p>

Response to Comments
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		responsibilities and actions for long-term operation and maintenance for construction support.
16	Page 4-4, Section 4.2, Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities	<p>Comment: “Construction support will be arranged through CSUMB during the construction maintenance planning stages of the project prior to the start of any “construction activities.” Requirements for construction support will be implemented consistent with the Monterey County digging and excavation ordinance ...CSUMB shall determine the level of construction support required on a case-by-case basis during the excavation permitting process. The level of construction support is determined based on the probability of encountering MEC.” In section 3.2 it says the County in consultation with DTSC, determine the level of construction support required for a project on a case-by-case basis. Who determines the level of construction support?</p> <p>Response: The cited text has been deleted. The revised Section 4.3.1 provides detailed guidance on determining the level of construction support and probability of encountering MEC. Also see response to CSUMB Comment 13.</p>
17	Page 4-4, Section 4.2.1, Construction Support Planning	<p>Comment: “FORA will provide references to information to support CSUMB in implementation of construction support requirements, including references that identify current probability of encountering MEC within the MRA and available mapping as appropriate, including the Group 2 ROD and other references in Section 6.0 of the LUCIP/OMP.”</p> <ul style="list-style-type: none"> • Since the campus does not request permits from another agency, is it CSUMB’s or another agency’s responsibility to assess the probability of encountering MEC? • Is there a map the already indicates the level of risk at different locations? <p>Response: The cited section has been deleted. Information on the probability of encountering MEC in the CSUMB Off-Campus MRA is presented in new Section 4.3.1 and new Figure 3. Section 4.3.1.2 has been expanded to include administrative requirements, including “CSUMB Parcel Consultation and Approvals.”</p>

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18	Page 4-4, Section 4.2.1, Construction Support Planning	<p>Comment: “CSUMB shall <u>implement the special standards and procedures as defined in the County digging and excavation ordinance</u>. Requirements include description of previous MEC activities, <u>completion and submittal of all other appropriate permits</u>, detailed description of site and proposed “construction activities”, excavation permits and plans for “construction activities”, construction support requirements including construction support, and preparation and submittal of after action reports.” As a state agency that does require permits from Monterey County or other underlying jurisdictions, please clarify how CSUMB, can comply with the Monterey County Ordinance.</p> <p>Response: The cited section has been deleted. Section 4.3.1.2 has been expanded to include administrative requirements, including “CSUMB Parcel Consultation and Approvals.” The revised Sections 5.2 and 5.3 present specific responsibilities for CSUMB and property recipients, including CSUMB, during LUC operation and maintenance.</p>
19	Page 4-4, Section 4.2.1, Construction Support Planning	<p>Comment: “The Director of Environmental and Natural Resource Management at Presidio of Monterey is to make accessible all available documentation that identifies current probability of encountering MEC in the CSUMB Off-Campus MRA and available mapping, as appropriate, on the Army’s Fort Ord Administrative Record.” Is this the Director of Environmental and Natural Resource Management and FORA that will provide this information?</p> <p>Response: The cited section has been deleted. The LUCIP/OMP has been revised to include detailed procedures for construction support planning in Section 4.3 (Construction Support for Ground-disturbing or Intrusive Activities).</p>
20	Page 4-5, Section 4.2.2, Construction Support Evidence of MEC	<p>Comment: “Remedy Execution Phase Excavation permits issued <u>by CSUMB</u> will require a provision for land owners or contractors to stop work and report potential MEC finds to local law enforcement and notification to FORA and regulatory agencies.” As a state agency, how will CSUMB’s process interact the County's permitting process? Please clarify the permitting and ordinance process throughout.</p>

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		<p>Response: The LUCIP/OMP has been revised to include procedures for proper response to potential MEC finds and requirements for reporting and documentation, including actions to be taken if evidence of MEC is encountered during ground disturbing activities. The cited section has been deleted. Section 4.3.4 has been added to clarify procedures to be followed if suspect munitions items are encountered during ground-disturbing or intrusive activities. Section 4.3.1.2 has been expanded to include administrative requirements, including “CSUMB Parcel Consultation and Approvals.”</p>
21	Page 4-6, Section 4.2.3, Construction Support Documentation and Reporting	<p>Comment: “CSUMB to develop excavation permit construction support documentation reporting procedures, consistent with County digging and excavation ordinance, to support annual LUC monitoring report.” Please clarify and make sure this language is consistent throughout.</p> <p>Response: The cited section has been deleted. The LUCIP/OMP has been revised to include detailed procedures for construction support planning in Section 4.3 (Construction Support for Ground-disturbing or Intrusive Activities).</p>
22	Page 4-7, Section 4.4.1, LUCIP/OMP Annual Inspections	<p>Comment: “LUCIP/OMP objectives compliance includes on-site inspections and review of local building and planning department records, and construction support potential MEC finds report review.” Suggestion - replace “local” with “CSUMB” and define what on-site inspections entail.</p> <p>Response: The cited section has been renumbered to be Section 4.5.1. The term “local” is intended to include Monterey County and CSUMB building and planning department records. No revision has been made in response to this comment.</p>
23	Page 4-8, Section 4.5.1, Compliance with LUCIP/OMP	<p>Comment: “This will include LUCIP/OMP annual LUC inspections and reporting (Section 4.4) as well as execution of requirement of the Monterey County digging and excavation ordinance.” Suggestion - add “as it pertains to CSUMB”.</p> <p>Response: The cited section has been deleted. The revised Sections 5.2 and 5.3</p>

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		present specific responsibilities for CSUMB and property recipients, including CSUMB, during LUC operation and maintenance.
24	Page 5-1, Section 5.2.1, Pre-Land Transfer from FORA to CSUMB	<p>Comment: “Prior to land transfer; CSUMB will establish processes and procedures to implement the requirement of the Monterey County digging and excavation ordinance. Additionally, CSUMB will establish processes and procedures to implement other requirements to execute the LUC remedy as outlined in this LUCIP/OMP.” Keep language consistent throughout regarding how CSUMB complies with the Monterey County Ordinance.</p> <p>Response: The cited section has been deleted. The LUCIP/OMP has been revised to include detailed plans and procedures for LUC implementation/operation and maintenance (Sections 4.0 and 5.0, respectively).</p>
25	Page 5-2, Section 5.2.2, Post-Land Transfer from FORA to CSUMB	<p>Comment: “Prior to any ground-disturbing or intrusive activities, a property owner or user within the former Fort Ord intending to conduct intrusive activities must first complete a notification and permitting process per the adopted County digging and excavation ordinance. Once an application for a permit is received by CSUMB, the CSUMB shall review the permit to verify the location of the proposed excavation and to determine if any sites within known LUCs will be affected.” Keep ordinance compliance language consistent throughout.</p> <p>Response: The cited section has been deleted. The LUCIP/OMP has been revised to include detailed procedures for construction support planning in Section 4.3 (Construction Support for Ground-disturbing or Intrusive Activities).</p>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

July 27, 2015

Mr. Stan Cook
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, CA 93933

Re: EPA Comments on the *Draft Group 2 Land Use Controls Implementation Plan/ Operation and Maintenance Plan California State University Monterey Bay Off-Campus Munitions Response Area, Former Fort Ord Monterey County, California* dated May 26, 2015

Dear Stan:

Attached are EPA's comments on the *Draft Group 2 Land Use Controls Implementation Plan/ Operation and Maintenance Plan California State University Monterey Bay Off-Campus Munitions Response Area, Former Fort Ord Monterey County, California*, dated May 26, 2015

If you have any questions, please do not hesitate to call me at (415) 972-3681 or e-mail me at huang.judy@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Judy C. Huang".

Judy C. Huang, P.E.
Remedial Project Manager

cc:

Mr. William K. Collins
BRAC Environmental Coordinator
Fort Ord BRAC Office
P.O. Box 5008
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Ed Walker
Cal/EPA Department of Toxic Substances Control, Region 2
Brownfields and Environmental Restoration Program
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**EPA Review of the
Draft Group 2 Land Use Controls Implementation Plan/ Operation and Maintenance Plan
California State University Monterey Bay Off-Campus Munitions Response Area,
Former Fort Ord Monterey County, California
Dated May 26, 2015**

GENERAL COMMENTS

1. Please incorporate all EPA Draft Group 3 Land Use Controls Implementation Plan/ Operation and Maintenance Plan comments and requested changes in to the Draft Group 2 Land Use Controls Implementation Plan/ Operation and Maintenance Plan (Draft Group 2 LUCIOMP).
2. Please incorporate all lessons learned from the Veterans' Cemetery construction project LUCIPOMP implementation into the Draft Group 2 LUCIP.
3. Please address concerns expressed by the jurisdictions in the Wednesday, July 15th FORA Administrative Committee Land Use Controls workshop.
4. Please include redevelopment MEC discovery response procedure with clear roles and responsibilities and timeline.
5. Please include a reference to ensure consistency between construction support plan and Draft Group 2 LUCIOMP requirements.

SPECIFIC COMMENTS

1. Please see attached pdf file.

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 Group 2 Munitions Response Area (MRA) within the former Fort Ord in Monterey County, California (Figure 1). Group 2 includes the California State University Monterey Bay (CSUMB) Off-Campus MRA. Originally, Group 2 included the County North MRA; however, in August 2009, the Track 1 Plug-In Approval Memorandum County North Munitions Response Area, Former Fort Ord, California (“the Approval Memorandum”) was issued for the County North MRA by the United States Department of the Army (Army) for public review and comment (Army 2009). A notice announcing agency concurrence with the Approval Memorandum was published on March 16, 2010. The Track 1 Plug-In process was described in the Army’s “Record of Decision, No Further Action Related to Munitions and Explosives of Concern - Track 1 Sites, No Further Remedial Action with Monitoring for Ecological Risks from Chemical Contamination at Site 3 (MRS-22)” (Army 2005).

The purpose of this LUCIP/OMP is to provide remedy implementation and maintenance information for the Group 2 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Record of Decision (ROD) dated January 7, 2015 (Appendix A).

The selected remedy addresses human health and the environment munitions and explosives of concern (MEC) risk that potentially remains in the CSUMB Off-Campus MRA. Group 2 munitions responses (MEC removals) have been completed, significantly reducing the risks to human health and the environment. The selected remedy for the CSUMB Off-Campus MRA includes Land Use Controls (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 unexploded ordnance (UXO)-qualified personnel for ground-disturbing or intrusive activities; and (3) restrictions prohibiting residential use on a portion of the MRA. These LUCs are intended to limit MEC risk that may remain at the CSUMB Off-Campus MRA.

Munitions constituents that are not present in high enough concentrations to pose an explosive hazard are addressed as hazardous and toxic waste and will be handled accordingly. Such munitions constituents are outside the scope of this LUCIP/OMP. The determination of whether the concentration of munitions constituents present an explosive hazard should be made with the assistance of construction support by UXO-qualified personnel.

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 a response to a discovery of a significant amount of MEC in the Group 2 MRA. The selected LUCs may be modified in the future. In addition, Long-

alternatives to address this potential risk to future land users (ESCA RP Team 2013). The Group 2 RI/FS was developed by FORA under the ESCA and in accordance with the AOC. The Group 2 RI/FS evaluated the risks related to potentially remaining MEC within the CSUMB Off-Campus MRA based upon the intended future uses. On January 7, 2015, 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 CSUMB Off-Campus 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 CSUMB Off-Campus MRA.

1.2 FORA ESCA Regulatory Framework and Responsibilities

In connection with the early transfer of a portion of the former Fort Ord, FORA performed 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 CSUMB Off-Campus MRA.

This LUCIP/OMP fulfills the AOC requirements identified under CSUMB Off-Campus 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 CSUMB Off-Campus MRA consists solely of institutional controls implementation. EPA approved this request in a letter to FORA dated March 16, 2015.

1.2.1 FORA Successor in Interest

In 2014, Assembly Bill 1614 was passed to extend FORA's statutory authorities to June 30, 2020, extending the organization by 6 years. The federal deeds, ESCA and AOC fully 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 or its successor" refers to obligations or requirements that are currently assigned to FORA, but will eventually be transferred to FORA's successor in interest for the performance of LTOs.

1.3 Area of Remedy Implementation

The area addressed by this LUCIP/OMP consists of those areas included in the Army's ROD, Group 2, California State University Monterey Bay Off-Campus Munitions Response Area, Former Fort Ord, California (Appendix A). The survey plats for the CSUMB Off-Campus MRA are provided in Appendix B.

The CSUMB Off-Campus MRA is located in the north-central portion of the former Fort Ord, bordered by Inter-Garrison Road to the north, the County North MRA to the east and southeast, the Parker Flats MRA to the south, and 8th Avenue and CSUMB campus property to the west and southwest (Figure 1). The CSUMB Off-Campus MRA encompasses

approximately 332.6 acres and is composed mostly of MRS-31, which includes four smaller MRSs: MRS-04C, MRS-07, MRS-08, and MRS-18. The remainder of the MRA consists of MRS-13C and a portion of MRS-13B (Figure 2).

The CSUMB Off-Campus MRA includes two proposed planned reuses: residential (CSUMB campus housing) and non-residential (CSUMB open space park).

1.4 Description of Selected Remedy

The selected remedy addresses risks to human health and the environment from MEC that potentially remains in the CSUMB Off-Campus MRA. Munitions responses (MEC removals) have been completed at the CSUMB Off-Campus MRA, significantly reducing the risks to human health and the environment. The selected remedy for the CSUMB Off-Campus 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 conducting ground-disturbing or intrusive activities on the property;
- (2) Construction support by UXO-qualified personnel for ground-disturbing or intrusive activities; and
- (3) Restrictions prohibiting residential use in the proposed future non-residential reuse area.

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). Any proposal for residential development in the proposed non-residential reuse portion of the CSUMB Off-Campus MRA will be subject to regulatory agency and Army review and approval.

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 or as a government entity.

As part of the LUC implementation strategy, LTMMs 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 CSUMB Off-Campus MRA. The Army will evaluate these areas as part of the installation-wide CERCLA five-year reviews, with the first review for the CSUMB Off-Campus MRA to be conducted in 2017. The selected LUCs may be modified in the future based on the five-year review process.

As part of the early transfer of the subject property, the Army has entered into a State Covenant to Restrict the Use of Property (CRUP) with DTSC that documents land use restrictions. The existing deed to FORA for the CSUMB Off-Campus MRA parcel includes the following land use restrictions: 1) residential use; and 2) excavation (unless construction support and MEC recognition and safety training are provided). The Army will modify the

existing land use restrictions in the federal deed, as necessary, to reflect the selected remedy. FORA, or its successor under the ESCA and the AOC, 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. The CRUPs set forth protective provisions, covenants, restrictions and conditions applicable to properties; and compliance responsibility lies with current and future land owners and occupants. Each and every CRUP restriction and requirement (a) runs with the land, (b) is enforceable by DTSC and (c) is imposed on entire properties unless expressly stated. 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 MEC Recognition and Safety Training

For the areas addressed in this LUCIP/OMP, ground-disturbing or intrusive activities are expected to occur. People involved in ground-disturbing or intrusive operations at these areas will be required to attend MEC recognition and safety training to increase awareness of and ability to identify MEC items. Prior to conducting ground-disturbing or intrusive activities, property owners will be required to notify FORA or its successor for MEC recognition and safety training for those performing ground-disturbing or intrusive activities.

MEC recognition and safety training will be evaluated 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 regulatory approval.

1.4.2 Construction Support

Construction support by UXO-qualified personnel is required during any intrusive or ground-disturbing construction activities at the CSUMB Off-Campus MRA in order to address potential MEC risks to construction and maintenance personnel. Construction activities are defined as any activity that involves disturbance of 10 cubic yards (cy) or more. Construction support will be arranged during the construction and maintenance planning stages of the project prior to the start of any intrusive or ground-disturbing activities. CSUMB in consultation with DTSC, shall determine the level of construction support required on a case-by-case basis. Construction support is determined by the probability of encountering MEC.

If evidence of MEC is found during construction support activities, the intrusive or ground-disturbing work will immediately cease, no attempt will be made to disturb, remove, or destroy the MEC, and the local law enforcement agency having jurisdiction on the property will be immediately notified so that appropriate explosive ordnance disposal (EOD) or other personnel can be dispatched to address the MEC, as required under applicable Department of Defense (DoD) directives, laws, and/or regulations. Construction support may be applicable

in the short term during development of the reuse area, and/or in the long-term during established reuse.

Construction support will be evaluated 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 regulatory approval.

1.4.3 Restrictions Prohibiting Residential Use

Residential use restrictions placed on the CSUMB Off-Campus MRA proposed future non-residential reuse area 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 (FOSET, Army 2007).

1.4.4 Long-Term Management Measures

As part of implementation, the LUCIP/OMP describes the following LTMMs:

- **Existing land use restrictions:** The deed to FORA for the CSUMB Off-Campus MRA parcel restricts residential use in the proposed future non-residential reuse area. 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. The CRUP for the CSUMB Off-Campus MRA parcel was amended to restrict residential use only in the proposed future non-residential reuse area (Appendix C). [Final CRUP amendment awaiting DTSC signature and will be added as Appendix C to Final LUCIP/OMP.]
- **Annual monitoring and reporting:** FORA, or its successor entity under the ESCA and the AOC, will perform annual monitoring and reporting. FORA or its successor entity will notify the regulatory agencies, as soon as practicable, of any MEC-related information 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 the approval of EPA and DTSC.

1.4.5 Other Long-Term Management Measures

A number of other LTMMs are required to be implemented, tracked and reported on the CSUMB Off-Campus MRA in addition to the selected LUCs imposed under the ROD that are required by the deed, CRUP, municipal ordinances and other enforceable documents and agreements. This may include long-term ground water restrictions, construction related restrictions, and other relevant municipal codes.

permitting process, the County in consultation with DTSC, determine the level of construction support required for a project 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. To facilitate implementation of construction support, FORA will develop procedures for construction support planning, including guidelines and requirements for determining appropriate levels of construction support, response to potential MEC finds, reporting and documentation. The procedures will include actions to be taken if evidence of MEC is encountered during ground disturbing activities regardless of the volume of displacement, including requirements for land owners or contractors to stop work and report MEC finds to local law enforcement and notification to regulatory agencies. Major elements of implementing the construction support include construction planning support, response to evidence of MEC during construction support activities, construction support reporting and documentation, and determination of when construction support is no longer necessary. Construction support is also a requirement of the local digging and excavation ordinance, deed restrictions, State CRUP, and FOSET EPP providing for redundancy in this LUC requirement. See Section 4.2 for details on the implementation of this LUC.

3.3 Restrictions Prohibiting Residential Use

Performance Objectives: Ensure that any proposals to allow residential development or modifications to residential restrictions are approved by EPA and Army in coordination with DTSC.

Implementation Strategy: Residential use is currently prohibited within the proposed future non-residential reuse area of the CSUMB Off-Campus MRA by deed restriction, FOSET EPP and State CRUP. To ensure the residential use restriction is maintained, FORA and CSUMB conduct annual inspections of the MRA, including review of property transfers and deed amendments, development activities, and changes in land use. FORA and CSUMB currently conduct annual monitoring and reporting on LUCs. Responsibility for annual monitoring and reporting of LUCs will transfer to CSUMB at property transfer. A memorandum of agreement (MOA) is in place with the local jurisdictions, including CSUMB, outlining their obligation to maintain the LUCs, including the residential use restriction (DTSC 2008a; Appendix D). The residential use restriction is also a provision of the deed restrictions, State CRUP, and FOSET EPP providing for redundancy in this LUC requirement. See Section 4.3 for details on the implementation of this LUC.

3.4 Long-Term Management Measures

As part of the LUCIP/OMP, the following LTMMs will also be implemented in the CSUMB Off-Campus MRA:

Existing land use restrictions: The deed to FORA for the CSUMB Off-Campus MRA parcel restricts residential use over the entire property. The deed will be modified to remove the residential use restriction on the proposed future residential reuse area. The residential use restriction will remain for the proposed future non-residential reuse area. 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 CRUP for the CSUMB Off-Campus MRA parcel restricts residential use. The CRUP for the CSUMB Off-Campus MRA parcel was amended to restrict residential use only in the proposed future non-residential reuse area (Appendix C).

Annual monitoring and reporting: FORA, or its successor entity under the ESCA and the AOC, will perform **annual monitoring** and reporting. FORA or its successor entity will notify the regulatory agencies, 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 the approval of the **EPA and DTSC**. See section 4.9.2 for details on the implementation of this LTMM.

4.2 Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities

Construction support by UXO-qualified personnel is required during any intrusive or ground-disturbing construction activities at the CSUMB Off-Campus MRA to address potential MEC risks to construction and maintenance personnel. Construction support will be arranged through CSUMB during the construction and maintenance planning stages of the project prior to the start of any “construction activities”. Requirements for construction support will be implemented consistent with the Monterey County digging and excavation ordinance. Construction activities are established in the digging and excavation ordinance and include excavation, digging, development and ground disturbance of any type that involves the displacement of more than ten (10) cy. CSUMB shall determine the level of construction support required on a case-by-case basis during the excavation permitting process. The level of construction support is determined based on the probability of encountering MEC.

If the probability of encountering MEC is determined to be low, UXO-qualified personnel must be contacted to ensure their availability, advised about the project, and placed “on call” to assist if suspected UXO are encountered during construction. Discoveries of MEC on such sites require reassessment of the level of support required. If the probability of encountering MEC is determined to be moderate to high, UXO-qualified personnel must attempt to identify and remove any explosive hazards in the construction footprint prior to any intrusive construction activities. The probability of encountering MEC in CSUMB Off-Campus MRA is considered to be low.

If evidence of MEC is found during “construction activities”, the intrusive or ground-disturbing work will immediately cease, no attempt will be made to disturb, remove, or destroy the MEC, and the local law enforcement agency having jurisdiction on the property will be immediately notified so that appropriate EOD personnel can be dispatched to address the MEC, as required under applicable laws and regulations. Construction support requirements may be applicable in the short term during initial development of the reuse area, and/or in the long-term during reuse and redevelopment activities.

Construction support will be evaluated 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 may be discontinued with regulatory approval.

4.2.1 Construction Support Planning

Remedy Implementation Phase

- FORA will provide references to information to support CSUMB in implementation of construction support requirements, including references that identify current probability of encountering MEC within the MRA and available mapping as appropriate, including the Group 2 ROD and other references in Section 6.0 of the LUCIP/OMP.

- CSUMB will implement requirements for construction support planning consistent with the County's digging and excavation ordinance as well as State CRUP restrictions.
- CSUMB shall implement the special standards and procedures as defined in the County digging and excavation ordinance. Requirements include description of previous MEC activities, completion and submittal of all other appropriate permits, detailed description of site and proposed "construction activities", excavation permits and plans for "construction activities", construction support requirements including construction support, and preparation and submittal of after action reports.
- CSUMB shall provide notice of permit approval to the Army, DTSC and all property owners within 300 feet of impacted property.
- Director of Environmental and Natural Resource Management at Presidio of Monterey to make accessible all available documentation that identifies current probability of encountering MEC in the CSUMB Off-Campus MRA and available mapping, as appropriate, on the Army's Fort Ord Administrative Record.

Remedy Execution Phase

- Documents available on the Army's Fort Ord Administrative Record (www.fortordcleanup.com).
- CSUMB to execute the County digging and excavation ordinance construction support planning requirements.

4.2.2 Construction Support Evidence of MEC

Remedy Implementation Phase

- FORA will develop procedures for proper response to potential MEC finds and requirements for reporting and documentation, including actions to be taken if evidence of MEC is encountered during ground disturbing activities.
- FORA to develop procedure for reporting and documenting of potential MEC finds.

Remedy Execution Phase

- Excavation permits issued by CSUMB will require a provision for land owners or contractors to stop work and report potential MEC finds to local law enforcement and notification to FORA and regulatory agencies.
- FORA or its successor will notify the regulatory agencies, as soon as practicable, of any potential MEC finds during "construction activities" or any other MEC finds, and report the potential MEC finds during monitoring activities annually.
- Local law enforcement to respond to reports of potential MEC finds.
- Regulators and Army to determine probability of encountering MEC and determine nature and extent of additional assessment and/or field investigation.

4.2.3 Construction Support Documentation and Reporting

Remedy Implementation Phase

- The monitoring and reporting of construction support requirements is implemented through a MOA between the DTSC and local jurisdictions, which: 1) requires the CSUMB to monitor compliance with all land use covenants; 2) requires CSUMB to report to FORA or the County concerning their compliance with all recorded LUCs within their jurisdiction; and 3) requires FORA or the County to compile data in the jurisdiction reports and transmit those data in a report to the DTSC.
- FORA to update annual LUC inspection checklist to include instructions for review of deeds, State CRUP and local digging and excavation ordinance to verify construction support requirement continue to run with the land.
- CSUMB to develop excavation permit construction support documentation reporting procedures, consistent with County digging and excavation ordinance, to support annual LUC monitoring report.

Remedy Execution Phase

- Construction support contractor documents project and reports per FORA or Monterey County requirements.
- FORA, CSUMB and Monterey County report construction support activities in annual LUC monitoring report.

4.2.4 Determination Construction Support No Longer Necessary

Remedy Implementation Phase

- None

Remedy Execution Phase

- Army to evaluate construction support as part of the five-year review process to determine if the LUC should continue.
- Landowner may request EPA and DTSC review and approval of determination that construction support LUC is no longer necessary for a specific parcel or portion thereof.

4.3 Restrictions Prohibiting Residential Use

Residential use restriction on the proposed future non-residential reuse portion of the CSUMB Off-Campus MRA, as included in the CSUMB Off-Campus MRA property deed, will be maintained and will run with the land. 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). CSUMB will coordinate DTSC review of developer or land owner's proposals to remove the residential use restrictions, in consultation with EPA and Army.

4.3.1 Maintaining Residential Use Restriction

Ensure restrictions on the proposed future non-residential reuse portion of the CSUMB Off-Campus MRA remain in place by monitoring property LUCs. See also Long-Term Management Measures (Section 4.4).

Remedy Implementation Phase

- FORA to develop annual inspection procedures to ensure residential deed restrictions remain on the proposed future non-residential reuse portion of the property through future property transfer deeds.

Remedy Execution Phase

- FORA is currently conducting annual monitoring and reporting on LUCs. Responsibility for annual monitoring and reporting of LUCs will transfer to the CSUMB at property transfer. An MOA is in place where CSUMB has agreed to maintain the LUCs, including the residential use restriction
- CSUMB is responsible for ensuring residential deed restrictions remain on the proposed future non-residential reuse portion of the property through future property transfer deeds.

4.3.2 Process for Approval of Proposals to Remove Residential Use Restriction

The MOA, CRUP, ROD and deed ensure any future proposals to remove residential use restrictions within the CSUMB Off-Campus MRA are reviewed and removal approved by DTSC ~~in consultation with~~ EPA and Army.

4.4 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. The MOA Annual LUC Report outline will be used to fulfill this LTO (Appendices E and F).

4.4.1 LUCIP/OMP Annual Inspections

LUCIP/OMP objectives compliance includes on-site inspections and review of local building and planning department records, and construction support potential MEC finds report review. For reference, the following are provided in this LUCIP/OMP: Appendix E - Land

Unit). FORA or CSUMB will notify the regulatory agencies, as soon as practicable, of any MEC-related data identified during the incident. The incident results will be reported in the annual LUC monitoring report. The regulatory agencies may request additional investigation and/or follow-up actions based on the MEC-related data identified during the incident (see Section 4.9.1).

4.9 Additional Response or Remedy Modification

4.9.1 Additional Investigation or Follow-up Action

After the EOD response to unanticipated MEC finds, the Army and EPA may assess the probability of encountering additional MEC based on guidance from the DDESB. 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 low, construction activities may resume with construction support. If the probability of encountering MEC is determined to be different from originally estimated, EPA in consultation with DTSC will determine an appropriate follow-up action.

If EPA determines that additional investigation and/or action is required, 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. The agency consultation process will be completed as expeditiously as practicable.

The Army will notify FORA if the investigation and/or action is within the scope of FORA's obligations under the ESCA and CRUP. The Army retains full responsibility for Army obligations pursuant to the ESCA "Army Obligations". Nothing shall require FORA, or its successor, to assume responsibility for any Army Obligation, as contractor to the Army, under the terms of the ESCA.

Pursuant to the ESCA, the AOC and the FFA Amendment No.1, FORA or its successor assumes responsibility for completion of necessary CERCLA response actions for MEC, a CERCLA hazardous substance (except Army Obligations), which include implementing, maintaining, reporting, and enforcing the LUCs. Although the Army has already contracted for performance of its responsibilities to implement, maintain, monitor, and enforce LUCs, the Army retains the ultimate responsibility for remedy integrity.

Additional response will be conducted in accordance with an approved work plan. EPA, in consultation with DTSC, will evaluate and approve the results of the investigation. The agency consultation process will be completed as expeditiously as practicable.

4.9.2 Remedy Modification

If the Army and EPA, in consultation with DTSC, determine that the selected remedy is no longer protective, the Army and EPA will jointly select an additional response action or modification of the remedy. EPA will advise the Army that it is obligated under the FFA to conduct the investigation and/or response. DTSC will be provided an opportunity to review

5.0 REMEDY IMPLEMENTATION SEQUENCE

This section provides an overview of the execution sequence of the actions proposed in Section 4.0 in order to facilitate the implementation of the LUC remedy performance objectives. The general administrative sequence for establishing the LUC remedy is presented. These are followed by the activity sequence and requirement for pre- and post-land transfer from FORA to CSUMB. As available and appropriate, date driven compliance requirements have been presented.

5.1 General Administrative Sequence for Establishing LUC Remedy

- The Army will place the Final LUCIP/OMP document, within 10 days of regulatory approval, in the Army-maintained Information Repository and on the Army-maintained Administrative Record. FORA will provide Administrative Record reference to Group 2 jurisdictions.
- FORA will be responsible for establishing LUCIP/OMP plans and procedures as outlined in Section 4.0. The plans and procedures should be established and adopted within 6 months of the approved plan.
- FORA or its successor ~~may be~~ required to provide input to the Army in the five-year reviews as defined in the ESCA grant award. The information must be submitted to the Army by February of the review year. The next Five Year Review is scheduled for 2017.

5.2 Long-Term Operation and Maintenance of LUC Remedy

5.2.1 Pre-Land Transfer from FORA to CSUMB

- FORA will implement the established processes and procedures as outlined in LUCIP/OMP Section 4.0.
- FORA will be responsible for executing annual inspections and annual LUC monitoring reports in accordance with Section 4.0. The annual inspections and annual LUC monitoring reports should be completed and provided to EPA and DTSC as outlined in the MOA (see Appendices E and F).
- FORA shall provide at least 60-day prior notice to the Army, EPA, and DTSC of CSUMB Off-Campus MRA property transfer. The notice shall reference LUCIP/OMP implementation, maintenance, inspection, reporting, and enforcement methods. Property conveyance notification requirements will pass to future property owners.
- Prior to land transfer, CSUMB will establish processes and procedures to implement the requirement of the Monterey County digging and excavation ordinance. Additionally, CSUMB will establish processes and procedures to implement other requirements to execute the LUC remedy as outlined in this LUCIP/OMP.
- LUCs shall be maintained by Section 4.0 delineated periodic inspection and enforcement.

- New property owners will be notified of, and shall comply with, any deed restrictions as described in Section 4.5.

5.2.2 Post-Land Transfer from FORA to CSUMB

- CSUMB will implement the established processes and procedures as prescribed in the Monterey County digging and excavation ordinance. Additionally, CSUMB will implement the processes and procedures outlined in this LUCIP/OMP.
- CSUMB will be responsible for completing annual inspections and providing input to FORA or its successor in order to complete the annual LUC monitoring report in accordance with Section 4.0. The annual inspection and monitoring report should be completed and provided to EPA and DTSC as outlined in the MOA (see Appendices E and F).
- Prior to any ground-disturbing or intrusive activities, a property owner or user within the former Fort Ord intending to conduct intrusive activities must first complete a notification and permitting process per the adopted County digging and excavation ordinance. Once an application for a permit is received by CSUMB, the CSUMB shall review the permit to verify the location of the proposed excavation and to determine if any sites within known LUCs will be affected.
- If the work involved is within the CSUMB Off-Campus MRA, the CSUMB shall contact the Army, EPA, FORA (or its successor) and DTSC by email or written correspondence prior to granting the excavation permit. As described in the Monterey County digging and excavation ordinance, the permit applicant may not move or disturb any soil unless the applicant is in compliance with the requirements placed on the property by the CRUP and deed.
- LUCs shall be maintained by Section 4.0 delineated periodic inspection and enforcement.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT ORD OFFICE, ARMY BASE REALIGNMENT AND CLOSURE
P.O. BOX 5008, BUILDING #4463 GIGLING ROAD
MONTEREY, CALIFORNIA 93944-5008

JUL 21 2015

Base Realignment and Closure

Stan Cook
ESCA Remediation Program Manager
Fort Ord Reuse Authority
920 2nd Avenue
Marina, CA 93933

Subject: *Draft Group 2 Land Use Control Implementation Plan/Operation and Maintenance Plan, California State University Monterey Bay Off-Campus Munitions Response Area, dated May 26, 2015.*

Dear Mr. Cook:

Thank you for an opportunity to review the subject document. The Army's comments are enclosed. Please note our comments are focused on "big picture" issues such as the consistency with the Army's cleanup program. A copy of this letter will be furnished to U.S. Environmental Protection Agency (Judy Huang) and California Department of Toxic Substances Control (Ed Walker).

Sincerely,

A handwritten signature in black ink that reads "William K. Collins" with a stylized flourish at the end.

William K. Collins
BRAC Environmental Coordinator
Fort Ord Field Office

Enclosure

**DRAFT Group 2 Land Use Controls Implementation Plan (LUCIP)/
Operation and Maintenance Plan (OMP), California State University
Monterey Bay (CSUMB) Off-Campus Munitions Response Area (MRA)
May 26, 2015**

Army Comments

1. General comment. The document is unclear regarding the responsibilities and actions of various entities involved. Also there are some inconsistency in the descriptions of planned actions in different sections of the document. Please revise the document to clarify the responsibilities and actions of:

- Fort Ord Reuse Authority (FORA) or its successor entity as a party to the Environmental Services Cooperative Agreement (ESCA) and Administrative Order on Consent (AOC).
- FORA as the current property owner, and subsequent property owners.
- CSUMB as “municipal jurisdiction” (not as a property owner).
- U.S. Environmental Protection Agency (EPA), California Department of Toxic Substances Control (DTSC) and the Army.

The document should be revised to clearly demonstrate the actions and responsibilities of FORA or its successor entity as a party to the ESCA. Under the ESCA, FORA or its successor is responsible for all actions necessary to achieve Site Closeout, including implementation of the selected remedy and any Long-Term Obligations. The ESCA does not authorize any assignment of ESCA responsibilities from FORA (or its successor) to a third party without the prior approval by the Army. Further, the Group 2 Record of Decision (ROD) documents that FORA assumes full responsibility for completion of necessary response actions (except Army Obligations) which include implementing, maintaining, reporting, and enforcing the land use controls. The Group 2 ROD does not provide for any transfer of remedy implementation responsibilities from FORA (or its successor) to another party.

2. This document provides FORA’s plan for remedy implementation for the Group 2 MRA in a manner that mirrors the draft plan for the Group 3 MRAs. The Army’s comments on the draft Group 3 LUCIP OMP apply to this document. Please see the Army’s comments in the letter dated June 23, 2015 (Administrative Record number: ESCA-0301.3). Additional comments specific to the Group 2 LUCIP OMP are listed below.
3. Page 1-1. Section 1.0 Introduction. Fourth paragraph. The first two sentences describe munitions constituents that are not part of the scope of the draft Group 2 LUCIP OMP. Suggestion to modify the first sentence (or combine the first two sentences) to remove text “will be handled accordingly” since such procedures are not provided in this plan.
4. Page 1-6. Section 1.4.4 Long-Term Management Measures. Existing Land Use Restrictions. The section should be updated to reflect that the deed for the CSUMB Off-Campus MRA property currently includes a residential use restriction that applies to the entire parcel, and that the Army will modify the deed to remove the restriction on the proposed future residential reuse area. Similarly, the covenant to restrict the use of property (CRUP) for the property restricts residential use; the Group 2 LUCIP OMP should describe the current status of the CRUP amendment to remove the restriction from the proposed future residential reuse area (the amendment has not yet been completed.) (This comment applies to Section 3.3 and Section 3.4.)

5. Page 2-8. Section 2.6 Potential Future Land Use and Resources Uses. Second bullet. The description of the non-residential portion of the property includes a 100-ft buffer along the Natural Resources Management Area (NRMA) interface and cites the *Summary of Existing Data Report* (SEDR) developed by the ESCA Remediation Program Team in 2008. That document mentions a “borderland buffer along the NRMA interface” without any distance, citing the *Installation-wide Multispecies Habitat Management Plan for Former Fort Ord, California* (HMP), and displayed a “200-ft buffer from borderland interface” citing draft Habitat Conservation Plan being developed by FORA. The information about the buffer should be clarified to avoid misinterpretation, since the 100-ft width is not specified in the HMP.
6. Page 4-4. Section 4.2 Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities. First paragraph. Second to the last sentence states that CSUMB shall determine the level of construction support required during the excavation permitting process. In Section 3.2, the County in consultation with DTSC determine the level of construction support required. Please resolve the discrepancy.

In the event that a MEC item is discovered, the probability of encountering MEC is to be reassessed. As we commented on the draft Group 3 LUCIP OMP, the process of reassessment should be consistent with the current process as documented in the LUCIP OMP for the Parker Flats MRA Phase I (Administrative Record number: ESCA-0166) and a FORA memorandum on the subject dated March 24, 2009 (Administrative Record number: ESCA-0148).

7. Page 4-8. Section 4.5.1 Compliance with LUCIP/OMP. First sentence. The text suggests that 2008 Memorandum of Agreement among DTSC, FORA and local jurisdictions, including CSUMB, concerning monitoring and reporting of environmental restrictions in CRUPs (the 2008 MOA) requires CSUMB to facilitate the implementation of the remedy. This is not a true statement and should be revised.

Chieko Nozaki (Chenega Support Services)
831-899-7372



Department of Toxic Substances Control



Matthew Rodriguez
Secretary for
Environmental Protection

Barbara A. Lee, Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Edmund G. Brown Jr.
Governor

August 11, 2015

Mr. Stan Cook
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, California 93933

DRAFT GROUP 2 LAND USE CONTROLS IMPLEMENTATION PLAN/OPERATION AND MAINTENANCE PLAN CALIFORNIA STATE UNIVERSITY MONTEREY BAY OFF-CAMPUS MUNITIONS RESPONSE AREA, FORMER FORT ORD MONTEREY COUNTY, CALIFORNIA MAY, 2015

Dear Mr. Cook:

The Department of Toxic Substances Control (DTSC) has reviewed the Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan California State University Monterey Bay Off-Campus Munitions Response Area (LUCIP/OMP) and provides the following comments.

General Comments

The Five-Year Review is repeatedly discussed as an opportunity for the Army to modify or terminate the land use control (LUC). Modification or termination of LUCs is not the purpose of the Five-Year Review. During the Five-Year Review, the Army will document an evaluation of the long-term effectiveness of the remedy. While a request to modify or terminate the LUC can be submitted any time, this is not the focus of the Five-Year review. Proper documentation of additional remediation will be required before institutional controls (IC) can be dropped or the LUC can be terminated. Further details should be included in the LUCIP/OMP on the process for modifying ICs or LUCs.

The LUCIP/OMP should describe events and activities in sufficient detail so they can be performed and reported. Various activities listed identify the entity who will develop events and activities. Please develop the events and activities, then document and describe them in the revised draft LUCIP/OMP.

All the ICs should be framed as requirements of the Covenant to Restrict Use of Property (CRUP) that will remain in place until further remediation is completed and documented, and a CRUP variance or termination has been approved by DTSC and U.S. Environmental Protection Agency. Please reference the CRUPS in place.

The LUCs discussed come with long-term financial responsibilities to various entities. Please provide a discussion on financial responsibilities that includes a discussion of how ongoing costs will be paid if, for whatever reason, one of these entities is no longer able to meet their obligations.

Specific Comments

Glossary. Please define "Depth of Detection."

Glossary, page vii. Define "10 U.S.C."

Section 1.4. Stipulations in the existing deeds are mentioned several times including in Section 1.4. Please include a copy of the deeds in the LUCIP/OMP.

Section 1.4, Paragraph 4. The purpose of the Five-Year Review is to determine if the remedy is still protective. Please explain in the LUCIP/OMP that if restrictions in the CRUP are no longer protective, additional remediation may be required. Modifications to the CRUP can be requested at any time but must be approved by EPA and DTSC.

Section 1.4.1 and 1.4.2. It is unclear that MEC Recognition and Safety Training and Construction Support are not Long-Term Management Measures. If these LUCs are not included in the long term management sections, then the LUCIP needs to clearly identify that these measure are intended to be implemented until such time that regulatory concurrence is achieved to remove them. The process for removing the LUCs should be identified.

Section 1.4.3. This section should mention the DTSC residential protocol which may be required before termination of the residential restriction. If residential development of a portion of the property is proposed, then a remedial work plan may be required by DTSC.

Section 1.4.4, Five-year Review Reporting. Further remedial activities will be required before termination of the LUCs can be approved. The LUCIP/OMP needs to provide details on the process for termination of LUCs.

Section 3.1, Second paragraph. Implementation of MEC Recognition and Safety Training is discussed throughout the LUCIP/OMP. Please provide further details on how this will be implemented. Please provide specific information on who this training will be available to, who to contact to get the training, and what agreements are in place for the training providers identified.

Section 3.2, Second paragraph. The development of a construction support plan requires Group 3 jurisdictions in consultation with DTSC, to determine the level of construction support required for a project on a case-by-case basis. Further detail is needed to define what data is used and how the case-by-case evaluation is performed. The procedures for implementing construction support need to be developed and included in this document.


Section 3.4, Third paragraph. Please provide specific details on what the annual monitoring and reporting consists of and what is required for group 2 MRA.

Section 4.0, Third paragraph. This section discusses 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 MEC recognition and safety training, construction support, and after action reporting. Please provide detailed guidance for jurisdictions to achieve these directives.

Section 4.1.1, Remedy Implementation Phase. Please rewrite the second bullet for clarity.

Section 4.1.1. The MEC recognition and safety training should be developed and referenced in the LUCIP/OMP.

Section 4.2. First paragraph. The section identifies that CSUMB shall determine the level of construction support required on a case-by-case basis, but identifies that the probability of encountering MEC is low for the site. The section provides relatively specific construction support requirements for low probability sites. It is unclear whether a case-by-case evaluation is needed or if the level of support is already determined based on low probability. Further detail on the level of construction support should be included rather than relying on CSUMB to determine that at a later date.

 Section 4.2, Paragraph 3. The section identifies that when MEC is found, intrusive or ground disturbing work will immediately cease. Further detail needs to be added to define what work needs to cease and the process needed to begin work.

Section 4.2.1. References that identify current probability of encountering MEC within the MRA and available mapping should be specifically identified and included in this LUCIP/OMP.

Section 4.2.2. Remedy Implementation Phase Bullets 1 and 2 should be developed and included in the LUCIP/OMP.

Section 4.2.3. Please update annual LUC inspection checklist and include them in the plan.

Section 4.2.4. Please specify that the Army will evaluate the remedy and determine if it is still protective during the five-year review. Please discuss what happens if it is determined that the LUCs are not protective or no longer needed.

Section 4.3.2. Please specify that termination of the residential restriction will require additional remedial activities. Conditions for termination of the residential CRUP should identify that DTSC's Residential Protocol is a DTSC requirement that will need to be addressed prior to removing residential restrictions. Please include DTSC's Residential Protocol in the reference section.

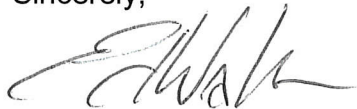
Mr. Stan Cook
August 11, 2015
Page 4

Section 4.8. As a result of MEC incidents the regulatory agencies may request additional investigation and/or follow-up actions based on the MEC-related data identified during the incident. Further evaluation on this process needs to be performed. The LUCIP/OMP is not clear on what effect this evaluation could have on the continuation of work after a MEC incident and prior to further evaluation being completed.

Section 4.9.2. If it is determined that selected remedy is no longer protective, this section is not clear on who's responsibility it would be to perform additional response. The scope of Fora's obligations under ESCA and the Army's obligations should be sufficiently clear for this to be implementable. This section appears to indicate that there may be significant disagreement on respective obligations.

We appreciate the opportunity to review the subject document. If there are any questions pertaining to the comments provided, please contact me at (916) 255-4988.

Sincerely,



Ed Walker
Project Manager
Military Sites and Corrective Action Unit
Brownfields and Environmental Restoration Program

cc: (By email)

Ms. Judy C. Huang, P.E.
Remedial Project Manager
U.S. Environmental Protection Agency, Region 9
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July 27, 2015

Mr. Stan Cook
FOR A ESCA Program Manager
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, CA 93933

Re: *Draft Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan (LUCIP/OMP) California State University Monterey Bay (CSUMB) Off-Campus Munitions Response Area (MRA) (May 26, 2015)*

Dear Mr. Cook:

CSUMB has reviewed the *Draft LUCIP/OMP for the CSUMB Off-Campus MRA* property which, upon conveyance, would allow non-residential (283 acres) and residential uses (49 acres). Like Monterey Peninsula College, CSUMB acknowledges that the University is required to comply with the local digging/excavation ordinances regarding construction on Fort Ord. However, as a state agency, CSUMB is not subject to project review or permitting by the local jurisdictions and seeks clarification as to how these requirements will be met and carried out for the University.

The Campus offers the following suggestions in order to clarify the process for implementing land use restrictions and to identify procedures for responding to MEC discoveries for the Group 2 Comprehensive Environmental Response, Compensation, and Liability Act (CERCAL) Record of Decision (ROD).

UXO-Qualified Personnel and UXO Technicians (pg xi)

- How does one become qualified UXO personnel; is this something local construction staff or others can be trained to do?

1.4 Description of Selected Remedy (pg1-4)

(2) *Construction support by UXO-qualified personnel for ground-disturbing or intrusive activities.*

- Please clarify the level of “support” required for low or high risk parcels.

1.4.1 MEC Recognition and Safety Training (pg 1-5)

Prior to conducting ground-disturbing or intrusive activities, property owners will be required to notify FORA or its successor for MEC recognition and safety training for those performing ground-disturbing or intrusive activities.

- Please clarify the process for notification.

1.4.2 Construction Support (pg 5-1)

Construction support by UXO-qualified personnel is required during any intrusive or ground-disturbing construction activities... CSUMB in consultation with DTSC, shall determine the level of construction support required on a case-by-case basis.

- Please clarify the process, timing and cost for determining construction support.

1.4.3 Restrictions Prohibiting Residential Use (pg1-6)

Residential use restrictions placed on the CSUMB Off-Campus MRA proposed future non-residential reuse area at the time the property was transferred to FORA will be maintained.

- Perhaps the “Off-Campus MRA” should be called “campus MRA” since it will be on-campus once the transfer occurs.
- Please clarify this language and make sure it is consistent throughout indicating that 49 acres previously restricting residential use will be modified to allow residential use.

1.4.4 Long-Term Management Measures (pg1-6)

The CRUP for the CSUMB Off-Campus MRA parcel was amended to restrict residential use only in the proposed future non-residential reuse area.

- Suggested language: *The CRUP was amended to allow 49 acres of residential use in a previously non-residential reuse area.*

2.4 CSUMB Off-Campus MRA Remedial Investigation Summary (pg2-5)

Please clarify throughout that the 49 acres was recommended as acceptable for future residential reuse with appropriate intuitional controls, such as the local digging and excavation ordinance, construction support.

2.6 Potential Future Land and Resource Uses (pg 2-8)

Residential (CSUMB campus housing)...for use as off-campus housing for CSUMB (CSUMB 2007).

- Note that future housing developed on this property will be on-campus housing, not off-campus housing.

Non-residential (CSUMB open space park), Parcel SI.3.2 – The eastern portion of the MRA (approximately 284 acres) is proposed for an oak woodland and maritime chaparral open space park with a 100-ft buffer along the Natural Resource Management Area interface (ESCA RP Team 2008).

- CSUMB’s proposed Open Space has not been defined in detail as a “park”.

- Should the 100-ft buffer refer to the 200-ft Multi-Species Habitat Management Plan borderland requirement? Is this in a map somewhere?

3.1 MEC Recognition and Safety Training (pg 3-1)

In addition to the ROD requirement, people conducting ground–disturbing or intrusive activities are also required to obtain MEC recognition and safety training as a condition for excavation permits under the local digging and excavation ordinance.

- As a state agency, how will CSUMB’s process interact the County’s permitting process?

3.2 Construction Support (pg 3-1)

Implementation Strategy: Construction support is required for ground-disturbing or intrusive activities and is being implemented through an excavation permitting process under the Monterey County (County) digging and excavation ordinance.

- As a state agency, how will CSUMB’s process interact the County’s permitting process?

During the excavation permitting process, the County in consultation with DTSC, determine the level of construction support required for a project 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. To facilitate implementation of construction support, FORA will develop procedures for construction support planning, including guidelines and requirements for determining appropriate levels of construction support, response to potential MEC finds, reporting and documentation.

- Is there a map or flow chart to determine the level of construction support for projects within the first four feet?

3.3 Restrictions Prohibiting Residential Use (pg 3-2)

To ensure the residential use restriction is maintained, FORA and CSUMB conduct annual inspections of the MRA, including review of property transfers and deed amendments, development activities and changes in land use.

- What do annual inspections entail?
- Will there be a template for this review to clarify what an inspection is?

4.0 Remedy Implementation Actions (pg 4-1)

All applicable local Building Codes and permits apply to the CSUMB Off-Campus MRA property. In addition, the County has adopted a digging and excavation ordinance that specifies special standards and procedures for ground disturbing activities on the former Fort Ord (“digging and excavation ordinance”).

- As a state agency, how will CSUMB’s process interact the County’s permitting process? CSUMB is not subject to local Building Codes and does not apply for permits from any of its underlying jurisdictions.
- How should CSUMB comply with the documentation of “*construction activities?*”

4.2 Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities (pg 4-4)

Construction support will be arranged through CSUMB during the construction maintenance planning stages of the project prior to the start of any “construction activities.” Requirements for construction support will be implemented consistent with the Monterey County digging and excavation ordinance... CSUMB shall determine the level of construction support required on a case-by-case basis during the excavation permitting process. The level of construction support is determined based on the probability of encountering MEC.

- In section 3.2 it says *the County in consultation with DTSC, determine the level of construction support required for a project on a case-by-case basis.* Who determines the level of construction support?

4.2.1 Construction Support Planning (pg 4-4)

FORA will provide references to information to support CSUMB in implementation of construction support requirements, including references that identify current probability of encountering MEC within the MRA and available mapping as appropriate, including the Group 2 ROD and other references in Section 6.0 of the LUCIP/OMP.

- Since the campus does not request permits from another agency, is it CSUMB’s or another agency’s responsibility to access the probability of encountering MEC?
- Is there a map the already indicates the level of risk at different locations?

CSUMB shall implement the special standards and procedures as defined in the County digging and excavation ordinance. Requirements include description of previous MEC activities, completion and submittal of all other appropriate permits, detailed description of site and proposed “construction activities”, excavation permits and plans for “construction activities”, construction support requirements including construction support, and preparation and submittal of after action reports.

- As a state agency that does require permits from Monterey County or other underlying jurisdictions, please clarify how CSUMB, can comply with the Monterey County Ordinance.

The Director of Environmental and Natural Resource Management at Presidio of Monterey is to make accessible all available documentation that identifies current probability of encountering MEC in the CSUMB Off-Campus MRA and available mapping, as appropriate, on the Army’s Fort Ord Administrative Record.

- Is this the Director of Environmental and Natural Resource Management and FORA that will provide this information?

4.2.2 Construction Support Evidence of MEC (pg 4-5)

Remedy Implementation Phase

Excavation permits issued by CSUMB will require a provision for land owners or contractors to stop work and report potential MEC finds to local law enforcement and notification to FORA and regulatory agencies.

- As a state agency, how will CSUMB's process interact the County's permitting process? Please clarify the permitting and ordinance process throughout.

4.2.3 Construction Support Documentation and Reporting (pg 4-6)

CSUMB to develop excavation permit construction support documentation reporting procedures, consistent with County digging and excavation ordinance, to support annual LUC monitoring report.

- Please clarify and make sure this language is consistent throughout.

4.4.1 LUCIP/OMP Annual Inspections (pg4-7)

LUCIP/OMP objectives compliance includes on-site inspections and review of local building and planning department records, and construction support potential MEC finds report review.

- Suggestion - replace "local" with "CSUMB" and define what on-site inspections entail.

4.5.1 Compliance with LUCIP/OMP (pg 4-8)

This will include LUCIP/OMP annual LUC inspections and reporting (Section 4.4) as well as execution of requirement of the Monterey County digging and excavation ordinance.

- Suggestion – add "as it pertains to CSUMB"

5.2.1 Pre-Land Transfer from FORA to CSUMB (pg 5-1)

Prior to land transfer; CSUMB will establish processes and procedures to implement the requirement of the Monterey County digging and excavation ordinance. Additionally, CSUMB will establish processes and procedures to implement other requirements to execute the LUC remedy as outlined in this LUCIP/OMP.

- Keep language consistent throughout regarding how CSUMB complies with the Monterey County Ordinance.

5.2.2 Post-Land Transfer from FORA to CSUMB (pg 5-2)

Prior to any ground-disturbing or intrusive activities, a property owner or user within the former Fort Ord intending to conduct intrusive activities must first complete a notification and permitting process per the adopted County digging and excavation ordinance. Once an application for a permit is received by CSUMB, the CSUMB shall review the permit to verify the location of the proposed excavation and to determine if any sites within known LUCs will be affected.

- Keep ordinance compliance language consistent throughout.

Thank you for the opportunity to provide feedback on the first draft of this document. We look forward to working with you all to improve the ease of implementation of this plan.

Respectfully submitted

A handwritten signature in blue ink, appearing to read "Chris Placco". The signature is fluid and cursive, with a large initial "C" and "P".

Christopher O. Placco, AIA
Associate Vice President, Campus Planning & Development

APPENDIX L

Response to Comments on the Draft Final Group 2 LUCIP/OMP

Response to Comments
 Draft Final Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan,
 dated May 15, 2017
 Review Comments provided by Maeve Clancy of the EPA, dated June 19, 2017
 Specific Comments

No.	Comment Type / Report Section	Comment/Response
1	Section 4.2, Munitions Recognition and Safety Training, and Section 4.3, Construction Support	<p>Comment: Consider adding language to the document that describes the process to review proposals to remove the munitions recognition and safety training and the construction support requirements, similar to section 4.4.1 related to removing the residential use restriction. The removal of these requirements could potentially be done before removing the residential use restriction, and included as justification for the later removal of that restriction.</p> <p>Response: Section 4.2.5 has been added and Section 4.2 has been revised to include discussion of the process for removing the requirement for munitions recognition and safety training. Section 4.3.7 has been added and Section 4.2 has been revised to include discussion of the process for removing the requirement for construction support during ground-disturbing or intrusive activities.</p>

Response to Comments
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Response to Comments
 Draft Final Group 2 Land Use Controls Implementation Plan/Operation and Maintenance Plan,
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 Review Comments provided by William K. Collins of the Army, dated June 6, 2017
 Specific Comments

No.	Comment Type / Report Section	Comment/Response
1	Page 1-5, Section 1.4, Description of Selected Remedy	<p>Comment: Final paragraph. The subject of this paragraph is that, at the time of the signature of the Group 2 Record of Decision (ROD), the Army and the regulatory agencies had agreed to disagree on whether California laws and regulations concerning covenants to restrict the use of property (CRUPs) are considered potential applicable or relevant and appropriate requirements (ARARs).</p> <ul style="list-style-type: none"> • The second sentence describes that the CRUP for the CSUMB Off-Campus MRA property was amended after the signature of the Group 2 ROD. This does not affect the prior agreement and therefore should be deleted from this paragraph to avoid confusing the issue. • The final sentence should be revised to mirror the text in the Group 2 ROD (“...since the Army executed the CRUPs and the DTSC [California Department of Toxic Substances Control] agreed to modify the CRUPs, as appropriate, to be consistent with the identified remedy.”) It would be appropriate to then add a sentence “Subsequent to the Group 2 ROD signature DTSC amended the State CRUP for the CSUMB Off-Campus MRA property (Appendix C).” Please revise. <p>Response: Section 1.4 has been revised as suggested.</p>
2	Page 1-6, Section 1.4.3, Restrictions Prohibiting Residential Use	<p>Comment: The final sentence reads “The DTSC may require additional verification equivalent to the DTSC residential protocol before termination of the residential use restrictions in the Amended State CRUP.” The statement does not address the residential use restriction as a component of the selected remedy. Because it refers to possible future changes, it is suggested to relocate it to Section 1.4.4 Long-Term Management Measures, at the end of “existing land use restrictions” bullet.</p> <p>Response: The cited sentence has been moved to Section 1.4.4 as suggested.</p>
3	Page 3-1, Section 3.1, Munitions Recognition and Safety Training	<p>Comment: At the end of the page, sentence “The annual notification to property owners...” appears twice.</p> <p>Response:</p>

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No.	Comment Type / Report Section	Comment/Response
		The duplicate sentence has been deleted.
4	Page 4-5, Section 4.2, Munitions Recognition and Safety Training	<p>Comment: First paragraph, second sentence. The text suggests that when a suspect item is discovered, the work stoppage in the “immediate area” is optional. It is recommended to remove the ambiguity by deleting the word “or” to read “...activity stops in the immediate vicinity of the suspect munitions item as specified in a construction support plan...” Please check other portions of the document for similar updates.</p> <p>Response: The cited sentence has been revised as follows:</p> <p style="padding-left: 40px;">“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. <i>The construction support plan prepared by a UXO support contractor will identify the size of the stop-work area. For projects that do not require a construction support plan, ground-disturbing or intrusive activities will stop as indicated on the munitions recognition and safety training materials.</i>”</p> <p>Clarifying revisions have been made to similar statements throughout the LUCIP/OMP text and Tables 3 and 4.</p>
5	Page 4-8, Section 4.2.2, Annual Notification of MEC Training Requirements	<p>Comment: Top of the page, it states that CSUMB is the current property owner. The current property owner is FORA. The statement should be modified to remove the inaccuracy.</p> <p>Response: The cited statement has been revised to clarify that property owners, including CSUMB, are responsible for knowing and following the requirements of the digging and excavation ordinance.</p>
6	Page 4-8, Section 4.2.4, Monitoring and Reporting of	<p>Comment: Third paragraph.</p>

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No.	Comment Type / Report Section	Comment/Response
	Munitions Recognition and Safety Training	<ul style="list-style-type: none"> • It describes that annual monitoring by CSUMB will include “verification of annual property owner notification.” In Section 4.2 it was described that the County has the requirement to annually notify property owners. CSUMB will become the property owner of the CSUMB Off-Campus MRA property. Please clarify what the “verification” by CSUMB would entail. • It describes that annual monitoring by CSUMB will include “verification of the continued availability of web-based training resources.” In Section 4.2.1.2 it was described that FORA is responsible for implementing and maintaining the eLearning platform. Please clarify what is involved in the “verification” by CSUMB. <p>Response: In response to the bulleted comments, the second sentence of the third paragraph has been revised as follows:</p> <p style="padding-left: 40px;">“Annual LUC monitoring and reporting requirements include verification of annual property owner notification <i>from the County</i> and transmittal of the MEC Safety Guide and Army Safety Alert pamphlet, verification of the continued availability of web-based training resources <i>by FORA</i>, and compilation of munitions recognition and safety training data in accordance with the MOA with DTSC.”</p>
7	Page 4-15, Section 4.3.1.2, Determining Construction Support Permit and Administrative Requirements	<p>Comment: CSUMB Parcel Consultation and Approvals. CSUMB’s comments on the draft version of LUCIP/OMP indicated it was not subject to the County permit requirement. The first paragraph of this section now discusses that, while CSUMB is not subject to permitting by the County, excavation permits are required. The plan should provide documentation that FORA has coordinated with the County and CSUMB, with regard to their roles in implementing the excavation permit requirement as described in the plan.</p> <p>Response: Section 4.3.1.2 has been revised to include discussion of FORA’s coordination with CSUMB and the County regarding permitting requirements.</p>
8	Page 4-18, Section 4.3.1.3,	<p>Comment:</p>

Response to Comments
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	Determining Construction Support Level Requirements	<p>Minimal Soil Disturbance Activities. Third paragraph. Final sentence notes that discoveries of munitions and explosives of concern (MEC) at a small construction site assessed to have low probability of encountering MEC would require reassessment of the level of construction support. Please add a reference to Section 4.3.5 for the process of the reassessment after discovery of MEC in a low-probability site. Please also add text to ensure that FORA will be notified of a discovery of MEC so that the reassessment can be initiated in a timely manner.</p> <p>Response: Sections 4.3.1.3 and 4.3.5 have been revised to include notification to FORA of the discovery of a MEC item. A statement has also been added to Section 4.3.1.3 to refer the reader to Section 4.3.5 for details on the process for reassessment of the probability of encountering MEC.</p>
9	Page 4-23, Section 4.3.2.4, Suspect Munitions Item Response During On-call Construction Support	<p>Comment: Second paragraph describes the general sequence of work stoppage in response to a discovery of a suspect munitions item. First, when a suspect munitions item is discovered, work in the “immediate area” is stopped. In draft-final LUCIP/OMP for the Group 3 MRAs, the “immediate area” is a 200-ft radius area (this is specified in the template for on-call construction support plan). In contrast, this LUCIP/OMP for the Group 2 MRA does not specify the size of the “immediate area” of work stoppage, allowing for it to be identified on a site-by-site basis. Therefore, the appropriateness of the size of the “immediate area” would be subject to agency approval through the construction support plan review process. To assist with that review, please include a requirement (here or in the template for the construction support plan) that a supporting rationale be provided for the planned size of the “immediate area” that will be identified in the construction support plan.</p> <p>Response: The cited statement has been revised in response to Army Comment 4 and the On-Call Construction Support Plan Template provided in Appendix I has been revised to include rationale for the area specified where work will stop in the event a suspect munitions item is encountered.</p>
10	Page 4-24, Section 4.3.2.5, On-call Construction	<p>Comment: Third sentence describes that the permittee must submit the after action report to FORA, Army, EPA and DTSC. In Section 5.2.2, it was described that the County has the responsibility to ensure reports are received. Please either add the County to the list of entities to whom the</p>

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No.	Comment Type / Report Section	Comment/Response
	Support After Action Reporting	<p>permittee will submit the report, or describe how the County will be provided a copy (e.g., forwarded by FORA).</p> <p>Response: The cited text in Sections 4.3.2.5 has been revised to state that for permitted on-call construction support projects, the permittee must submit the Construction Support After Action Report to the permitting agency, FORA, Army, EPA, and DTSC within 30 days of project completion. Similar revisions have been made to Sections 4.3.3 and 4.3.3.5.</p> <p>Section 5.2.2 has been revised to state that the County, as a permitting agency, will ensure Construction Support After Action Reports are received from permittees and distributed by permittees to FORA, Army, EPA, and DTSC.</p>
11	Page 4-35, Section 4.4, Restrictions Prohibiting Residential Use	<p>Comment: First paragraph. The last sentence indicates that the residential use restriction in the current deed will be maintained. Please update the statement to reflect that the Army will modify the existing land use restrictions in the federal deed, as necessary, to reflect the selected remedy.</p> <p>Response: A sentence has been added to clarify that the Army will modify the existing land use restrictions in the federal deed, as necessary, to reflect the selected remedy.</p>
12	Page 4-35, Section 4.4, Restrictions Prohibiting Residential Use	<p>Comment: Third paragraph. The text indicates that FORA and the County will not only ensure that the residential use restriction on the non-residential reuse-portion of the property is maintained, but also other provisions of the Environmental Protection Provisions (EPP) remain in place. Those “other” EPP provisions are not necessarily related to Comprehensive Environmental Response, Compensation, and Liability Act (e.g. notice of asbestos and lead-based paint). Since this section is about implementation of the residential use restriction as a component of the selected remedy, and to avoid confusing the issue, please identify the specific EPP provisions that relate to the residential use restriction.</p> <p>Response: The third paragraph has been revised as follows:</p>

Response to Comments
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		<p>“FORA will review <i>ensure</i> the deed transferring CSUMB Off-Campus MRA property to CSUMB to ensure <i>includes land use restrictions in the residential use restrictions and other Environmental Protection Provisions (EPPs), including residential use restrictions</i>, placed on the property by the Army remain in place. In addition, the County reviews the deed, property transfer documents, deed amendments and other property filings associated with the CSUMB Off-Campus MRA properties to ensure <i>land use restrictions in the EPPs, including the residential use restrictions and other EPPs</i> placed on the property by the Army, remain in place.”</p>
13	Page 5-13, Section 5.4.3, Residential Use Restriction	<p>Comment: Please update the section to reflect that the Army will modify the existing land use restrictions in the federal deed, as necessary, to reflect the selected remedy.</p> <p>Response: The first bullet of Section 5.4.3 has been updated.</p>
14	Table 1, Roles, Responsibilities, and Authority for LUC Remedy Implementation and Enforcement	<p>Comment:</p> <ul style="list-style-type: none"> • For the row providing information for CSUMB, “Property Deed” is listed twice in the “authority” column. Remove the duplicate. • For the row providing information for landowners, add “Amended State CRUP” to the “authority” column. <p>Response: Table 1 has been revised as suggested.</p>
15	Figure 3, Probability of Encountering MEC	<p>Comment: Please add a note to the figure indicating that the probability shown is general information, and that each project should be assessed for the probability of encountering MEC based on site-specific information and planned activities. (The note is provided in Table 2.)</p> <p>Response: Figure 3 has been revised to include the suggested note.</p>

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 General Comments

No.	Comment Type / Report Section	Comment/Response
1	General Comment	<p>Comment: When writing about After Action Reporting, could you clarify, throughout the document, who is responsible for completing After Action Reports.</p> <p>Response: For permitted on-call and on-site construction support projects, the permittee is responsible for completion and submittal of Construction Support After Action Reports to the permitting agency and FORA, Army, EPA, and DTSC. For on-site construction support projects that do not require a permit, the property owner is responsible for completion and submittal of Construction Support After Action Reports to FORA, Army, EPA and DTSC. Clarifying revisions have been made throughout the LUCIP/OMP text and Tables 3 and 4.</p>

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No.	Comment Type / Report Section	Comment/Response
1	Page 2-3, Section 2.4, Potential Future Land and Resource Uses	<p>Comment: Please reference figures in the text or in the bulleted paragraphs when describing Residential Parcel S1.2.3.</p> <p>Response: References to Figure 3 have been added to the bullets in Section 2.4.</p>
2	Page 4-4, Section 4.1.4, Deed Restrictions	<p>Comment: First paragraph, sentence starting with “The deeds also provide notice to future....” Please re-write the sentence and make it more clear.</p> <p>Response: The cited sentence has been revised as follows:</p> <p style="padding-left: 40px;">“The <i>Federal</i> deed also <i>includes requirements for providing notice of the potential for the presence of MEC</i> provide notice to future property owners of the potential for the presence MEC and <i>requirements</i> to immediately stop any ground-disturbing or intrusive activities in the area or in any adjacent areas <i>in the event a MEC item is encountered</i>, 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.”</p>
3	Page 4-22, Section 4.3.2.1, On-Call Construction Support Plan	<p>Comment: Last bullet. Reporting and Notification Requirements. Please specify who is responsible for writing these reports.</p> <p>Response: The cited bullet has been revised to specify that the reporting and notification requirements are to be completed by the permittee.</p>
4	Page 4-24, Section 4.3.2.4, MEC Item Response During On-call Construction Support	<p>Comment: Second paragraph. Please explain who is doing the MEC assessment to determine that current level of construction support is appropriate.</p> <p>Response: The cited sentence has been revised to clarify that the MEC find assessment is conducted by FORA in consultation with the Army, EPA, and DTSC.</p>
5	Page 4-35, Section 4.4.1, Process for	<p>Comment:</p>

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No.	Comment Type / Report Section	Comment/Response
	Review of Proposals to Remove Residential Use Restriction	<p>Please include a statement saying that in order to remove residential use restrictions, DTSC's Residential Protocol would need to be implemented.</p> <p>Response: A statement has been added to Section 4.4.1 clarifying that the DTSC may require additional verification equivalent to the DTSC residential protocol before termination of the residential use restrictions in the Amended State CRUP.</p>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

June 19, 2017

Mr. Stan Cook
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, CA 93933

Re: Draft Final Land Use Controls Implementation Plan/Operation and Maintenance Plan,
California State University Monterey Bay Off-Campus Munitions Response Area, Former Fort
Ord, Monterey County, California, May 15, 2017

Dear Stan:

EPA has received the *Draft Final Land Use Controls Implementation Plan/Operation and Maintenance Plan, California State University Monterey Bay Off-Campus Munitions Response Area, Former Fort Ord, Monterey County, California* dated April 17, 2017. One comment related to potential future removal of LUC requirements is attached.

If you have any questions, please do not hesitate to call me at (415) 947-4105 or e-mail me at clancy.maeve@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Maeve Clancy".

Maeve Clancy
Remedial Project Manager

cc:(via email)
Vlado Arsov, CalEPA DTSC
William K. Collins, Fort Ord BRAC Office
Noel Shrum, CalEPA DTSC
Christopher Spill, ARCADIS

**Final Land Use Controls Implementation Plan/Operation and Maintenance Plan
California State University Monterey Bay Off-Campus Munitions Response Area
Former Fort Ord, Monterey County, California
May 15, 2017**

Sections 4.2—Munitions Recognition and Safety Training and 4.3—Construction Support:
Consider adding language to the document that describes the process to review proposals to remove the munitions recognition and safety training and the construction support requirements, similar to section 4.4.1 related to removing the residential use restriction. The removal of these requirements could potentially be done before removing the residential use restriction, and included as justification for the later removal of that restriction.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT ORD OFFICE, ARMY BASE REALIGNMENT AND CLOSURE
P.O. BOX 5008, BUILDING #4463 GIGLING ROAD
MONTEREY, CALIFORNIA 93944-5008

JUN 06 2017

Base Realignment and Closure

Stan Cook
ESCA Remediation Program Manager
Fort Ord Reuse Authority
920 2nd Avenue
Marina, CA 93933

Subject: *Draft Final Group 2 Land Use Control Implementation Plan/Operation and Maintenance Plan, California State University Monterey Bay Off-Campus Munitions Response Area*, dated May 15, 2017.

Dear Mr. Cook:

Thank you for an opportunity to review the subject document. The Army's comments are enclosed. Please note our comments are focused on "big picture" issues such as the consistency with the Army's cleanup program. A copy of this letter will be furnished to U.S. Environmental Protection Agency (Maeve Clancy) and California Department of Toxic Substances Control (Vlado Arsov).

Sincerely,

A handwritten signature in cursive script that reads "William K. Collins".

William K. Collins
BRAC Environmental Coordinator
Fort Ord Field Office

Enclosure

DRAFT FINAL Group 2 Land Use Controls Implementation Plan (LUCIP)/
Operation and Maintenance Plan (OMP), California State University
Monterey Bay (CSUMB) Off-Campus Munitions Response Area (MRA)
May 15, 2017

Army Comments

1. Page 1-5. Section 1.4 Description of Selected Remedy. Final paragraph. The subject of this paragraph is that, at the time of the signature of the Group 2 Record of Decision (ROD), the Army and the regulatory agencies had agreed to disagree on whether California laws and regulations concerning covenants to restrict the use of property (CRUPs) are considered potential applicable or relevant and appropriate requirements (ARARs).
 - The second sentence describes that the CRUP for the CSUMB Off-Campus MRA property was amended after the signature of the Group 2 ROD. This does not affect the prior agreement and therefore should be deleted from this paragraph to avoid confusing the issue.
 - The final sentence should be revised to mirror the text in the Group 2 ROD (“...since the Army executed the CRUPs and the DTSC [California Department of Toxic Substances Control] agreed to modify the CRUPs, as appropriate, to be consistent with the identified remedy.”) It would be appropriate to then add a sentence “Subsequent to the Group 2 ROD signature DTSC amended the State CRUP for the CSUMB Off-Campus MRA property (Appendix C).” Please revise.
2. Page 1-6. Section 1.4.3 Restrictions Prohibiting Residential Use. The final sentence reads “The DTSC may require additional verification equivalent to the DTSC residential protocol before termination of the residential use restrictions in the Amended State CRUP.” The statement does not address the residential use restriction as a component of the selected remedy. Because it refers to possible future changes, it is suggested to relocate it to Section 1.4.4 Long-Term Management Measures, at the end of “existing land use restrictions” bullet.
3. Page 3-1. Section 3.1 Munitions Recognition and Safety Training. At the end of the page, sentence “The annual notification to property owners...” appears twice.
4. Page 4-5. Section 4.2. Munitions Recognition and Safety Training. First paragraph, second sentence. The text suggests that when a suspect item is discovered, the work stoppage in the “immediate area” is optional. It is recommended to remove the ambiguity by deleting the word “or” to read “...activity stops in the immediate vicinity of the suspect munitions item as specified in a construction support plan...” Please check other portions of the document for similar updates.
5. Page 4-8. Section 4.2.2 Annual Notification of MEC Training Requirements. Top of the page, it states that CSUMB is the current property owner. The current property owner is FORA. The statement should be modified to remove the inaccuracy.
6. Page 4-8. Section 4.2.4 Monitoring and Reporting of Munitions Recognition and Safety Training. Third paragraph.
 - It describes that annual monitoring by CSUMB will include “verification of annual property owner notification.” In Section 4.2 it was described that the County has the requirement to annually notify property owners. CSUMB will become the property owner of the CSUMB Off-Campus MRA property. Please clarify what the “verification” by CSUMB would entail.

- It describes that annual monitoring by CSUMB will include “verification of the continued availability of web-based training resources.” In Section 4.2.1.2 it was described that FORA is responsible for implementing and maintaining the eLearning platform. Please clarify what is involved in the “verification” by CSUMB.
7. Page 4-15. Section 4.3.1.2 Determining Construction Support Permit and Administrative Requirements. CSUMB Parcel Consultation and Approvals. CSUMB’s comments on the draft version of LUCIP/OMP indicated it was not subject to the County permit requirement. The first paragraph of this section now discusses that, while CSUMB is not subject to permitting by the County, excavation permits are required. The plan should provide documentation that FORA has coordinated with the County and CSUMB, with regard to their roles in implementing the excavation permit requirement as described in the plan.
 8. Page 4-18. Section 4.3.1.3 Determining Construction Support Level Requirements. Minimal Soil Disturbance Activities. Third paragraph. Final sentence notes that discoveries of munitions and explosives of concern (MEC) at a small construction site assessed to have low probability of encountering MEC would require reassessment of the level of construction support. Please add a reference to Section 4.3.5 for the process of the reassessment after discovery of MEC in a low-probability site. Please also add text to ensure that FORA will be notified of a discovery of MEC so that the reassessment can be initiated in a timely manner.
 9. Page 4-23. Section 4.3.2.4 Suspect Munitions Item Response During On-call Construction Support. Second paragraph describes the general sequence of work stoppage in response to a discovery of a suspect munitions item. First, when a suspect munitions item is discovered, work in the “immediate area” is stopped. In draft-final LUCIP/OMP for the Group 3 MRAs, the “immediate area” is a 200-ft radius area (this is specified in the template for on-call construction support plan). In contrast, this LUCIP/OMP for the Group 2 MRA does not specify the size of the “immediate area” of work stoppage, allowing for it to be identified on a site-by-site basis. Therefore, the appropriateness of the size of the “immediate area” would be subject to agency approval through the construction support plan review process. To assist with that review, please include a requirement (here or in the template for the construction support plan) that a supporting rationale be provided for the planned size of the “immediate area” that will be identified in the construction support plan.
 10. Page 4-24. Section 4.3.2.5 On-call Construction Support After Action Reporting. Third sentence describes that the permittee must submit the after action report to FORA, Army, EPA and DTSC. In Section 5.2.2, it was described that the County has the responsibility to ensure reports are received. Please either add the County to the list of entities to whom the permittee will submit the report, or describe how the County will be provided a copy (e.g., forwarded by FORA).
 11. Page 4-35. Section 4.4 Restrictions Prohibiting Residential Use. First paragraph. The last sentence indicates that the residential use restriction in the current deed will be maintained. Please update the statement to reflect that the Army will modify the existing land use restrictions in the federal deed, as necessary, to reflect the selected remedy.
 12. Page 4-35. Section 4.4 Restrictions Prohibiting Residential Use. Third paragraph. The text indicates that FORA and the County will not only ensure that the residential use restriction on the non-residential reuse-portion of the property is maintained, but also other provisions of the Environmental Protection Provisions (EPP) remain in place. Those “other” EPP provisions are not necessarily related to Comprehensive Environmental Response, Compensation, and Liability Act (e.g. notice of asbestos and lead-based paint). Since this section is about implementation of

the residential use restriction as a component of the selected remedy, and to avoid confusing the issue, please identify the specific EPP provisions that relate to the residential use restriction.

13. Page 5-13. Section 5.4.3 Residential Use Restriction. Please update the section to reflect that the Army will modify the existing land use restrictions in the federal deed, as necessary, to reflect the selected remedy.
14. Table 1, Roles, Responsibilities, and Authority for LUC Remedy Implementation and Enforcement.
 - For the row providing information for CSUMB, “Property Deed” is listed twice in the “authority” column. Remove the duplicate.
 - For the row providing information for landowners, add “Amended State CRUP” to the “authority” column.
15. Figure 3, Probability of Encountering MEC. Please add a note to the figure indicating that the probability shown is general information, and that each project should be assessed for the probability of encountering MEC based on site-specific information and planned activities. (The note is provided in Table 2.)

Chieko Nozaki (Chenega Support Services)
831-899-7372



Department of Toxic Substances Control

Matthew Rodriguez
Secretary for
Environmental Protection

Barbara A. Lee, Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Edmund G. Brown Jr.
Governor

June 20, 2017

Mr. Stan Cook
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, California 93933

DRAFT FINAL LAND USE CONTROLS IMPLEMENTATION PLAN / OPERATIONS
AND MAINTENANCE PLAN, CALIFORNIA STATE UNIVERSITY MONTEREY BAY
OFF-CAMPUS MUNITIONS RESPONSE AREA, FORMER FORT ORD, MONTEREY
COUNTY, CALIFORNIA, APRIL 15, 2017

Dear Mr. Cook:

The Department of Toxic Substances Control (DTSC) has reviewed the *Draft Final Land Use Controls Implementation Plan / Operations and Maintenance Plan, California State University Monterey Bay Off-Campus Munitions Response Area*. The purpose of this LUCIP/OMP is to provide remedy implementation and maintenance information for the Group 2 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Record of Decision (ROD) dated January 7, 2015 and finalized on February 26, 2015.

DTSC has the following comments:

General comment

1. When writing about After Action Reporting, could you clarify, throughout the document, who is responsible for completing After Action Reports.

Specific Comments

1. Page 2-3, Chapter 2.4. Please reference figures in the text or in the bulleted paragraphs when describing Residential Parcel S1.3.2.
2. Page 4-4, Chapter 4.1.4, first paragraph, sentence starting with "The deeds also provide notice to future...." Please re-write the sentence and make it more clear.

Mr. Stan Cook
June 20, 2017
Page 2 of 2

3. Page 4-22, Chapter 4.3.2.1, last bullet, Reporting and Notification Requirements. Please specify who is responsible for writing these reports.
4. Page 4-24, Chapter 4.3.2.4, second paragraph. Please explain who is doing the MEC assessment to determine that current level of construction support is appropriate.
5. Page 4-35, Chapter 4.4.1. Please include a statement saying that in order to remove residential use restrictions, DTSC's Residential Protocol would need to be implemented.

DTSC appreciates the opportunity to review the subject document. If you have any questions, please contact me at (916) 255-4988, or at Vlado.Arsov@dtsc.ca.gov.

Sincerely,



Vlado Arsov, P.E.
Project Manager
Military and Corrective Action Unit
Brownfields and Environmental Restoration Program

cc: (Via email)

Ms. Maeve Clancy
U.S. Environmental Protection Agency, Region 9
Clancy.Maeve@epa.gov

Mr. Noel Shrum, Chief
Military and Corrective Action Unit
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
Noel.Shrum@dtsc.ca.gov

Mr. Roman A. Racca, P.G.
Senior Engineering Geologist
State-Wide Munitions Response Coordinator
Department of Toxic Substances Control
Roman.Racca@dtsc.ca.gov

APPENDIX M

Distribution List

Print	Electronic	Name	Organization	Address	City and State	Zip
1	1	Stan Cook	Fort Ord Reuse Authority	920 2 nd Avenue, Suite A	Marina, CA	93933
1	1	Michael Houlemard	Fort Ord Reuse Authority	920 2 nd Avenue, Suite A	Marina, CA	93933
1	1	Maeve Clancy	United States Environmental Protection Agency	75 Hawthorne Street, Mail SFD-8-3	San Francisco, CA	94105
0	1	Tom Hall	TechLaw, Inc.	7 Shore Point Road	North Little Rock, AR	72116
0	1	Robert Young	TechLaw, Inc.	235 Montgomery St, Suite 717	San Francisco, CA	94104
1	1	Vlado Arsov	California Department of Toxic Substances Control	8800 California Center Drive	Sacramento, CA	95826
2	2	William K. Collins	Department of the Army	BRAC, Bldg. #4463 Gigling Road	Seaside, CA	93955
1	1	Administrative Record Coordinator	Fort Ord Administrative Record	BRAC, Bldg. #4463 Gigling Road	Seaside, CA	93955
1	1	Anya Spear	California State University Monterey Bay	100 Campus Center	Seaside, CA	93955
1	1	Mike Weaver	Fort Ord Community Advisory Group	52 Corral de Tierra Road	Salinas, CA	93908
0	1	LeVonne Stone	Fort Ord Environmental Justice Network	P.O. Box 361	Marina, CA	93933
1	1	Carl Holm	Monterey County Resource Management Agency	1441 Schilling Place, South Wing, Second Floor	Salinas, CA	93901
1	1	Craig Malin	City of Seaside	440 Harcourt Avenue	Seaside, CA	93955
0	1	Project File	ARCADIS, Attention: Jane Thompson	100 Smith Ranch Road, Suite 329	San Rafael, CA	94903

Approved:



Christopher G. Spill, P.G.
 ESCA Remediation Program Manager
 Arcadis U.S., Inc.