



## ENVIRONMENTAL SERVICES COOPERATIVE AGREEMENT LONG-TERM OBLIGATIONS MANAGEMENT PROGRAM

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### ESCA Standard Monthly LTO Management Program Report October 2020

#### Introduction:

The City of Seaside (Seaside) as Fort Ord Reuse Authority's Successor-In-Interest (Successor) to the Environmental Service Cooperative Agreement (ESCA) Long-Term Obligations (LTO) Management Program, ESCA Program Manager performed driving inspections of the ESCA Properties on October 2<sup>nd</sup> and 9th.

Jurisdiction	Attendees
N/A	N/A

Please  
calendar



- The next ESCA Jurisdiction Joint Management Zoom teleconference will be held on Wednesday, November 4, 2020 at 10 a.m. (2 hours reserved).
- The next ESCA Quarterly Permit, Planning, Police & Property Management (PPP&PM) Zoom teleconference will be held on Wednesday, December 2, 2020 at 10 a.m. (2 hours reserved).

Both teleconferences will be held virtually via Zoom, pursuant to Governor Newsom's Executive California State COVID-19 Shelter-In-Place Orders, to review and report updates to the ESCA LUCIP/OMP.

#### ESCA LTO Monthly Status Report

This report is designed to ensure that the ESCA LUCIP/OMP remedy reporting requirements are met for: Land Use Controls (LUC) and Long-Term Management Measures (LTMM) collectively known as LTO. The information contained in these reports can be utilized by Seaside (both as the FORA ESCA Successor and as a land owner), Jurisdictions, Environmental Protection Agency (EPA), Department of Toxic Substances Control (DTSC) and property owners when compiling the required LUCIP/OMP and deed annual and five-year reports. The information may also be used as data to support future requests to remove ESCA property LUC.

*(For more context, see the "ESCA LUC BACKGROUND" section at the end of this document.)*

The current ESCA property LUCIP/OMP LUC and LTO management status report is provided below.

## **1. PROPERTY TRANSFER REPORTING**

The Jurisdictions will ensure the federal deed residential use restrictions, are included in future property transfer deeds. The Jurisdictions will notify new property owners of deed restrictions and obligations. The Jurisdictions (as property owners) are responsible for providing property restriction notification in subsequent land transfers. The Jurisdictions under their Memorandum of Agreement (MOA) with DTSC are responsible for monitoring property transfer to ensure use restrictions, LUC and State Covenant Restricting Use of Property (CRUP) restrictions are maintained in future deeds for the ESCA property. Army, EPA, and DTSC will be notified of property transfers through annual LUC monitoring reports, which will include Jurisdiction verification of property transfer compliance with deed restriction, LUC and State CRUP requirements.

Per the ESCA LUCIP/OMP documents, Seaside will ensure the deed transferring ESCA property to the Jurisdictions includes land use restrictions in the Environmental Protection Provisions (EPA), including excavation restrictions, placed on the property by the Army remain in place. In addition, Monterey County (County) and the various cities will review their deed, property transfer documents, deed amendments and other property filings associated with the ESCA properties to ensure land use restrictions remain in place.

### **1.1. Upcoming property transfers**

- 1.1.1. CSUMB – Complete
- 1.1.2. County – Complete
- 1.1.3. Seaside – Complete
- 1.1.4. MPC – FORA to Monterey Peninsula College (MPC) – Deeds signed, to be recorded
- 1.1.5. Del Rey Oaks – Complete
- 1.1.6. Monterey – Complete

### **1.2. Notice of planned property conveyance**

- 1.2.1. CSUMB – Complete
- 1.2.2. County – Complete
- 1.2.3. Seaside – Complete
- 1.2.4. MPC – Complete
- 1.2.5. Del Rey Oaks – Complete
- 1.2.6. Monterey – Complete

### **1.3. Past years property transfers**

- 1.3.1. CSUMB – CSUMB Off Campus
- 1.3.2. County – County North, Veterans Cemetery, Parker Flats border lands, Parker Flats, East Half Veteran's Cemetery, Laguna Seca parking, Future East Garrison
- 1.3.3. Seaside – West Half Veterans Cemetery, Seaside 1-4, Parker Flats
- 1.3.4. MPC – Parker Flats EVOG. Interim Action Range, Military Operations in Urban Terrain (MOUT)
- 1.3.5. Del Rey Oaks – South Boundary Road
- 1.3.6. Monterey – Ryan Ranch addition

## **2. UPCOMING CONSTRUCTION REPORTING**

The Jurisdictions are responsible for implementation of the digging and excavation ordinances applicable to the ESCA properties, including annual notifications to property owners and administering excavation permitting to include construction support requirements. The Jurisdictions are responsible for annual LUC monitoring and annual reporting to Seaside per the MOA with DTSC. The Jurisdictions are responsible for maintaining use restrictions in deeds and ensuring the deed provisions remain in place for the ESCA properties. Within seventy-two (72) hours of discovery of any activity on the property that is inconsistent with the ESCA LUCIP/OMP, the Jurisdictions shall notify Seaside ESCA staff, and Seaside ESCA staff shall notify EPA, DTSC, and the Army.

Per the LUCIP/OMP documents, Seaside will:

- Monitor the County and City implementation and enforcement of the digging and excavation ordinances, including excavation permitting, to ensure compliance with construction support requirements.
- Ensure notification of the Army, EPA, and DTSC of reported Munitions and Explosives of Concern (MEC) finds during construction support activities, including ensuring initial notification occurs within twenty-four (24) hours of a MEC find, distribution of Fort Ord MEC Incident Recording Forms and distribution of MEC Find Notification forms submitted to Seaside ESCA staff during construction support.
- Coordinate with property owners, Army, EPA, and DTSC on appropriate on-site construction support requirements, including use of anomaly avoidance techniques, for projects involving less than ten [10] cy of soil disturbance in areas with moderate to high probability of encountering MEC.
- After the response to a suspect munitions item during on-call construction support, if the suspect munitions item is determined to be MEC, will assess the probability of encountering additional MEC.

### **2.1. Jurisdiction/Owners Unexploded Ordnance (UXO) Construction Support requirement coordination**

2.1.1. CSUMB – N/A

2.1.2. County – Ammo Supply Point demolition estimate/bid document development received a request from Pacific Gas & Electric Company vegetation maintenance (non-ground disturbing) pending

2.1.3. Seaside – California Central Coast Veterans Cemetery (CCCVC) Phase 2 construction – ongoing; Aquifer Storage Recharge (ASR) Well Site – ongoing; Eucalyptus Road – in bid process; out for bid in 2020; CalAm Pipeline General Jim Moore Boulevard – ongoing; in bid document/design preparation stage; Pure Water Project – ongoing

2.1.4. MPC – MOUT fence – Presidio of Monterey working directly with MPC; MOUT training uses are suspended while discussions occur, MPC Survey Work

2.1.5. Del Rey Oaks – N/A

2.1.6. Monterey – N/A

## **2.2. Jurisdiction/owner UXO Construction Support implementation and enforcement**

- 2.2.1. CSUMB – N/A
- 2.2.2. County – N/A
- 2.2.3. Seaside – CCCVC Phase 2 construction; ASR Well Site; Pure Water Project
- 2.2.4. MPC – N/A
- 2.2.5. Del Rey Oaks – N/A
- 2.2.6. Monterey – N/A

## **2.3. Digging and excavation ordinance**

- 2.3.1. CSUMB – Yes, in place
- 2.3.2. County – Yes, in place
- 2.3.3. Seaside – Yes, in place. Seaside added metal detection prohibition language. Seaside provided the link to Ordinance No. 1093 to the Jurisdictions to use in implementing their own metal detection prohibition.
- 2.3.4. MPC – Yes, in place
- 2.3.5. Del Rey Oaks – Yes, in place
- 2.3.6. Monterey – Yes, in place

## **2.4. UXO-Qualified UXO Construction Support Contractor**

- 2.4.1. CSUMB – N/A
- 2.4.2. County – N/A
- 2.4.3. Seaside
  - CCCVC Phase 2, Weston Solutions, Inc.
  - Seaside Final Programmatic On-Call Construction Support Plan (CSP), Roadways and Utilities, UXO Construction Support going out for bid
  - Pure Water Project, Weston Solutions, Inc.
  - ASR Well Site Expansion CSP, Weston Solutions, Inc.
  - New CalAm General Jim Moore Boulevard (GJMB) Pipeline Project, Weston Solutions, Inc.
  - Arcadis, Inc. has signed a Work Authorization to provide emergency on-call UXO Construction Support it Seaside's request under the existing Seaside 1-4 Construction Support Plan if needed for emergency utility/road work in GJMB and Eucalyptus Road.
- 2.4.4. MPC – N/A
- 2.4.5. Del Rey Oaks – N/A
- 2.4.6. Monterey – N/A

## **2.5. UXO Construction Support Plan**

- 2.5.1. CSUMB – N/A
- 2.5.2. County – N/A
- 2.5.3. Seaside – N/A – no update
  - CCCVC Phase 2, Weston Solutions, Inc. – CSP on file with Regulators/Army
  - Seaside Final Programmatic On-Call CSP, Roadways and Utilities, UXO Construction Support going out for bid – CSP on file with Regulators/Army
  - Pure Water Project, Weston Solutions– CSP on file with Regulators/Army
  - ASR Well Site Expansion CSP, Weston Solutions, Inc. – CSP on file with Regulators/Army
  - New CalAm GJMB Pipeline, Weston Solutions, Inc.
  - Arcadis, Inc. has signed a Work Authorization to provide emergency on-call UXO Construction Support it Seaside's request under the existing Seaside 1-4

Construction Support Plan if needed for emergency utility/road work in GJMB and Eucalyptus Road

- 2.5.4. MPC – N/A
- 2.5.5. Del Rey Oaks – N/A
- 2.5.6. Monterey – N/A

### **3. SITE INSPECTION REPORTING**

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

Environmental use restrictions, including the ESCA property residential use restriction are monitored by the Jurisdictions annually to ensure compliance. Annual monitoring includes review of deeds, deed amendments, and other property filings, physical inspection of the property and reporting. The Jurisdictions will inspect the ESCA properties and review ESCA property deeds annually to ensure the residential use restriction remains in place and that no unapproved development or prohibited uses have occurred.

LUCIP/OMP compliance includes annual on-site inspection of the ESCA properties, 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 ESCA properties.

#### **3.1. Changes in Land use – Residential Use Restriction, Habitat**

- 3.1.1. CSUMB – No
- 3.1.2. County – No
- 3.1.3. Seaside – No
- 3.1.4. MPC – No
- 3.1.5. Del Rey Oaks – No
- 3.1.6. Monterey – No

#### **3.2. Changes in Site conditions**

- 3.2.1. CSUMB – No
- 3.2.2. County – May 5, 2020 received report of an Illegal BMX course on Veterans Cemetery property – CCCVC is working with California State Police to identify and contact those responsible, remove the BMX course and install additional preventive measures. Removal plans, equipment and materials are in place, but efforts previously hampered by State COVID-19 prohibition for employees to travel. State has now authorized travel for Supervisor to travel to CCCVC and plans to mitigate illegal BMX track within September. State Veterans Cemetery property does not currently comply with deed, CRUP or County Digging and Excavation Ordinance requirement – Cemetery property illegal BMX track excavation and maintenance activities currently exceed the 10cy County Digging and Excavation Ordinance threshold and removing the illegal BMX track features appears to require a County Digging and Excavation permit because it will exceed moving more than 10 cubic yards of soil. ESCA Program Manager has drafted a letter noticing the Cemetery of non-compliance for Army/Regulatory review requested their guidance on how to proceed. ESCA Program Manager has also been in contact with the CalVet State Cemetery Manager providing on-

site photos, example Fort Ord signage and UXO Qualified Contractor contact information.

- 3.2.3. Seaside – CCCVC Phase 2 grading and construction – in progress, ASR Well Site and Pure Water Project in construction. On October 2, ESCA Program Manager fixed all breaks in the fence east of GJMB and replaced/maintained signage along GJMB and Eucalyptus Road. City has dedicated a police office that will work with ESCA team and seaside Department of Public Works to monitor, track and enforce Seaside ESCA property trespass issues.
- 3.2.4. MPC – No
- 3.2.5. Del Rey Oaks – No
- 3.2.6. Monterey – City of Monterey Police Dept. conducting regular on-site inspections.

### **3.3. Changes in Ownership – update based on deeds recorded/in process**

- 3.3.1. CSUMB – Jurisdiction property transfer complete
- 3.3.2. County – Jurisdiction property transfer complete
- 3.3.3. Seaside – Jurisdiction property transfer complete
- 3.3.4. MPC – Yes – Jurisdiction has completed acceptance, Deed recording in process
- 3.3.5. Del Rey Oaks – Yes – ESCA property Jurisdiction acceptance in process – Park property transfer complete
- 3.3.6. Monterey – Jurisdiction property transfer complete

### **3.4. Changes in Occupancy**

- 3.4.1. CSUMB – No
- 3.4.2. County – No
- 3.4.3. Seaside – No
- 3.4.4. MPC – No
- 3.4.5. Del Rey Oaks – No
- 3.4.6. Monterey – No

### **3.5. Additional response/remedy modification compliance**

- 3.5.1. CSUMB – N/A
- 3.5.2. County – New gate closures and locks installed to ameliorate impacts of Bureau of Land Management (BLM) closing their parking and trailhead facilities due to California COVID-19 Shelter-In-Place requirements. County has installed new gates at Jerry Smith Access Corridor and information share with BLM, BRAC and other stakeholders. BRAC is installing sliding lock system on Fort Ord back country roads for emergency services, on 8th Avenue and Gigling Road gates and MOUT gate
- 3.5.3. Seaside – New gate closures and locks installed to ameliorate impacts of BLM closing their parking and trailhead facilities due to California COVID-19 Shelter-In-Place requirements. BRAC is installing sliding lock system on Fort Ord back country roads for emergency services, on Parker Flats Road gate and Parker Flats Cut-Off gate.
- 3.5.4. MPC – N/A
- 3.5.5. Del Rey Oaks – N/A
- 3.5.6. Monterey – N/A

#### **4. UXO CONSTRUCTION SUPPORT REPORTING**

As permitting agencies, the Jurisdictions are responsible for monitoring and enforcing construction support requirements for the ESCA properties for excavation permit requirements under the digging and excavation ordinances. The Jurisdictions are responsible for consultation (through Seaside) with Army, EPA, and DTSC regarding construction support requirements prior to issuing excavation permits. The Jurisdictions are responsible for annual monitoring and reporting of the construction support activities.

Per the LUCIP/OMP documents, the Jurisdictions will:

- Implement and enforce the digging and excavation ordinance, including annual notification requirements and excavation permitting requirements.
- In consultation with Seaside, determine the level of construction support required on a case-by-case and project specific basis during the excavation permitting process.
- Consult with Army, EPA, and DTSC (through Seaside) on project and site-specific construction support requirements prior to issuing excavation permits, including review and finalization of construction support plans.
- Monitor and enforce property owner and permittee requirements for response to suspect munitions finds, including stopping work, notifications to local law enforcement personnel, Seaside ESCA staff notification(s), and conditions for re-start of work.
- Permitting agencies ensure Construction Support After Action Reports are received from permittees and distributed by permittees to Seaside, Army, EPA, and DTSC.
- 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 Seaside, Army, EPA, and DTSC as part of annual LUC monitoring and reporting.

##### **4.1. MEC-related data identified during UXO Construction Support**

- 4.1.1. CSUMB – N/A
- 4.1.2. County – N/A
- 4.1.3. Seaside – N/A
- 4.1.4. MPC – N/A
- 4.1.5. Del Rey Oaks – N/A
- 4.1.6. Monterey – N/A

##### **4.2. MEC Recognition Safety Training** – ESCA Team will be making revisions to the Military Munitions Recognition and Safety Training website that will provide tracking of individuals that take the training for no credit to support the Army's School Outreach Program.

- 4.2.1. CSUMB – N/A
- 4.2.2. County – N/A
- 4.2.3. Seaside – Yes – in progress
- 4.2.4. MPC – N/A
- 4.2.5. Del Rey Oaks – N/A
- 4.2.6. Monterey – N/A

### **4.3. MEC UXO Construction Support**

- 4.3.1. CSUMB – N/A
- 4.3.2. County– N/A
- 4.3.3. Seaside – Yes, CCCVC Phase 2, ASR Well Site – in progress
- 4.3.4. MPC – N/A
- 4.3.5. Del Rey Oaks – N/A
- 4.3.6. Monterey – N/A

### **4.4. MEC finds during UXO Construction Support**

- 4.4.1. CSUMB – N/A
- 4.4.2. County – N/A
- 4.4.3. Seaside – No finds
- 4.4.4. MPC – N/A
- 4.4.5. Del Rey Oaks – N/A
- 4.4.6. Monterey – N/A

### **4.5. Additional MEC investigations/actions**

- 4.5.1. CSUMB – N/A
- 4.5.2. County – N/A
- 4.5.3. Seaside – N/A
- 4.5.4. MPC – N/A
- 4.5.5. Del Rey Oaks – N/A
- 4.5.6. Monterey – N/A

## **5. LUC CONFORMITY/NON-CONFORMITY**

This section of the report provides for documentation of LUC conformity or non-conformity which is data that may be used to support the Jurisdictions or property owners' future request to remove ESCA property LUC.

### **5.1. Residential use restrictions - conformity or nonconformity**

- 5.1.1. CSUMB – Conform
- 5.1.2. County – Nonconformity - State Veterans Cemetery property does not currently comply with deed, CRUP or County Digging and Excavation Ordinance requirement– Cemetery property illegal BMX track excavation and maintenance activities currently exceed the 10cy County Digging and Excavation Ordinance threshold and removing the BMX Track features appears to require a County Digging and Excavation permit because it will exceed moving more than 10 cubic Yards of soil. ESCA PM has drafted a letter noticing the Cemetery of non-compliance for Army/Regulatory review requested their guidance on how to proceed. ESCA PM has also been in contact with the Cal-Vet State Cemetery Manager providing on-site photos, example Fort Ord signage and UXO Qualified Contractor contact information.
- 5.1.3. Seaside – Conform
- 5.1.4. MPC – Conform
- 5.1.5. Del Rey Oaks – Conform
- 5.1.6. Monterey – Conform



**5.2. Munitions recognition safety** – ESCA team will be making some revisions to the Military Munitions Recognition and Safety Training website that will provide tracking of individuals that take the training for no credit to support the Army’s School Outreach Program.

**5.3. CSUMB – N/A**

- 5.3.1. County – N/A
- 5.3.2. Seaside – Yes
- 5.3.3. MPC – N/A
- 5.3.4. Del Rey Oaks – N/A
- 5.3.5. Monterey – N/A

**5.4. UXO Construction Support**

- 5.4.1. CSUMB – N/A
- 5.4.2. County – N/A
- 5.4.3. Seaside – Yes, CCCVC Phase 2, ASR Well Site – in progress
- 5.4.4. MPC – N/A
- 5.4.5. Del Rey Oaks – N/A
- 5.4.6. Monterey – N/A

**5.5. Procedures and document requirements**

- 5.5.1. CSUMB – N/A
- 5.5.2. County – Yes
- 5.5.3. Seaside – Yes
- 5.5.4. MPC – Yes
- 5.5.5. Del Rey Oaks – N/A
- 5.5.6. Monterey – N/A

**6. LTO CHANGES**

This section of the report provides documentation of LTO changes which is data that may be used to support the Jurisdictions or property owner’s future request to remove ESCA property LTO.

**6.1. Munitions recognition training requirement changes**

- 6.1.1. CSUMB – None
- 6.1.2. County – None
- 6.1.3. Seaside – None
- 6.1.4. MPC – None
- 6.1.5. Del Rey Oaks – None
- 6.1.6. Monterey – None

**6.2. UXO Construction Support requirement changes**

- 6.2.1. CSUMB – None
- 6.2.2. County – None
- 6.2.3. Seaside – None
- 6.2.4. MPC – None
- 6.2.5. Del Rey Oaks – None
- 6.2.6. Monterey – None

**6.3. Residential use restrictions requirement changes**

- 6.3.1. CSUMB – None
- 6.3.2. County – None
- 6.3.3. Seaside – None
- 6.3.4. MPC – None
- 6.3.5. Del Rey Oaks – None
- 6.3.6. Monterey – None

**6.4. Procedures and documents requirement changes**

- 6.4.1. CSUMB – None
- 6.4.2. County – None
- 6.4.3. Seaside – None
- 6.4.4. MPC – None
- 6.4.5. Del Rey Oaks – None
- 6.4.6. Monterey – None

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This Standard ESCA Monthly LTO Management Report was compiled during the October 14, 2020 ESCA Permit, Planning, Police and Property Management teleconference.

Stan Cook, Program Manager  
ESCA LTO Management Program

**Date:** October 15, 2020

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## ESCA LUC BACKGROUND

This report is designed to ensure that the Environmental Services Cooperative Agreement ESCA property selected remedy reporting requirements are met for; Land Use Controls (LUC) and Long-Term Management Measures (LTMM) collectively known as Long-Term Obligations (LTO), as detailed in the ESCA property's Land Use Control Implementation Plan/Operation and Maintenance Plans (LUCIP/OMP). The information contained in these reports were utilized by the former FORA, now the City of Seaside (ESCA Successor), the Jurisdictions, EPA, DTSC and property owners when compiling the required annual and five-year reporting required in the LUCIP/OMP and property deed documents. The information may also be used as data to support future requests to remove LUC and LTMM.

ESCA property selected remedies were 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. Pursuant to the associated AOC entered into on December 2006 and effective July 25, 2008, and the ESCA, dated March 27, 2007, FORA agreed to implement the selected remedy for the ESCA properties. FORA assumed responsibility for completion 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 ESCA property Records of Decision (ROD) does not provide for or prevent any transfer of remedy implementation responsibilities from FORA, or its Successor (now Seaside), to another party. Transfer of remedy responsibilities from FORA, or its Successor (now Seaside), to another party is accomplished through the ESCA property deeds along with other provisions that "follow the land."

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 ESCA properties, if determined to be necessary. The selected Land Use Controls (LUC) may be modified in the future. In addition, LTMM comprised of a deed restriction, annual monitoring and reporting and five-year review reporting will be implemented for the reuse areas within the ESCA properties.

### **Description of Selected Remedy**

The selected remedy addresses risks to human health and the environment from MEC that potentially remains in the ESCA properties. Munitions responses (MEC [Munitions and Explosives of Concern] removals) have been completed at the ESCA properties, significantly reducing the risks to human health and the environment. The selected remedy for the ESCA includes LUC because detection technologies may not detect all MEC present. The LUC include requirements for:

- 1) Munitions recognition and safety training (referred to as "MEC recognition and safety training") in the ESCA properties ROD for those people that conduct ground-disturbing or intrusive activities on the property;
- 2) Construction support by UXO-qualified personnel for ground-disturbing or intrusive activities;
- 3) Restrictions prohibiting residential use; and
- 4) 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).

The selected remedy was 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 ESCA properties. The Army will evaluate these areas as part of the installation wide CERCLA five-year reviews. The selected LUC 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.

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. DTSC has modified the existing State CRUPs, to reflect the land use restrictions included in the selected remedy. The Army entered into State CRUP with DTSC at the time the ESCA property was transferred to FORA. The existing deed to FORA for the ESCA properties parcels 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 Army modified the existing land use restrictions in the Federal ESCA property deeds to reflect the selected remedies. FORA prepared and submitted 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 are also provided to the Army for inclusion in the five-year reviews.

### **Military Munitions Recognition and Safety Training**

Ground-disturbing or intrusive activities are expected to occur on the ESCA properties. Those people involved in ground-disturbing or intrusive operations at these areas will be required to attend Military Munitions Recognition and Safety Training for the ESCA properties to increase awareness of and ability to identify suspect munitions items. Prior to conducting ground disturbing or intrusive activities, property owners were previously required to contact FORA for Military Munitions Recognition and Safety Training for those people performing ground-disturbing or intrusive activities. Seaside, as the FORA Successor, will now be contacted for Military Munitions Recognition and Safety Training.

Military 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.

### **Construction Support**

Construction support by UXO-qualified personnel is required during any ground-disturbing or intrusive activities at the ESCA properties 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 Military 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.

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.

#### **Restrictions Prohibiting Residential Use**

Residential use restrictions placed on the ESCA properties property at the time the property was transferred to Seaside will be maintained.

The restriction may be discontinued with Army, EPA, and DTSC approval.

#### **Long-Term Management Measures (LTMM)**

In addition to the LUC the LUCIP/OMP also describes the following LTMM for the ESCA properties:

- **Existing land use restrictions:**  
The Federal deeds to FORA for the ESCA parcels restrict residential use.
- **Annual monitoring and reporting:**  
Seaside will perform annual monitoring and reporting. Seaside 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.

#### **LUC Modification and/or Removal**

Based on the evaluation, the selected LUC may be modified or discontinued, with Army, EPA, and DTSC approval.



