



City of Seaside, Environmental Services Cooperative Agreement Long-Term Obligations Management Program – September 2021 Update

NOTE: This handout summarizes information reported on the ESCA Standard Monthly LTO Management Report for the months of June, July, and August.

Coordination with Jurisdictions:

- Site Inspections: ESCA weekly inspections. City of Monterey monthly inspections. County of Monterey weekly inspections. CalVet bi-weekly inspections.
- Upcoming Projects: Seaside Eucalyptus Road Storm Water Project is looking to begin in the 2022.
- Pure Water Project boreholes to begin in September.
- Safety Personnel meeting 9/1/2021

Construction and Ground Disturbing Activities Update:

- UXO Construction Support Requirement Coordination:
 - Final Programmatic Anomaly Avoidance Construction Support Plan (CSP) (Less than 10 Cubic Yards Soil Disturbance Activities), Munitions response Site – 28, MOUT Site Munitions Response Area, dated 15 May, accepted by Army and Regulators. Submitted on 3 June 2021.
 - Pure Water Project Phase 3 and 4 construction support requirements submitted as Attachment A and Table 1 (dated 6 July 2021) to Final Programmatic On-Call CSP Roadways and Utilities Seaside Munitions Response Area dated 5 November 2019. Submitted on 6 July 2021.

Military Munitions Recognition and Safety Training

- Hosted at <https://fortordsafety.com>
- Completed Trainings:
 - Year-to-date: 245
 - June: 10
 - July: 12
 - August: 27

Administrative Updates:

- ESCA Programmatic Director selected: Melissa Broadston
- Interviews for ESCA Administrative Analyst week of 9/13/21

Upcoming Events (60 days):

- Biweekly Seaside/Army Fort Ord Real Property Teleconferences
- November 3, 2021: ESCA LTO Jurisdiction Joint Management Meeting

Contact Information:

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📍 656 Broadway Avenue, Seaside, CA 93955

August 2021
ESCA Standard Monthly LTO
Management Program Report



ENVIRONMENTAL SERVICES COOPERATIVE AGREEMENT LONG-TERM OBLIGATIONS MANAGEMENT PROGRAM

440 Harcourt Avenue
Seaside, CA 93955
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**ESCA Standard Monthly LTO Management Program Report
August 2021**

Introduction:

The ESCA staff performed monthly driving and cycling inspections of the properties in order to monitor compliance with the ESCA Land Use Control Implementations Plan/Operations and Maintenance Plan (LUCIP/OM) LTO. Regarding the management of ESCA Long Term Obligations, the team led the quarterly Permits, Planning, Policing and Property Managers Meeting on June 2nd to coordinate ESCA land owners on the management, policing and development of the properties. The following is a list of attendees:

NAME	ORGANIZATION
BILL COLLINS	Army BRAC – Fort Ord Field Office
BETSY HIBBITS	Army BRAC – Chenega
CHIEKO NOZAKI	Army BRAC - Chenega
FERNANDA ROVERI	City of Monterey
ROGER VAN HORN	County of Monterey, EHB
STEVE HAIGLER	Monterey Peninsula College
STAN COOK	Monterey Peninsula College
NICHOLAS BORGES	City of Seaside
ABRAAM GUIRGUIS	City of Seaside, ESCA
CHRISTOPHER CALLAGHAN	City of Seaside, ESCA

Relevant ESCA LTO meetings are as follow:

- The next ESCA LTO Jurisdiction Joint Management Meeting will be held on Wednesday, November 3, 2021 at 10:00 a.m.

All teleconferences will be held virtually via Zoom.

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.
- 1.1.5. 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 – Complete.
- 1.3.2. County – Complete.
- 1.3.3. Seaside – Complete.
- 1.3.4. MPC – Complete.
- 1.3.5. Del Rey Oaks – Complete.
- 1.3.6. Monterey – Complete.

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 – N/A

2.1.3. Seaside

- CCCVC Phase 2 construction – Complete.
- Aquifer Storage Recharge (ASR) Well Site – Ongoing.
- Eucalyptus Road – In bid process.
- CalAm Pipeline General Jim Moore Boulevard – Currently stopped.
- Pure Water Project Phase 1 and 2 – Complete. Phase 3 and 4 construction support requirements will be submitted as Appendix A to the Final Programmatic On-Call Construction Support Plan Roadways and Utilities Seaside Munitions Response Area dated November 5, 2019.

2.1.4. MPC

- MOUT fence – MPC is working with Weston. Army, EPA and DTSC have reviewed the Final Programmatic Anomaly Avoidance Construction Support Plan (Less Than 10 Cubic Yards Soil Disturbance Activities), Munitions Response Site – 28, MOUT Site Munitions Response Area date May 12, 2021; this version was accepted as final.

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 – Complete.
 - ASR Well Site – Ongoing.
 - Pure Water Project Phase 1 and 2 – Complete.
- 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. Metal detection prohibition language went into effect May 21st, 2021.
- 2.3.3. Seaside – Yes, in place. City staff added metal detection prohibition language to their Ordinance.
- 2.3.4. MPC – Yes, in place.
- 2.3.5. Del Rey Oaks – Yes, in place. No status update on the addition of metal detection prohibition language on their ordinance.
- 2.3.6. Monterey – Yes, in place. Monterey staff are working to add metal detection prohibition language to their Ordinance.

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.
 - Eucalyptus Road, 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 Pipeline Project, Weston Solutions, Inc.
- 2.4.4. MPC
 - MOUT MRS-28 Programmatic Anomaly Avoidance Plan, Weston Solutions, Inc.
- 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
 - CCCVC Phase 2, Weston Solutions, Inc. – CSP on file with Regulators/Army.
 - Eucalyptus Road, Seaside Final Programmatic On-Call CSP, Roadways and Utilities – 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 General Jim Moore Boulevard Pipeline, Weston Solutions, Inc.
- 2.5.4. MPC

- MOUT MRS-28 Programmatic Anomaly Avoidance Plan, Weston Solutions, Inc. – Final Programmatic Anomaly Avoidance Construction Support Plan (Less Than 10 Cubic Yards Soil Disturbance Activities), Munitions Response Site – 28, MOUT Site Munitions Response Area date May 12, 2021 submitted to Army, DTSC, and EPA on June 3, 2021.

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 – No. CalVet continues to monitor the remediated BMX pump track on their property on a bi-weekly basis. Monterey County staff continue to monitor for new illegal development.
- 3.2.3. Seaside
 - CCCVC Phase 2 grading and construction – Complete and After Action Report has been submitted.
 - ASR Well Site - After Action Reports for the completed phases have been submitted.
 - Cal Am Pipeline has stopped their construction, and it is unclear when they will resume again, although we have received After Action Reports for the phases they have completed.

- Pure Water Project After Action Reports submitted for Phase One, Phase Two, Boreholes, and Vadose Zone Well Stabilization.

- 3.2.4. MPC – No
- 3.2.5. Del Rey Oaks – No
- 3.2.6. Monterey – No

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 – Jurisdiction property transfer complete.
- 3.3.5. Del Rey Oaks – Jurisdiction 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 – N/A
- 3.5.3. Seaside N/A
- 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

- 4.2.1. CSUMB – N/A
- 4.2.2. County – N/A
- 4.2.3. Seaside – N/A
- 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, 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

- 5.1.1. CSUMB – Conform.
- 5.1.2. County – Conform.
- 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

- 5.2.1. CSUMB – N/A
- 5.2.2. County – N/A
- 5.2.3. Seaside – N/A
- 5.2.4. MPC – N/A
- 5.2.5. Del Rey Oaks – N/A
- 5.2.6. Monterey – N/A

5.3. UXO Construction Support

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

5.4. Procedures and document requirements

- 5.4.1. CSUMB – N/A
- 5.4.2. County – Yes.
- 5.4.3. Seaside – Yes.
- 5.4.4. MPC – Yes.
- 5.4.5. Del Rey Oaks – N/A
- 5.4.6. 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 requirements

- 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 requirements

- 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 requirements

- 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 requirements

- 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.

This Standard ESCA Monthly LTO Management Report was compiled on September 3, 2021.



Sheri Damon, City Attorney, City of Seaside

September 3, 2021

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.

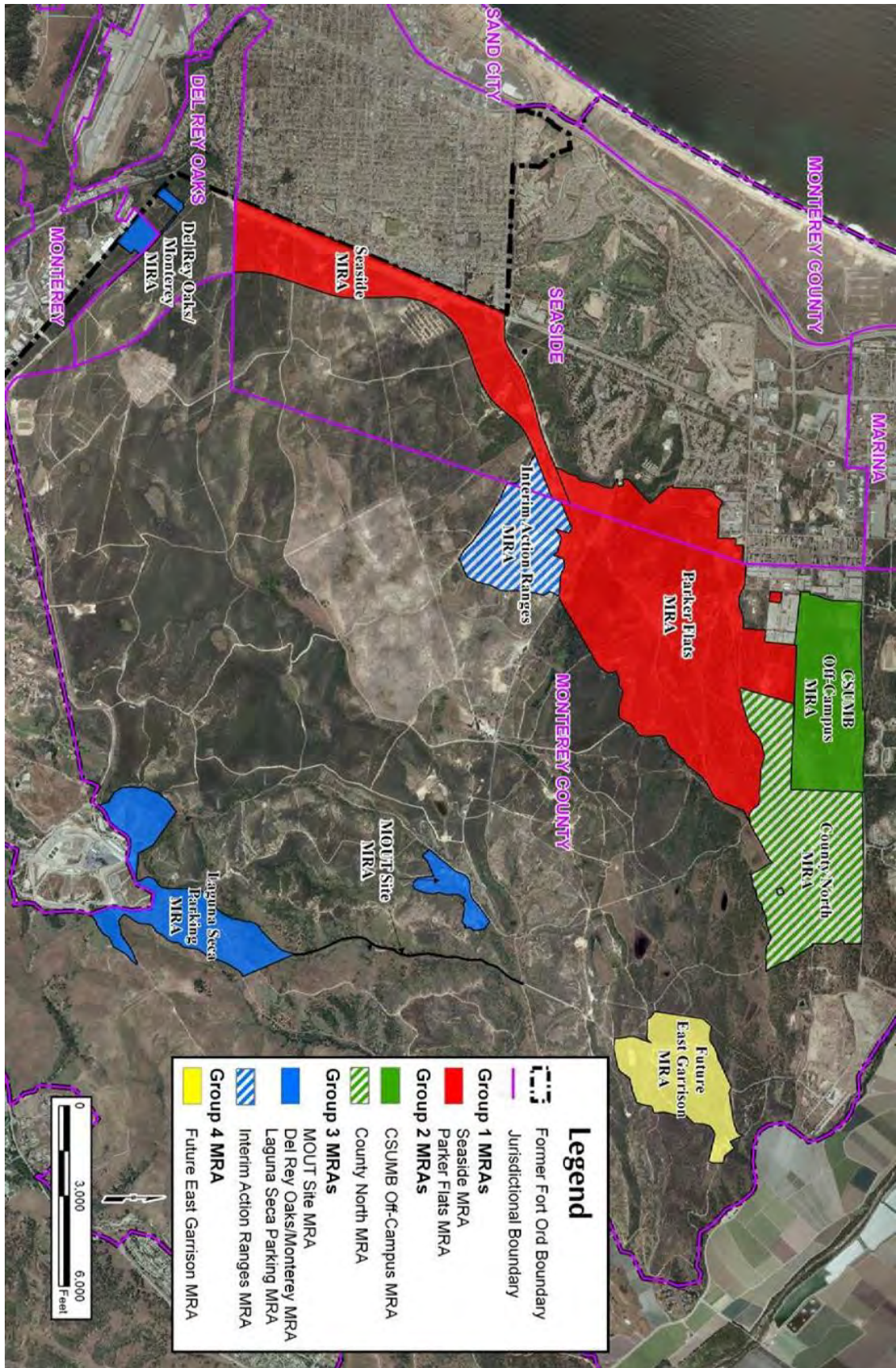
Long-Term Management Measures (LTMM)

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.



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ESCA Standard Monthly LTO Management Program Report July 2021

Introduction:

The ESCA staff performed monthly driving and cycling inspections of the properties in order to monitor compliance with the ESCA Land Use Control Implementations Plan/Operations and Maintenance Plan (LUCIP/OM) LTO. Regarding the management of ESCA Long Term Obligations, the team led the quarterly Permits, Planning, Policing and Property Managers Meeting on June 2nd to coordinate ESCA land owners on the management, policing and development of the properties. The following is a list of attendees:

NAME	ORGANIZATION
BILL COLLINS	Army BRAC – Fort Ord Field Office
BETSY HIBBITS	Army BRAC – Chenega
CHIEKO NOZAKI	Army BRAC - Chenega
FERNANDA ROVERI	City of Monterey
ROGER VAN HORN	County of Monterey, EHB
STEVE HAIGLER	Monterey Peninsula College
STAN COOK	Monterey Peninsula College
NICHOLAS BORGES	City of Seaside
ABRAAM GUIRGUIS	City of Seaside, ESCA
CHRISTOPHER CALLAGHAN	City of Seaside, ESCA

Relevant ESCA LTO meetings are as follow:

- The next ESCA LTO Jurisdiction Joint Management Meeting will be held on Wednesday, August 4, 2021 at 10:00 a.m.

All teleconferences will be held virtually via Zoom.

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.
- 1.1.5. 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 – Complete.
- 1.3.2. County – Complete.
- 1.3.3. Seaside – Complete.
- 1.3.4. MPC – Complete.
- 1.3.5. Del Rey Oaks – Complete.
- 1.3.6. Monterey – Complete.

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 – N/A

2.1.3. Seaside

- CCCVC Phase 2 construction – Complete.
- Aquifer Storage Recharge (ASR) Well Site – Ongoing.
- Eucalyptus Road – In bid process.
- CalAm Pipeline General Jim Moore Boulevard – Currently stopped.
- Pure Water Project Phase 1 and 2 – Complete. Phase 3 and 4 construction support requirements will be submitted as Appendix A to the Final Programmatic On-Call Construction Support Plan Roadways and Utilities Seaside Munitions Response Area dated November 5, 2019.

2.1.4. MPC

- MOUT fence – MPC is working with Weston. Army, EPA and DTSC have reviewed the Final Programmatic Anomaly Avoidance Construction Support Plan (Less Than 10 Cubic Yards Soil Disturbance Activities), Munitions Response Site – 28, MOUT Site Munitions Response Area date May 12, 2021; this version was accepted as final.

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 – Complete.
 - ASR Well Site – Ongoing.
 - Pure Water Project Phase 1 and 2 – Complete.
- 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. Metal detection prohibition language went into effect May 21st, 2021.
- 2.3.3. Seaside – Yes, in place. City staff added metal detection prohibition language to their Ordinance.
- 2.3.4. MPC – Yes, in place.
- 2.3.5. Del Rey Oaks – Yes, in place. No status update on the addition of metal detection prohibition language on their ordinance.
- 2.3.6. Monterey – Yes, in place. Monterey staff are working to add metal detection prohibition language to their Ordinance.

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.
 - Eucalyptus Road, 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 Pipeline Project, Weston Solutions, Inc.
- 2.4.4. MPC
 - MOUT MRS-28 Programmatic Anomaly Avoidance Plan, Weston Solutions, Inc.
- 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
 - CCCVC Phase 2, Weston Solutions, Inc. – CSP on file with Regulators/Army.
 - Eucalyptus Road, Seaside Final Programmatic On-Call CSP, Roadways and Utilities – 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 General Jim Moore Boulevard Pipeline, Weston Solutions, Inc.
- 2.5.4. MPC

- MOUT MRS-28 Programmatic Anomaly Avoidance Plan, Weston Solutions, Inc. – Final Programmatic Anomaly Avoidance Construction Support Plan (Less Than 10 Cubic Yards Soil Disturbance Activities), Munitions Response Site – 28, MOUT Site Munitions Response Area date May 12, 2021 submitted to Army, DTSC, and EPA on June 3, 2021.

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 – No. CalVet continues to monitor the remediated BMX pump track on their property on a bi-weekly basis. Monterey County staff continue to monitor for new illegal development.
- 3.2.3. Seaside
 - CCCVC Phase 2 grading and construction – Complete and After Action Report has been submitted.
 - ASR Well Site - After Action Reports for the completed phases have been submitted.
 - Cal Am Pipeline has stopped their construction, and it is unclear when they will resume again, although we have received After Action Reports for the phases they have completed.

- Pure Water Project After Action Reports submitted for Phase One, Phase Two, Boreholes, and Vadose Zone Well Stabilization.

3.2.4. MPC – No

3.2.5. Del Rey Oaks – No

3.2.6. Monterey – No

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 – Jurisdiction property transfer complete.

3.3.5. Del Rey Oaks – Jurisdiction 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 – N/A

3.5.3. Seaside N/A

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

- 4.2.1. CSUMB – N/A
- 4.2.2. County – N/A
- 4.2.3. Seaside – N/A
- 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, 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

- 5.1.1. CSUMB – Conform.
- 5.1.2. County – Conform.
- 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

- 5.2.1. CSUMB – N/A
- 5.2.2. County – N/A
- 5.2.3. Seaside – N/A
- 5.2.4. MPC – N/A
- 5.2.5. Del Rey Oaks – N/A
- 5.2.6. Monterey – N/A

5.3. UXO Construction Support

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

5.4. Procedures and document requirements

- 5.4.1. CSUMB – N/A
- 5.4.2. County – Yes.
- 5.4.3. Seaside – Yes.
- 5.4.4. MPC – Yes.
- 5.4.5. Del Rey Oaks – N/A
- 5.4.6. 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 requirements

- 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 requirements

- 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 requirements

- 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 requirements

- 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.

This Standard ESCA Monthly LTO Management Report was compiled on August 6, 2021.



Sheri Damon, City Attorney, City of Seaside

August 6, 2021

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.

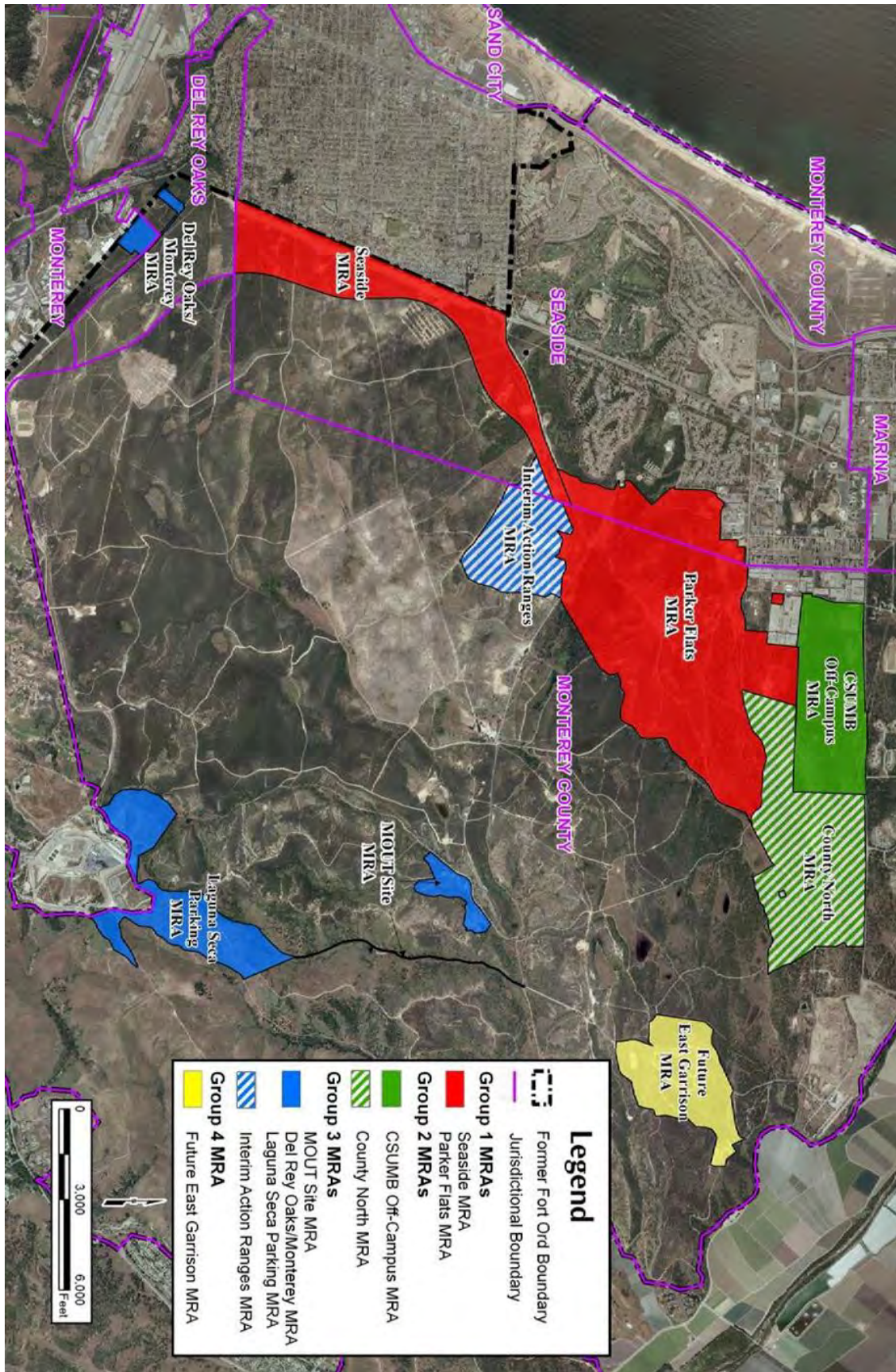
Long-Term Management Measures (LTMM)

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.



Include, Innovate, Inspire

June 2021
ESCA Standard Monthly LTO
Management Program Report



ENVIRONMENTAL SERVICES COOPERATIVE AGREEMENT LONG-TERM OBLIGATIONS MANAGEMENT PROGRAM

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June 2021**

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Relevant ESCA LTO meetings are as follow:

- The next ESCA MR BCT meeting will be held on Wednesday, July 15, 2021 at 10:00 a.m.
- The next ESCA LTO Jurisdiction Joint Management Meeting will be held on Wednesday, August 4, 2021 at 10:00 a.m.

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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.
- 1.1.5. 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 – Complete.
- 1.3.2. County – Complete.
- 1.3.3. Seaside – Complete.
- 1.3.4. MPC – Complete.
- 1.3.5. Del Rey Oaks – Complete.
- 1.3.6. Monterey – Complete.

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 – N/A

2.1.3. Seaside

- CCCVC Phase 2 construction – Complete.
- Aquifer Storage Recharge (ASR) Well Site – Ongoing.
- Eucalyptus Road – In bid process.
- CalAm Pipeline General Jim Moore Boulevard – Currently stopped.
- Pure Water Project Phase 1 and 2 – Complete. Phase 3 and 4 construction support requirements will be submitted as Appendix A to the Final Programmatic On-Call Construction Support Plan Roadways and Utilities Seaside Munitions Response Area dated November 5, 2019.

2.1.4. MPC

- MOUT fence – MPC is working with Weston. Army, EPA and DTSC have reviewed the Final Programmatic Anomaly Avoidance Construction Support Plan (Less Than 10 Cubic Yards Soil Disturbance Activities), Munitions Response Site – 28, MOUT Site Munitions Response Area date May 12, 2021; this version was accepted as final.

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 – Complete.
 - ASR Well Site – Ongoing.
 - Pure Water Project Phase 1 and 2 – Complete.
- 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. Metal detection prohibition language went into effect May 21st, 2021.
- 2.3.3. Seaside – Yes, in place. City staff added metal detection prohibition language to their Ordinance.
- 2.3.4. MPC – Yes, in place.
- 2.3.5. Del Rey Oaks – Yes, in place. No status update on the addition of metal detection prohibition language on their ordinance.
- 2.3.6. Monterey – Yes, in place. Monterey staff are working to add metal detection prohibition language to their Ordinance.

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.
 - Eucalyptus Road, 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 Pipeline Project, Weston Solutions, Inc.
- 2.4.4. MPC
 - MOUT MRS-28 Programmatic Anomaly Avoidance Plan, Weston Solutions, Inc.
- 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
 - CCCVC Phase 2, Weston Solutions, Inc. – CSP on file with Regulators/Army.
 - Eucalyptus Road, Seaside Final Programmatic On-Call CSP, Roadways and Utilities – 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 General Jim Moore Boulevard Pipeline, Weston Solutions, Inc.
- 2.5.4. MPC
- MOUT MRS-28 Programmatic Anomaly Avoidance Plan, Weston Solutions, Inc. – Final Programmatic Anomaly Avoidance Construction Support Plan (Less Than 10 Cubic Yards Soil Disturbance Activities), Munitions Response Site – 28, MOUT Site Munitions Response Area date May 12, 2021 submitted to Army, DTSC, and EPA on June 3, 2021.
- 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 – No. CalVet continues to monitor the remediated BMX pump track on their property on a bi-weekly basis. Monterey County staff continue to monitor for new illegal development.
- 3.2.3. Seaside
 - CCCVC Phase 2 grading and construction – Complete and After Action Report has been submitted.
 - ASR Well Site - After Action Reports for the completed phases have been submitted.

- Cal Am Pipeline has stopped their construction, and it is unclear when they will resume again, although we have received After Action Reports for the phases they have completed.
- Pure Water Project After Action Reports submitted for Phase One, Phase Two, Boreholes, and Vadose Zone Well Stabilization.

- 3.2.4. MPC – No
- 3.2.5. Del Rey Oaks – No
- 3.2.6. Monterey – No

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 – Jurisdiction property transfer complete.
- 3.3.5. Del Rey Oaks – Jurisdiction 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 – N/A
- 3.5.3. Seaside N/A
- 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

- 4.2.1. CSUMB – N/A
- 4.2.2. County – N/A
- 4.2.3. Seaside – N/A
- 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, 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

- 5.1.1. CSUMB – Conform.
- 5.1.2. County – Conform.
- 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

- 5.2.1. CSUMB – N/A
- 5.2.2. County – N/A
- 5.2.3. Seaside – N/A
- 5.2.4. MPC – N/A
- 5.2.5. Del Rey Oaks – N/A
- 5.2.6. Monterey – N/A

5.3. UXO Construction Support

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

5.4. Procedures and document requirements

- 5.4.1. CSUMB – N/A
- 5.4.2. County – Yes.
- 5.4.3. Seaside – Yes.
- 5.4.4. MPC – Yes.
- 5.4.5. Del Rey Oaks – N/A
- 5.4.6. 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 requirements

- 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 requirements

- 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 requirements

- 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 requirements

- 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.

This Standard ESCA Monthly LTO Management Report was compiled on July 5, 2021.

Christopher Callaghan, ESCA Administrative Analyst II, City of Seaside

July 8, 2021

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.

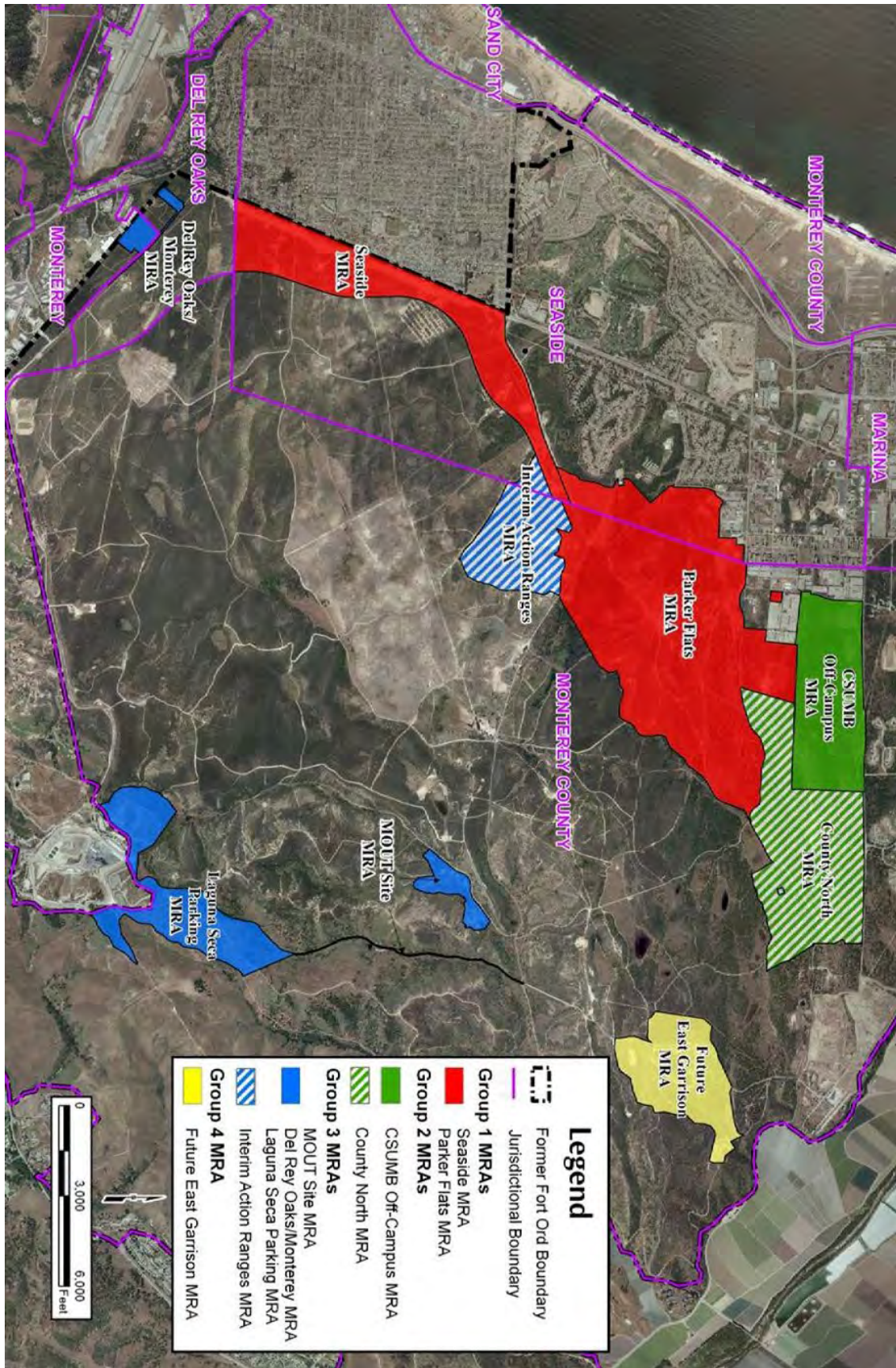
Long-Term Management Measures (LTMM)

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.



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