Land Use Control Implementation Plan / Operation and Maintenance Plan (LUCIP/OMP)

June 17, 2015 Briefing

Fort Ord Reuse Authority Local Jurisdictions Workshop









Briefing Topics

- FORA and ESCA Background
- ESCA Property Orientation
- ESCA Property Pathway-to-Transfer
- LUC Remedy Description
- LUC Implementation Pathway
- LUC Implementation Actions and Strategy
- LUC Monitoring and Reporting
- LUCIP / OMP Schedule

ESCA = Environmental Services Cooperative Agreement

LUC = Land Use Control

LUCIP / OMP = Land Use Controls Implementation Plan / Operation and Maintenance Plan



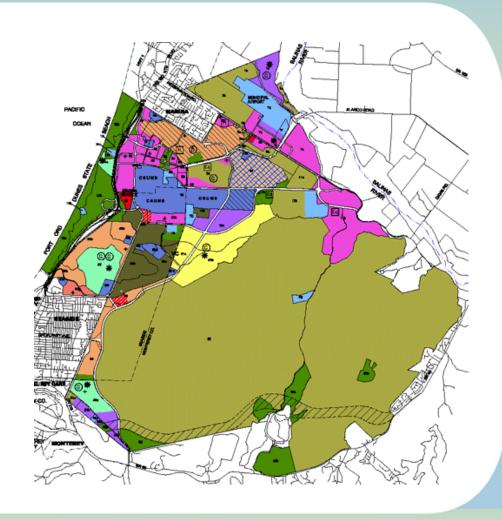






FORA Mission

- Planning, financing, and implementing the Base Reuse Plan
- Coordinates with over 50 local, state, and federal agencies
- Oversees Base Reuse Plan constancy – 5 underlying jurisdictions (Memorandum of Agreement)











FORA ESCA RP Facts

- 2007 Army and FORA enter into ESCA to:
 - Expedite transfer of parcels to FORA
 - Parallel path munitions remediation on ESCA parcels and Historical Impact Area
 - Provide upfront funding for munitions remediation to alleviate budget uncertainty
- \$97.7 million ESCA Grant included:
 - \$82.1 million for an environmental insurance policy that funds the munitions remediation program and provides additional funding if costs should exceed original estimate
 - \$15.6 million for regulatory oversight fees, FORA management, taxes on the environmental insurance, mobilization fees, and purchase of a contractor's pollution liability policy
- ESCA RP Responsibilities:
 - Munitions remediation as required by EPA Administrative Order on Consent
 - Field activities consistent with Army remedial program
 - Overall regulatory compliance
 - Community Involvement and Outreach Program
 - Programmatic reporting to EPA and Army

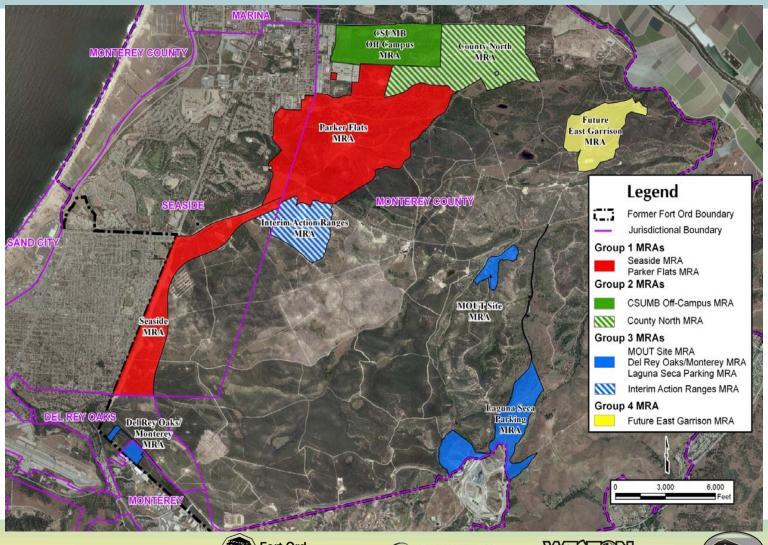








ESCA Property Orientation



FORA ESCA



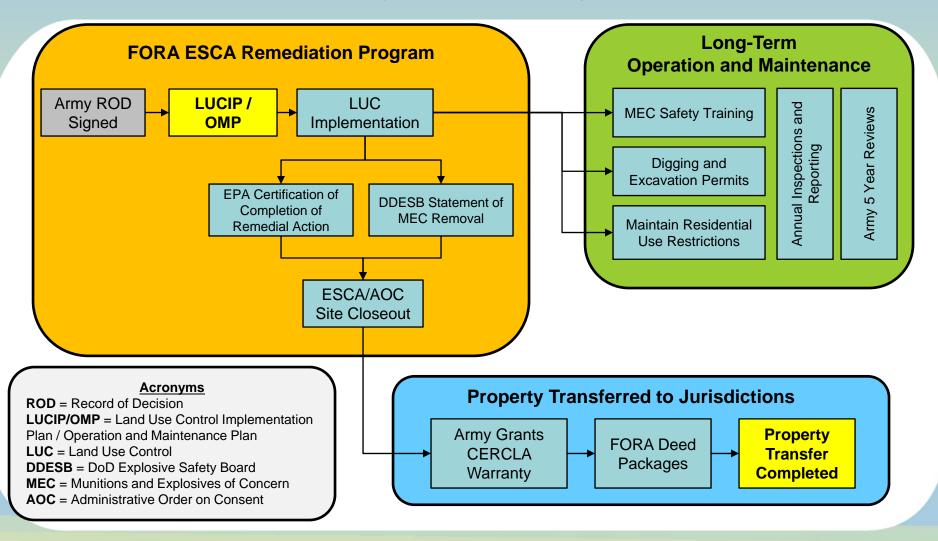
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ESCA Property Pathway-to-Transfer





Fort Ord Reuse Authority







FORA ESCA

Remediation

LUC Final Remedy Description

- LUCs selected as final remedy in Group 2 & 3 RODs
- The LUCs remedy:
 - MEC recognition and safety training for those conducting ground-disturbing or intrusive activities on the property
 - 2. Construction support by UXO-qualified personnel for ground-disturbing or intrusive activities
 - 3. Restrictions prohibiting residential use in the proposed future non-residential reuse areas
- Long Term Management Measures (LTMM) will also be implemented including:
 - Existing land use restrictions
 - Annual monitoring and reporting
 - Five-year review reporting











LUC Implementation Pathway

ROD

LUCIP/OMP

LUC Implementation

Long-Term O&M

- MEC removal actions completed prior to ROD
- Identifies Final Remedial Action as LUCs
- Documents
 Remedial Action
 Objectives (RAO)

- Describes <u>performance</u> <u>objectives</u> and <u>strategy</u> for LUC implementation
- ✓ Identifies <u>actions</u> to implement and maintain LUCs
- ✓ Provides execution sequence to establish LUC remedy

- □ Complete specific actions to <u>establish</u> and/or <u>implement</u> LUCs
- ☐ Ensure appropriate agreements in place to administer LUCs
- Establish working procedures for day-today LUCs execution

- Continuing longterm actions to <u>maintain</u> and <u>implement</u> LUCs
- Annual monitoring, inspection and reporting of LUCs









LUC Implementation Actions

MEC Recognition & Safety Training

- Develop training materials
- Providing access to training
- Monitoring and reporting

Construction Support

- Construction Support planning and execution through local Ordinances
- Procedures for appropriate response to finding evidence of MEC
- Documentation and reporting

Residential Use Restriction

- Maintaining residential use restrictions in non-residential areas
- □ Removal residential reuse restrictions in proposed future residential reuse areas
- Process for approval of proposals to remove restrictions









MEC Recognition and Safety Training Implementation Strategy

Performance Objectives

- Ensure people involved in intrusive activities are educated about possibility of encountering MEC
- Ensure people involved in intrusive activities stop activities when MEC is encountered and report encounter to appropriate authorities

Develop Web-based Training Materials

- □ FORA will develop training materials, including video and handouts
- □ FORA will develop procedures outlining training tasks and requirements

Provide Training

- ☐ Training available to anyone conducting intrusive or ground disturbing activities
- Jurisdictions require training documentation as condition for excavation permit
- ☐ Requirement in place through State CRUP and local digging and excavation ordinance

Annual Monitoring and Reporting

- □ FORA ensures training requirements remain in place through existing deed restrictions, State CRUP and local digging and excavation ordinance
- □ FORA and local jurisdictions track training activities and include in Annual LUC Monitoring Reports









MEC Construction Support Implementation Strategy

Performance Objective

 Ensure projects involving ground-disturbing or intrusive activities are coordinated with UXO-qualified personnel so encounters with potential MEC items will be handled appropriately

Excavation Permit Construction Support

- □ FORA will provide references to information to support local jurisdictions in implementation of construction support requirements
- □ Local jurisdictions implement construction support planning requirements consistent with applicable digging and excavation ordinances and State CRUP

Response to Evidence of MEC

- ☐ FORA procedures for proper response to potential MEC finds
- □ Excavation Permits to require contractors stop-work and report MEC finds to local law enforcement and Agency notifications
- □ Regulators and Army determine need for additional assessment or field investigation

Documentation and Reporting

- UXO construction support contractor documents project and reports per FORA or local jurisdiction requirements.
- □ FORA and jurisdictions report activities in annual LUC monitoring report









Restrictions Prohibiting Residential Use Implementation Strategy

Performance Objective

 Ensure that any proposals to allow residential development or modifications to residential restrictions in non-residential areas are approved by EPA and Army in coordination with DTSC

Maintain Existing Residential Use Restrictions

■ MOA in place with jurisdictions outlining obligation to maintain the LUCs, including the residential use restrictions

Evaluation of proposals to remove restrictions

□ Any future proposals to remove residential use restrictions require review and approval by DTSC, EPA and Army

Documentation and Reporting

□ FORA and jurisdictions currently conducting LUC annual monitoring and reporting









LUC Annual Monitoring & Reporting

- LUC monitoring and reporting requirements to be incorporated into existing Annual LUC Monitoring Reports
- Annual Report Activity Tracking
 - MEC training
 - Excavation permits
 - UXO construction support results
 - □ MEC finds
 - Property transfers
 - □ Property improvements (ground-disturbing or intrusive activities)
- Annual Monitoring Checklist Revision (to include Munitions LUC section)
 - Verify MEC safety training materials are available (web-based video presentation)
 - Compile summary of MEC safety training conducted
 - ☐ Compile summary of construction support activities
 - □ Compile summary of MEC finds
 - ☐ Verify LUC requirements (training, construction support, use restrictions) remain in place
 - Physically inspect property to verify no unpermitted property improvements (ground-disturbing or intrusive activities)









LUCIP/OMP Document Schedule

Document	Group 2 MRA		Group 3 MRAs	
	Issue Date ¹	Comments Due ¹	Issue Date ¹	Comments Due ¹
Draft LUCIP / OMP	May 2015	July 2015	April 2015	June 2015
Draft Final LUCIP / OMP	August 2015	September 2015	July 2015	August 2015
Final LUCIP / OMP	November 2015	Not Applicable	September 2015	Not Applicable

Note 1 - Dates subject to change









Questions?







