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
ESCA Property Pathway-to-Transfer

**FORA ESCA Remediation Program**

- Army ROD Signed
- LUCIP / OMP
- LUC Implementation
- EPA Certification of Completion of Remedial Action
- DDES B Statement of MEC Removal
- ESCA/AOC Site Closeout

**Long-Term Operation and Maintenance**

- MEC Safety Training
- Digging and Excavation Permits
- Maintain Residential Use Restrictions
- Annual Inspections and Reporting
- Army 5 Year Reviews

**Property Transferred to Jurisdictions**

- Army Grants CERCLA Warranty
- FORA Deed Packages
- Property Transfer Completed

**Acronyms**

- ROD = Record of Decision
- LUCIP / OMP = Land Use Control Implementation Plan / Operation and Maintenance Plan
- LUC = Land Use Control
- DDES B = DoD Explosive Safety Board
- MEC = Munitions and Explosives of Concern
- AOC = Administrative Order on Consent
LUC Final Remedy Description

• LUCs selected as final remedy in Group 2 & 3 RODs

• The LUCs remedy:
  1. MEC recognition and safety training for those conducting ground-disturbing or intrusive activities on the property
  2. Construction support by UXO-qualified personnel for ground-disturbing or intrusive activities
  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**
  - MEC removal actions completed prior to ROD
  - Identifies Final Remedial Action as LUCs
  - Documents Remedial Action Objectives (RAO)

- **LUCIP/OMP**
  - Describes performance objectives and strategy for LUC implementation
  - Identifies actions to implement and maintain LUCs
  - Provides execution sequence to establish LUC remedy

- **LUC Implementation**
  - Complete specific actions to establish and/or implement LUCs
  - Ensure appropriate agreements in place to administer LUCs
  - Establish working procedures for day-to-day LUCs execution

- **Long-Term O&M**
  - Continuing long-term actions to maintain and implement 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
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.
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

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<th>Document</th>
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Note 1 - Dates subject to change
Questions?