



## LUC Implementation Requirements

*This module reviews LUC implementation, operations and maintenance requirements as identified in LUCIP/OMP Section 5, highlighting jurisdictions' and landowners' roles and responsibilities.*



## LUC Implementation Requirements

- Responsibilities for implementing, monitoring, and reporting
- Annual and on-going responsibilities
- Property Transfer requirements
- Project and Activity Specific Requirements
- Suspect munitions item finds responsibilities





## LUC Implementation Requirements Operations and Maintenance

### LUCIP/OMP Section 5: LUC Operations & Maintenance

- Presents responsibilities for actions to facilitate long-term compliance with LUC remedy objectives
- Responsibilities include implementing, monitoring, inspection and reporting, and enforcement
- Identifies specific LUC implementation responsibilities by organization
  - FORA responsibilities
  - County, Cities, MPC and CSUMB responsibilities
  - Property recipient responsibilities
  - Army responsibilities

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## LUCIP/OMP Roles and Responsibilities

Organization	Roles & Responsibilities	Authority
Army BRAC	<ul style="list-style-type: none"> <li>• Ensure protectiveness of remedy</li> <li>• Army Obligations per ESCA</li> </ul>	<ul style="list-style-type: none"> <li>• FFA</li> <li>• ESCA</li> </ul>
EPA Region 9	<ul style="list-style-type: none"> <li>• Lead regulatory agency</li> </ul>	<ul style="list-style-type: none"> <li>• FFA / AOC</li> </ul>
DTSC	<ul style="list-style-type: none"> <li>• Regulatory concurrence</li> <li>• CRUP enforcement</li> </ul>	<ul style="list-style-type: none"> <li>• FFA / AOC</li> <li>• CRUP</li> <li>• MOA w/DTSC</li> </ul>
FORA	<ul style="list-style-type: none"> <li>• LUC remedy implementation</li> <li>• Annual LUC reporting</li> </ul>	<ul style="list-style-type: none"> <li>• AOC</li> <li>• ESCA</li> <li>• MOA w/DTSC</li> </ul>
Jurisdictions (County, Cities, CSUMB & MPC)	<ul style="list-style-type: none"> <li>• Enforce Digging &amp; Excavation Ordinance</li> <li>• Maintain and enforce deed restrictions</li> <li>• Annual LUC monitoring and reporting</li> </ul>	<ul style="list-style-type: none"> <li>• Municipal Code</li> <li>• MOA w/DTSC</li> </ul>
Landowners	<ul style="list-style-type: none"> <li>• Comply with LUCs, deed restrictions, CRUP</li> </ul>	<ul style="list-style-type: none"> <li>• Property Deed</li> </ul>

FFA = Federal Facility Agreement      ESCA = Environmental Services Cooperative Agreement  
 AOC = Administrative Order on Consent      CRUP = Covenant to Restrict Use of Property  
 MOA = Memorandum of Agreement      RSA = Remediation Services Agreement

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## LUC O&M Responsibilities FORA

- Munitions Recognition and Safety Training
  - Maintain training materials & web site
  - Monitor implementation of training requirements
- Construction Support
  - Monitor implementation of construction support
  - MEC find notification to Army, EPA & DTSC
  - MEC find assessments
- Residential and Habitat Reserve Use Restrictions
  - Monitor compliance with use restrictions
  - Ensure use restrictions remain in property deeds
- Annual LUC Monitoring and Reporting
  - Compile and submit annual LUC status reports

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## LUC O&M Responsibilities: MPC, CSUMB, County, and Cities

- MEC Recognition and Safety Training
  - Annual property owner notification of training requirements
- Construction Support
  - Monitor and enforce excavation permit requirements under the digging and excavation ordinance
  - Consultation with Army, EPA and DTSC on construction support requirements prior to issuing excavation permits
  - Ensure Construction Support After Action reporting
  - Annual monitoring and reporting of construction support activities
- Residential and Habitat Reserve Use Restrictions
  - Maintain use restrictions in property deeds & monitor compliance
- Annual LUC Monitoring and Reporting
  - Conduct annual LUC inspections and reporting and submit to FORA

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## LUC O&M Responsibilities: Property Recipient

- **MEC Recognition and Safety Training**
  - Ensure property users are aware of and comply with training requirements
  - Annually deliver copy of MEC Safety Guide to site workers
  - Document and maintain records of compliance with training requirements
- **Construction Support**
  - Comply with excavation permitting and construction support requirements
  - Retain UXO contractor to provide construction support services
- **Residential and Habitat Reserve Use Restrictions**
  - Comply with use restrictions during use of the property
  - Maintain use restrictions through future property transfers
- **Annual LUC Monitoring and Reporting**
  - Cooperate with County and Cities in conducting annual inspections of property to verify compliance with LUCs, deed restrictions, and CRUP

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## LUC O&M Responsibilities: Army

- **MEC Recognition and Safety Training**
  - Monitor implementation of training to ensure FORA compliance with LUC remedy
- **Construction Support**
  - Monitor FORA, County and Cities implementation and enforcement of construction support requirements
  - Participate with DTSC in review and approval of construction support plans
  - Coordinate Army and DDESB review and approval of Explosive Safety Submittals
  - Participate, in consultation with EPA and DTSC, in MEC find assessments
- **Residential Use Restriction**
  - Monitor compliance with the residential use restrictions
- **Annual LUC Monitoring and Reporting**
  - Review annual LUC monitoring reports to verify compliance with LUC remedy
- **CERCLA Five-Year Review**
  - Conduct five-year reviews to evaluate protectiveness of LUC remedy

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## LUC Operations and Maintenance Annual and On-going Requirements

- Yearly Activities
  - Landowner notifications under digging and excavation ordinance
  - LUC compliance inspections and verification
  - LUC monitoring report
- On-going requirements
  - Worker munitions safety training
  - Maintain property use restrictions

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## LUC Operations and Maintenance Property Transfer Responsibilities

- FORA Planned Property Conveyance
  - FORA notification to Army, EPA and DTSC of intended transfer
  - Notice to describe how LUCs will continue to be implemented
  - FORA to ensure use restrictions, LUCs and State CRUP restrictions maintained in deeds
- Jurisdiction and Future Property Conveyances
  - Property owner notification to recipient of the property use restrictions and LUCs and State CRUP compliance requirements
  - Jurisdictions monitor property transfers to ensure use restrictions, LUCs and State CRUP restrictions maintained in future deeds
  - Notification to Army, EPA and DTSC of property transfer through annual LUC monitoring report

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## LUC Operations and Maintenance Project/Development Specific Requirements

- Use Restrictions
  - Ensure planned project is in compliance with applicable residential and habitat reserve area use restrictions
- Digging and Excavation Ordinance
  - Comply with excavation permitting requirements
- Construction Support
  - Property owner and/or land user retain UXO contractor to provide construction support services

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## LUC Operations and Maintenance Response to Suspect Munitions Finds

- Three scenarios for response to suspect munitions items
- Standard procedure for encounters with suspected items
  - Stop work in vicinity of suspect munitions item
  - Immediately notify local law enforcement
  - Local law enforcement secures site and request DoD response
- On-call Construction Support
  - Stop work in work in area of suspect munitions item
  - Immediately notify UXO support contractor
  - UXO-qualified personnel inspect and assess suspect item
  - Confirmed MEC, all work stops at site, notify local law enforcement
  - Local law enforcement secures site and requests DoD response
- On-site Construction Support
  - Process to be included in On-site Construction Support Plan

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## LUC Implementation Requirements

Questions?