FINAL PLAN OF REMEDIAL ACTION

Milton Rail to Trail Phase One

Milton Rail to Trail Phase One
Milton, Delaware

June 10, 2009
DNREC Project No.DE-1460

This Final Plan of Remedial Action (Final Plan) presents the Department of Natural Resources and Environmental Control's (DNREC's) determination that: historical operations resulted in the generation of a variety of hazardous and non-hazardous materials in the soil at the site.

DNREC issued public notice of the Proposed Plan for the Site on May 18, 2009 and opened a 20-day public comment period, which ended on June 8, 2009 The Proposed Plan requires:

- excavation and removal of contaminated soil from the site, install marker fabric and then place a protective barrier of clean soil.
- a monitoring program on a semi-annual basis, to verify that the remedies are still in place as described in an Operations and Maintenance (O&M) Plan.
- placement of an Environmental Covenant to (1) restrict the future use of the Site to recreational use and (2) prohibit the disturbance of the clean soil cap without written approval of DNREC-SIRB;

The Proposed Plan also includes the location of additional information found on the DNREC web page and in the DNREC office at Lukens Drive in New Castle.

There were no comments or questions from the public regarding the Proposed Plan. Therefore, the Proposed Plan was adopted as the Final Plan (see attached).

Approval:
This Final Plan meets the requirements of the Hazardous Substance Cleanup Act.

Kathleen M. Stiller

Kathleen Stiller, Program Manager II
Division of Air and Waste Management

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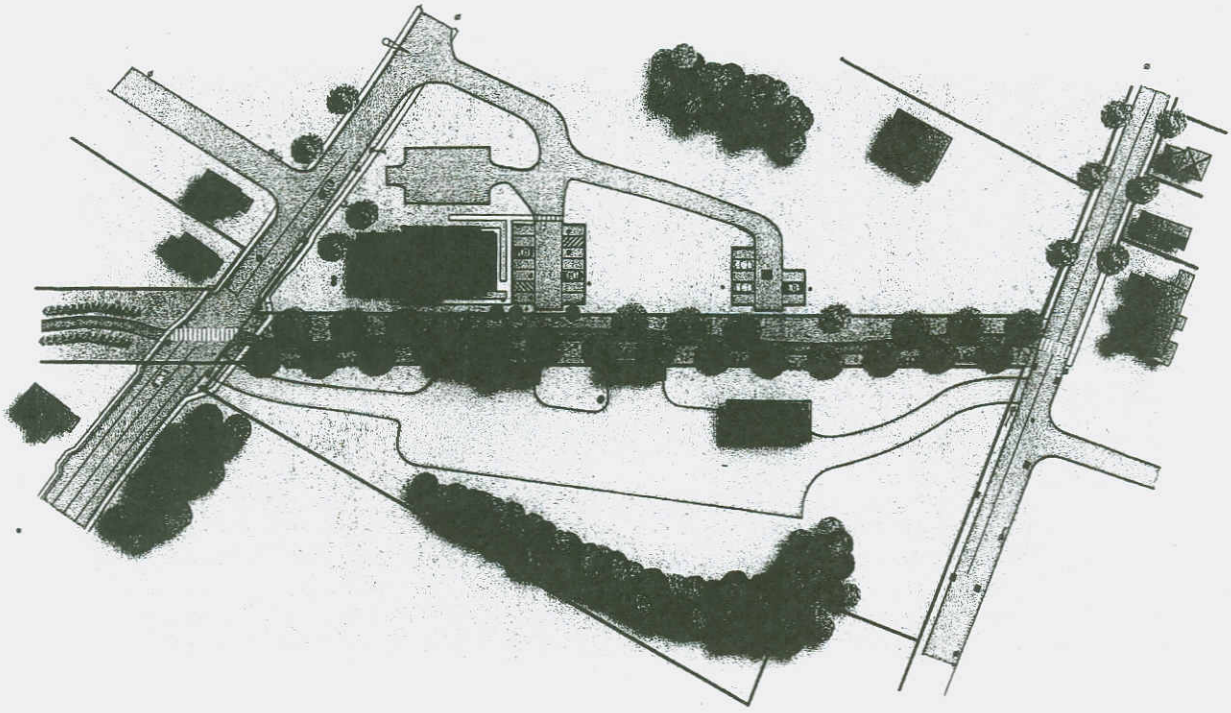
PROPOSED PLAN OF REMEDIAL ACTION

MILTON RAIL TO TRAIL PROJECT
PHASE ONE – CHESTNUT STREET TO FEDERAL STREET
TOWN OF MILTON, DELAWARE
(DNREC-SIRB ID: DE-1460)



May 2009

Delaware Department of Natural Resources and Environmental Control
Division of Air and Waste Management
Site Investigation & Restoration Branch

391 Lukens Drive
New Castle, Delaware19720

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Approved by:

James D. Werner, Director
Division of Air & Waste Management

12 MAY 2009
Date

What is the Milton Rail-To-Trail Project Phase One?

The Milton Rail to Trail project is located on an approximately 4,000-foot long railroad and associated right-of-way extending from Chestnut Street to Lavinia Street in the Town of Milton, Delaware (Figure 1). The initial "Phase One" portion of the project is an approximately 700-foot length of the railroad track and right-of-way located between Chestnut Street and Federal Street (Figure 1). The Town of Milton has proposed to redevelop the site for use as a public-access walking / biking trail.

Tax Parcel Number: 235-20.11-20.00 (Sussex County)
Nearest roadways: Site lies between Chestnut Street and Federal Street
Area: 0.7 acres (725-foot long, trapezoid-shaped parcel)
Surrounding Land Use: mixed-use area with primarily residential, commercial, educational, and light-industrial properties in the vicinity
Site Utilities: The Property vicinity is served with public water and sewer utilities by the Town of Milton. There currently are no utilities that serve the site.
Topography: generally flat
Groundwater: Columbia aquifer

What happened at the Site?

Information from reviewed historical documents indicates that railroad tracks and an onsite spur were constructed at the Property some time prior to 1911. This spur was seen on the topographic maps for the years 1955 and 1981, but is no longer present at the Site.

Railroad structures including a passenger depot, freight depot, and a building with an illegible label, were present just north of the northern boundary of the Site on the 1911 Sanborn Map. These buildings were demolished or otherwise removed some time between 1954 and 1977.

What is the environmental problem at the Site?

The property was the location of a Brownfield Investigation to characterize soil and groundwater quality prior to its redevelopment. The surface soil was found to consist of apparent industrial fill materials generally made up of dark colored fine- to coarse-grained sand, with varying volumes of silt and gravel, and pieces of coal, ash, and slag ranging up to 1.0 foot thick. The laboratory analysis of those materials detected some Contaminants of Concern (COC), including polycyclic aromatic hydrocarbons (PAHs) at concentrations above residential risk-based levels. Arsenic exceeded the statewide background standard of 11 mg/kg in one soil sample collected from the property as part of the Brownfield Investigation, and therefore the residential risk-based level.

What Clean-up Actions were Required by DNREC for the Site?

DNREC required that the following Cleanup Actions be undertaken at the site:

1. An interim action, consisting of the excavation and offsite disposal of surface soils in some areas containing arsenic and polycyclic aromatic hydrocarbons (PAH)s at concentrations above the unrestricted use (residential) Uniform Risk-Based Standard;
2. The placement of a 1-foot thick layer of clean soil borrow material over the project site as a cap to restrict the possibility of future direct contact with the surface soil materials;
3. The placement of an Environmental Covenant consistent with Delaware's Uniform Environmental Covenant Act (UECA) by the owner within 90-days following adoption of the Final Plan of Remedial Action to (1) restrict the future use of the Site to recreational use and (2) prohibit the disturbance of the clean soil cap by the performance of land-disturbing activities on the Site without written approval of DNREC-SIRB;
4. A DNREC-approved Operation and Maintenance (O&M) Plan will be written to detail the inspection of the clean soil cap to insure the protectiveness of the remedy.

What are the long term plans for the Site after the cleanup?

The Town of Milton is redeveloping the Property as a public-access walking/biking trail. The redevelopment generally consists of removing any of the existing railroad track, ties, and associated debris and constructing an approximately 10-foot wide asphalt-paved trail and associated storm-water management, landscaping, lighting, and other ancillary features. The proposed redevelopment will provide a recreational and aesthetic benefit to the Milton community. The Town of Milton and future owners of the property will be responsible for the implementation and associated cost of the DNREC-approved O&M Plan, and the adherence to the requirements and conditions established in the uniform environmental covenant for the site.

DNREC-SIRB plans to issue a Certificate of Completion of Remedy (COCR) for the Site after the completion of soil removal, cap placement, and the implementation of the uniform environmental covenants at the site.

How can I find additional Site information or comment on this Proposed Plan?

The complete site file containing all investigation data and reports is available for public review at the DNREC office, 391 Lukens Drive in New Castle. Most documents are also found on:

http://www.dnrec.state.de.us/dnrec2000/Divisions/AWM/sirb/

The 20-day public comment period begins on _____ and ends on _____. Please send written comments to the DNREC office or call Todd Keyser, Project Manager, at: 302-395-2600.

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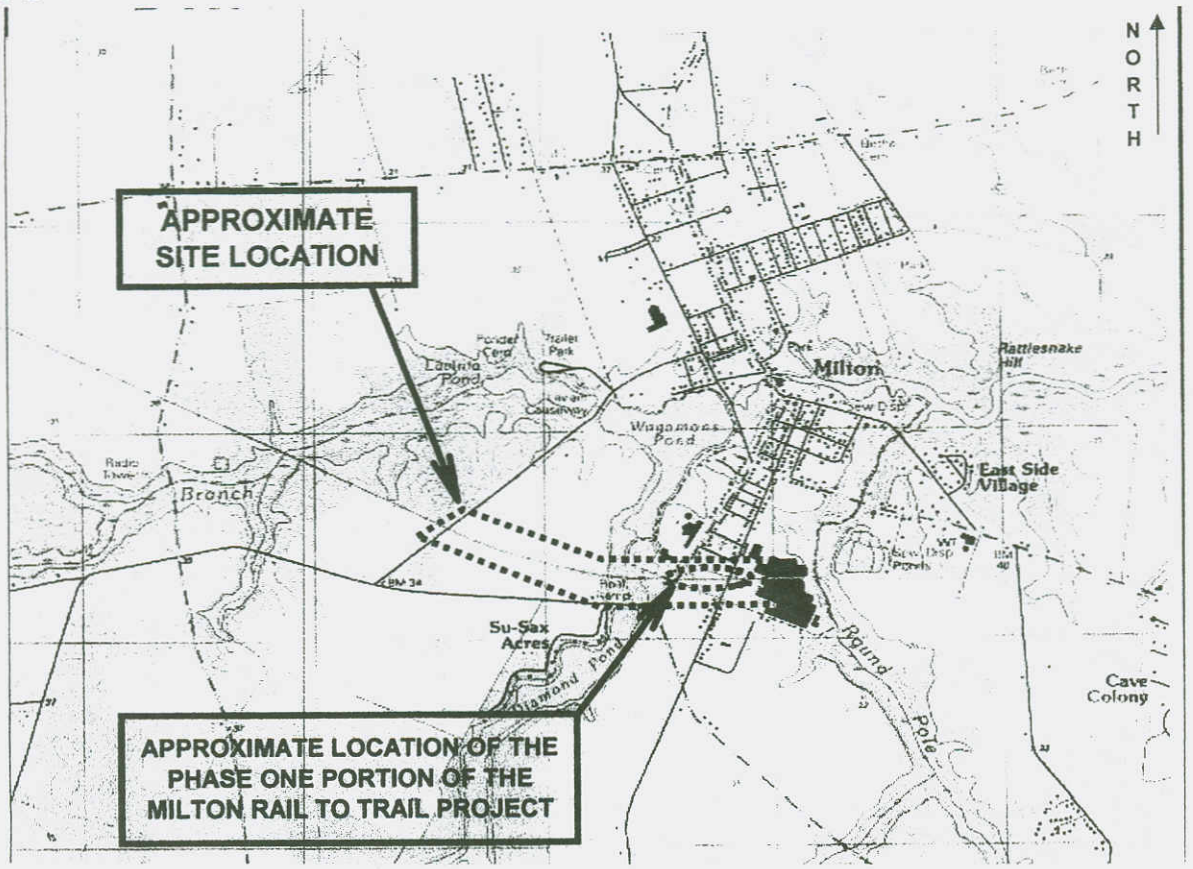
Figure 1



Site Photo

Abandoned railroad right of way in Milton, DE

Glossary of Terms Used in this Proposed Plan

Brownfield	Property that is vacant or underutilized because of the perception or presence of an environmental problem.
Certified Brownfield	A brownfield that DNREC has determined is eligible for partial funding through the Delaware Brownfields Program.
Contaminant of Concern (COC)	These are potentially harmful substances at concentrations above acceptable levels (e.g., metals and PAHs).
Certificate of Completion of Remedy (COCR)	A formal determination by the Secretary of DNREC that remedial activities required by the Final Plan of Remedial Action have been completed.
Direct Contact Exposure	Contact with a substance through inhalation, ingestion, or direct contact with the skin. Exposure may be short term (acute) or long term (chronic).
Final Plan of Remedial Action	DNREC's proposal for cleaning up a hazardous site after it has been reviewed by the public and finalized.
Hazardous Substance Cleanup Act (HSCA)	Delaware Code Title 7, Chapter 91. The law that enables DNREC to identify parties responsible for hazardous substances releases and requires cleanup with oversight of the Department.
PAHs	Polynuclear Aromatic Hydrocarbons (PAHs) are a group of over 100 different chemicals that are formed during the incomplete burning of coal, oil and gas, garbage, or other organic substances like tobacco or charbroiled meat. PAHs are usually found as a mixture containing two or more of these compounds, such as soot. Some PAHs are manufactured. These pure PAHs usually exist as colorless, white, or pale yellow-green solids. PAHs are found in coal tar, crude oil, creosote, and roofing tar, but a few are used in medicines or to make dyes, plastics, and pesticides (ATSDR, ToxFAQs for PAHs, 1996)
Proposed Plan of Remedial Action	A plan for cleaning up a hazardous site submitted by DNREC and subject to public comments.
Risk	Likelihood or probability of injury, disease, or death.
Vapor Intrusion	The migration of vapors from subsurface contamination, including groundwater and in soil, into buildings.

What is a *Proposed Plan?*

A Proposed Plan of Remedial Action (Proposed Plan) is a summary of how DNREC intends to clean up a contaminated site. A Final Plan of Remedial Action (Final Plan) is the adoption of the Proposed Plan after DNREC considers all comments made by the public within the comment period of twenty days.

The Delaware State Legislature passed the Hazardous Substance Cleanup Act (HSCA) in 1990. The Legislature made sure that members of the public would be informed about environmental problems in their own neighborhoods and have a chance to express their opinions concerning the clean up of those environmental problems before DNREC takes action.

After DNREC studies a site, it summarizes the problems there and proposes one or more possible solutions in a *Proposed Plan*. The *Proposed Plan* contains enough information to allow the general public to understand the site and its problems. More detailed information can be found in the reports and documents approved by DNREC. All of the documents and reports created by DNREC or consultants during the course of the investigation of the site are available to the public at the offices of DNREC-SIRB or at DNREC's website:

http://www.dnrec.state.de.us/dnrec2000/Divisions/AWM/sirb/sitefiles.asp

DNREC issues the Proposed Plan by advertising it in at least one newspaper in the county where the site is located. The legal notices for the Proposed Plans and the Final Plans usually run on Wednesdays or Sundays in the legal classified section of the News Journal and/or the Delaware State News. The public comment period begins on the day (Wednesday), or the day after (Sunday) the newspaper publishes the legal notice for the Proposed Plan.

DNREC frequently holds public meetings during the comment period. Those meetings are usually held near the site in the evening. Citizens can request a public meeting if DNREC did not already schedule one.

DNREC collects comments at the public meetings, by phone or in writing. DNREC considers all comments and questions from the public before it makes the Proposed Plan final.