



TOWN OF MOUNT AIRY
Carroll County, Maryland

BROWNFIELD APPLICATION
MOUNT AIRY RAILS TO TRAILS PROJECT
HILL STREET TO TEMPEST LANE
[DRAFT]

October 28, 2021

Project No. 2022-MA-G-008
Rev. 0

Summary

The Town of Mount Airy is seeking Brownfield funding assistance for the remediation clean-up of real property in the form of an abandoned rail line from CSX.

The Town and community volunteers have already acquired, cleared and constructed a half mile of the Mount Airy Rails to Trails system on the east side of Main Street (MD Route 808). In September 2021, the Town acquired an additional half mile of abandoned rail line on the west side of Main Street (MD Route 808) in their Rails-to-Trails effort. The Brownfield funding under consideration will provide a critical means to move this property from an industrial use to a recreational use. Furthermore, it will provide a link to the existing Rails to Trails system and a trail connection in an abutting subdivision. Regionally, this land acquisition will provide an inter-county connection between Frederick and Carroll as denoted on the Carroll County Bike-Ped Master Plan.

The Town is requesting Brownfield funding for this clean-up, but the \$500,000 limit in all probability will not be sufficient. The funding of this clean-up will greatly enhance the recreational needs of the community and tourists. The extension of the existing hiker/biker route will provide a critical walkability element and recreational connection to Downtown and beyond. The net result will enhance commerce, promote health and remove vehicles from the roadway by providing an alternative transportation option. This will be invaluable.

Mount Airy is located at the junction of Howard, Montgomery, Carroll and Frederick Counties and the establishment of a trail system that may someday provide a non-vehicular connection between these four jurisdictions is important. The popularity and tourist interest in hiker/biker trails separated from vehicular traffic are important to Maryland residents as a quality-of-life issue. The Maryland State Highway Administration has made the protection of vulnerable users by separating vehicles from other modes of transportation a high priority in the formulation of the FY22-FY28 Consolidated Transportation Master Plan. The funding of this remediation effort will fill in a piece of the mosaic of trails that will be an asset now and in the future.

Finally, clean-up of this abandoned rail line and its inclusion in the trail system will benefit the community and environment with the anticipated removal of the contamination found to exist. The Mount Airy Historical Society, Ava's T21 Foundation, along with other community organizations, businesses, and local trail enthusiasts including more than 100 letters of support, are willing to help with the remediation.



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

CERTIFIED MAIL and FIRST CLASS MAIL

October 19, 2021

David Warrington, Town Administrator
110 S. Main Street
P.O. Box 50
Mount Airy, MD 21771

RE: EPA Brownfield Cleanup Grant

Dear Mr. Warrington:

This letter serves to acknowledge that the Maryland Department of the Environment (“MDE”) received notification from the Town of Mount Airy (“the Town”) that it intends to apply for a grant from the United States Environmental Protection Agency (“EPA”). MDE understands that your goal is to receive a Brownfield Cleanup Grant, which would provide funds to perform remediation activities for hazardous substance-contaminated brownfields sites. If awarded, we understand that the Town plans to use the grant funding to address environmental impacts along a newly acquired portion of the CSX rail line to increase greenway space for hiking and biking with a Rails to Trails project.

MDE strongly encourages initiatives that target the redevelopment of brownfields sites, especially those that improve the health of communities by mitigating adverse environmental conditions. The Town of Mount Airy is to be applauded for its efforts to move this initiative forward and for its goal to increase greenway space through brownfields redevelopment under our Voluntary Cleanup Program.

If you have any questions, please contact me at (410) 537-3437 or Barbara.Krupiarz2@maryland.gov.

Sincerely,

Barbara Krupiarz
Program Manager, Land Restoration Program

cc: Ms. Kaley Laleker, Director, Land and Materials Administration
Mr. Jason Dubow, Manager, Resource Conservation & Management, Maryland Department of Planning

Mr. Brian Dietz, Chief, State Assessment and Remediation Division, Land Restoration Program

NARRATIVE INFORMATION SHEET

1. Application Identification: The Town of Mount Airy, Maryland. P.O. Box 50, Mount Airy, Maryland 21771.
2. Funding Requested: Grant Type a) Single Site Clean-Up.
Federal Funds Requested b) (i) \$650,000 (ii) A waiver of the 20% cost share is being requested (iii) A waiver of the \$500,000 limit is being requested.
3. Location: a) Town of Mount Airy b) Frederick County & Carroll County c) Maryland
4. Property Information: Mount Airy Rails to Trails Project. Located between Hill Street and Tempest Lane in Mount Airy, Maryland 21771. 8.205-acres & 0.462-acres Tax Account 3 18-386739. Frederick County Liber HS 7 at Folio 432, Liber HS 7 Folio 73 and Carroll County Liber WWW 2 at Folio 184
5. Contacts: a) Project Director – Barney Quinn, 301-829-1424, bquinn@mountairymd.gov, P.O. Box 50, Mount Airy, Maryland 21771. b) Chief Executive/Highest Ranking Elected Official Jason Poirier, Mayor and President of the Council, 301-829-1424, jpoirier@mountairymd.gov P.O. Box 50, Mount Airy, Maryland 21771.
6. Population: 9,654
7. Other Factors:

Sample Format for Providing Information on the Other Factors	Page #
Community population is 10,000 or less.	1

8. Letter from the State or Tribal Environmental Authority: See attached letter from the Maryland Department of the Environment.
9. Releasing Copies of Applications: It is anticipated that no portion of the application will be claimed to be confidential.

NARRATIVE/RANKING CRITERIA

1. PROJECT AREA DESCRIPTION AND PLANS FOR REVITALIZATION
2. COMMUNITY NEED AND COMMUNITY ENGAGEMENT
3. TASK DESCRIPTIONS, COST ESTIMATES, AND MEASURING PROGRESS

a. *Proposed Cleanup Plan:* The remediation method to be used is capping. A land use restriction would need to be recorded on the deed to prevent residential use of the property to eliminate the direct contact exposure pathway for potential future residents. The contaminated media to be addressed is an elevated soil contamination of arsenic and polycyclic aromatic hydrocarbons (PAH). The levels measure in the voluntary cleanup range. Soil capping is an effective method to prevent recreational users from direct contact exposure to the contaminated soil; however, it is not the most effective means for pedestrians, strollers, and cyclists. Paving the area would be the most effective alternative to prevent users against direct contact risk from contaminated soil, and therefore, a combined capping of paving and soil is proposed.

b. *Description of Tasks/Activities Outputs:*

Task/Activity:
i. Project Implementation <ul style="list-style-type: none">▪ Discussion of EPA-funded tasks/activities: tasks will include professional oversight of the remediation activities, securing a qualified contractor to perform the remediation which will include but not be limited to installation of erosion control devices, limited soil removal, embankment reinforcement and installation of capping materials.▪ Non-EPA grant resources needed to carry out tasks/activities, if applicable:
ii. Anticipated Project Schedule: Bid document preparation (2 months), issuance to bid submission closing (1 month), bid review and vetting (1 month), award of contract (2 months), issuance of permits from all required agencies (4 months), mobilization (1 month), capping construction (13 months).
iii. Task/Activity Lead: Bid documentation, vetting of potential contractors, recommendation of award, construction oversight (Barney Quinn – Town Engineer). Permit issuance – Maryland Department of the Environment, Carroll County Stormwater Management & Sediment Control, Frederick County Health Department.
iv. Outputs: Funding will help the EPA achieve the environmental outcome by encapsulating the arsenic and PHT contaminants in the soil. In review of the level of contaminants and the Analysis of Brownfield Cleanup Alternatives (ABCA) this remediation will accomplish the EPA goal of returning a former industrial use site to a community recreation site and use.

c. Cost Estimates:

Budget Categories		Project Tasks (\$)				Total
		Mobilization	Asphalt	Soil & Seeding	Storm Sewer Replacement	
Direct Costs	Personnel					
	Fringe Benefits					
	Travel ¹					
	Equipment ²					
	Supplies					
	Contractual	\$19,000	\$322,883	\$443,200	\$118,000	\$903,083
	Other (include subawards) (specify type)					
Total Direct Costs ³						\$903,083
Indirect Costs ³						
Total Federal Funding (not to exceed \$500,000; or \$650,000 if requesting waiver of the \$500,000)						\$650,000
Cost share (20% of requested federal funds) ⁴						\$130,000
Total Budget (Total Direct Costs + Indirect Costs + Cost Share)						\$903,083
<p>¹ Travel to brownfields-related training conferences is an acceptable use of these grant funds.</p> <p>² EPA defines equipment as items that cost \$5,000 or more with a useful life of more than one year unless the applicant has a lower threshold for equipment costs. Items costing less than \$5,000 are considered supplies. Generally, equipment is not required for Brownfield Grants.</p> <p>³ Administrative costs (direct and/or indirect) for the Cleanup Grant applicant itself cannot exceed 5% of the total award amount (EPA funds plus the applicant's cost share).</p> <p>⁴ Applicants must include the cost share in the budget even if applying for a cost share waiver (see Section III.B.14 for a list of applicants that may request a cost share waiver). If the applicant is unsuccessful and the cost share waiver is approved, it will be removed in pre-award negotiation.</p>						

PROGRAMMATIC CAPABILITY AND PAST PERFORMANCE

a. Programmatic Capability

- i) Organizational Structure and Key Staff: The Town is an incorporated municipality in the State of Maryland (1874). The Town Engineer will review, confirm, and present all invoices related to this project and refer them for payment. The Town Administrator will review, authorize, and sign a posting document prepared by the Accounting Department. Payments and reimbursements will be processed through the Accounting Department.
- ii) Acquiring Additional Resources: The Town will ensure that compliance with any/all Solicitation Clauses is noted, included, and based on the version of the clauses in effect as of the closing date of the solicitation.

b. Past Performance and Accomplishments

- i) Currently Has or Previously Received an EPA Brownfields Grant: NONE
- ii) Has not Received an EPA Brownfields Grant but has Received Other Federal or Non-Federal Assistance Agreements:
 - (1) The United States Treasury awarded the Town \$4.6 million American Rescue Plan Act funds. The purpose of this funding is to aid in the recovery of the economy because of Covid 19. The Town has programed these funds for water and sewer infrastructure projects. Currently the Town has one \$900,000 project underway and is about to start a second project estimated to cost \$600,000. The anticipated result will be to stimulate the economy, an outcome noted by the funding authorization, and improved infrastructure.
 - (2) The Maryland Department of the Environment awarded the Town a \$3 million Wastewater Treatment Plant Improvements Enhanced Nutrient Removal Upgrade in 2009. The Town was in compliance with the workplan, schedule and terms and conditions under the agreement. The reporting, payments and work on this project were all timely and acceptable to the Maryland Department of the Environment under the Water Quality Infrastructure Program.

c. Leveraging: The Town does not have a third party to provide additional funds.

Threshold Criteria for Cleanup Grants

1. Applicant Eligibility

Municipality – The Town of Mount Airy, Maryland. 110 South Main Street, P.O. Box 50, Mount Airy, MD 21771

2. Previously Awarded Cleanup Grants

The Town of Mount Airy has not been awarded any prior Brownfield Cleanup Grants.

3. Expenditure of Existing Multipurpose Grant Funds

The Town of Mount Airy does not have an open EPA Brownfields Multipurpose Grant.

4. Site Ownership – The Town of Mount Airy, Maryland is the sole owner of the site by deed dated September 9, 2021, Book 15305, Page 33.

5. Basic Site Information - Mount Airy Rails to Trails Project. Located between Hill Street and Tempest Lane in Mount Airy, Maryland 21771. 8.205-acres & 0.462-acres Tax Account 3 18-386739. Frederick County Liber HS 7 at Folio 432, Liber HS 7 Folio 73 and Carroll County Liber WWW 2 at Folio 184

6. Status and History of Contamination at the Site – The Site is a CSX rail line that is currently abandoned and is now overgrown with vegetation. The rails, ties, and ballast are still present and on site. The line for acquisition is approximately 0.57 miles in length. The contaminated media to be addressed is an elevated soil contamination of arsenic and benzo[a]pyrene (a polycyclic aromatic hydrocarbons, PAH). The levels detected are several orders of magnitude higher than the typical naturally occurring levels which are likely associated with leaching from the railroad ties, application of pesticides, and application of herbicides.

7. Brownfields Site Definition

- a. Not on National Priorities List (Not Applicable)
- b. Not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA (Not Applicable)
- c. Not subject to jurisdiction, custody, or control of the U.S. government (Not Applicable)

8. Environmental Assessment Required for Cleanup Grant Applications - There have been two (2) site assessments performed on the Site, including a. Phase I Environmental Site Assessment (ESA) in 2014 and Phase II ESA in 2019. Since the section of the track is between 0.5 and 0.75 miles in length, a minimum of 15 composite samples were obtained at a depth of approximately 6” below surface each and evenly spaced along the corridor.

9. Enforcement or Other Actions - None

10. Sites Requiring a Property-Specific Determination

11. Threshold Criteria Related to CERCLA/Petroleum Liability

- a. Property Ownership Eligibility – Hazardous Substance Sites
 - i. Exemptions to CERCLA Liability (Not Applicable)
 - ii. Exceptions to Meeting the Requirements for Asserting an Affirmative Defense to CERCLA Liability (Not Applicable)
 - iii. Landowner Protections from CERCLA Liability [note that “Applicants asserting that they meet the BFPP, CPO, or ILO liability protection must review EPA’s [Landowner Liability Protections](#) webpage and contact the Regional Brownfields Contact listed in Section VII. to determine which eligibility criteria apply.]
- b. Property Ownership Eligibility – Petroleum Sites

12. Cleanup Authority and Oversight Structure

- a. The cleanup will be overseen by the Maryland Department of the Environment.

13. Community Notification

- a. Draft Analysis of Brownfield Cleanup Alternatives (attached)
- b. Community Notification Ads – October 15, 2021, Frederick News Post and Carroll County Times
- c. Public Meeting – November 1, 2021, Mount Airy Town Council Meeting
- d. Submission of Community Notification Documents/Property Posting

14. Statutory Cost Share

Budget Categories		Project Tasks (\$)				Total
		Mobilization	Asphalt	Soil & Seeding	Storm Sewer Replacement	
Direct Costs	Personnel					
	Fringe Benefits					
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	Supplies					
	Contractual	\$19,000	\$322,883	\$443,200	\$118,000	\$903,083
	Other (include subawards) (specify type)					
Total Direct Costs³						\$903,083
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³ Administrative costs (direct and/or indirect) for the Cleanup Grant applicant itself cannot exceed 5% of the total award amount (EPA funds plus the applicant's cost share).

⁴ Applicants must include the cost share in the budget even if applying for a cost share waiver (see [Section III.B.14](#) for a list of applicants that may request a cost share waiver). If the applicant is unsuccessful and the cost share waiver is approved, it will be removed in pre-award negotiation.

15. Waiver of the \$500,000 Limit

16. **Named Contractors and Subrecipients** – The Town will be awarding a contractor after the solicitation of bids for this project.

WAIVER REQUEST

I am taking this opportunity to request consideration of a waiver of the \$500,000 limit up to \$650,000 regarding the Town of Mount Airy's Brownfields grant application. The Town of Mount Airy meets the initial waiver population requirement as it has less than 10,000 residents.

Justification for the waiver request is as follows:

- The Town purchased the abandoned CSX railway line in September this year with the understanding that the levels of contamination qualified as a volunteer clean-up. The Town purchased the property and anticipated that the clean-up would be under the threshold of \$500,000, but the latest expansion of the scope has pushed the costs past the \$500,000 limit. The Town has not included these excess funds in its budget.
- The contamination is, in our opinion, minimal as indicated by the designation as "voluntary."
- The initial sampling included a 40 foot range from the center of the tracks. There were samples taken a surface level (6 inches) and subsurface level (6 inches to 24 inches).
- Arsenic was detected in each of the 96 composite soil samples analyzed at concentrations ranging from 4.31 mg/kg to 392 mg/kg. Arsenic concentrations in 87 of the composite soil samples exceeded the MDE Tier 4 – Medium Frequency Use Public Recreational Areas standard for arsenic in soil.
- Detectable concentrations of PAH compounds did not exceed the MDE standards in any of the samples submitted for analysis with the exception of benzopyrene, which is detected in the composite sample collected at a depth of 0-6" and five feet to the south from the centerline of the tracks.
- The site is not enrolled in the State or Tribal response program.
- The planned reuse of the site is from an abandoned, overgrown rail line to an active Rails to Trails recreational amenity. This reuse aligns with the intended objective for the purchase and with the land use plan, sustainability plan, alternative transportation plan, the open space goals, and the recreational facilities objectives.
- Currently, there are no secured commitment plans for firm leveraging. However, consideration will be given for corporate sponsorship of rest areas with benches.
- The eastern leg of the Rails to Trails project was a volunteer project that was so successful the Town embarked on the current western leg connection. The remediation cannot be performed via volunteers. A professional and closely monitored clean-up is required and the expenses will be significant. The Town is seeking a waiver of the limit in order to perform all of the work at one time, thus a more economical operation.
- It was always anticipated that the cost of the remediation would be under the \$500,000 limit, but the most recent estimates extend beyond the set limits.

- There are no other leveraging sources. However, the Town will serve as a leveraging source in order to complete the project if the waiver is denied.

Your consideration of this issue and request will be greatly appreciated.

Analysis of Brownfields cleanup Alternatives – Preliminary Contaminated Soil Site, Hill Street to Tempest Lane, Mount Airy, MD

State Tracking Number:

Prepared by the Town of Mount Airy

I. Introduction & Background

a. Site Location

The site is located between Hill Street and Tempest Lane on the west side of Main Street in Mount Airy, MD (herein referred to as “the Site”).

b. Previous Site Use(s) and any previous cleanup/remediation

The Site is a CSX rail line that is currently abandoned and is now overgrown with vegetation. The rails, ties, and ballast are still present and on site. The line for acquisition is approximately 0.57 miles in length. The rail line runs directly behind the backyards of a residential area on the Frederick County side of Mount Airy. This section of tracks is proposed to become part of the “Rails to Trails” program and tie into the Town’s existing Rails to Trails network.

There have been two (2) site assessments performed on the Site, including a Phase I Environmental Site Assessment (ESA) in 2014 and Phase II ESA in 2019. Since the section of the track is between 0.5 and 0.75 miles in length, a minimum of 15 composite samples were obtained at a depth of approximately 6” below surface each and evenly spaced along the corridor.

c. Site Assessment Findings

The Town of Mount Airy hired ECS Mid-Atlantic, LLC (ECS) and Environmental Services Associated (ESA) to work with the Maryland Department of the Environment (MDE) regarding the Voluntary Cleanup Program (VCP). The Phase I ESA was issued November 2013 for a portion of the railroad easement located north of Center Street. The Phase I ESA recommended a Phase II, which took place in December 2013.

The results of the soil sample analyses indicted arsenic levels above the MDE Anticipated Typical Concentration (ATC). The levels detected are several orders of magnitude higher than naturally occurring arsenic levels; and are likely associated with leaching from the railroad ties and application of pesticides.

d. Project Goal

The planned reuse of the Site is intended for an extension of the current Town of Mount Airy Rails to Trails network. The Town currently has a trail that is being

restored on the east side of Main Street in the downtown area, and this additional portion of rail line will serve as a strategic means to connect the trails. Furthermore, the construction of this path will create a connection between existing residential communities on the west side of Main Street and the downtown business district. The trail will serve as a stand-alone recreational function as well as a connection to the recreational parks on the east side of Town.

II. Applicable Regulations and Cleanup Standards

a. Cleanup Oversight Responsibility

The cleanup will be overseen by the Maryland Department of the Environment.

b. Cleanup Standards for major containments

The Town currently anticipates that the state standards for recreational use will be used as the cleanup standards. However, it is possible that risk-based cleanup standards will be generated for compounds of concern, in accordance with state regulations and as determined by MDE expert staff.

c. Laws & Regulations Applicable to the Cleanup

Laws and regulations that are applicable to this cleanup include the Federal Small Business Liability Relief and Brownfields Revitalization Act, the Federal Davis-Bacon Act, state environmental law, and town by-laws. Federal, state, and local laws regarding procurement of contractors to conduct the cleanup will be followed. In addition, all appropriate permits (e.g., notify before you dig, soil transport/disposal manifests) will be obtained prior to the work commencing.

III. Evaluation of Cleanup Alternatives

a. Cleanup Alternatives Considered

To address the contamination at the Site, the following four different alternatives were considered:

- Alternative #1: No Action
- Alternative #2: Hauling
- Alternative #3: Capping/Paving

b. Cost Estimate of Cleanup Alternatives

To satisfy EPA requirements, the effectiveness, implementability, and cost of each alternate.

Effectiveness

- Alternative #1: No action is not effective in controlling or preventing the exposure of users or receptors to contamination at the Site.
- Alternative #2: Hauling the contaminated soil to an offsite disposal location is an effective way to eliminate risk at the Site, since the

contamination will be removed and, therefore, the exposure pathways will no longer exist.

Alternative #3: Capping is an effective method to prevent recreational receptors from direct contact exposure to the contaminated soil; however, it is not effective for protecting users from direct contact risks. Also, a land use restriction would need to be recorded on the deed to prevent residential use of the property to eliminate the direct contact exposure pathway for potential future residents. Paving would be the most effective alternative to prevent users against direct contact risk from contaminated soil.

Implementability

- Alternative #1: No Action. This alternative is easy to implement since no action would be taken.
- Alternative #2: Hauling the contaminated soil to an offsite disposal is an effective way to eliminate risk at the Site, since the contamination will be removed. This alternative is somewhat difficult to implement. There will be no need for ongoing monitoring and upkeep for this alternative, but there will be a need for coordination and short-term disturbance to adjacent residences because of the trucks transporting the soil.
- Alternative #3: Capping is relatively easy to implement; however, the ongoing monitoring and maintenance of the cap will require periodic reporting and upkeep. In addition, a recorded deed restriction would be required for this alternative. Paving is also relatively easy to implement; ongoing maintenance and monitoring will be provided by the Town of Mount Airy.

Cost

- Alternative #1: There would be no costs because there would be no action.
- Alternative #2: Hauling costs would be approximately \$746,000.
- Alternative #3: Capping/Paving costs would be approximately \$904,000.

c. Recommended Cleanup Alternative

The recommended cleanup alternative is Alternative #3: Capping/Paving would be the most effective route and it would eliminate direct exposure risk to users who might come into direct contact with the soil.

Alternative # 1: No Action cannot be recommended since it does not address site risks to users and environmental receptors.

Alternative #2: Hauling and disposal to another site is significantly more expensive than paving.