

Remedial Action Work Plan

Cheat River Rail-Trail Corridor

Project Number: 60589127

Date: 10/30/23

Quality information

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Revision History

Revision	Revision date	Details	Authorized	Name	Position

Distribution List

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Appendix 1

Land Use Covenant (Recorded 9/1/23)

1. List of Acronyms

AECOM	AECOM Technical Services, Inc.
B&O	Baltimore and Ohio
bgs	Below Ground Surface
COCs	Contaminants of Concern
COPC	Chemical of Potential Concern
CSR	Code of State Regulations
CSX	CSX Transportation, Inc
DAF	Dilution-Attenuation Factor
ELCR	Excess Lifetime Cancer Risk
EPA	Environmental Protection Agency
FOC	Friends of the Cheat
ft	feet or foot
HHRA	Human Health Risk Assessment
HI	Hazard Index
HQ	Hazard Quotient
LLC	Limited Liability Company
LUC	land use covenant
mg/kg	milligrams per kilogram
OER	Office of Environmental Remediation
COPC	Chemical of Potential Concern
RAWP	Remedial Action Work Plan
RBR	RBR Consulting, Inc.
ROW	right-of-way
SAR	Site Assessment Report
SPLP	Synthetic Precipitation Leaching Procedure
SSS	site-specific standards
TCR	Target Cancer Risk
Triad	Triad Engineering, Inc.
UCL	upper confidence limit
USEPA	United States Environmental Protection Agency
VRP	Voluntary Remediation Program
VERRR	Voluntary Remediation and Redevelopment Rule
WV	West Virginia
WVDEP	West Virginia Department of Environmental Protection

2. Introduction

On behalf of Friends of the Cheat (FOC), AECOM Technical Services Inc. (AECOM) has prepared this *Remedial Action Work Plan* (RAWP) that describes the remedial actions proposed for the planned Cheat River Rail-Trail corridor. AECOM submitted a *Human Health Risk Assessment* (HHRA) to the West Virginia Department of Environmental Protection (WVDEP) in June 2022 that outlined risks posed by selected contaminants-of-concern (COCs) on-Site and proposed future recreational land use as a rail-trail. The WVDEP approved the HHRA in a letter dated June 22, 2022. The HHRA indicated a carcinogenic risk of 1E-05 for recreational users. The selected remedy includes a formal public notice and institutional controls via a restrictive land-use covenant (LUC). The WVDEP Office of Environmental Remediation (OER) approved LUC was recorded on September 1, 2023. The public notice has not been published as of the date of this RAWP; more information on the public notice requirements is discussed in Section 6 of this RAWP.

2.1 Site Location/Background

The Site property is a former railroad line right-of-way (ROW) located in a mixed-use area of Preston County, WV. Site maps depicting the Voluntary Remediation Program (VRP) project boundary are provided as **Figure 1**. The project corridor begins south of Kingwood, WV, beginning near Caddell Bridge (milepost 11.7, adjacent to Allegheny Wood Products), and runs south along the Cheat River for approximately nine contiguous miles parallel to the Cheat River and State Route 72 to Rowlesburg, WV. The project site ends near milepost 3.0, adjacent to Greer Industries' Cheat River Limestone operations. The rail bed averages approximately 30 feet (ft) in width, and the ROW averages 80 ft. in width along the entire width of the site, totaling approximately 100 acres.

Undeveloped land owned by either Allegheny Forestlands LLC or West Virginia State Rail Authority surrounds the majority of the Site; however, in several areas, the Site is adjacent to commercial/industrial properties, and limited residences and seasonal homes exist adjacent to the ROW. In the northern section of the Site, a site previously known as Chemetals Inc. (currently Volkstone Chemical), a former manganese plant, adjoins the ROW under investigation. The United States government owns land adjacent to the northern portion of the ROW and uses this land for training related to the Army National Guard's Camp Dawson. Further south, near Heather Run and the bridge crossing Cheat River, the west and east sides of the Site are adjacent to residential and seasonal properties.

The Site is a former railroad ROW that was previously owned by CSX Transportation, Inc. (CSX). The Site had been developed as a railroad since at least 1907 and was formerly called the Morgantown and Kingwood Railroad and the Baltimore and Ohio (B&O) Railroad. CSX removed the railroad tracks in 2008; however, creosote-treated railroad ties remain on portions of the rail corridor (AECOM, 2022).

The Site is currently owned by the West Virginia State Railroad Authority, who leases it to FOC. The property deed restricts the use of the Site to a recreational trail only, with any use for residential purposes, schools, daycares, agriculture purposes, and use of groundwater beneath the Site for human consumption, irrigation, or other purpose is prohibited (WV State Railroad Authority, 2016). Accordingly, the Site has been proposed for redevelopment by FOC for recreational use as a “Rails-to-Trails” hiking and biking trail – referred to as the “Cheat River Trail”. As currently envisioned, redevelopment will include construction of a trail cover for the ease and benefit of future trail walkers and bikers and replacement of several drainage culverts (Triad Engineering, 2012).

3. Previous Investigations

Site Investigation Summary

Several phases of environmental investigations and reports have been completed along the rail corridor for various interested parties. As per the Voluntary Remediation and Redevelopment Rule (VRRR), Friends of the Cheat has submitted the following documents to the WVDEP for review and approval:

- *Phase I Environmental Site Assessment*, prepared by Triad Engineering, dated July 2010;
- *Data Validation Report*, Triad Engineering, dated October 2011;
- *Phase II Environmental Site Assessment*, Triad Engineering, dated November 2011;
- *Human Health Risk Assessment for the Cheat River Trail*, RBR Consulting, dated April 2012;
- *Summary of Field Activities*, AECOM Technical Services, dated February 2016;
- *Summary of Field Activities*, AECOM, dated January 2019;
- *Site Characterization Work Plan*, AECOM, dated October 2020 (revised January 2021);

- *Supplemental Site Assessment Report*, AECOM, dated July 2021;
- *Human Health Risk Assessment*, AECOM, dated February 2022 (revised June 2022);
- *Land Use Covenant*, AECOM, dated April 2023;

In 2011, RBR Consulting Inc. (RBR) collected approximately 44 subsurface soil samples, five surface samples, along with one composite sample that was collected next to the former Chemetals Inc. building. In 2018, an additional fifteen soil samples were collected by AECOM and were compared to WVDEP Residential De Minimis Screening Levels (WVDEP, 2020). Several chemicals-of-potential-concern (COPCs) were identified, and site-specific standards (SSS) were developed for each COPC (AECOM, 2021 and 2022). Details regarding the SSS developed for the site are discussed in the *Site Characterization Work Plan*, *Supplemental Site Assessment Report*, and the *Human Health Risk Assessment*.

Further site assessment activities were completed in 2021 that are documented in a *Supplemental Site Assessment Report (SAR)* submitted by AECOM (2021). During these site assessment activities, samples were collected to determine the human-health risk associated with exposures in different scenarios. Fifteen subsurface samples were collected at locations accessible to a hypothetical construction worker. No subsurface samples contained contaminant concentrations exceeding the industrial screening criteria. A total of twelve sediment samples were collected at locations considered accessible to recreational users and construction/maintenance workers. The only sediment sample exceeding the SSS Recreational screening level was SED-3-U where arsenic was detected at 23.9 milligrams per kilogram (mg/kg). Twelve surface soil and sediment samples were collected for synthetic precipitation leachate procedure (SPLP) analysis to assess potential contaminant migration to groundwater. No detected concentrations exceeded the Dilution-Attenuation Factor (DAF) adjusted groundwater standards.

The SSS recreator screening values for constituents with carcinogenic effects were based on a target cancer risk level of 1 in 1,000,000 (1E-06) to account for cumulative risk. SSS recreator screening values for COPCs with non-carcinogenic effects were based on a hazard quotient (HQ) of 1 due to the limited number of COPCs (AECOM, 2021 and 2022).

The 2021 SAR identified exceedances of the SSS screening values that are protective of human health, therefore the Site moved forward with a site-specific HHRA. The SAR concluded that no additional action is recommended for ecological receptors based on the results of the De Minimis Ecological Screening Evaluation (AECOM, 2021).

Ecological Risk Assessment

The SAR concluded that no additional action is recommended for ecological receptors based on the results of the De Minimis Ecological Screening Evaluation (AECOM, 2021). Therefore, an Ecological Risk Assessment was not required, as per Section 4.8 of the VRP Guidance Manual (2022).

Human Health Risk Assessment

This section summarizes the HHRA that was completed based on the results discussed in the 2021 SAR, which concluded that further evaluation/investigation for the Site should include a site-specific HHRA to examine the potential for unacceptable risks and inform risk-management decisions (AECOM, 2021 and 2022). The HHRA was performed in accordance with all WVDEP VRP Guidance (WVDEP 2020, WVDEP 2022), United States Environmental Protection Agency (USEPA) guidance and/or current standard industry practices.

Chemicals-of-Concern

The HHRA risk-based screening used maximum detected concentrations in soil to compare with selected USEPA and WVDEP soil screening levels. The screening levels are explained in Section 3.4 of the HHRA (AECOM, 2022). Five soil COPCs were identified: arsenic, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, and dibenz(a,h)anthracene. The WVDEP guidance manual (WVDEP, 2020) recommended deriving an upper confidence limit (UCL) and rescreening the data. The rescreen results identified that benzo(a)anthracene could be dropped from further evaluation, leaving arsenic, benzo(a)pyrene, benzo(b)fluoranthene, and dibenz(a,h)anthracene as the soil COCs that were carried forward in the HHRA.

Exposure Scenarios and Receptors

The HHRA addressed the following exposure media: surface soil (0 to 2 ft below ground surface [bgs]), subsurface soil (2 to 8 ft bgs), and sediment. The total soil data set (combination of surface and subsurface soil data) represents a future scenario where hypothetical future excavation activities result in the surface and subsurface soil layers mixing. Given that the sediment samples were collected in a ponded area that remains dry during most of the year, the sediment samples were treated like soil samples.

Based on the current and potential future use of the site, the following receptors were evaluated:

- Industrial outdoor worker;
- Construction/utility worker;
- Recreational user (adult/child)

The following exposure scenarios were considered for the HHRA:

Current/future on-site recreational user (adult/child): The child (ages 0 to 6 years old) and adult recreational user visit the site for recreational purposes and are assumed to be exposed to surface soil (current) and total soil (future), as well as sediment. The exposure scenario was adjusted with site-specific values suggested by WVDEP during a call on September 30, 2021. The recreational user is expected to visit the site for 4 hours each day (exposure time), 70 days per year (exposure frequency). The exposure scenario assumes that the visits occur over the course of 6 years for children and 20 years for adults, which are the default EPA values for exposure duration. Other than the previously mentioned parameters, EPA default values were used (EPA, 2014).

Current/future on-site industrial outdoor worker: The industrial outdoor worker periodically visits the Site to inspect the property and conduct outdoor maintenance activities. The industrial outdoor worker is assumed to be exposed to surface soil (current) and total soil (future), as well as sediment. The EPA default exposure parameters assumed that the industrial outdoor worker is exposed 8 hours per day, 225 days per year, for 25 years (EPA, 2014).

Current/future on-site construction worker: The construction worker is assumed to be involved in a project at the Site lasting 6 months (8 hours per day, 120 days per year). The construction worker is assumed to be exposed to surface soil (current) and total soil (future). The excavation is estimated to extend to approximately 8 ft bgs.

Current/future on-site utility worker: The utility worker is assumed to be exposed to surface soil (current) and total soil (future). Risk calculations were conducted for the construction worker scenario, which is also protective of a utility worker. If the cancer risk and/or non-cancer hazard results for the construction worker had indicated unacceptable risk, then the utility worker scenario would have been evaluated in the HHRA.

Results and Conclusions of the Human Health Risk Assessment

The results of the risk evaluation are summarized below:

Table 3-1: Summary of Cancer Risk and Non-Cancer Hazards

Exposure Scenario	ELCR	Cumulative HI
Surface Soil		
Child Recreational User	1E-05	0.2
Adult Recreational User	1E-05	0.02
Industrial Outdoor Worker	1E-05	0.06
Construction Worker	1E-06	0.2
Total Soil		
Child Recreational User	1E-05	0.2
Adult Recreational User	1E-05	0.02
Industrial Outdoor Worker	9E-06	0.05
Construction Worker	1E-06	0.2
Notes: ELCR = excess lifetime cancer risk; HI = hazard index		

Potential carcinogenic and noncarcinogenic human health risks are calculated and summarized individually for each receptor exposed to COCs. The EPA identifies the acceptable cancer risk range to be 1E-04 to 1E-06. In effect, cancer risk of 1E-06 is used as the risk goal for individual carcinogens, with a not-to-exceed excess lifetime cancer risk (ELCR) of 1E-04 for all carcinogens. The EPA accepts a noncarcinogenic hazard target level, or hazard index (HI), of 1 (EPA, 1991). WVDEP guidance defines the commercial/industrial target cancer risk (TCR) as 1E-05 and the residential TCR as 1E-06 (WVDEP, 2020). Public notification is required if the cumulative cancer risk exceeds 1E-05 for industrial/commercial sites, or if the cumulative cancer risk exceeds 1E-06 for residential sites (which applies here as residential land use includes recreational activities) (WVDEP, 2020).

Risk assessment results are summarized below:

- The potential ELCR results for the recreational user (child/adult) were within the EPA and WVDEP acceptable cancer risk range of $1\text{E}-04$ to $1\text{E}-06$ (EPA, 1991 and WVDEP, 2020). However, since the potential ELCR results are above $1\text{E}-06$ for the recreational user scenario, public notification will be required (WVDEP, 2020).
- The chemical-specific cancer risk estimates for industrial outdoor worker and construction worker did not exceed WVDEPs threshold of $1\text{E}-05$ for industrial/commercial sites, therefore public notification is not required for this scenario and adverse carcinogenic health effects for the industrial outdoor and construction worker scenarios are not likely.
- The cumulative HI results for all receptors were below the non-cancer HI threshold of 1 therefore the cumulative HI results were acceptable for all scenarios.

Overall, none of the carcinogenic and/or noncarcinogenic results were above target cumulative levels.

4. Remediation Standards

The remediation standards for the site were established based on the anticipated future land use as a recreational trail, the former use of the site as a railroad, and the implemented land use covenant and the pre-existing deed restrictions.

Table 4-2: REMEDIATION STANDARDS (as per 60CSR3, Section 9)

Receptors	Media	Remediation Standards
Human Health	Surface Soils	Combination De Minimis/Site Specific Standards
	Subsurface Soils	Combination De Minimis/Site Specific Standards
	Groundwater	De Minimis Risk-Based Standard
	Sediment	Combination De Minimis/Site Specific Standards
	Surface Water	De Minimis Risk-Based Standard
Ecological	Soils	De Minimis Ecological Screening Evaluation
	Groundwater	De Minimis Ecological Screening Evaluation
	Sediment	De Minimis Ecological Screening Evaluation
	Surface Water	De Minimis Ecological Screening Evaluation

5. Remedy Evaluation

Based on the Risk Assessment results, the cumulative HI results for all receptors were below the non-cancer HI threshold of 1 therefore the cumulative HI results were acceptable for all scenarios. Therefore, institutional controls were evaluated as the appropriate remedy for the site.

6. Remedial Action Statement of Work

Statement of Work

To mitigate the risk of exposure to residual contamination at the Site, FOC has incorporated institutional controls into a LUC that were implemented at the Site and on a portion of adjacent Route 36. FOC recorded the LUC at the Office of the Clerk of the Preston County on September 1, 2023. Upon recording, the conditions of the LUC are permanently attached to the Site and the covenants and restrictions shall be applicable to all present and future owners.

Two institutional controls were implemented to ensure the Site meets the applicable risk-based standards. These restrictions include the following:

- 1) Residential land use, as defined by the Voluntary Remediation and Redevelopment Rule (60CSR3), Section 2.40, including, but not limited to, schools, day care centers, nursing homes, or other residential-style facilities. Recreational areas are specifically permitted, as determined by a site-specific risk assessment conducted for the property.
- 2) Use or extraction of groundwater for any purpose, except for groundwater monitoring and/or remediation.

In accordance with VRP Guidance Manual, Section 1.4.4, the use of a remediation goal with an excess cancer risk of $1E-05$, in this case recreational use, requires a 30-day comment period and informational meeting.

Implementation Schedule

The LUC was recorded by FOC at the Preston County, WV Courthouse on September 1, 2023. A copy of the LUC as recorded is provided as **Appendix 1**.

The public notice will be published in the Preston County News & Journal. The notice will be published once a week for four consecutive weeks and will include the date and location of public meeting that will be held within 10 days, but not later than 20 days, after the start of the 30-day comment period, which will begin the first day the public notice was published.

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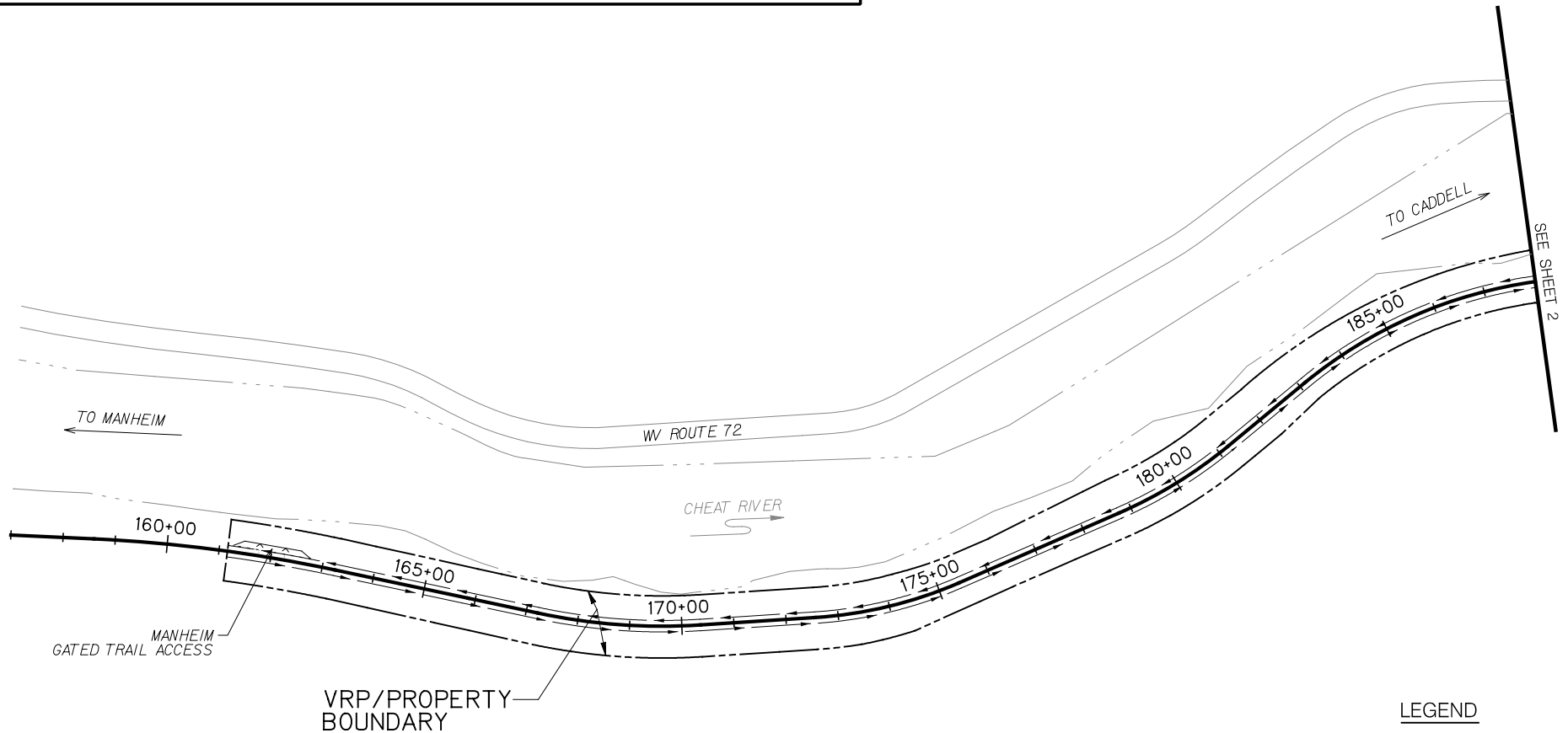
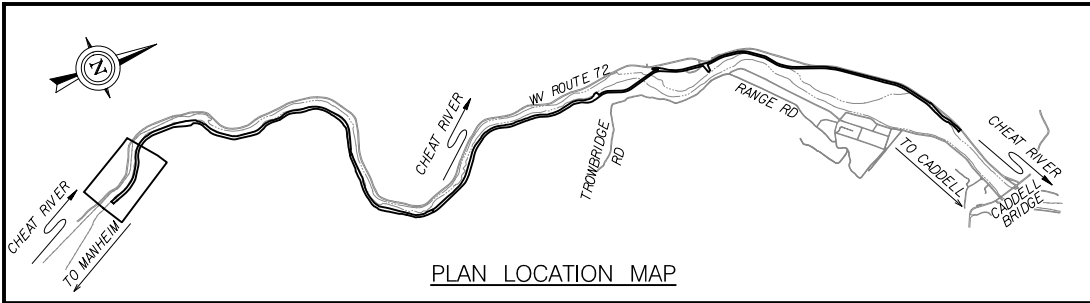
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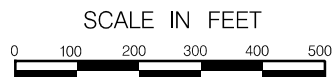
Figure



ALLEGHENY FORESTLANDS LLC
DEED BOOK 721 PAGE 68
PORTLAND DISTRICT
TAX MAP 54 PARCEL 4

LEGEND

- VRP/PROPERTY BOUNDARY AND ACTIVITY USE AND LIMITATIONS BOUNDARY (APPROX 92.53 ACRES)
- CHEAT RIVER TRAIL
- 500' STATION MARKS



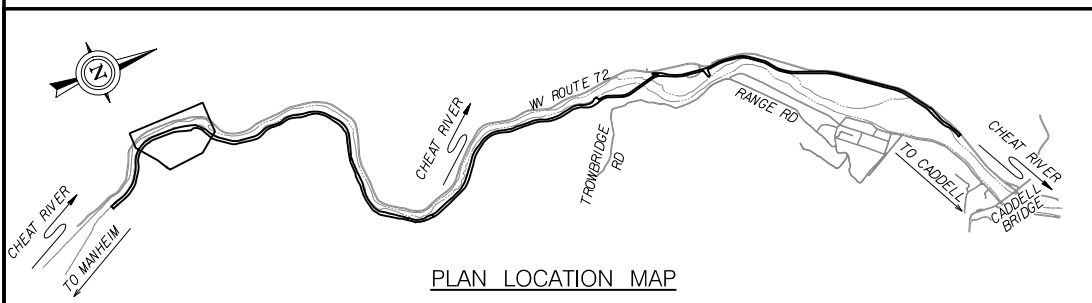
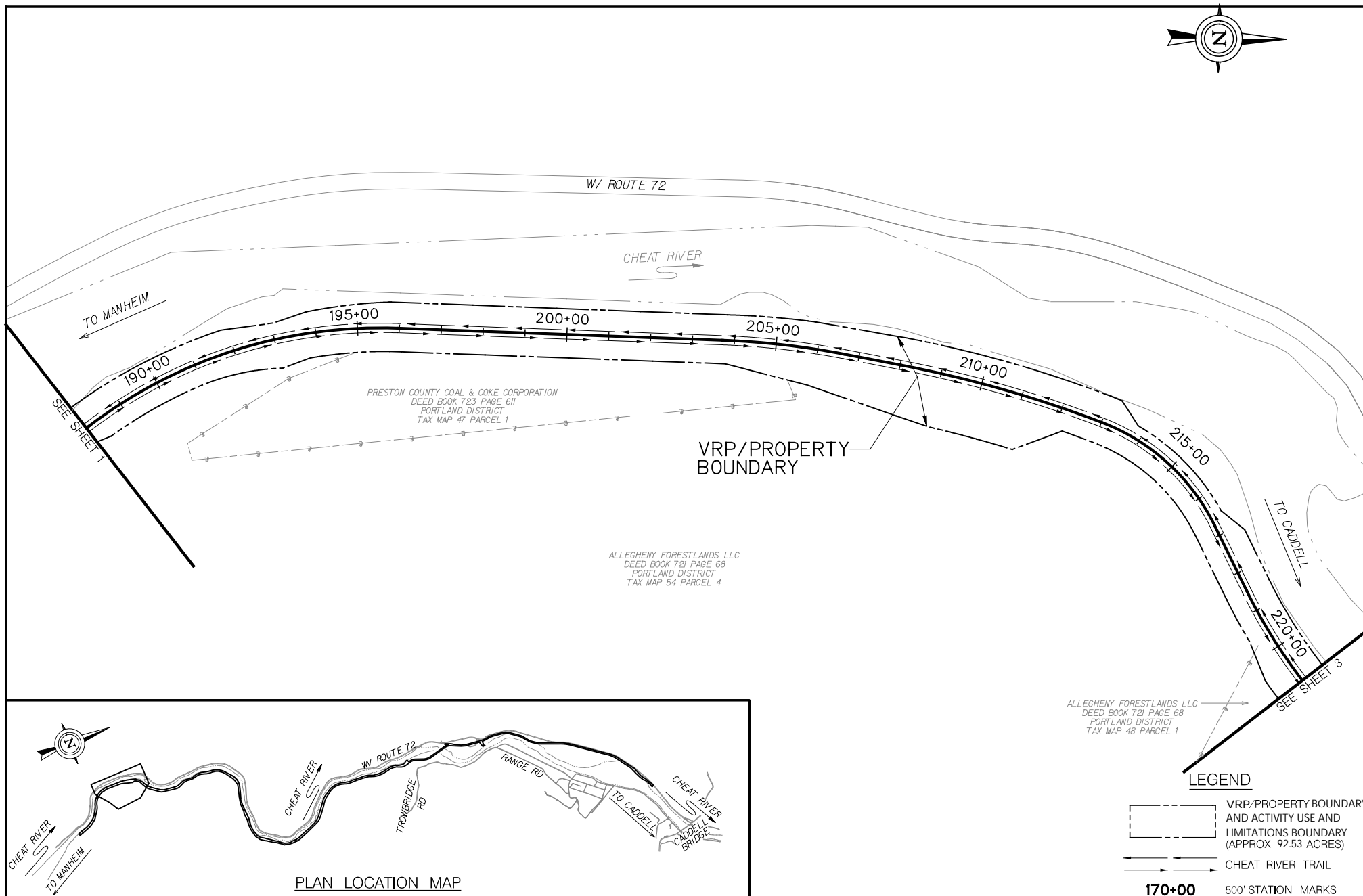
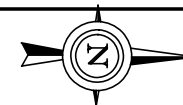
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VRP #20018

FRIENDS OF THE CHEAT
CHEAT RIVER RAIL TRAIL
MANHEIM/ROWLESBURG, PRESTON COUNTY, WV

EXHIBIT A
SITE MAP SHOWING ACTIVITY AND
USE LIMITATIONS
SHEET 1 OF 14



LEGEND

- VRP/PROPERTY BOUNDARY AND ACTIVITY USE AND LIMITATIONS BOUNDARY (APPROX 92.53 ACRES)
- CHEAT RIVER TRAIL
- 500' STATION MARKS



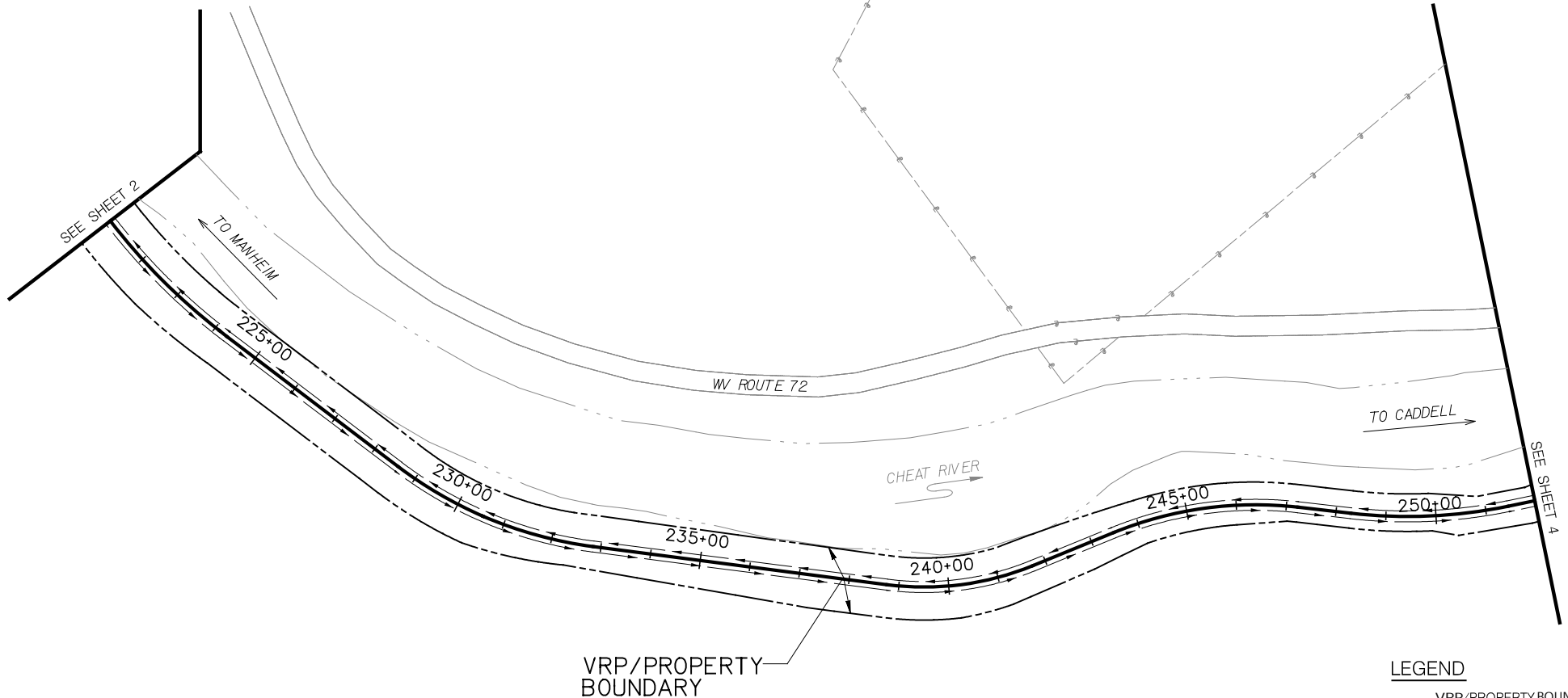
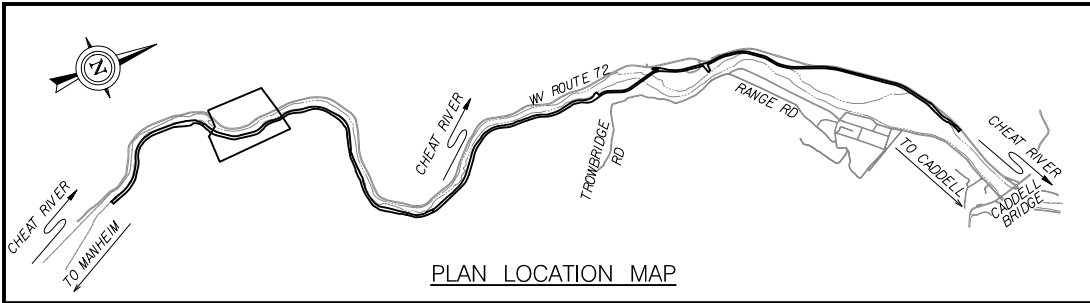
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MANHEIM/ROWLESBURG, PRESTON COUNTY, WV

EXHIBIT A
SITE MAP SHOWING ACTIVITY AND
USE LIMITATIONS
SHEET 2 OF 14



ALLEGHENY FORESTLANDS LLC
DEED BOOK 721 PAGE 68
PORTLAND DISTRICT
TAX MAP 48 PARCEL 1

LEGEND

- VRP/PROPERTY BOUNDARY AND ACTIVITY USE AND LIMITATIONS BOUNDARY (APPROX 92.53 ACRES)
- CHEAT RIVER TRAIL

170+00 500' STATION MARKS

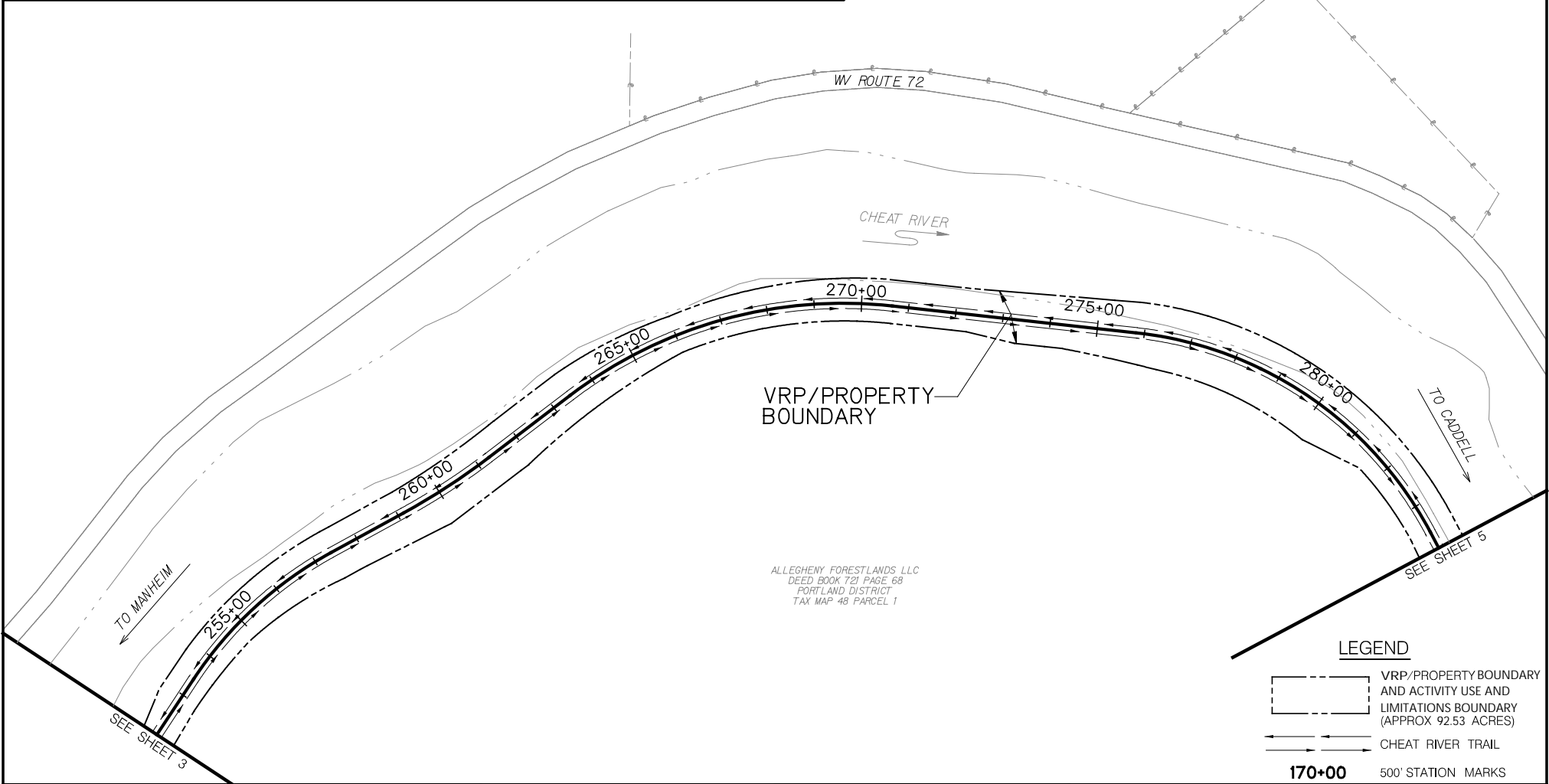
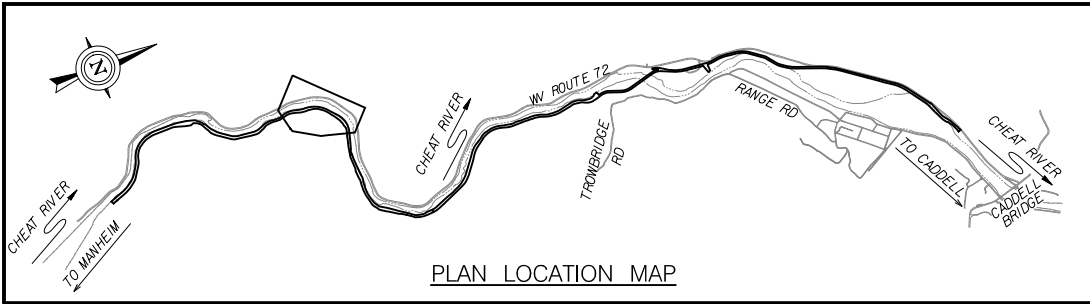


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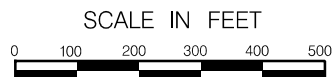
VRP #20018

FRIENDS OF THE CHEAT
CHEAT RIVER RAIL TRAIL
MANHEIM/ROWLESBURG, PRESTON COUNTY, WV
EXHIBIT A
SITE MAP SHOWING ACTIVITY AND USE LIMITATIONS
SHEET 3 OF 14



LEGEND

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- CHEAT RIVER TRAIL
- 500' STATION MARKS

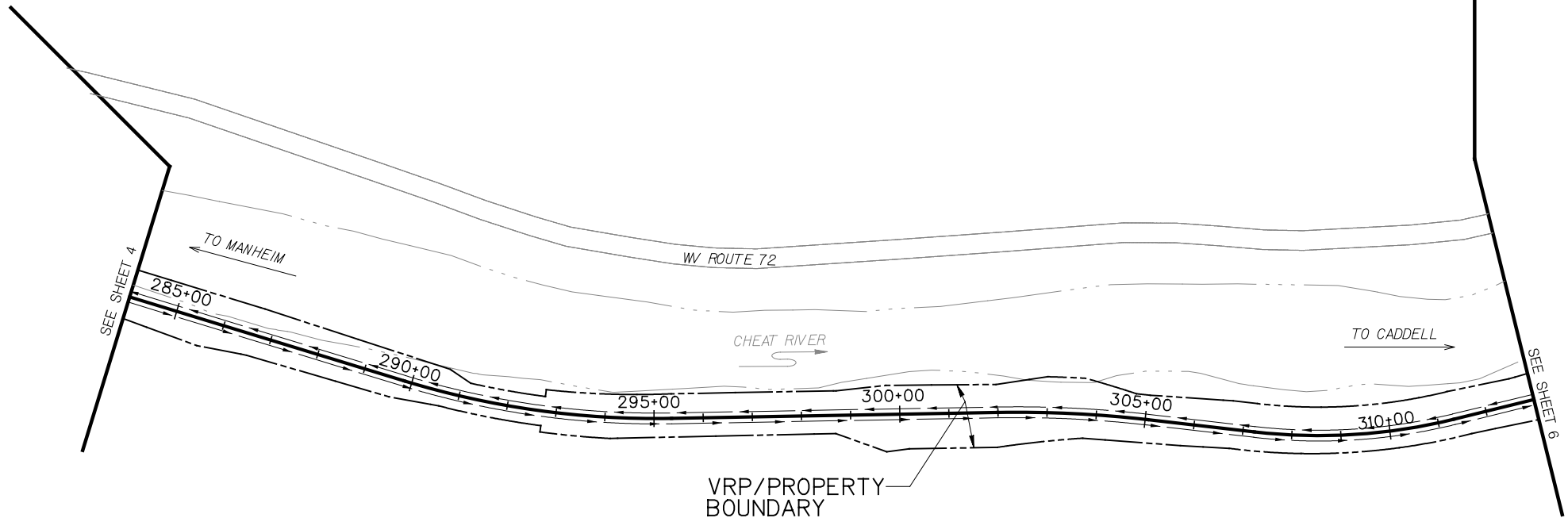
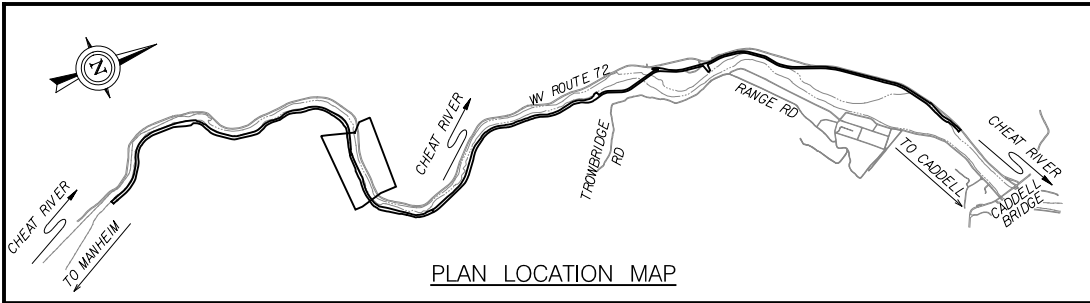


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MANHEIM/ROWLESBURG, PRESTON COUNTY, WV
EXHIBIT A
SITE MAP SHOWING ACTIVITY AND USE LIMITATIONS
SHEET 4 OF 14



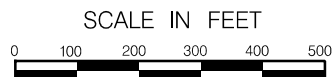
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TAX MAP 48 PARCEL 1

LEGEND

- VRP/PROPERTY BOUNDARY AND ACTIVITY USE AND LIMITATIONS BOUNDARY (APPROX 92.53 ACRES)
- CHEAT RIVER TRAIL
- 500' STATION MARKS

170+00

500' STATION MARKS



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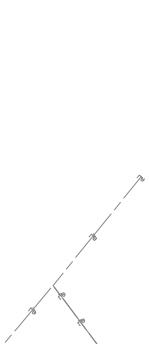
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SITE MAP SHOWING ACTIVITY AND
USE LIMITATIONS
SHEET 5 OF 14

SEE SHEET 5

TO MANHEIM



ALLEGHENY FORESTLANDS LLC
DEED BOOK 721 PAGE 68
PORTLAND DISTRICT
TAX MAP 48 PARCEL 1



320+00

325+00

CHEAT RIVER

WV ROUTE 72

TO CADDELL

SEE SHEET 7

345+00

340+00

335+00

330+00

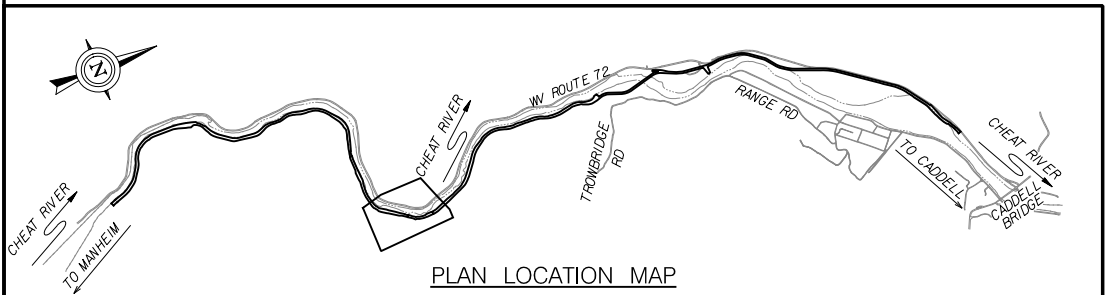
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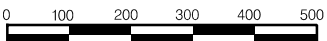
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- CHEAT RIVER TRAIL
- 500' STATION MARKS

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TAX MAP 41 PARCEL 3

PLAN LOCATION MAP



SCALE IN FEET



AECOM

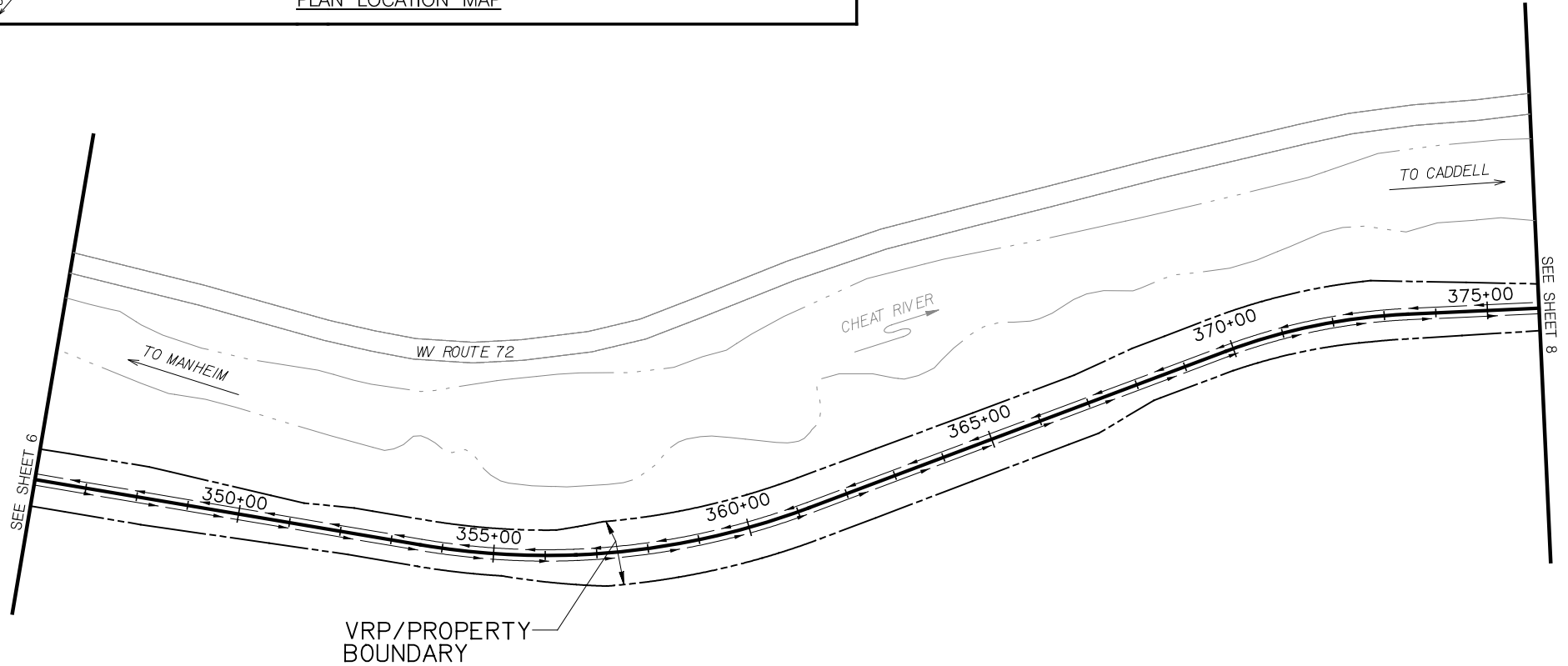
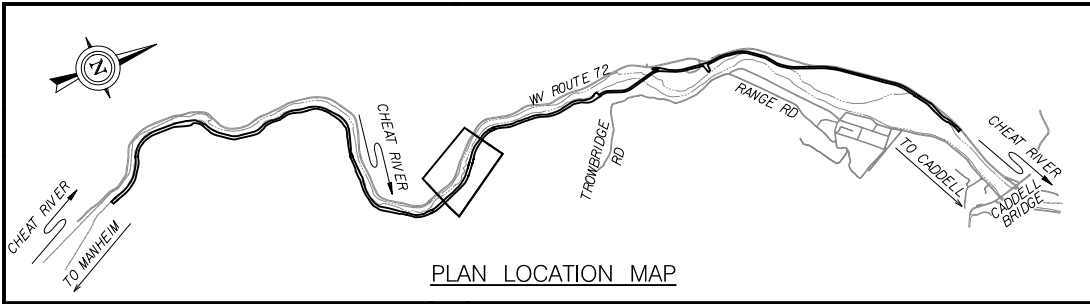
AECOM TECHNICAL SERVICES, INC.
150 CLAY STREET, SUITE 410
MORGANTOWN, WV 26501

VRP #20018

FRIENDS OF THE CHEAT
CHEAT RIVER RAIL TRAIL
MANHEIM/ROWLESBURG, PRESTON COUNTY, WV

EXHIBIT A
SITE MAP SHOWING ACTIVITY AND
USE LIMITATIONS

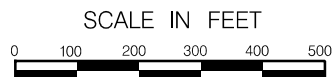
SHEET 6 OF 14



ALLEGHENY FORESTLANDS LLC
DEED BOOK 721 PAGE 68
PORTLAND DISTRICT
TAX MAP 41 PARCEL 3

LEGEND

- VRP/PROPERTY BOUNDARY AND ACTIVITY USE AND LIMITATIONS BOUNDARY (APPROX 92.53 ACRES)
- CHEAT RIVER TRAIL
- 500' STATION MARKS

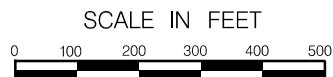
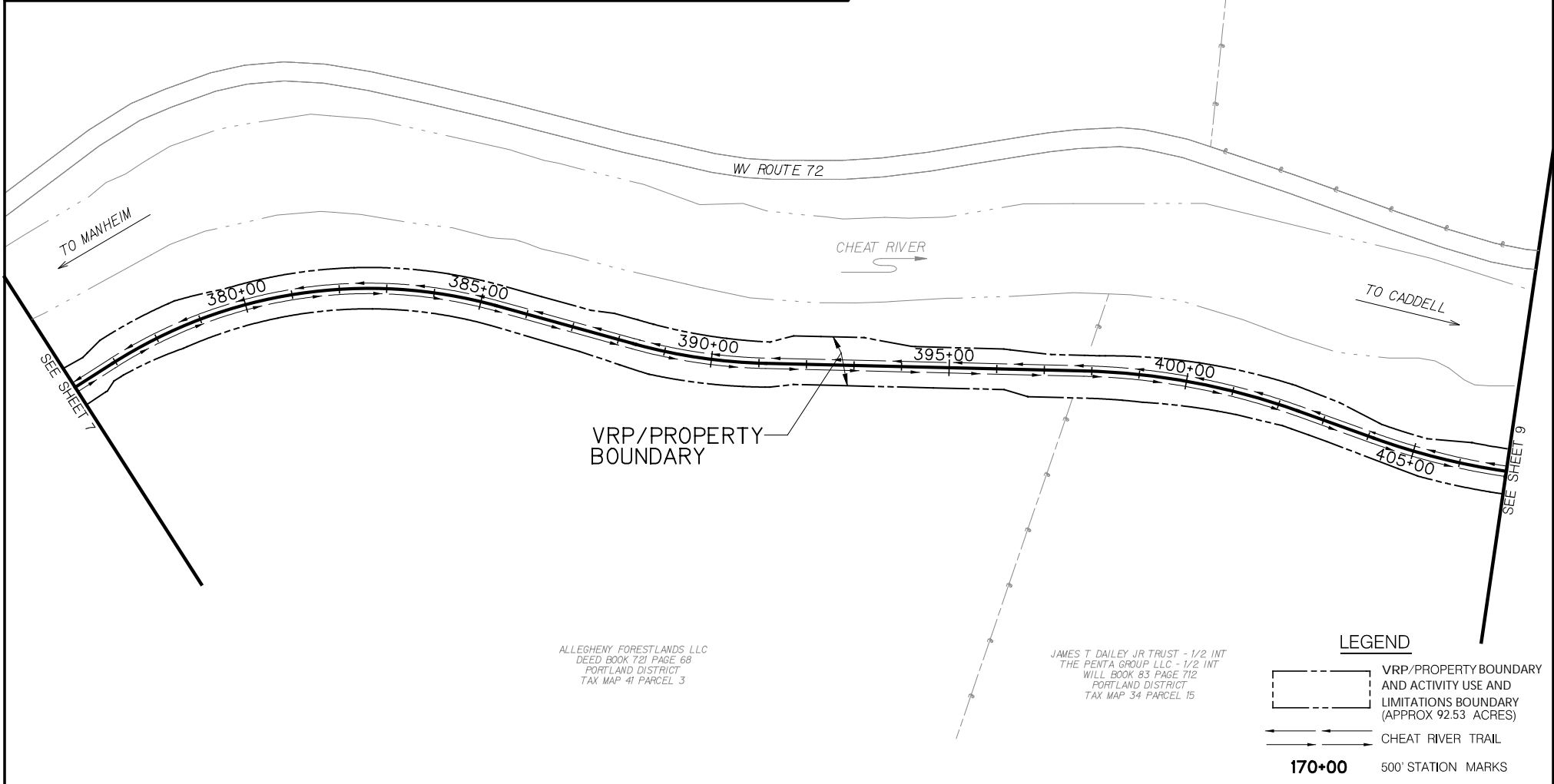
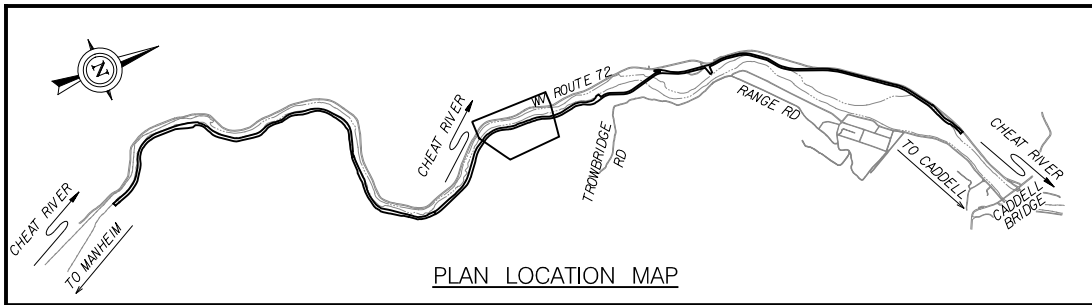


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150 CLAY STREET, SUITE 410
MORGANTOWN, WV 26501

VRP #20018

FRIENDS OF THE CHEAT
CHEAT RIVER RAIL TRAIL
MANHEIM/ROWLESBURG, PRESTON COUNTY, WV
EXHIBIT A
SITE MAP SHOWING ACTIVITY AND USE LIMITATIONS
SHEET 7 OF 14



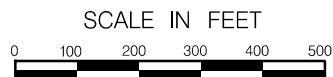
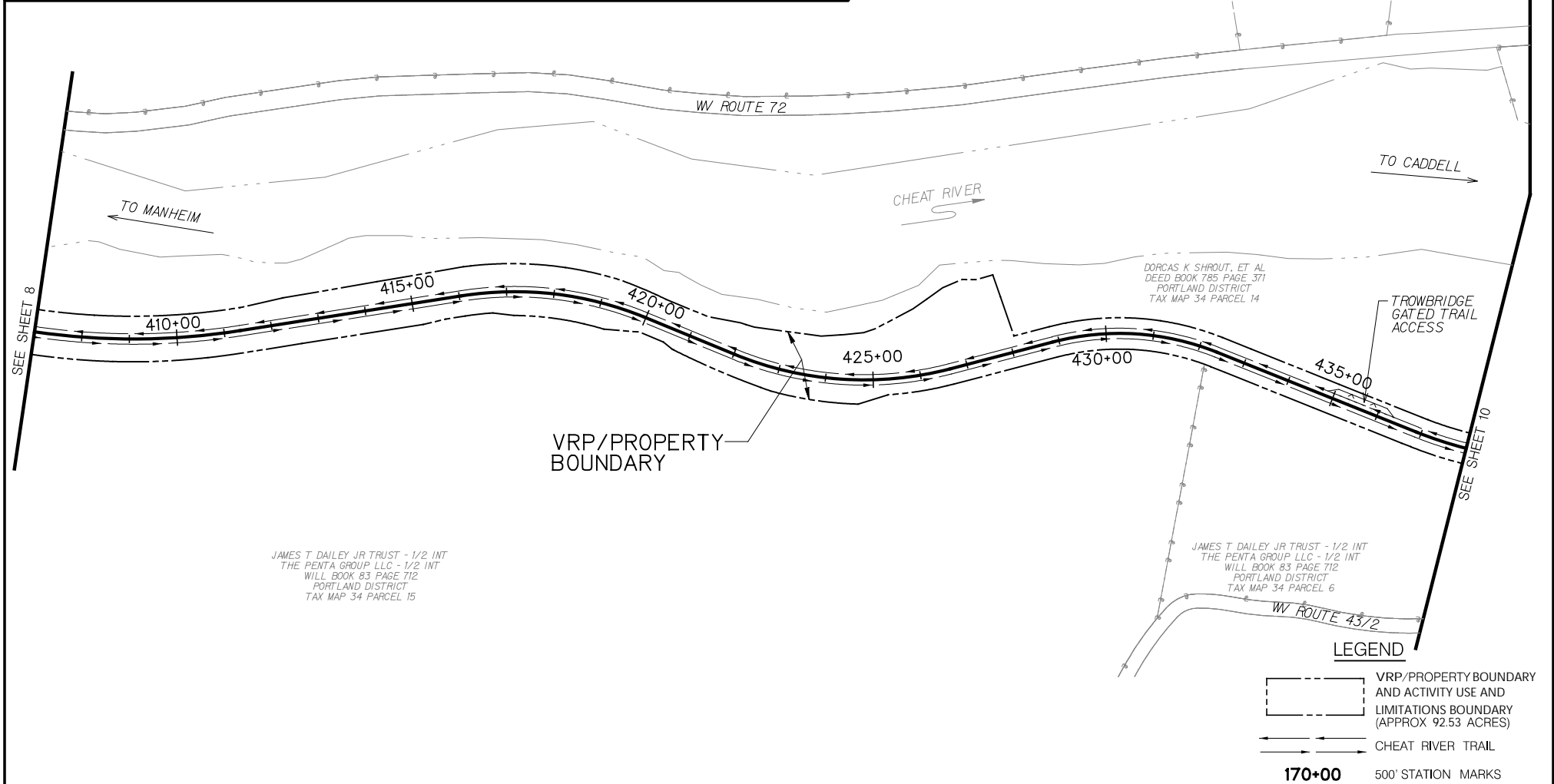
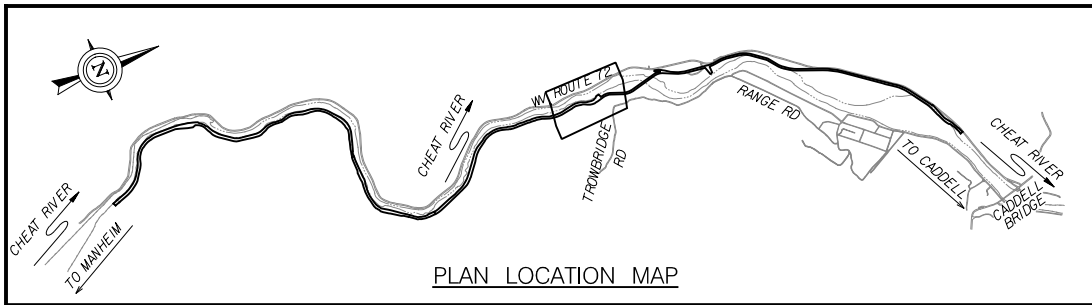
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FRIENDS OF THE CHEAT
CHEAT RIVER RAIL TRAIL
MANHEIM/ROWLESBURG, PRESTON COUNTY, WV

EXHIBIT A
SITE MAP SHOWING ACTIVITY AND
USE LIMITATIONS
SHEET 8 OF 14



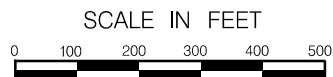
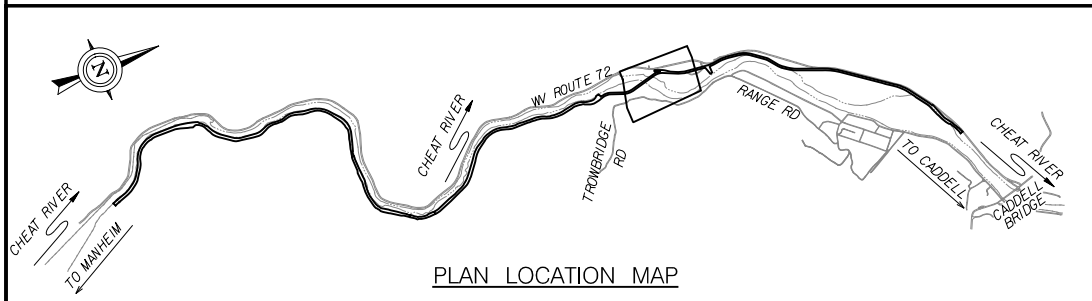
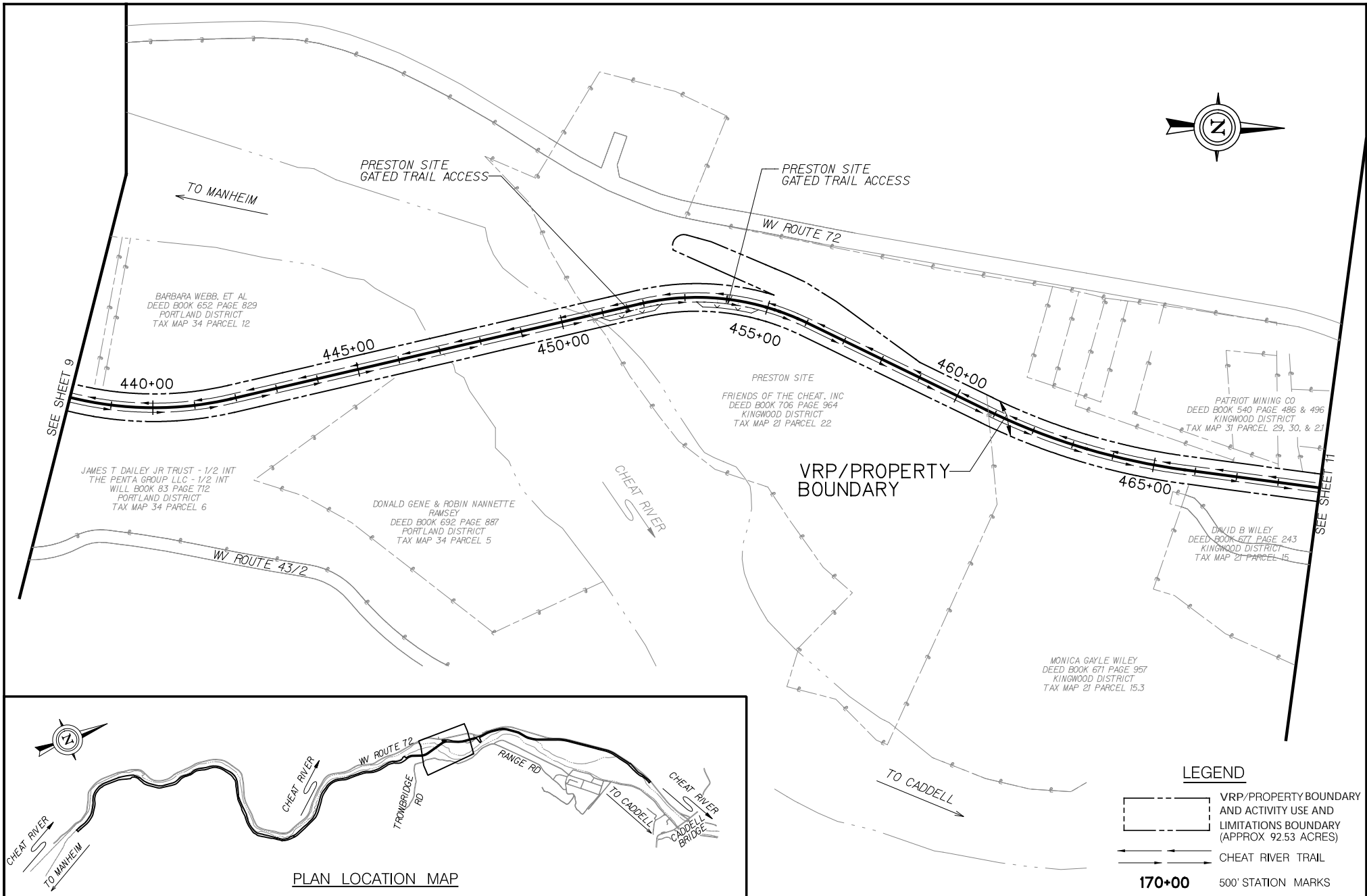
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MORGANTOWN, WV 26501

VRP #20018

FRIENDS OF THE CHEAT
CHEAT RIVER RAIL TRAIL
MANHEIM/ROWLESBURG, PRESTON COUNTY, WV

EXHIBIT A
SITE MAP SHOWING ACTIVITY AND
USE LIMITATIONS
SHEET 9 OF 14



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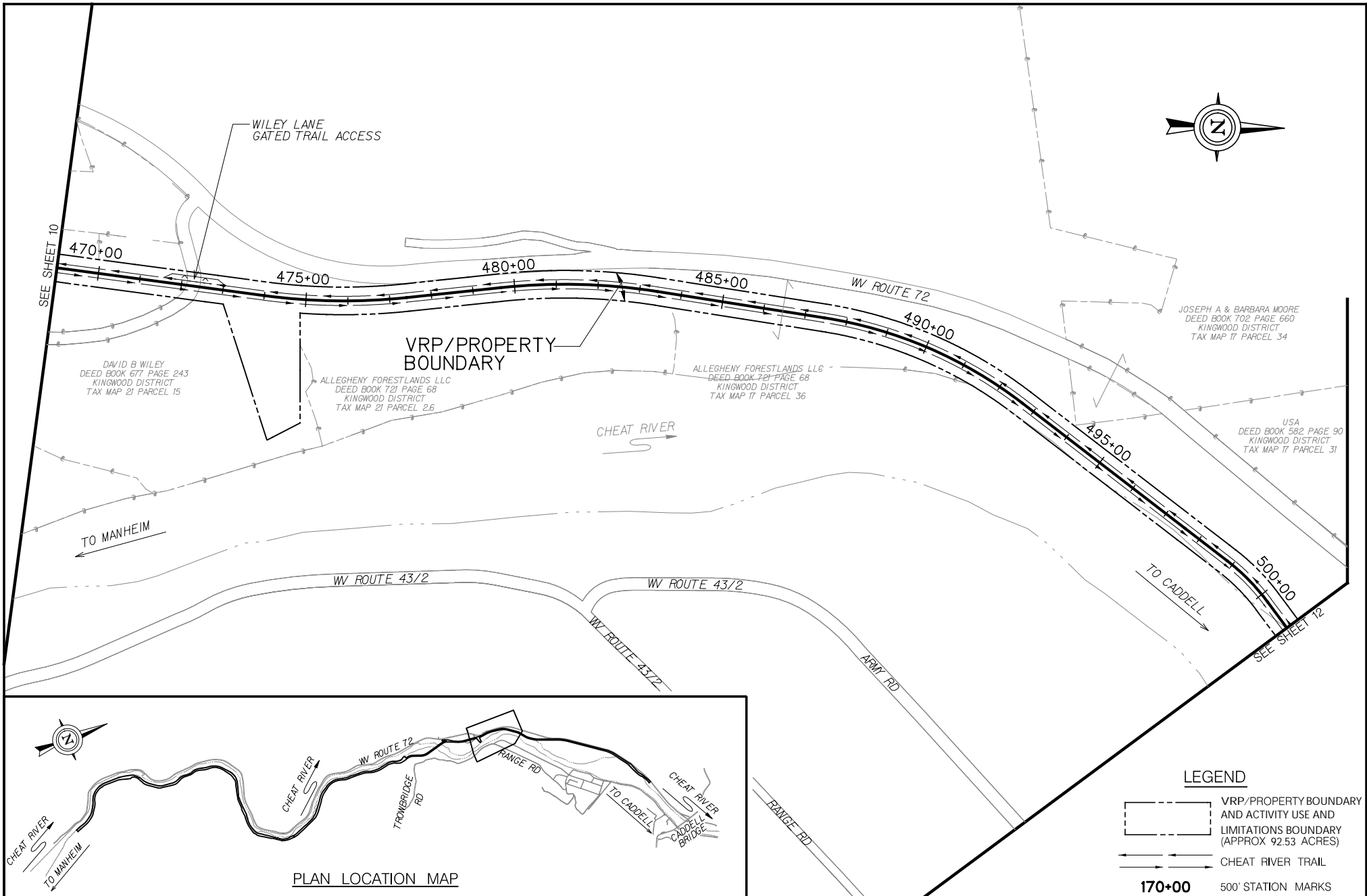
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150 CLAY STREET, SUITE 410
MORGANTOWN, WV 26501

VRP #20018

FRIENDS OF THE CHEAT
CHEAT RIVER RAIL TRAIL
MANHEIM/ROWLESBURG, PRESTON COUNTY, WV

EXHIBIT A
SITE MAP SHOWING ACTIVITY AND
USE LIMITATIONS

SHEET 10 OF 14



AECOM

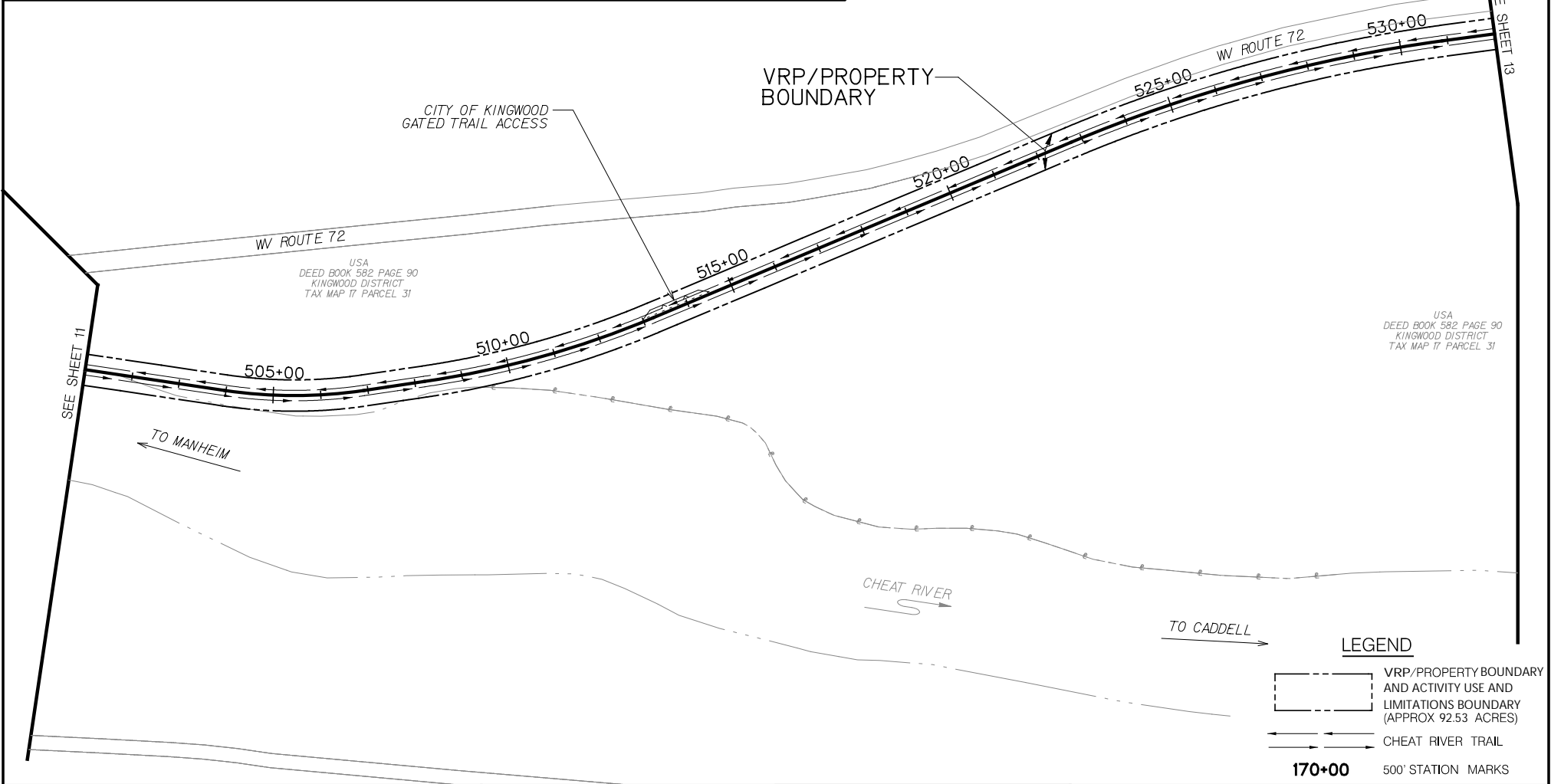
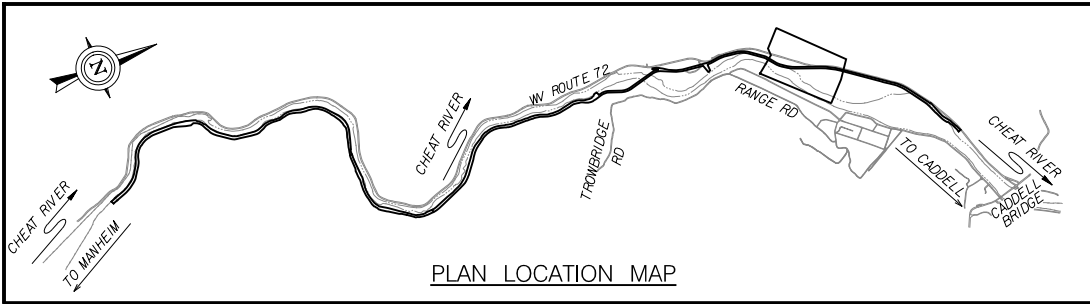
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CHEAT RIVER RAIL TRAIL
MANHEIM/ROWLESBURG, PRESTON COUNTY, WV

EXHIBIT A
SITE MAP SHOWING ACTIVITY AND
USE LIMITATIONS

SHEET 11 OF 14

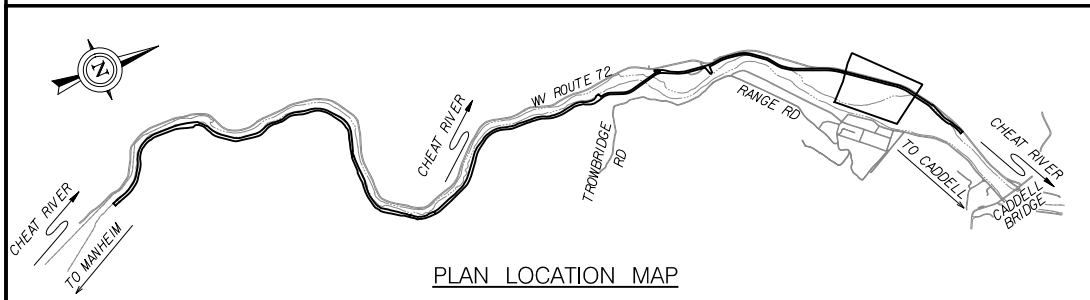
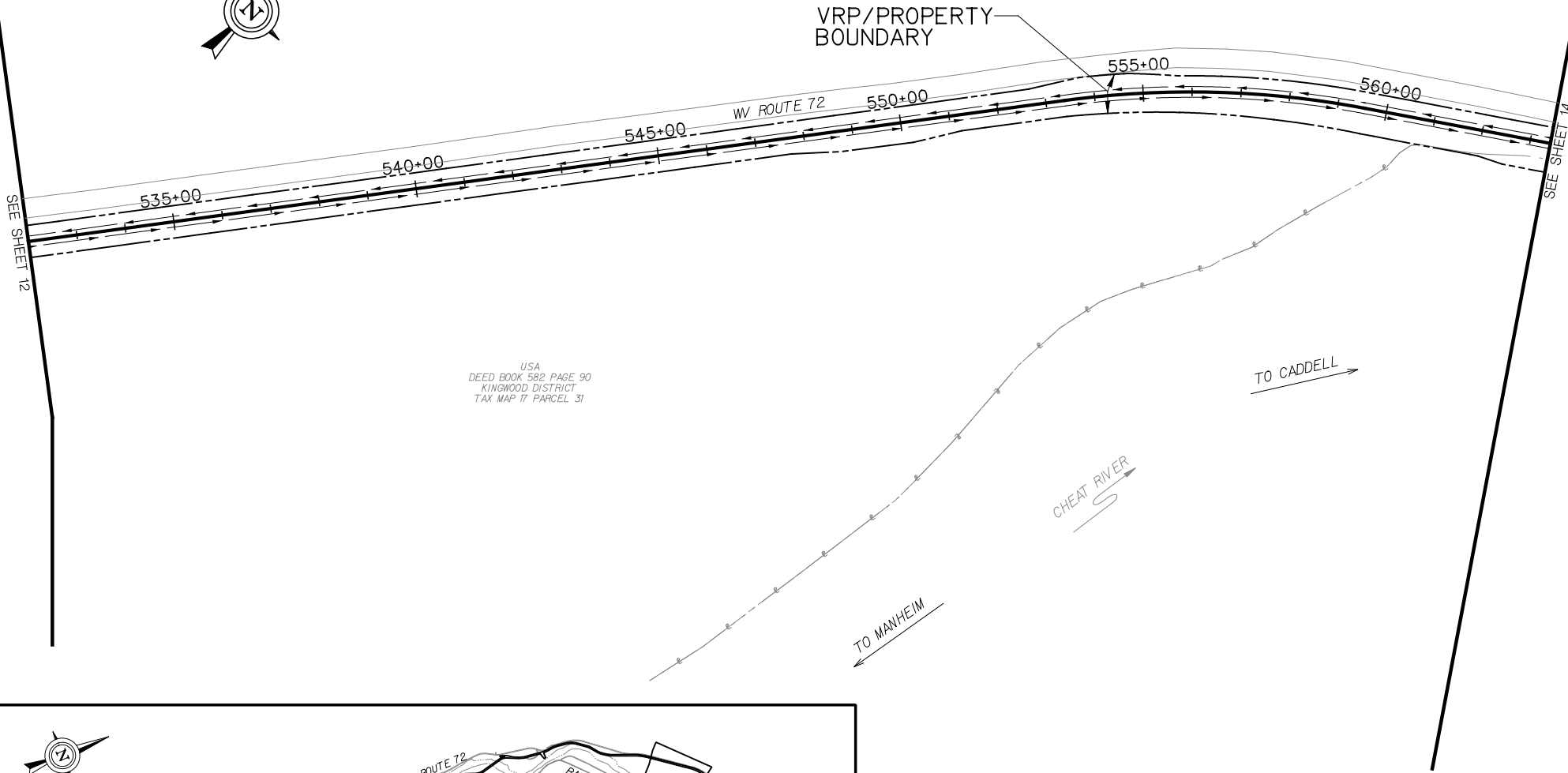


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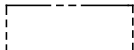
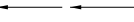
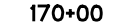
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150 CLAY STREET, SUITE 410
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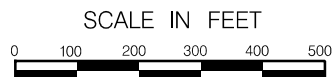
FRIENDS OF THE CHEAT
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MANHEIM/ROWLESBURG, PRESTON COUNTY, WV
EXHIBIT A
SITE MAP SHOWING ACTIVITY AND USE LIMITATIONS
SHEET 12 OF 14



LEGEND

-  VRP/PROPERTY BOUNDARY AND ACTIVITY USE AND LIMITATIONS BOUNDARY (APPROX 92.53 ACRES)
-  CHEAT RIVER TRAIL
-  500' STATION MARKS

170+00

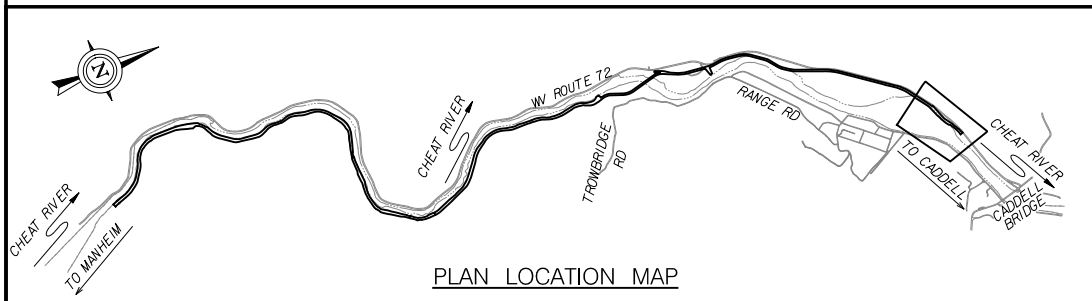
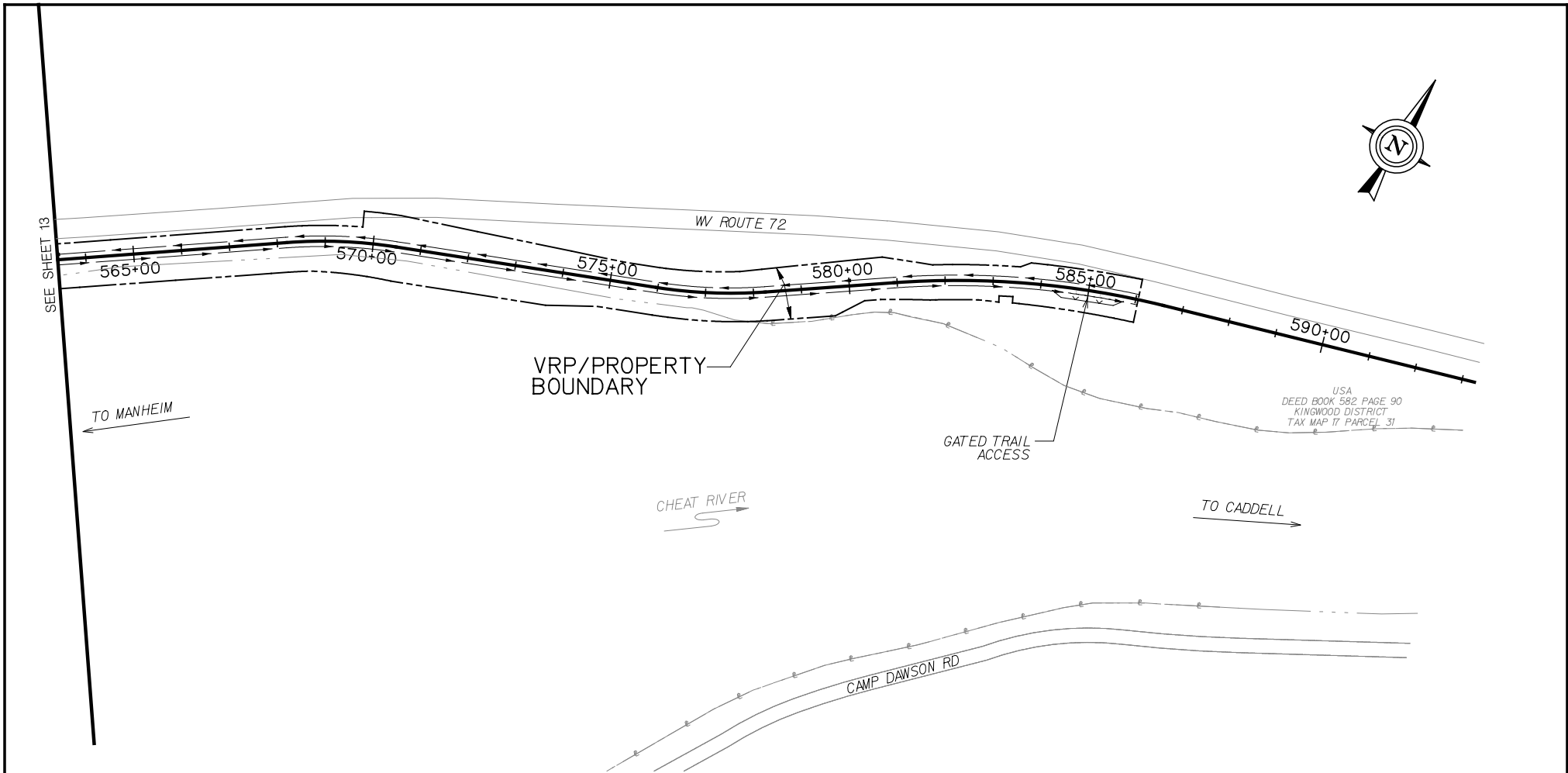


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AECOM TECHNICAL SERVICES, INC.
150 CLAY STREET, SUITE 410
MORGANTOWN, WV 26501

VRP #20018

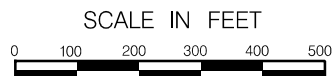
FRIENDS OF THE CHEAT
CHEAT RIVER RAIL TRAIL
MANHEIM/ROWLESBURG, PRESTON COUNTY, WV
EXHIBIT A
SITE MAP SHOWING ACTIVITY AND USE LIMITATIONS
SHEET 13 OF 14



LEGEND

- VRP/PROPERTY BOUNDARY AND ACTIVITY USE AND LIMITATIONS BOUNDARY (APPROX 92.53 ACRES)
- CHEAT RIVER TRAIL
- 500' STATION MARKS

170+00



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150 CLAY STREET, SUITE 410
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VRP #20018

FRIENDS OF THE CHEAT
CHEAT RIVER RAIL TRAIL
MANHEIM/ROWLESBURG, PRESTON COUNTY, WV
EXHIBIT A
SITE MAP SHOWING ACTIVITY AND USE LIMITATIONS
SHEET 14 OF 14

Appendix 1



west virginia department of environmental protection

Office of Environmental Remediation
601 57th Street SE
Charleston, WV 25304
Phone: 304-926-0499

Harold D. Ward, Cabinet Secretary
dep.wv.gov

July 5, 2023

Mr. Owen Mulkeen
Friends of Cheat
1343 North Preston Highway
Kingwood, WV 26537

91 7199 9991 7038 4224 8851

Re: Land Use Covenant, VRP Project # 20018
Cheat River Rail Trail, Kingwood, Preston County

Dear Mr. Mulkeen:

Enclosed please find the signed and notarized Land Use Covenant for the subject parcel. The Certificate of Completion issued for the subject site and dated June 21, 2023, will become effective once the Land Use Covenant is recorded.

Please have the Land Use Covenant properly recorded with the Preston County Clerk, and request the clerk to submit the original recorded instrument to my attention:

Mr. Robert Rice, Director
WVDEP Division of Land Restoration
601 57th Street SE
Charleston, WV 25304

If you have any questions, please contact W. Matthew Gadd, Project Manager by phone at, 304-926-0499 ext. 00097 or email at William.M.Gadd@wv.gov. Thank you for your attention to this matter.

Sincerely,


Robert Rice
Director

Enclosure

cc: Matthew Watson, LRS
WVDEP File #20018
Casey Korbini, Deputy Director, WVDEP/OER
Erin R. Brittain, Program Manager, WVDEP/OER
W. Matthew Gadd, Project Manager, WVDEP/OER

LAND USE COVENANT

This is an environmental covenant executed pursuant to the Voluntary Remediation and Redevelopment Act, W. Va. Code § 22-22, and the Uniform Environmental Covenants Act, W. Va. Code § 22-22B, to restrict the activities on, and uses of, the following described property:

Street Address: Cheat River Rail Trail
City: Manheim/Rowlesburg
County: Preston County
Tax District (as applicable): Portland 006C
Tax Map: 41
Tax Parcel(s): 06-41-13
Deed Book(s): 789
Page No(s).: 898
Acres: 67.39

Street Address: Cheat River Rail Trail
City: Manheim/Rowlesburg
County: Preston County
Tax District (as applicable): Kingwood 101C
Tax Map: 17
Tax Parcel(s): 01-17-42.1
Deed Book(s): 789
Page No(s).: 898
Acres: 25.14

A map is attached as Exhibit A indicating the area to which specific activity and use limitations and/or engineering controls apply.

The subject property has been remediated in accordance with the Voluntary Remediation and Redevelopment Act, W. Va. Code § 22-22. Non-Residential exposure assumptions were used to comply with the site-specific remediation standard. Contaminants of concern that exceed site-specific remediation standards by media are as follows:

SURFACE SOIL	SUBSURFACE SOIL	GROUNDWATER
Arsenic		
Benzo(a)pyrene		
Benzo(b)fluoranthene		
Dibenz(a,h)anthracene		

The following activities on and uses of the above described property may result in excessive human exposure or in the release of a contaminant that was contained as part of the remedial action related to this covenant. Therefore, the following activities on and uses of the real property are prohibited:

1. Residential land use, as defined by the Voluntary Remediation and Redevelopment Rule (60CSR3), Section 2.40, including, but not limited to, schools, day care centers, nursing homes, or other residential-style facilities. Recreational areas are specifically permitted, as determined by a site-specific risk assessment conducted for the property.
2. Use or extraction of groundwater for any purpose, except for groundwater monitoring and/or remediation.

Current owner(s) of record of the property, and associated contact information:

West Virginia State Rail Authority
Attn.: Cindy Butler
120 Water Plant Drive
Moorefield, WV 26836

Any person, including a person that owns an interest in the real property, the state or federal agency determining or approving the environmental response project pursuant to which an environmental covenant is created, or a municipality or other unit of local government may be a holder of an environmental covenant. The following are all holders of this covenant:

West Virginia State Rail Authority
Owner
120 Water Plant Drive
Moorefield, WV 26836

Friends of the Cheat, Inc.
Lessee
1343 North Preston Highway
Kingwood, WV 26003

The owner(s) of the property shall provide written notice to the WVDEP within ten (10) days following transfer of a specified interest in the property subject to this covenant, changes in use of the property, or applications for building permits or proposals for any site work affecting the contamination on the property. Any notice regarding transfer of a specified interest in the property subject to this covenant shall include the name, address, and contact information for the new owner.

The owner(s) shall conduct annual inspections of the property no more than sixty (60) days before or after the anniversary date of this document in accordance with the Land Use Covenant Inspection Form provided as Exhibit B to monitor compliance with this Land Use Covenant and shall submit the signed form to the WVDEP headquarters within thirty (30) days of the inspection.

This covenant relieves the applicant and subsequent successors and assigns from all civil liability to the State as provided under W. Va. Code § 22-22 and shall remain in effect so long as the property complies with the applicable standards in effect at the time this covenant was issued.

This covenant shall not be amended, modified, or terminated except by written instrument executed in accordance with W. Va. Code § 22-22B-10, by and between the owner at the time of the proposed amendment, modification, or termination; the WVDEP; and the holders of this covenant. Within five (5) days of executing an amendment, modification, or termination of this Land Use Covenant, the owner shall record such amendment, modification, or termination with the Clerk of the County Commission, and within five (5) days thereafter, the owner shall provide a true copy of the recorded amendment, modification, or termination to the WVDEP.

The administrative record for the environmental response project reflected in this covenant is maintained at the WVDEP headquarters, and is entitled:

Cheat River Rail Trail, VRP #20018

The WVDEP is granted full right of access to the property for the purpose of implementation or enforcement of this covenant.

All restrictions and other requirements described in this covenant shall run with the land and shall be binding upon all holders and their grantees, lessees, authorized agents, employees, or persons acting under their direction or control.


[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

IN WITNESS WHEREOF, the following holders have executed this covenant on the dates indicated.

Friends of the Cheat, Inc.

Printed Name: Owen Mulkeen

Title: Associate Director

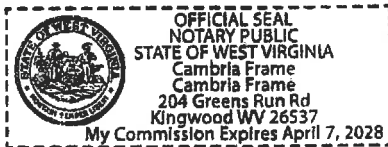

Signature

6/21/23
Date

I, Cambria Frame, a Notary Public in and for the County of Preston, State of West Virginia, do hereby certify that the holder(s) whose name is signed above, this day executed this document in my presence or this day acknowledged same to be true act and deed of said holder(s).

Given under my hand this the 21st day of June, 2023.

My commission expires April 07, 2028.




Notary Public

West Virginia State Rail Authority

Printed Name: Cindy Butler

Title: Commissioner

Cindy Butler 6-13-23
Signature Date

I, Lisa Dawn Dunlap, a Notary Public in and for the County of Kanawha, State of West Virginia, do hereby certify that the holder(s) whose name is signed above, this day executed this document in my presence or this day acknowledged same to be true act and deed of said holder(s).

Given under my hand this the 13 day of June, 2023.
My commission expires Feb. 15, 2028.

Lisa Dawn Dunlap
Notary Public



West Virginia Department of Environmental Protection

Printed Name: Robert Rice

Title: Director, Division of Land Restoration

[Signature]

Signature

7-5-23

Date

I, Jessica A. Henson, a Notary Public in and for the County of Kanawha, State of West Virginia, do hereby certify that Robert Rice, whose name is signed above as the representative of the agency, this day executed this document in my presence or this day acknowledged same to be true act and deed of said holder(s).

Given under my hand this the 5th day of July, 2023.
My commission expires April 7, 2025.

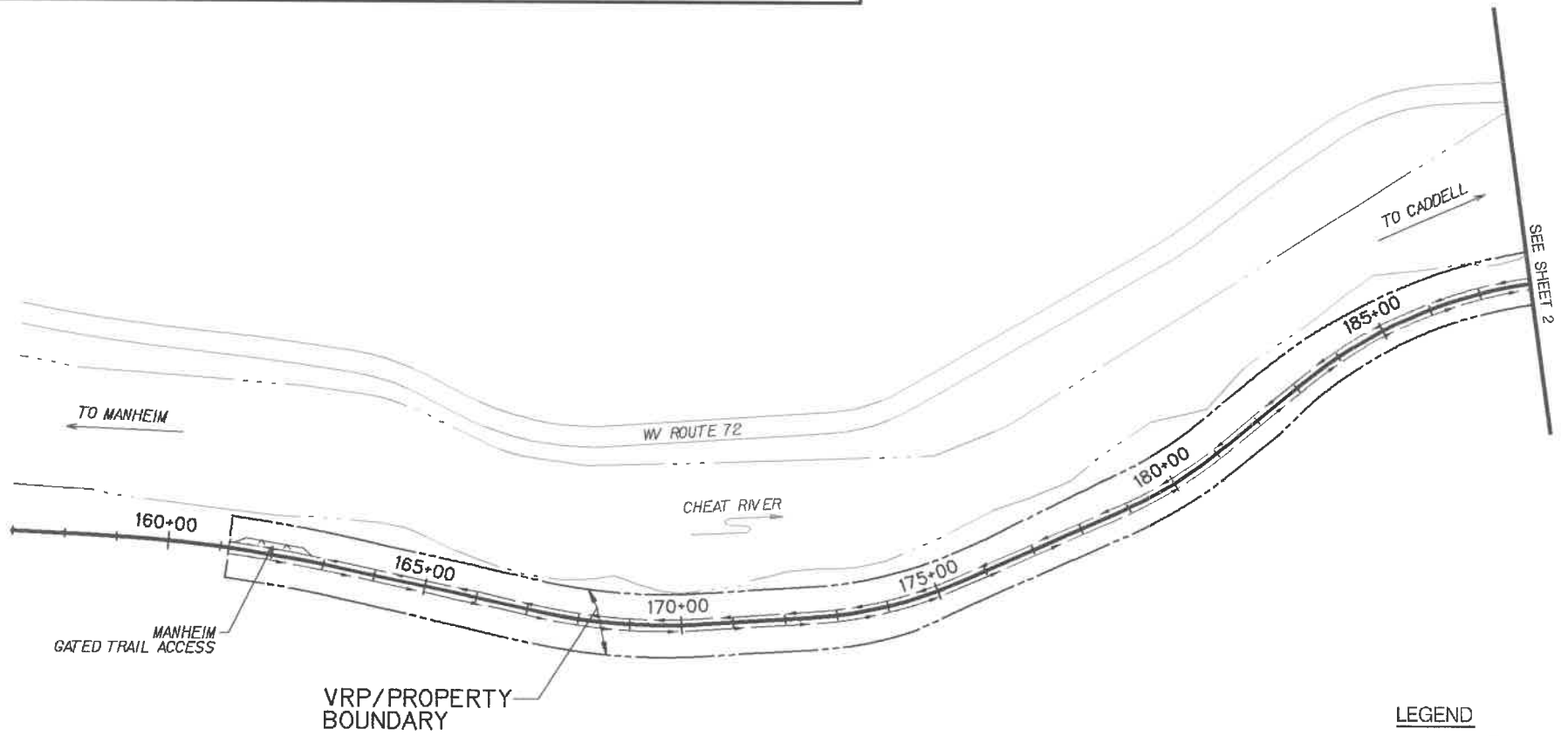
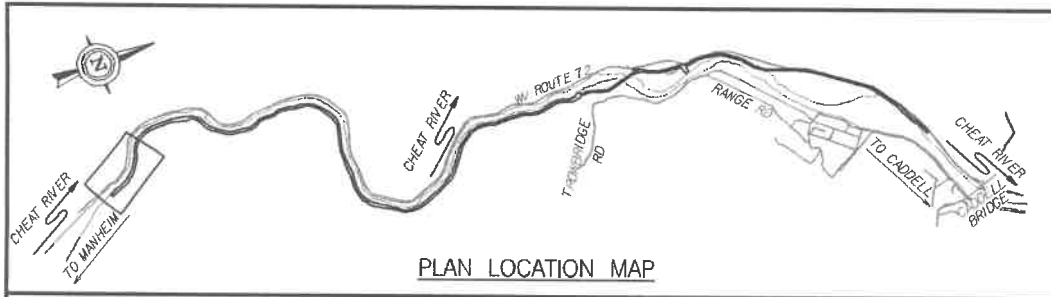


Jessica A. Henson
Notary Public

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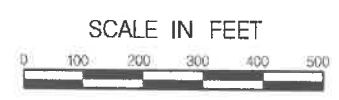
Office of Environmental Remediation
West Virginia Department of Environmental Protection
601 57th Street SE
Charleston, WV 25304

Exhibit A



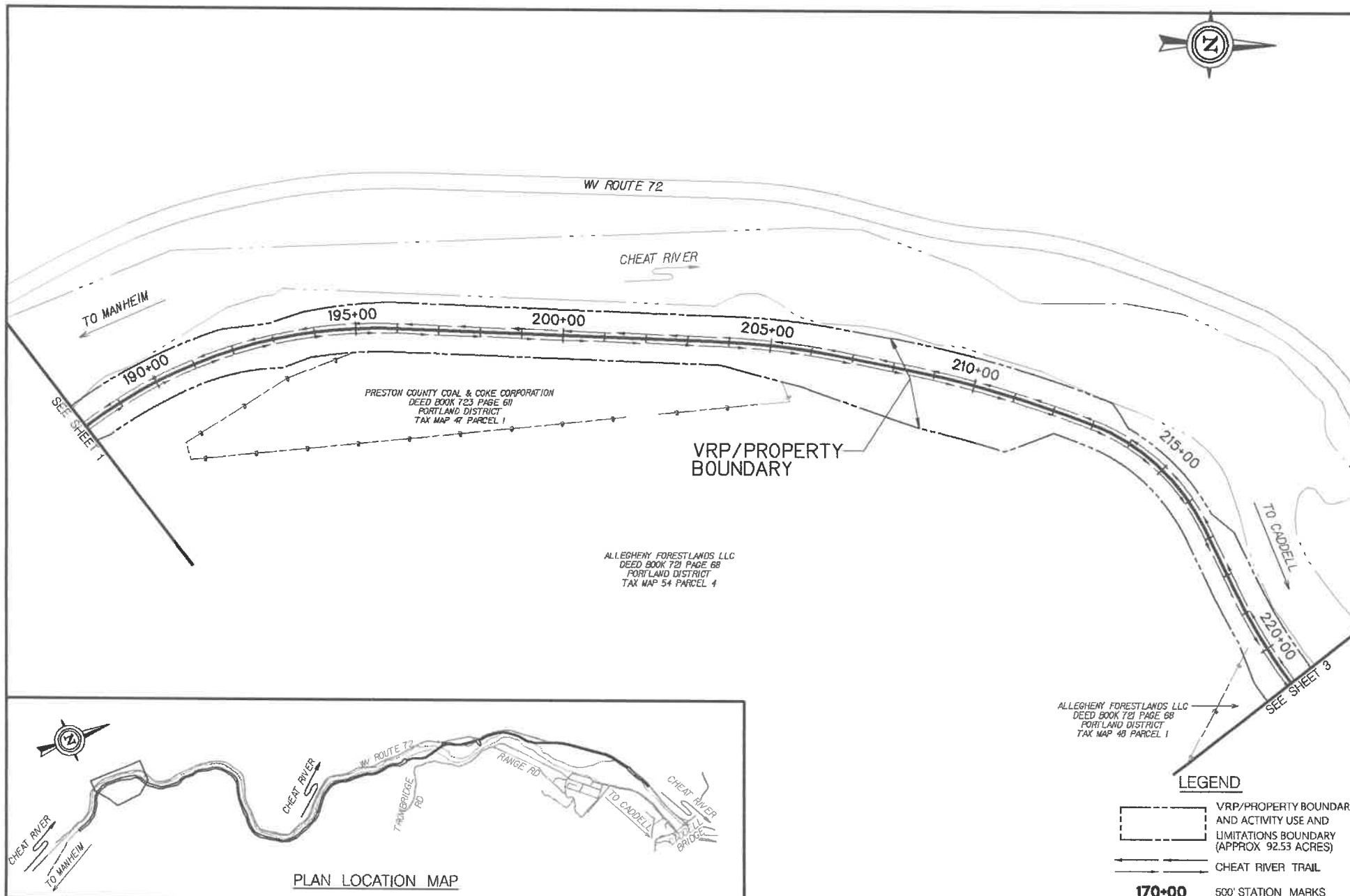
ALLEGHENY FORESTLANDS LLC
DEED BOOK 721 PAGE 68
PORTLAND DISTRICT
TAX MAP 54 PARCEL 4

- LEGEND**
- VRP/PROPERTY BOUNDARY AND ACTIVITY USE AND LIMITATIONS BOUNDARY (APPROX 92.53 ACRES)
 - CHEAT RIVER TRAIL
 - 500' STATION MARKS



AECOM AECOM TECHNICAL SERVICES, INC.
150 CLAY STREET, SUITE 410
MORGANTOWN, WV 26501

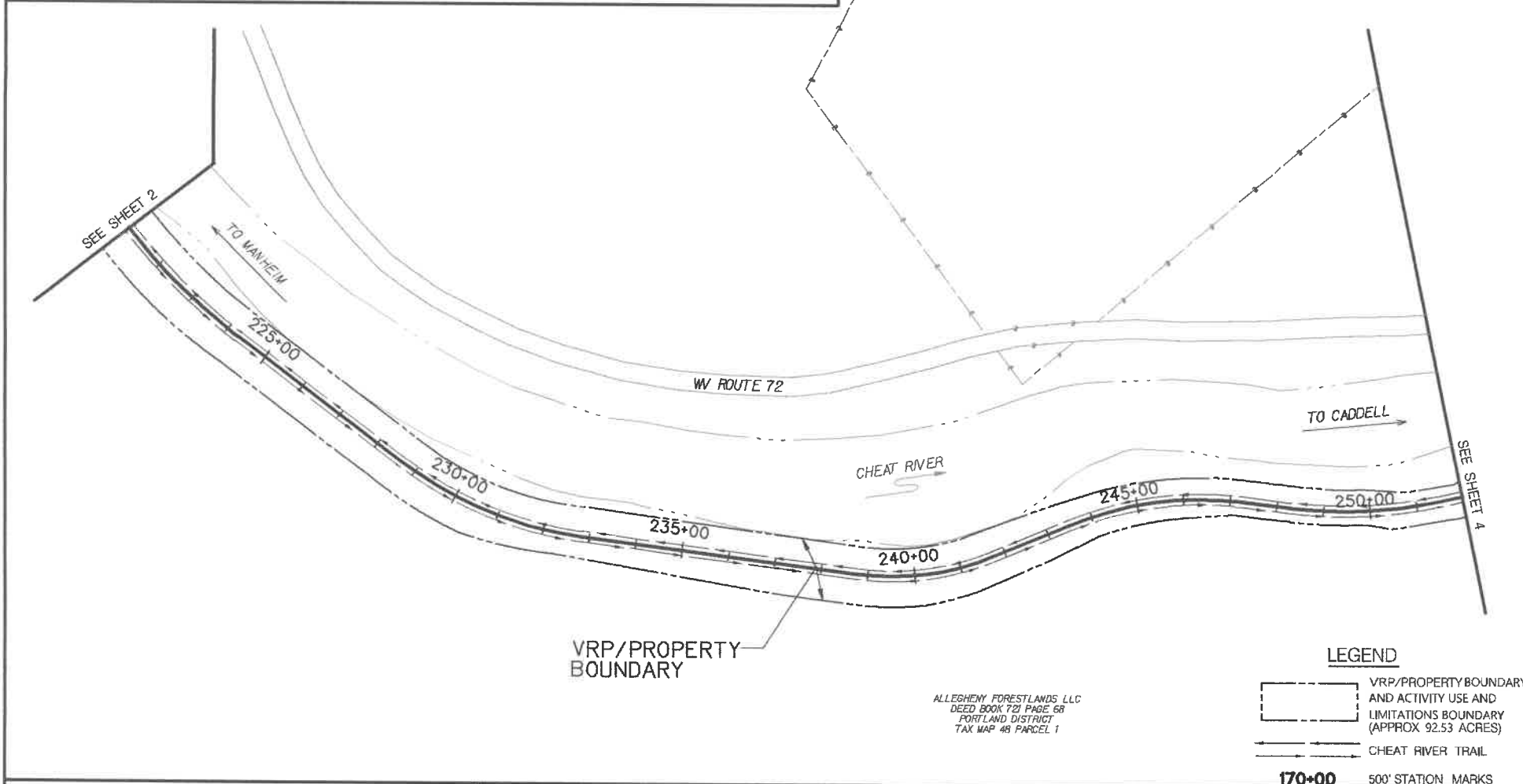
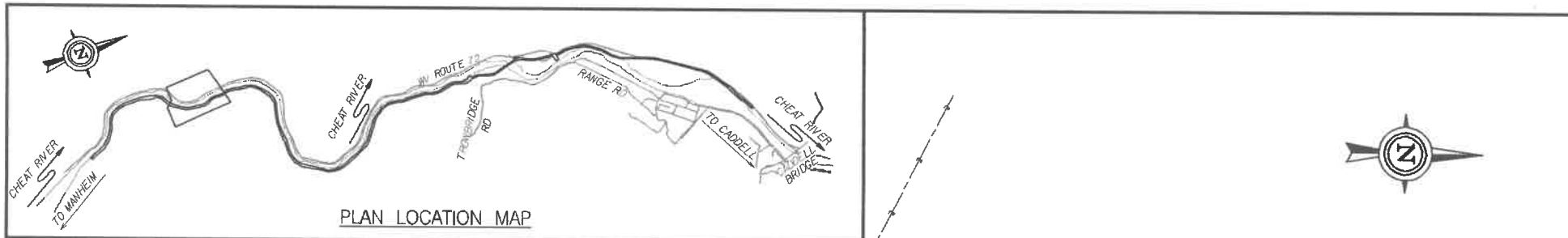
VRP #20018
FRIENDS OF THE CHEAT
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MANHEIM/ROWLESBURG, PRESTON COUNTY, WV
EXHIBIT A
SITE MAP SHOWING ACTIVITY AND USE LIMITATIONS
SHEET 1 OF 14



AECOM AECOM TECHNICAL SERVICES, INC.
150 CLAY STREET, SUITE 410
MORGANTOWN, WV 26501

VRP #20018

FRIENDS OF THE CHEAT
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MANHEIM/ROWLESBURG, PRESTON COUNTY, WV
EXHIBIT A
SITE MAP SHOWING ACTIVITY AND
USE LIMITATIONS
SHEET 2 OF 14



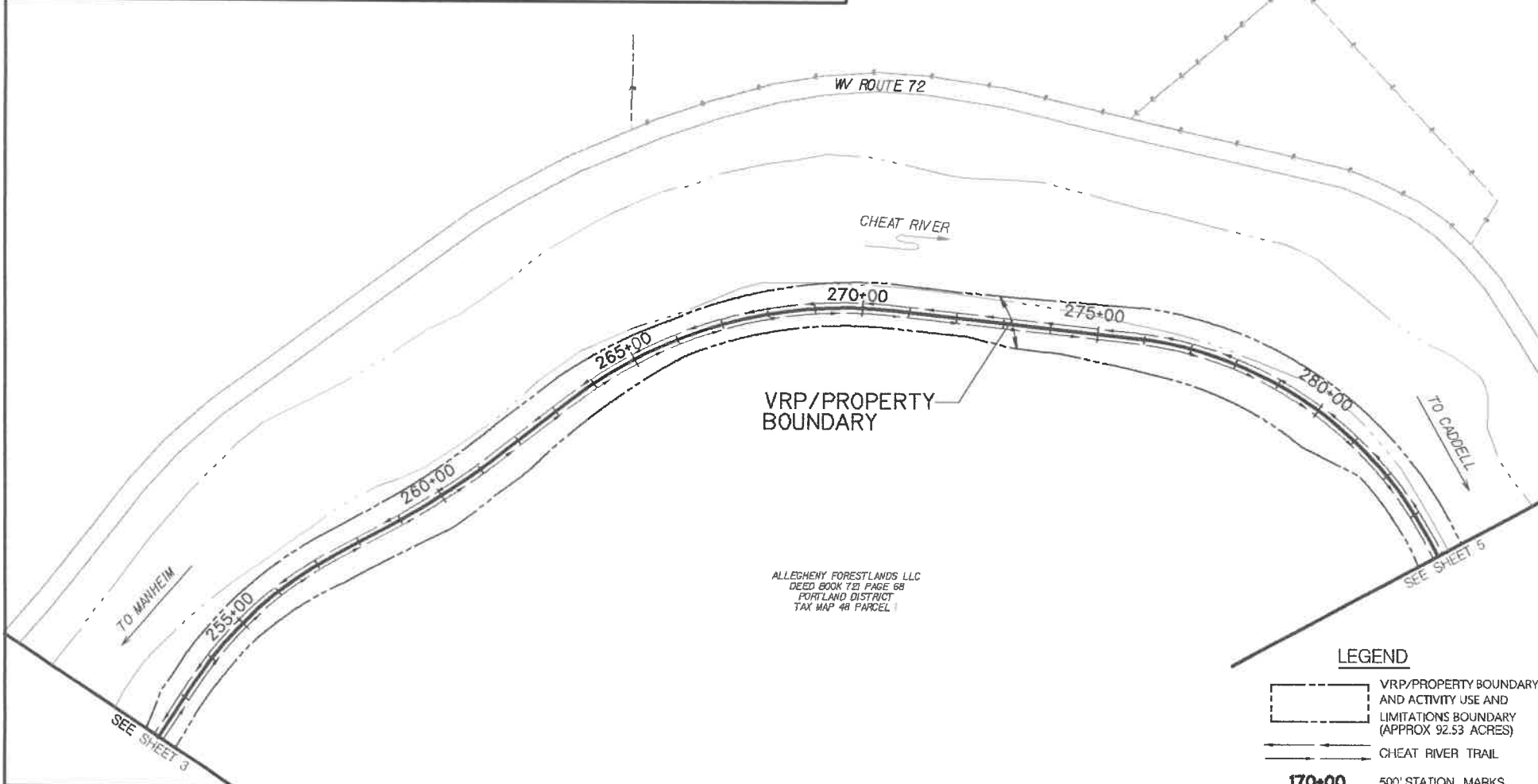
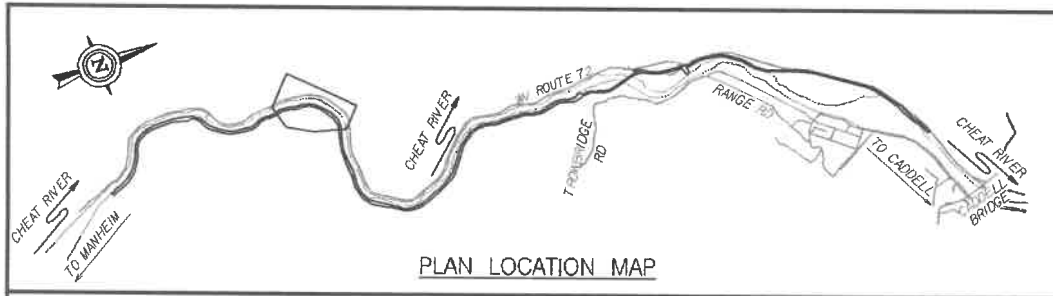
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VRP #20018

FRIENDS OF THE CHEAT
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MANHEIM/ROWLESBURG, PRESTON COUNTY, WV

EXHIBIT A
SITE MAP SHOWING ACTIVITY AND
USE LIMITATIONS
SHEET 3 OF 14



LEGEND

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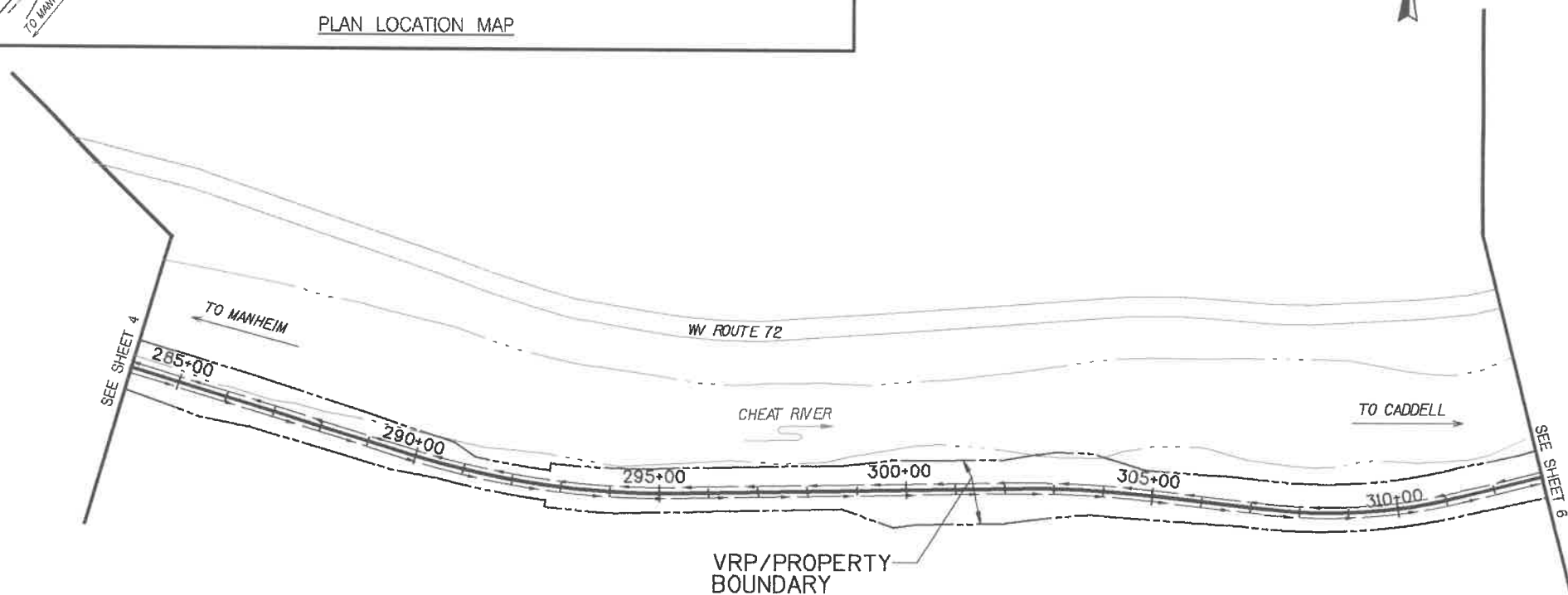
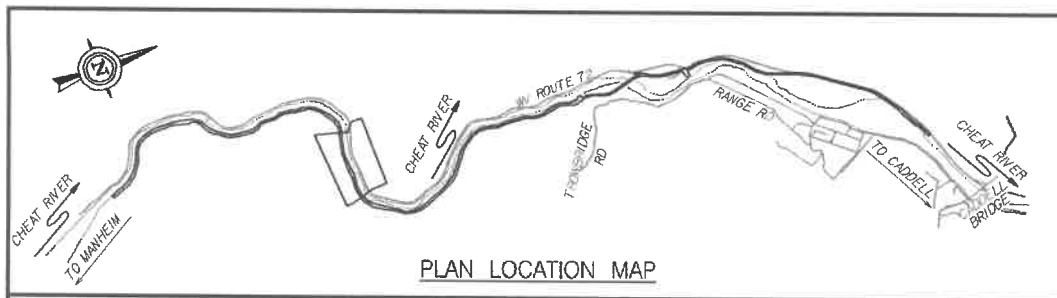


AECOM AECOM TECHNICAL SERVICES, INC.
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MANHEIM/ROWLESBURG, PRESTON COUNTY, WV

EXHIBIT A
SITE MAP SHOWING ACTIVITY AND
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SHEET 4 OF 14



ALLEGHENY FORESTLANDS LLC
DEED BOOK 721 PAGE 68
PORTLAND DISTRICT
TAX MAP 48 PARCEL 1

LEGEND

- VRP/PROPERTY BOUNDARY AND ACTIVITY USE AND LIMITATIONS BOUNDARY (APPROX 92.53 ACRES)
- CHEAT RIVER TRAIL

170+00 500' STATION MARKS

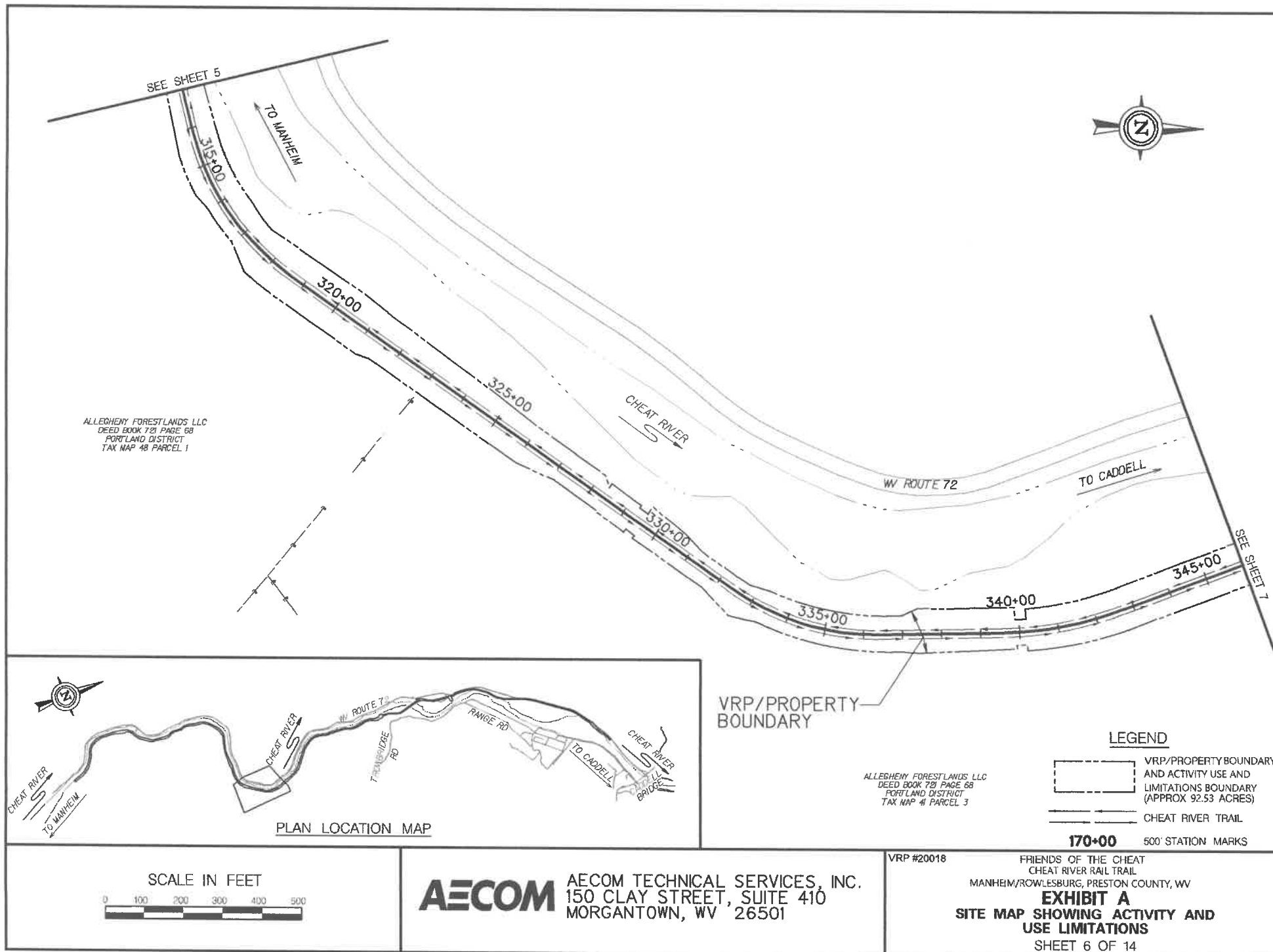


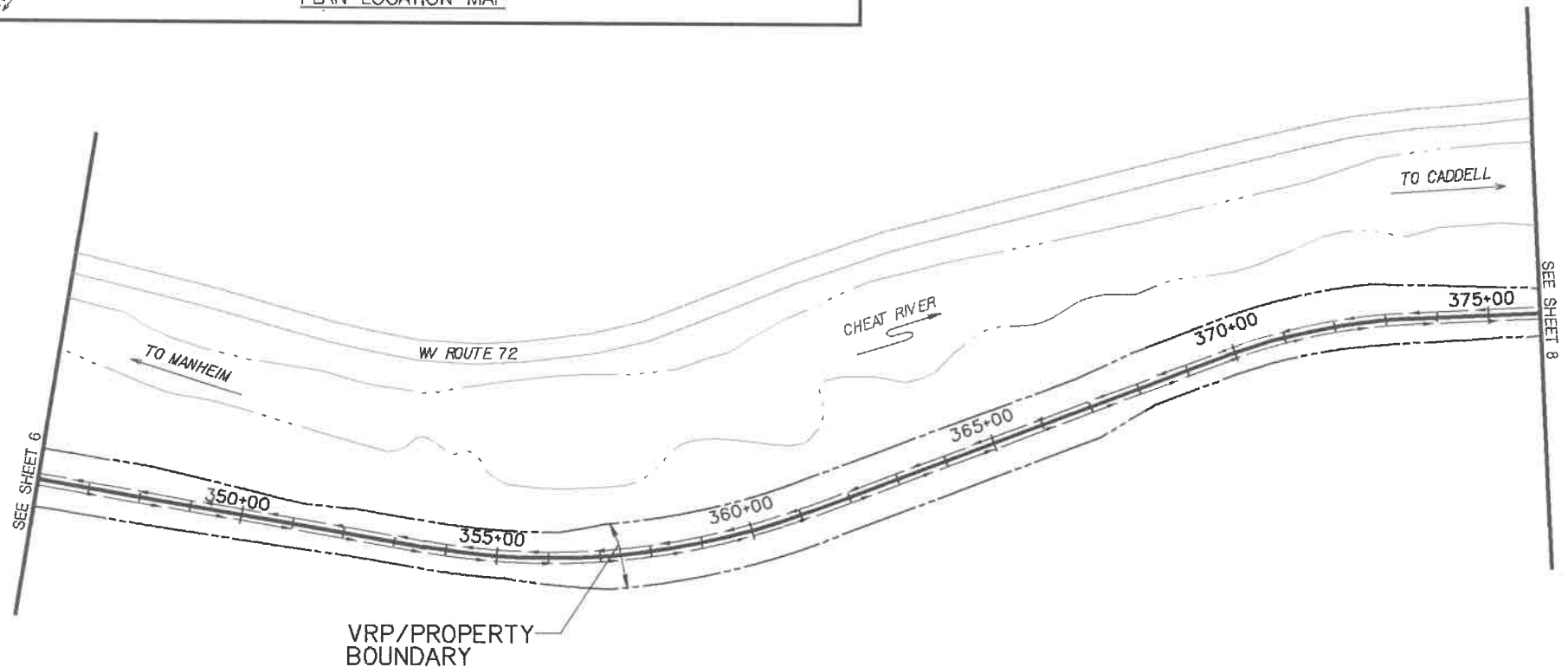
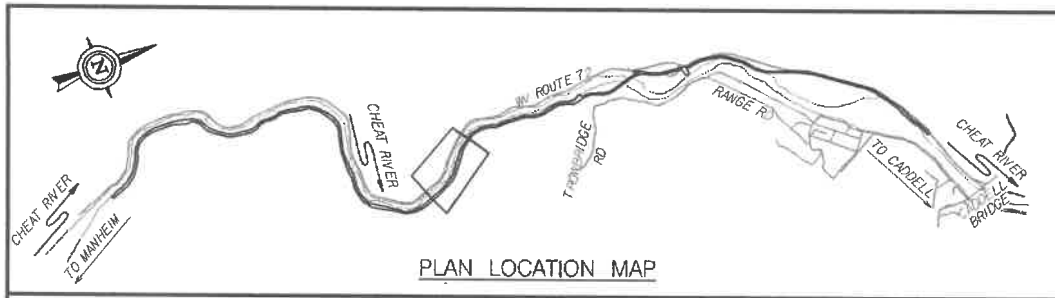
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MANHEIM/ROWLESBURG, PRESTON COUNTY, WV

EXHIBIT A
SITE MAP SHOWING ACTIVITY AND
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SHEET 5 OF 14





ALLEGHENY FORESTLANDS LLC
DEED BOOK T21 PAGE 68
PORTLAND DISTRICT
TAX MAP 41 PARCEL 3

LEGEND

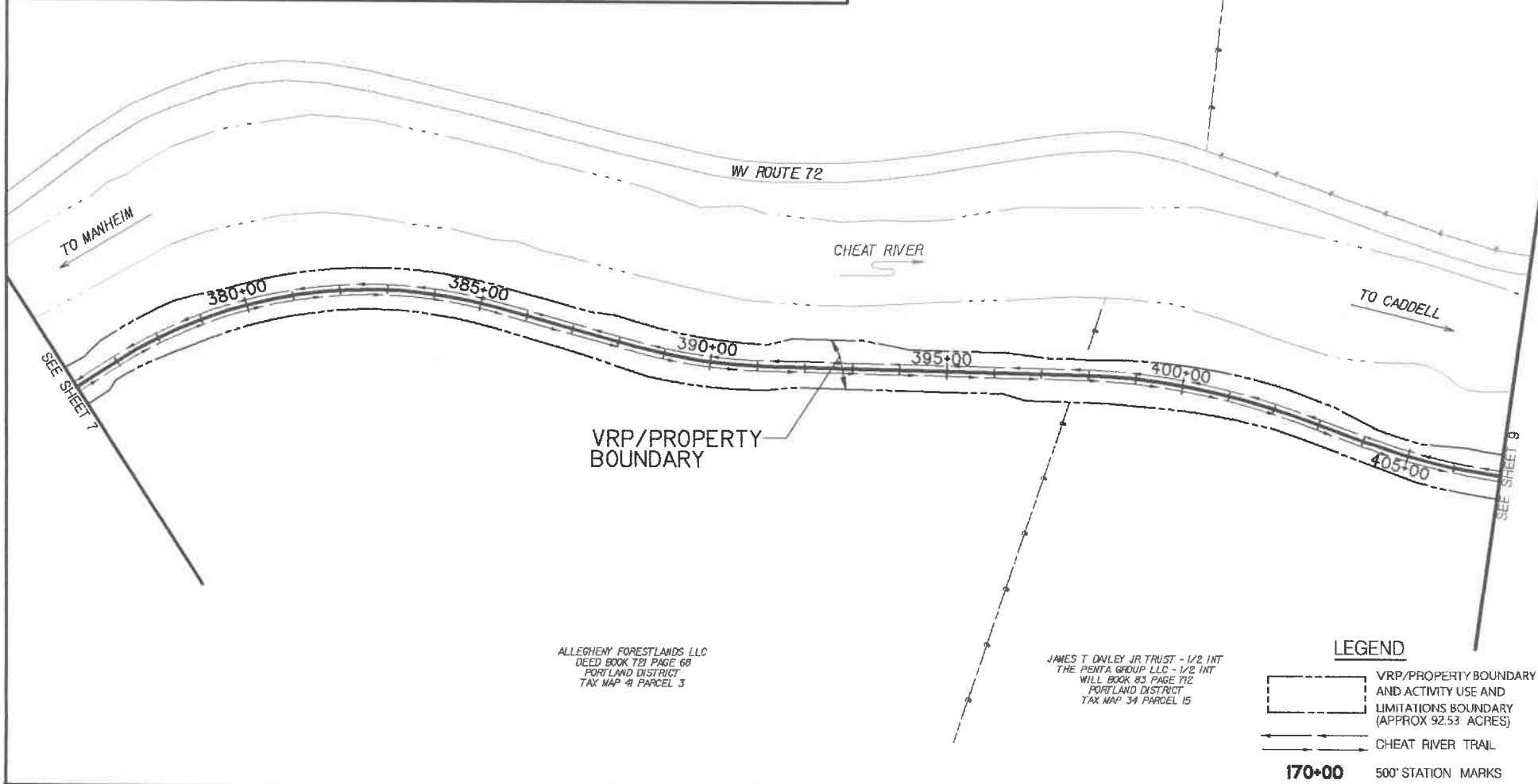
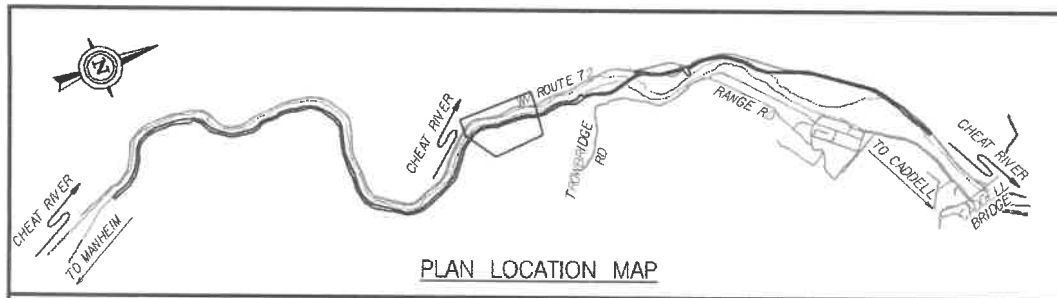
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AECOM AECOM TECHNICAL SERVICES, INC.
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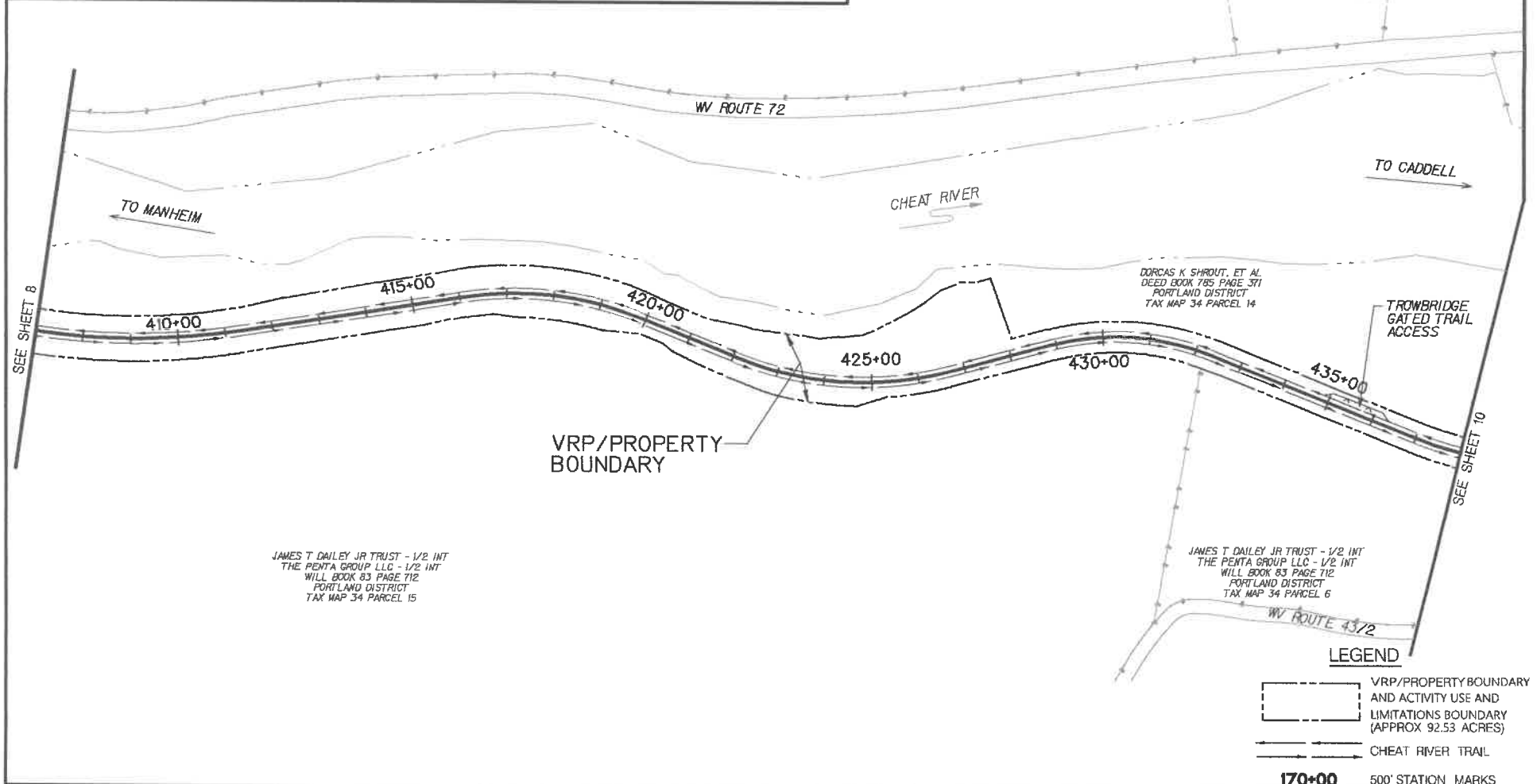
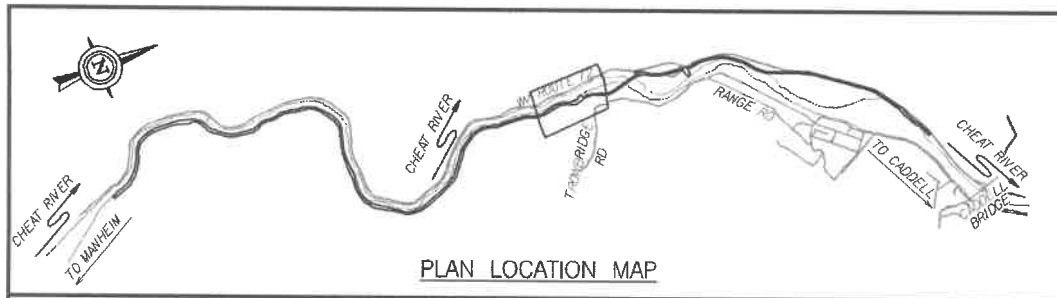
FRIENDS OF THE CHEAT
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EXHIBIT A
SITE MAP SHOWING ACTIVITY AND USE LIMITATIONS
SHEET 7 OF 14



AECOM AECOM TECHNICAL SERVICES, INC.
150 CLAY STREET, SUITE 410
MORGANTOWN, WV 26501

VRP #20018

FRIENDS OF THE CHEAT
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EXHIBIT A
SITE MAP SHOWING ACTIVITY AND
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SHEET 8 OF 14

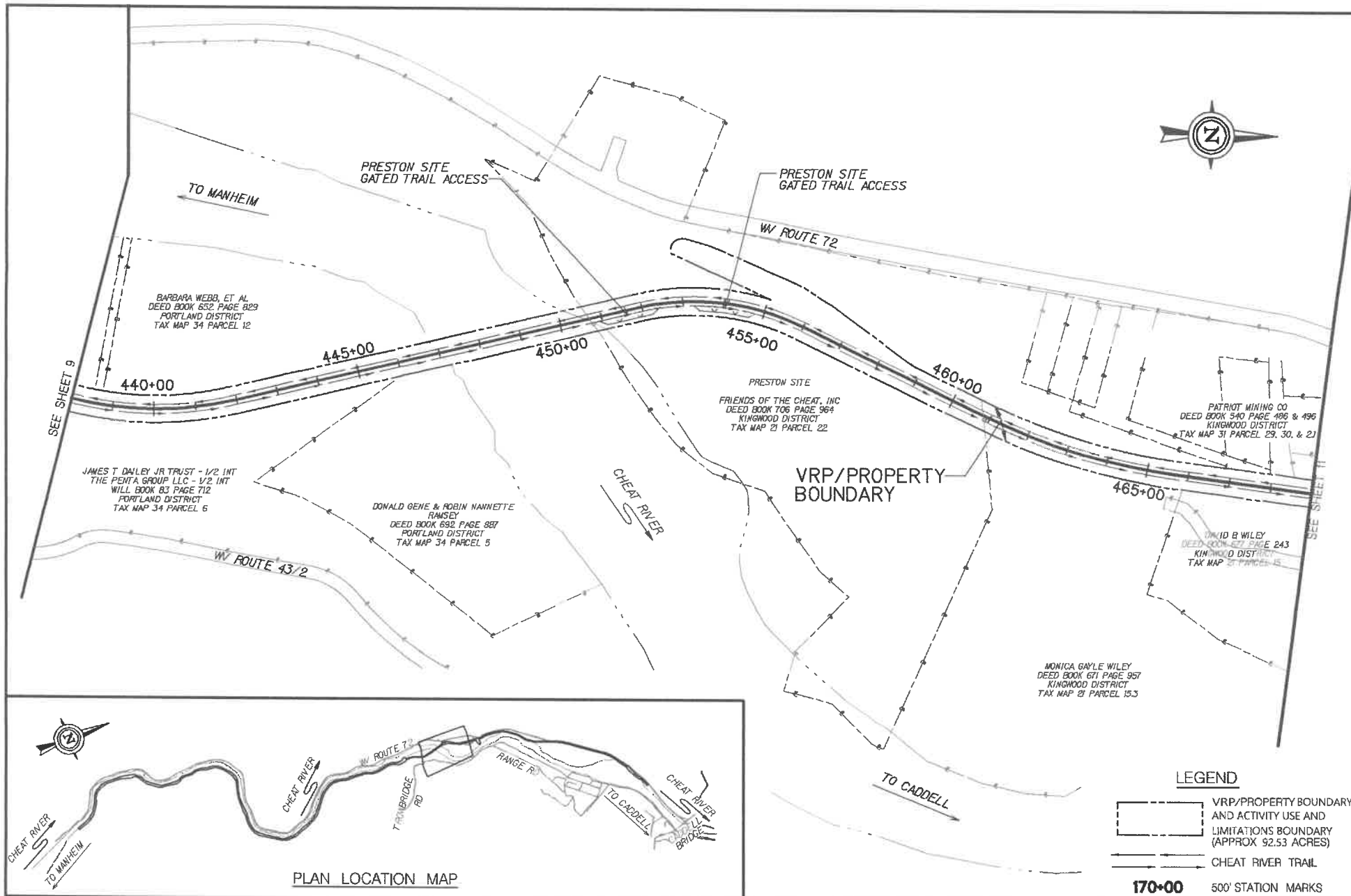


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FRIENDS OF THE CHEAT
CHEAT RIVER RAIL TRAIL
MANHEIM/ROWLESBURG, PRESTON COUNTY, WV

EXHIBIT A
SITE MAP SHOWING ACTIVITY AND
USE LIMITATIONS
SHEET 9 OF 14



AECOM

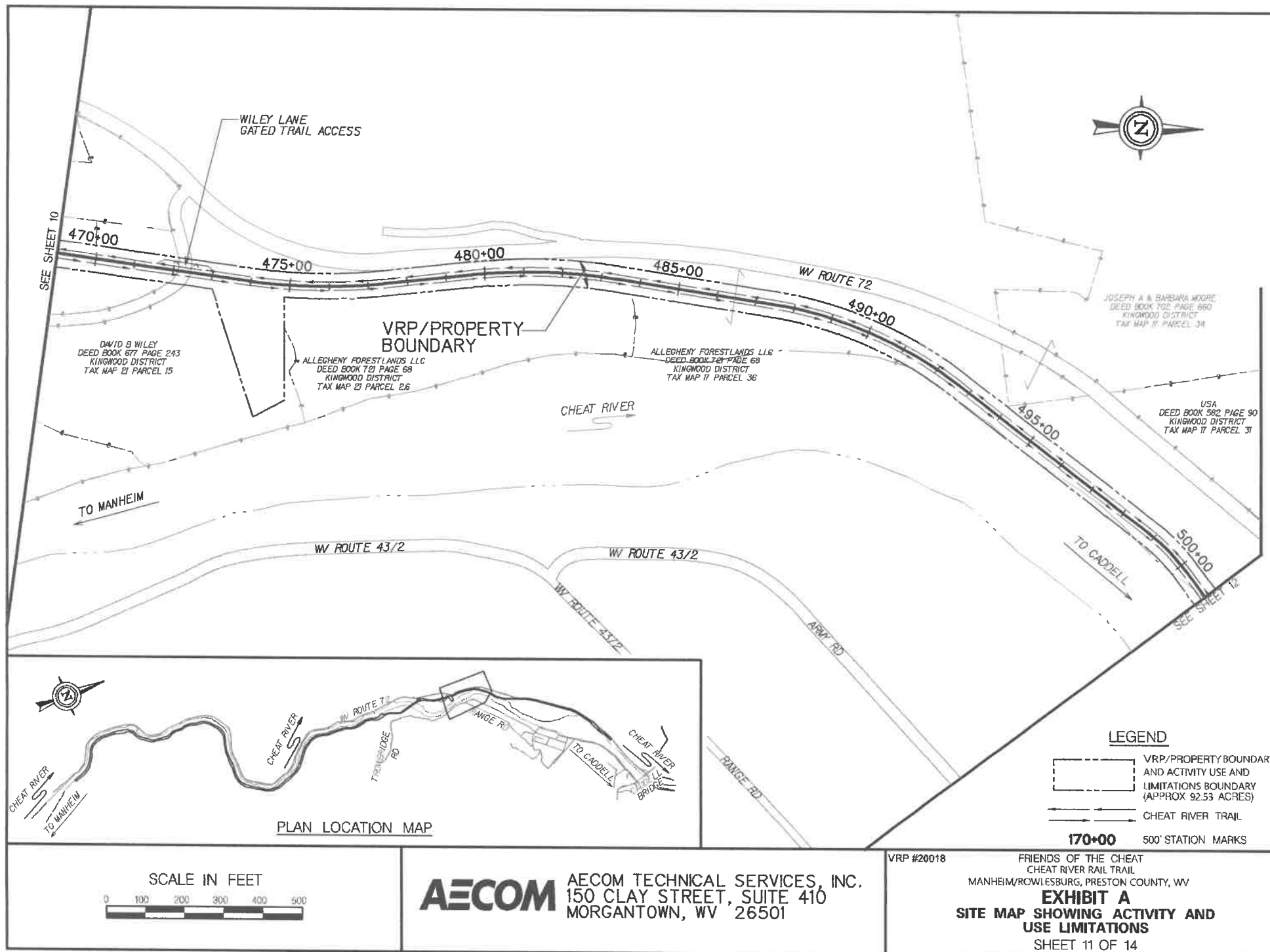
AECOM TECHNICAL SERVICES, INC.
150 CLAY STREET, SUITE 410
MORGANTOWN, WV 26501

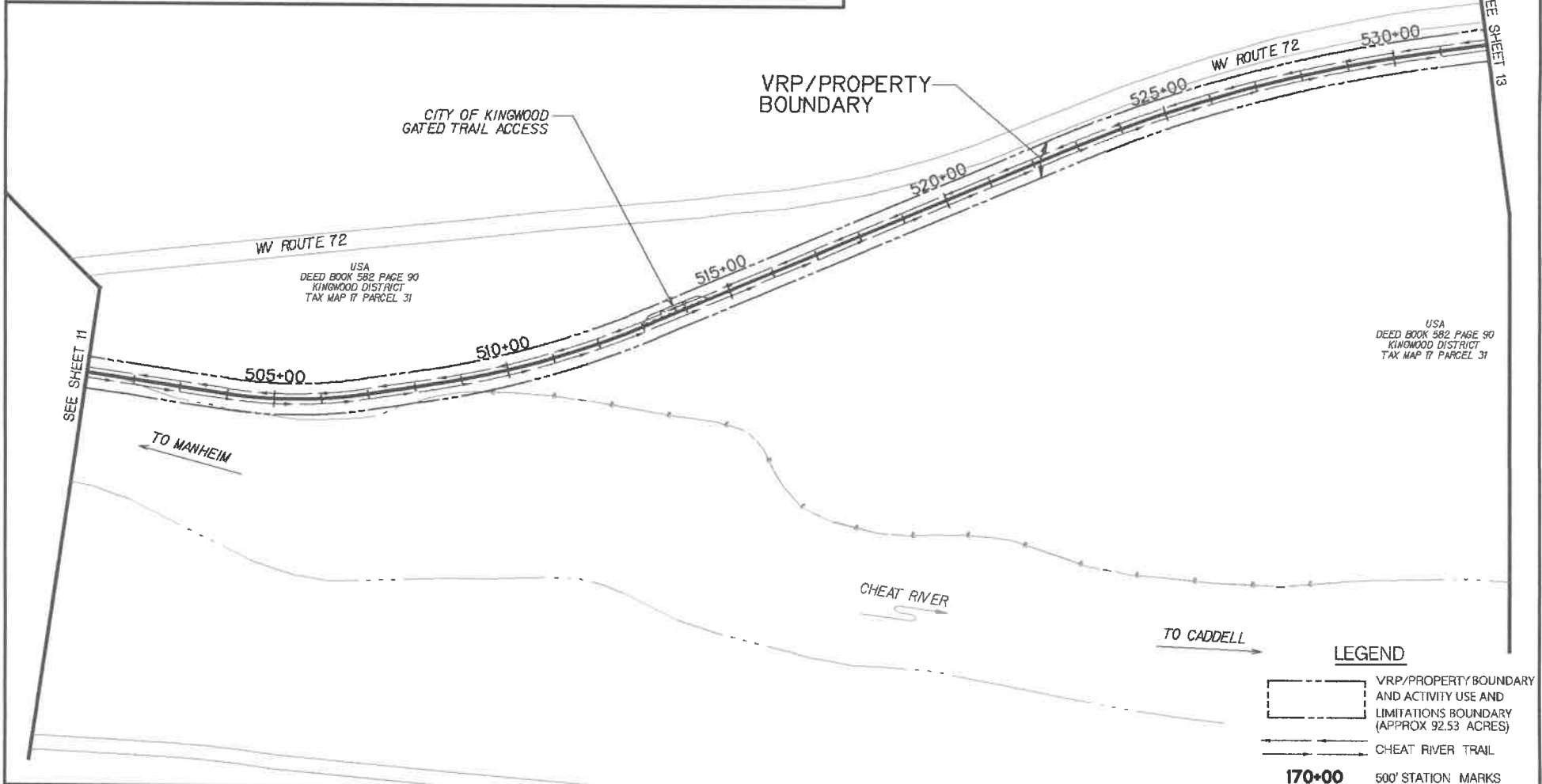
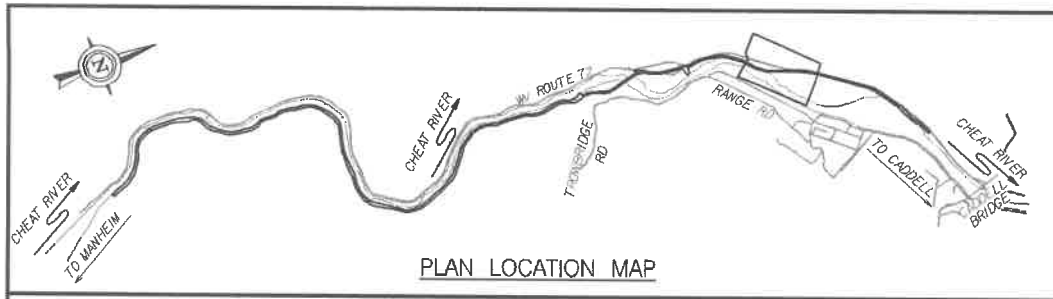
VRP #20018

FRIENDS OF THE CHEAT
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EXHIBIT A
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SHEET 10 OF 14

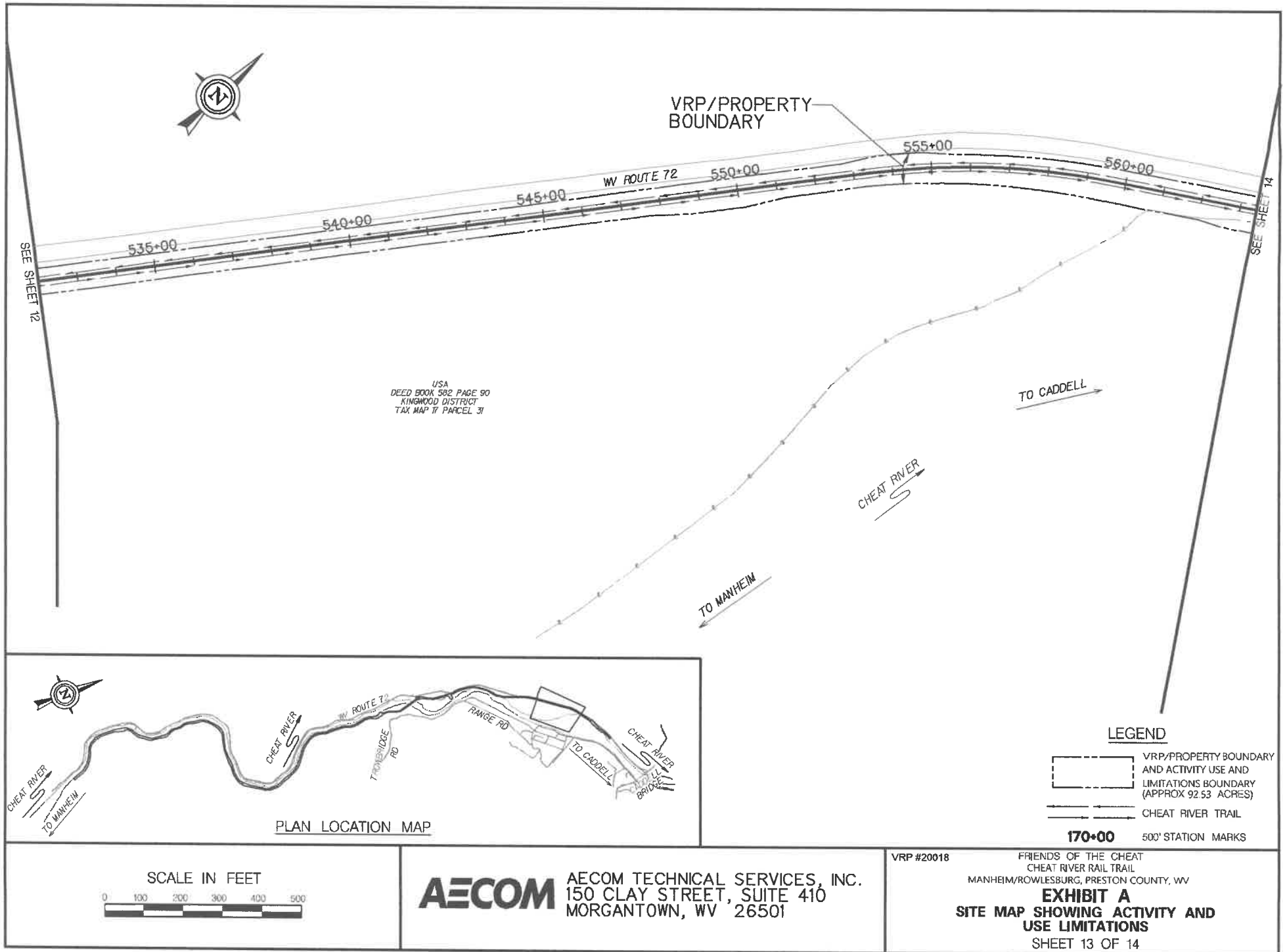


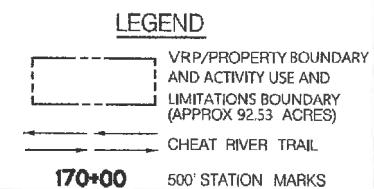
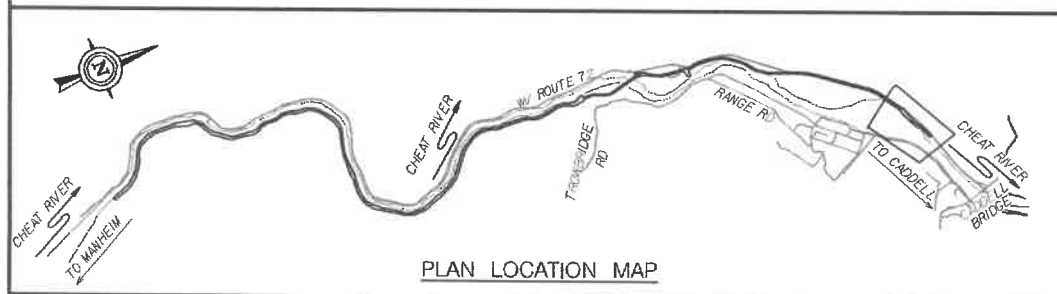
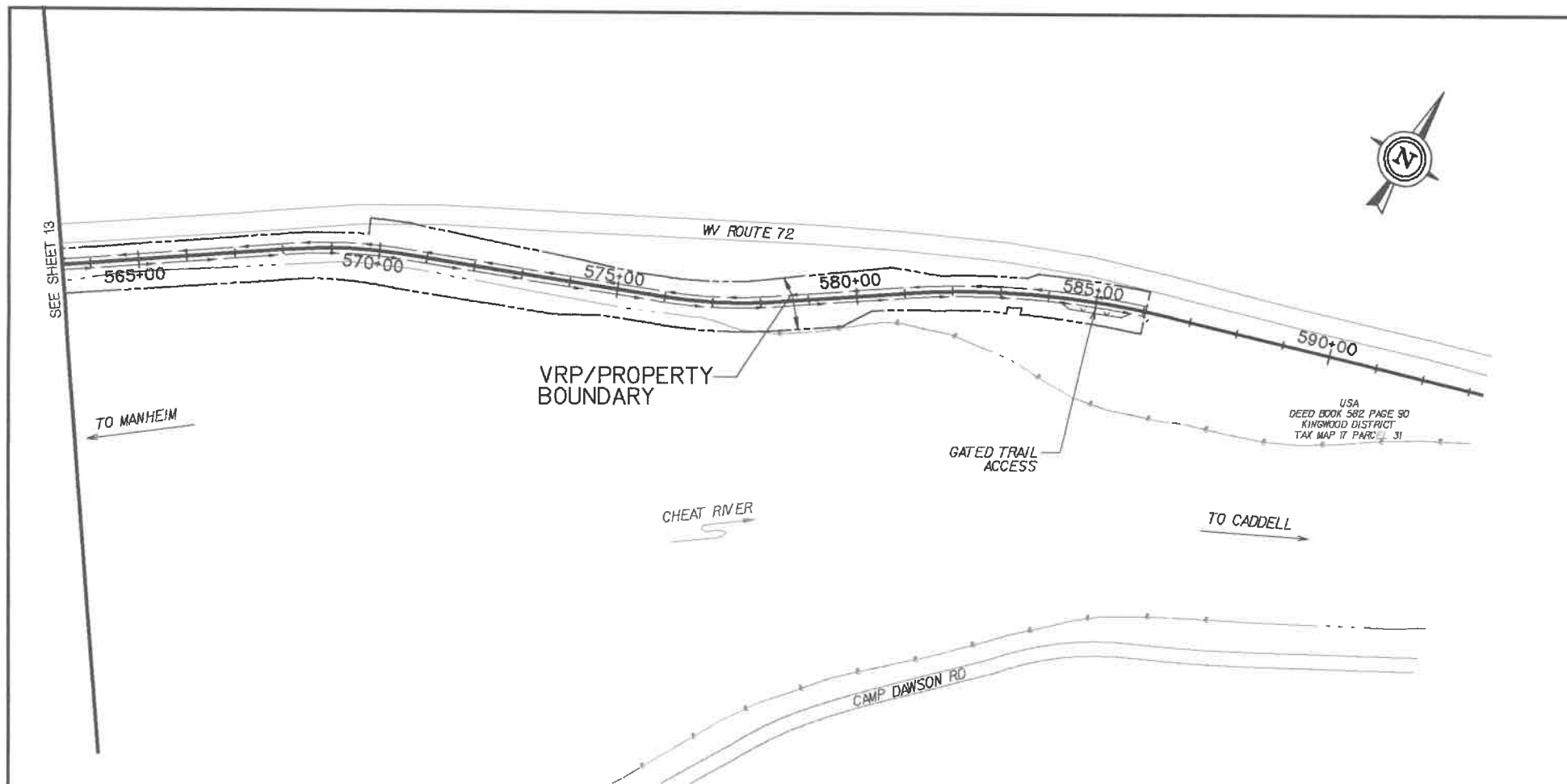


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SITE MAP SHOWING ACTIVITY AND
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SHEET 12 OF 14





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150 CLAY STREET, SUITE 410
MORGANTOWN, WV 26501

VRP #20018

FRIENDS OF THE CHEAT
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MANHEIM/ROWLESBURG, PRESTON COUNTY, WV
EXHIBIT A
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SHEET 14 OF 14

Exhibit B



Land Use Covenants

West Virginia Department of Environmental Protection
Office of Environmental Remediation

Land Use Covenant Inspection Form

The property owner is responsible for conducting annual inspections of the site and submitting this form to WVDEP no more than sixty (60) days before or after the anniversary date of the LUC recording. The person conducting the inspection should refer to the recorded LUC for details, including a map of the affected property and descriptions of the activity and use limitations and engineering controls.

Site Description				
Site ID Number VRP #20018	Site Name Cheat River Rail Trail		County Preston	
Address Cheat River Rail Trail		City Manheim/Rowlesburg	State WV	Zip Code 26425
Property Owner on Land Use Covenant				
Property Owner Name West Virginia State Rail Authority				
Address 120 Water Plant Drive		City Moorefield	State WV	Zip Code 26836

Current Property Owner				
Has property ownership transferred since LUC recording? <input type="checkbox"/> No: If contact information has not changed, skip to "Current Site Use." <input type="checkbox"/> Yes: Provide new property owner contact information below.				
Property Owner Name				
Address		City	State	Zip Code
Phone	Email			
Current Site Use				
Land Use (check all that apply) <input type="checkbox"/> Agricultural <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Recreational <input type="checkbox"/> Residential <input type="checkbox"/> School <input type="checkbox"/> Vacant <input type="checkbox"/> Other				
Provide brief description of current site use (including names of businesses located on property).				

Activity and Use Limitations		
The following activities on and uses of the property may result in excessive human exposure or in the release of a contaminant that was contained as part of the remedial action. Inspect the site to determine if any of the prohibited activities and uses listed below have occurred in the past year.		
Activity and Use Limitation	Occurred in past year?	If "yes", describe:
Residential Use	<input type="checkbox"/> No <input type="checkbox"/> Yes	
Groundwater Use or Extraction	<input type="checkbox"/> No <input type="checkbox"/> Yes	

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Contact Information				
Inspector Name		Relationship to Property		
Mailing Address		City	State	Zip Code
Phone	Email			
Statement of Affirmation				
I affirm that the information provided in this Land Use Covenant Inspection Form, to the best of my knowledge and belief, is true, complete, and accurate.				
Signature		Date		

Return completed and signed form, in addition to any attachments, electronically to DEPOERFileCopy@wv.gov, or mail to:

West Virginia Department of Environmental Protection
Office of Environmental Remediation
Attn.: LUC Inspections
601 57th Street SE
Charleston, WV 25304

