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Norfolk Southern one step closer to completing clean up from derailment

By: MIKE SCHREIBER , Era Associate Editor

Norfolk Southern railroad has moved one step closer to fulfilling its obligation of cleaning up land contaminated by a train derailment in southern McKean County.

On Wednesday, officials with the state Department of Environmental Protection and Norfolk Southern Corp., announced they have signed an agreement authorizing the railroad to complete restoration work at the site of the June 30, 2006, derailment, which caused more than 42,000 gallons of sodium hydroxide - or lye - to spill from three tanker cars and contaminate the region.

DEP officials said restoration and replacement seeding and planting must be completed by Dec. 1 - Norfolk Southern must then submit regular reports to the agency regarding the site.

Officials said the agreement does not resolve the nearly \$8.9 million in penalties DEP assessed the company in October.

"This agreement demonstrates a spirit of cooperation between DEP and Norfolk Southern that allows both parties to set aside our legal dispute and expedite environmental restoration," DEP Regional Director Kelly Burch said. "Both entities worked very hard to reach this agreement so that the re-vegetation project could take advantage of the growing season.

"The agreement also ensures that the work will be done appropriately, as the restoration work will be monitored for five years."

Norfolk Southern had been doing cleanup work under emergency encroachment permits that expired last week, which included excavating and removing contaminated soil in wetland and riparian areas and the temporary diversion of Big Fill Run. The diversion allowed soil excavation and other remedial work to take place at the derailment site.

Officials said all excavated material was disposed of at a permitted landfill and all disturbed areas must now be restored to the original contours and replanted with native, indigenous plant species.

The railroad must also monitor the disturbed portions of Big Fill Hollow and the replaced floodway east of the train tracks, the replaced Big Fill Hollow watercourse and wetlands west of the tracks, the east bank of Sinnemahoning Portage Creek, and the wetland slough south of the construction area for at least five years.

"We are getting near the end (of the larger portions of the cleanup)," DEP Watershed Program Manager John Holden said.

Norfolk Southern spokesman Rudy Husband said he wouldn't classify what happened a deal or agreement.

"It was an administrative matter of which we needed a permit in order to complete the job they gave us," Husband said. "It allowed us to complete the job of restoring the derailment site. Now we have the permit and will commence (with it)."

Husband said there is no time frame on when the work will begin, adding it was something the railroad had intended to do all along, but needed the permit to start.

"Setting the legal situation aside, we have worked very productively and cooperatively with the DEP on the restoration of the site," Husband said.

Officials said Norfolk Southern will submit reports to DEP twice a year for the first two years after construction, and annually for the following three years. The first report is due within 60 days of an April 2008 site inspection, with the final report due within 60 days of a September 2013 inspection.

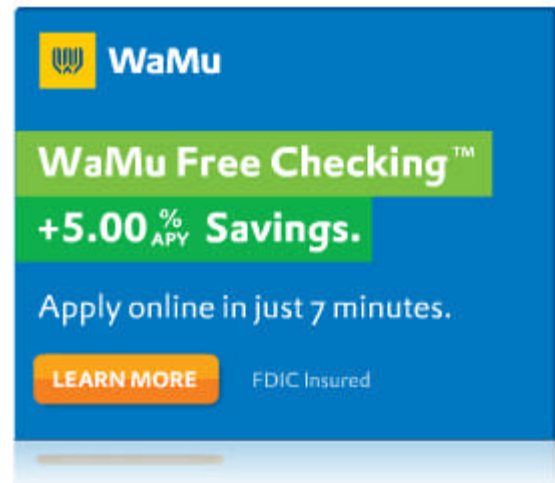
If the restored wetlands, streams and floodways meet the mitigation criteria, the railroad will submit a final monitoring report to DEP. Pending review of the report, the agency will determine if more work is necessary at the site.

"They can submit a final monitoring report to us at any time prior to 2013 and request to be done, but Norfolk Southern isn't done with the restoration of the site until we say they are done," Gordon Buckley of DEP said.

The spill wiped out fish and aquatic life in an 11-mile segment of the Sinnemahoning-Portage Creek, Big Fill Hollow. It also affected aquatic life in the Driftwood Branch of Sinnemahoning Creek, with the spill effects observed nearly 30 miles downstream and into neighboring Cameron County.

Officials said the \$8.9 million in penalties against the railroad for releasing hazardous substances is still the subject of ongoing litigation with DEP.

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To date, the train's engineer, Michael Seifert of Buffalo, N.Y., is awaiting trial on charges alleging that he was operating the train while under the influence of drugs. The train traveled downhill at 77 mph in a 15 mph zone when it derailed near the Village of Gardeau.