

NEWS RELEASE COMMONWEALTH OF PENNSYLVANIA**COMMONWEALTH OF PENNSYLVANIA
Dept. of Environmental Protection**

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FOR IMMEDIATE RELEASE

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**DEP REACHES AGREEMENT WITH NORFOLK SOUTHERN TO COMPLETE SPILL SITE
CLEANUP IN MCKEAN COUNTY**

Project to Restore Soils, Wetlands, Aquatic Life to Designated Uses

MEADVILLE – The Department of Environmental Protection and Norfolk Southern have signed an agreement that authorizes Norfolk Southern to complete restoration work at the site of a sodium hydroxide spill in Norwich Township, McKean County. The spill was the result of a train derailment on June 30, 2006.

Under the agreement — which does not resolve the nearly \$8.9 million in penalties DEP assessed the company in October — Norfolk Southern will restore vegetation along the creek banks and wetland areas and redirect a section of Big Fill Run back into a natural stream channel. The diversion allowed soil excavation and other remedial work to take place at the derailment site.

“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.

All excavated material was disposed of at a permitted landfill and all disturbed areas now must be restored to the original contours and replanted with native, indigenous plant species. Restoration and replacement seeding and planting is to be completed by Dec. 1.

As a condition of the agreement, Norfolk Southern must 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.

Norfolk Southern is to 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, Norfolk Southern will submit a final monitoring report to DEP. Pending review of the report, the department will determine if more work is necessary.

The June 30 spill wiped out fish and aquatic life in an 11-mile segment of Sinnemahoning-Portage Creek, Big Fill Hollow. It also affected aquatic life in the Driftwood Branch of Sinnemahoning Creek. The spill's effects were observed as far as 30 miles downstream, with much of the affect in Cameron County.

Up to 42,000 gallons of sodium hydroxide, also known as caustic soda or lye, spilled from three tanker cars in the incident. An unknown amount of sodium hydroxide soaked into the ground in and around the derailment site. This residual material must be cleaned up to ensure a complete recovery of Sinnemahoning-Portage Creek, which is designated as an exceptional value and wild trout stream.

On Sept. 22, DEP Secretary Kathleen A. McGinty visited Emporium, Cameron County, where she issued an order to the company establishing legally binding milestones and objectives for cleaning up the ground contamination and fully restoring the area to pre-spill conditions.

On Oct. 19, DEP announced \$8.89 million in penalties against Norfolk Southern for unpermitted discharges and waste disposals, and releasing hazardous substances. These actions violated the state's Clean Streams Law, Solid Waste Management Act, and Hazardous Sites Cleanup Act. The agreement announced today does not resolve those penalties, which are the subject of ongoing litigation.

The area where the spill took place is the center of Pennsylvania Wilds, a portion of the state renowned for its spectacular scenery and wildlife.

For more information on water quality, visit www.depweb.state.pa.us, DEP Keyword: "Water Quality."

<http://www.ahs.dep.state.pa.us/newsreleases/default.asp?ID=4520>