

From: Gernand, Matthew A.
To: Dixit, Naeha
Cc: robert.wood2@nscorp.com; Deutsch, Scott; Peters, Joshua; Pohl, Eric; Schwer, Don; Edwards, Tricia; El-Zein, Jason; Augustyn, James; Justice, James; mark.rickrich@epa.ohio.gov; Wolfe, Stephen; Hill, Hollister A; Veira, E. Fitzgerald
Subject: RE: Norfolk Southern Railway Company - General Notice of Liability February 10, 2023
Date: Saturday, February 11, 2023 1:49:33 PM
Attachments: [East Palestine RAWP Feb 10 2023.pdf](#)

Ms. Dixit and Mr. Schwer:

We received your General Notice of Liability. This email serves as the requested written response that Norfolk Southern Railway Company is willing to perform or finance the response activities related to the incident.

In addition, the letter requested my contact information. That information is provided in the signature below. Please send all correspondence on this matter to my attention.

Finally, the letter asked that we provide a status of our current response actions. Those actions are summarized in the attached Preliminary Remedial Action Work Plan that was provided to Ohio EPA today.

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Matt Gernand
Deputy General Counsel

NORFOLK SOUTHERN
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Atlanta, GA 30308
www.norfolksouthern.com



From: Dixit, Naeha <dixit.naeha@epa.gov>
Sent: Friday, February 10, 2023 10:19 PM
To: Gernand, Matthew A. <Matthew.Gernand@nscorp.com>
Cc: Wood, Robert C. <Robert.Wood2@nscorp.com>; Deutsch, Scott <Scott.Deutsch@nscorp.com>; Peters, Joshua <Peters.Joshua@epa.gov>; Pohl, Eric <pohl.eric@epa.gov>; Schwer, Don <Schwer.Don@epa.gov>; Edwards, Tricia <edwards.tricia@epa.gov>; El-Zein, Jason <el-zein.jason@epa.gov>; Augustyn, James <augustyn.james@epa.gov>; Justice, James <justice.james@epa.gov>; mark.rickrich@epa.ohio.gov; Wolfe, Stephen <wolfe.stephen@epa.gov>
Subject: [EXTERNAL] Norfolk Southern Railway Company - General Notice of Liability February 10, 2023
Importance: High

Mr. Gernand,

Attached please find a General Notice of Liability that EPA Region 5 has issued to Norfolk Southern Railway Company (“Norfolk Southern”) concerning the release or threatened release of hazardous substances, pollutants, or contaminants during and following the February 3, 2023 rail car derailment in East Palestine, Ohio. This notice explains the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and that EPA believes that Norfolk Southern may be responsible under CERCLA for cleanup of the East Palestine, Ohio Site and for reimbursing EPA’s response costs.

EPA is requesting a response from Norfolk Southern within 1 day of your receipt of this correspondence notifying the Agency of your willingness to perform or finance the activities to address contamination caused by the February 3rd train derailment and to reimburse the Agency for its costs.

Thank you,

Naeha Dixit

Naeha Dixit | Pronouns: she/her
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Office of Regional Counsel
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