



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590**

February 24, 2023

VIA EMAIL

Norfolk Southern Railway Company  
c/o Matthew Gernard, Deputy General Counsel  
Norfolk Southern  
650 West Peachtree Street NW  
Atlanta, Georgia 30308

Re: East Palestine Train Derailment Site  
Norfolk Southern Rail Line, East Palestine, Columbiana County, Ohio  
Site/Spill Identifier (SSID): C5XR  
Unilateral Administrative Order

Dear Mr. Gernard:

By this letter, and pursuant to my authority<sup>1</sup> as the On-Scene Coordinator for the United States Environmental Protection Agency (“EPA”) and consistent with the action memorandum signed on February 21, 2023, for the above-referenced Site, I direct Norfolk Southern Railway Company (“NSR”) to:

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<sup>1</sup> See Section 300.120(e) of the National Contingency Plan, which provides in pertinent part: “In contingency planning and removal, the OSC coordinates, directs, and reviews the work of other agencies, Area Committees, responsible parties, and contractors to assure compliance with the NCP, decision document, consent decree, administrative order, and lead-agency approved plans applicable to the response. 40 C.F.R. § 300.120(e). In adopting this language, EPA explained:

In order to further clarify the general responsibilities of OSCs and RPMs, EPA has added language to paragraphs (d) and (e) to make it clear that OSCs and RPMs are responsible for coordinating and directing responsible parties - as well as agencies and contractors – in their conduct of either federally financed or non-federally financed (e.g. enforcement) response actions. Under this authority, OSCs and RPMs may stop or redirect work if, in their judgment, it appears likely to result in a release or threatened release of hazardous substances into the environment or poses an imminent and substantial endangerment to human health, welfare or the environment.

55 Fed. Reg. 8666, at 8675 (March 8, 1990).

1. On February 24, 2023, initiate removal and proper off-site disposal of all stockpiled contaminated soil at the derailment location. The disposal location and transportation route(s) shall be subject to EPA approval. The removal and disposal of the soil shall be completed on or before the close of business on March 4, 2023.
2. On February 24, 2023, initiate removal and proper off-site disposal of all remaining residue in tank cars at the derailment location. The disposal location transportation route(s) shall be subject to EPA approval. The removal and disposal of the residue shall be completed on or before the close of business on March 10, 2023.
3. On or before March 1, 2023, initiate removal and proper off-site disposal of contaminated soil located beneath the rail tracks at the derailment location. The disposal location transportation route(s) shall be subject to EPA approval. The removal and disposal of the soil beneath the first track to be addressed shall be completed on or before the close of business on March 10, 2023. The removal and disposal of the soil beneath the second track shall be completed on or before the close of business on March 20, 2023.
4. On or before February 27, 2023, submit to EPA for its review and approval a written description of how NSR intends to proceed with soil sampling and analysis of residential, commercial, and agricultural properties in the Village of East Palestine. The written description of the soil sampling and analysis plan shall provide that sampling shall commence by March 1, 2023, and that sampling and analysis shall be completed on or before the close of business on March 31, 2023.
5. On February 25, 2023, begin participating in the Unified Command at the Site as directed by the OSCs.

Please immediately contact me to receive instructions regarding NSR's participation in the Unified Command. Additionally, please immediately identify a senior NSR manager with decision making authority that will serve as NSR's representative within the Unified Command at the Site. NSR's Unified Command representative shall not be an attorney. Be advised that EPA will be working closely with the Ohio Environmental Protection Agency to direct and oversee the work required by this directive.

Thank you for your attention to these matters. I can be contacted at [dollhopf.ralph@epa.gov](mailto:dollhopf.ralph@epa.gov) or 231-301-0559 (cell).

Sincerely yours,

**ralph**  
**dollhopf**

Digitally signed  
by ralph dollhopf  
Date: 2023.02.24  
12:30:53 -05'00'

Ralph Dollhopf  
On-Scene Coordinator

cc:

Hollister Hill, General Counsel - Environmental, Risk Management, Legal Claims, & Legal Operations, Norfolk Southern  
Geoffrey Rathgeber, Assistant Deputy General Counsel, Norfolk Southern

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