



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

February 28, 2023

VIA EMAIL

Norfolk Southern Railway Company
c/o David L. Schoendorfer
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.Schoendorfer:

By this letter, and pursuant to my authority¹ 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 and the Unilateral Administrative Order that became effective on February 27, 2023, consistent with our conversation this afternoon I reiterate my instruction that Norfolk Southern Railway Company (“NSR”) cannot commence

¹ 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).

work for the removal of soil beneath the Main Line at the East Palestine train derailment site, including starting track removal, until after the Main Line Interim Soil Removal Plan currently being discussed among EPA, the Ohio Environmental Protection Agency, and NSR technical staff has been completed and it is approved by EPA. Furthermore, as I indicated this work needs to be presented to the Unified Command group, which includes local and State partners prior to its implementation. Once the Main Line Interim Soil Removal Plan is approved and presented to the Unified Command, I will provide express authorization in writing to NSR to start the work.

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

Sincerely yours,

**ralph
dollhopf**

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dollhopf
Date: 2023.02.28 18:03:37
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Ralph Dollhopf
On-Scene Coordinator

cc:

Hollister Hill, General Counsel - Environmental, Risk Management, Legal Claims, & Legal
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