



State of Ohio Environmental Protection Agency

Northeast District Office



2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

July 2, 2008

RE: ASHTABULA COUNTY
NORFOLK SOUTHERN RAILWAY CO.
NPDES PERMIT 3IT00011

NOTICE OF VIOLATION

Mr. Kevin Hauschildt, Senior Engineer
Norfolk Southern Railway Company
110 Franklin Road SE
Roanoke, VA 24042

Dear Mr. Hauschildt:

On June 10, 2008, a meeting was held concerning the above facility in response to a spill complaint raised by Ohio Department of Natural Resources (ODNR) and the City of Ashtabula on June 9, 2008. Present at the meeting were B.N. Johnson and C.W. Jones of Norfolk Southern Railway Company (NS); Sam Karlovich of REACT; Matt Zlocki of ODNR; Michael Mearini, Michael Franklin, and A. Cantagallo of the City of Ashtabula (City); and Jim Irwin and the undersigned from Ohio Environmental Protection Agency (Ohio EPA). The meeting was held to address the complaint and concerns involving the drainage on the eastern part of the facility around the eastern end of the coal transfer belt bridge (bridge) and the discharge of wastewater from the bridge as a result of both spraying the coal and cleaning the bridge to control coal dust. These actions are causing coal contaminated wastewater to discharge from the bridge structure and collection piping into the Ashtabula River, onto the ODNR Watercraft buildings and boats, and over the ground surface at the east side of the bridge.

An inspection was performed by Jim Irwin prior to the meeting at which time the wastewater drainage from the bridge was noted (See attachments #1-3). Also, drainage from the bridge was pooling over the entrance road to the ODNR buildings and coal splatter was covering the ODNR buildings and boats (See attachments #4-9). The City believes that several storm water drains are in the vicinity of the eastern ramp outlet, however, only one was totally unobstructed and could be easily seen.

During an inspection of the facility in 2004, Ohio EPA noted the issues with the eastern side of the facility as well as several other issues with the storm water control system. NS was instructed to update their storm water pollution prevention plan (SWP3) and respond in writing to the drainage issues at the facility. This was to include sending all drainage on the eastern side into the basement coal hopper. In correspondence dated June 28, 2005, NS informed Ohio EPA that they would update their SWP3 and make improvements to the storm water drainage at the facility. This letter continued to address several changes, but no information was included for the eastern side of the facility or the bridge. In December of 2006, ODNR made NS aware of the issues with the coal discharge onto their facility and documented the contamination (See attached #10-15). During recent public meetings/hearings for the facility's air permit renewals, citizens complained about the wastewater discharge from the bridge. These complaints were made aware to this writer which was noted in an inspection letter dated January 7, 2008 (See attachment #16). This letter advised NS to inspect the bridge piping to prevent any discharges from it. In a letter dated January 9, 2008, NS informed this writer that an internal review of the drainage system that is utilized on the coal transfer belt would be conducted and a response of the review forwarded as soon as possible. However, no letter has been received to date.



Mr. Kevin Hauschildt
Norfolk Southern Railway Company
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Since the meeting on June 10, ODNR has reported incidences of wastewater drainage and splatter onto their buildings and boats on June 16th, 17th, 18th, 24th, 25th, 27th, and 30th. All of the above noted wastewater discharges constitute violations of the following regulatory requirements:

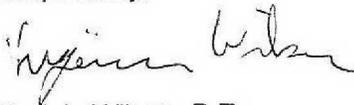
1. ORC 6111.04 which states "No person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state".
2. OAC 3745-1-04(A) which requires waters of the state to be free from suspended solids or other substances that enter the waters as a result of human activity.
3. OAC 3745-1-04(C) which requires waters of the state to be free from materials entering waters as a result of human activity producing color.
4. NPDES permit #3IT00011, Part III 3.A. which states that at all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee necessary to achieve compliance with the terms and conditions of this permit.

Based on the foregoing information, Norfolk Southern Railway Company is considered to be in **significant noncompliance** and, therefore, subject to enforcement actions. Such actions can result in fines of up to \$10,000 per day of violation per violation. Therefore, it is imperative that operational changes be immediately instituted to return the facility to a satisfactory state of operations as expeditiously as practicable.

Within 14 days from the date of this letter, submit to this writer a progress report of any actions that have occurred since the January 7, 2008, letter including all dates of each action. Within 30 days from the date of this letter, submit to this writer a plan on how the drainage from the bridge will be controlled and how the drainage on the eastern side of the facility will be addressed. Include in the plan dates when a permit-to-install (PTI) for all construction activities will be submitted and when all construction will be completed. In conjunction with the PTI, either a modification request to the 3IT00011 NPDES permit must be made for the drainage on the eastern side of the facility or a new NPDES permit must be submitted.

If there are any questions or comments regarding this notification, please contact this office.

Respectfully,



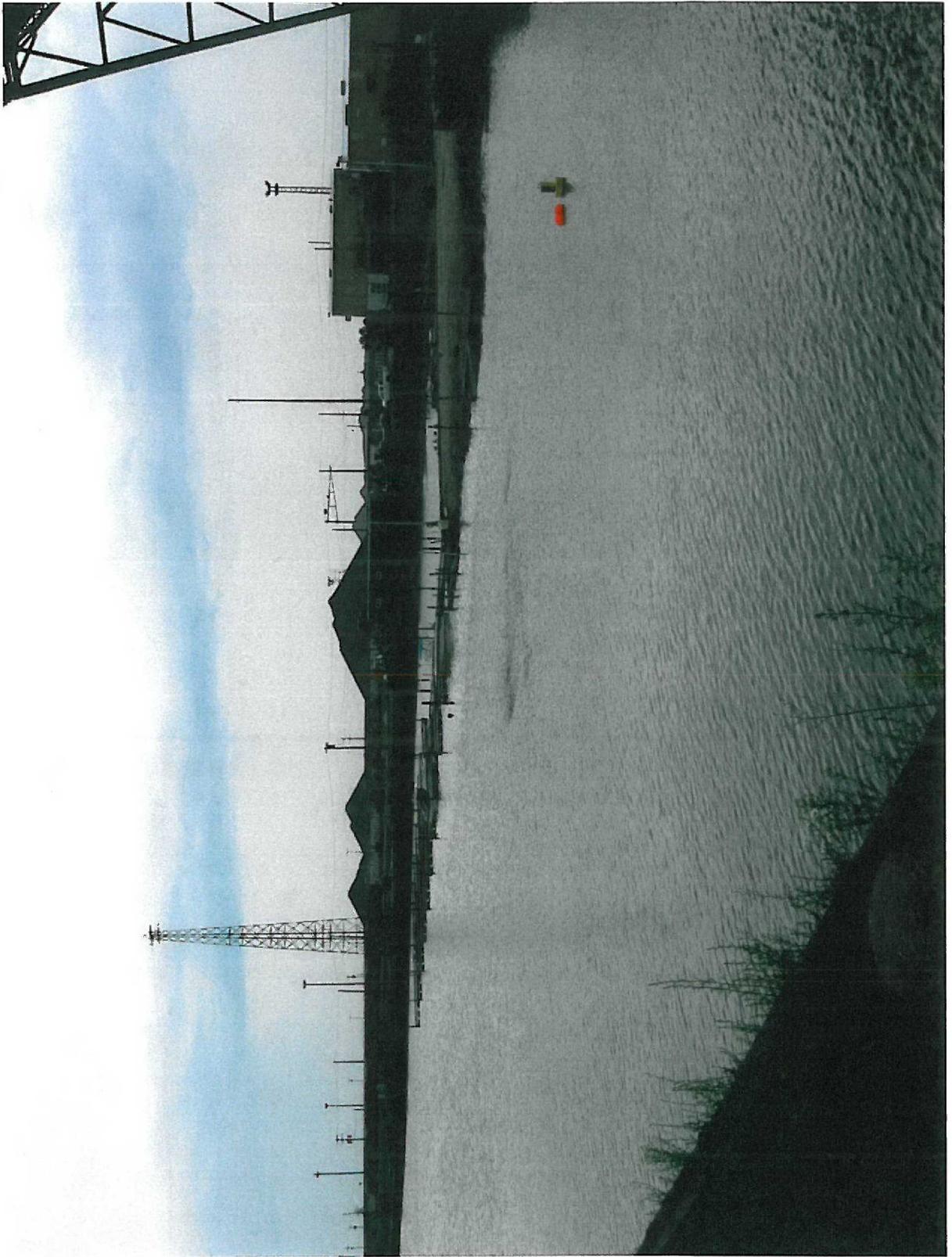
Virginia Wilson, P.E.
Geological Engineer
Division of Surface Water

VW/mt

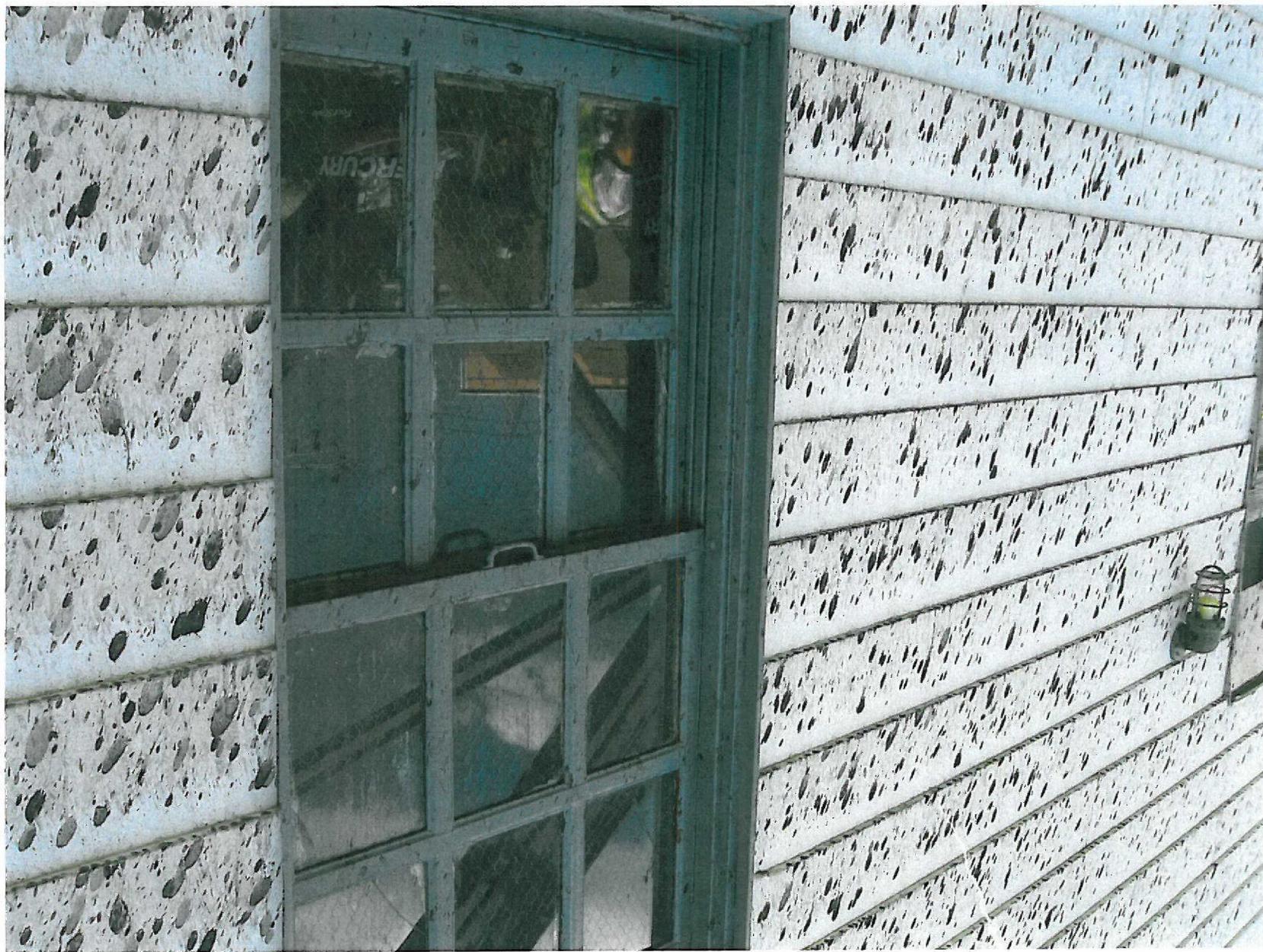
cc: Charlie Jones, Norfolk Southern Corporation, Ashtabula Coal Dock
Paul Zottola, Norfolk Southern Railway Company
Matt Zlocki, ODNR, Division of Watercraft
Antony Cantagallo, City of Ashtabula Municipal Building
Michael Mearini, City of Ashtabula Water Pollution Control

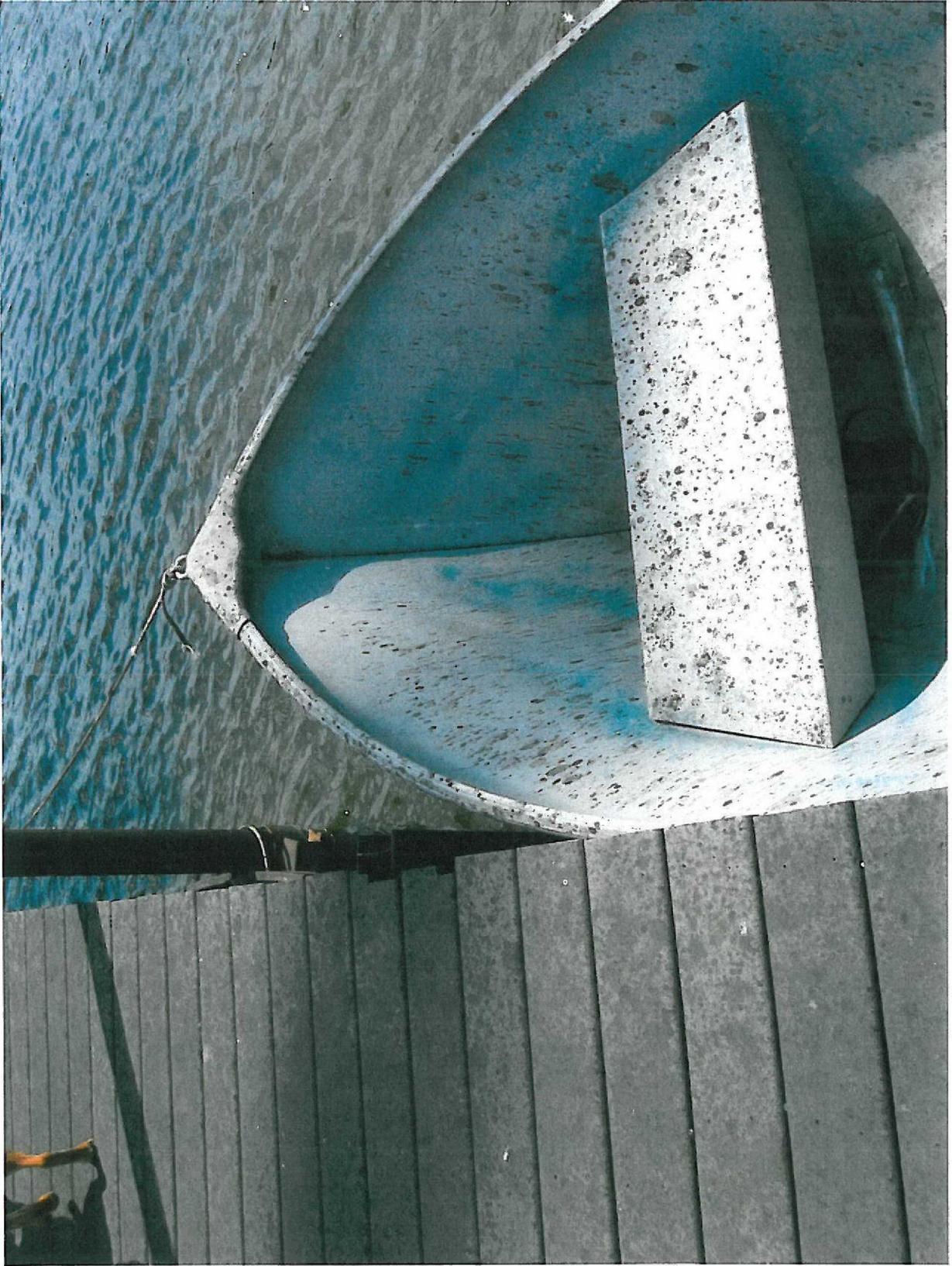
File: Industrial/Norfolk Southern/P&C



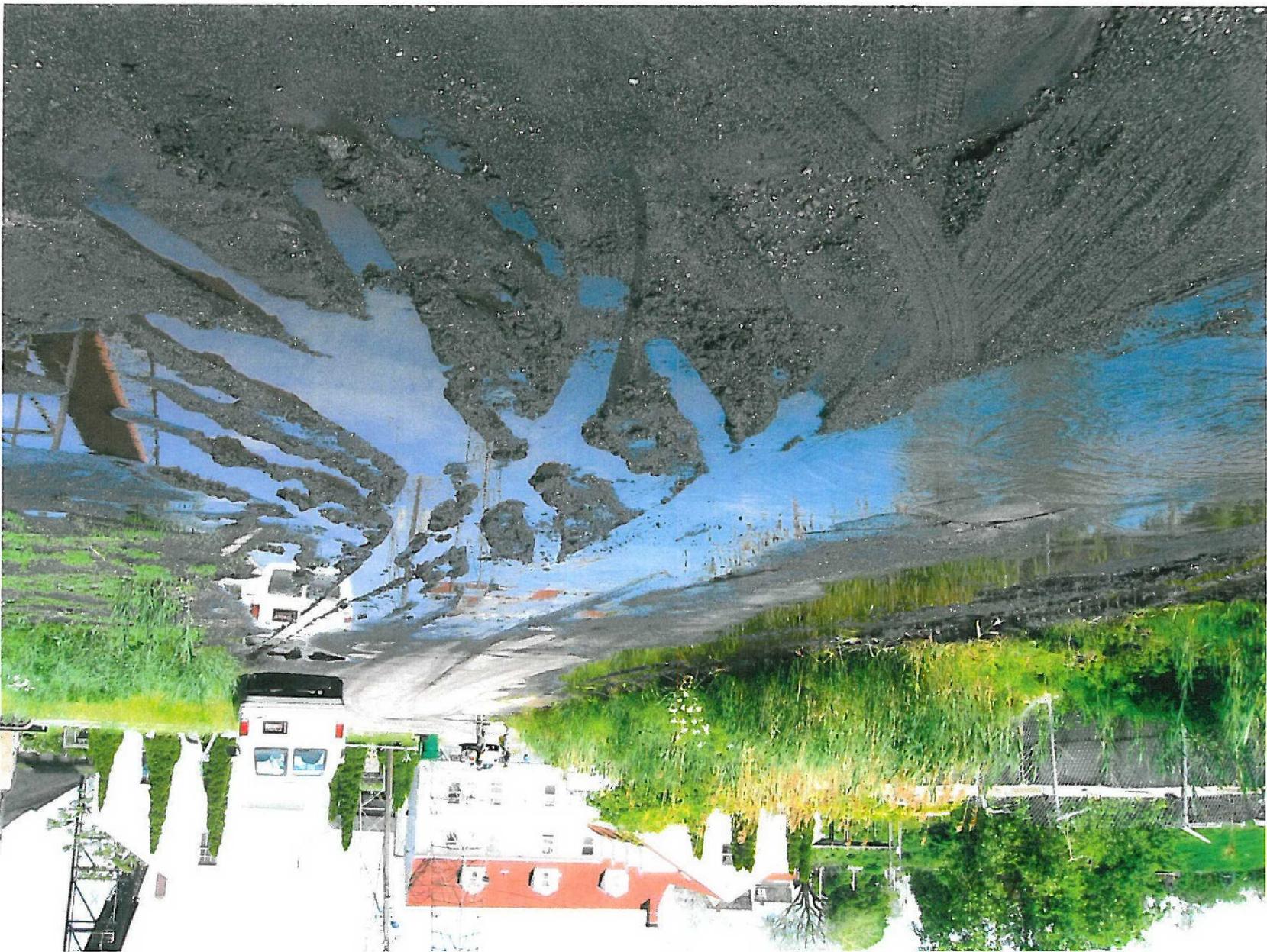
















*The Ohio Department of Natural Resources
Division of Watercraft's Mission Statement:*

*To provide the finest boating services, facilities, protection, and education
for users of Ohio's waterways
through the innovative and wise use of our resources.*



INTER OFFICE COMMUNICATION

TO: Matt Zlocki, Area Supervisor

FROM: Scott Stauffer, Watercraft Specialist

DATE: 12-13-07

SUBJECT:

On 12-13-06 I met with Gibson Barbee, who is employed by Norfolk Southern Corp as an Engineer Environmental Designer. I informed Gibson of the problems that we are having with the coal residue at our facility as well as the poor road conditions coming into the facility. I explained to Gibson that there is a problem every time they wash down the coal shoots. After washing down the shoots coal residue gets all over the building, cars, boats and sometimes customers. Gibson stated several times that is why Norfolk Southern pays to have the building pressure washed once a month. Gibson then asked to know the time frame of when the Coast Guard moved out of the facility and when the Division of Watercraft moved in. Gibson stated that they would contact us prior to washing down the shoot, which will allow us time to prepare for the coal residue. Gibson also stated that the problem was more of a nuisance than a health risk and that we would have to contact the claims department for further assistance or reimbursement. After showing Gibson the pictures, which displayed the effects the coal residue has had on our facility, boats and vehicles Gibson stated that he had no use for the pictures and that he could not validate that the coal shoot was to blame for the damage. Gibson stated that he specializes in air quality and there are no environmental concerns and that Norfolk Southern is in compliance with all Ohio and Federal regulations. Gibson stated that the coal is not bad for your health and it is just a nuisance dust.

Steve and I then showed Gibson the damage that the coal is having on the condition of our driveway. Gibson stated that the road is not Norfolk Southern problem and that it is ODNR's. I showed Gibson the coal residue on the roadway and the standing water. Gibson stated that it was probably from the rain and not from washing the shoot. I explained that with all the coal on the road the water would not draining properly. Gibson explained that they could put straw around the catch to stop the coal from blocking the drain. After speaking with Gibson, I feel that their stance on the issue is that they will continue to wash down the shoot due to the potential fire hazard it causes. Also, I feel that they believe we need to learn to live with the nuisance coal residue or move out of the facility.

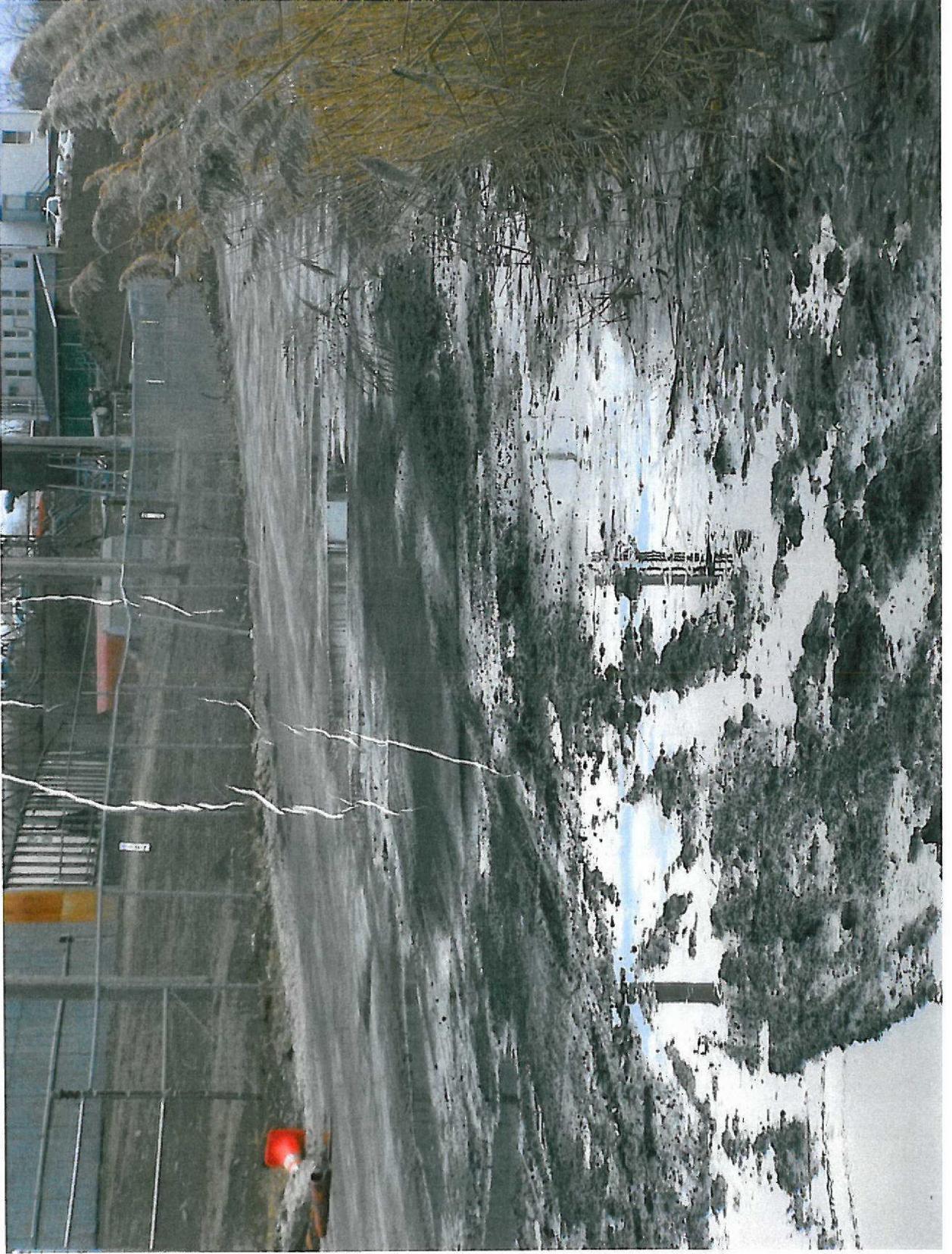
Officer Specialist Scott Stauffer,













State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

January 7, 2008

RE: ASHTABULA COUNTY
NORFOLK SOUTHERN RAILWAY CO.
PERMIT 3IT00011
SITE INSPECTION

Mr. Kevin Hauschildt Senior Engineer
Norfolk Southern Railway Company
110 Franklin Road SE
Roanoke, VA 24042

Dear Mr. Hauschildt:

On December 28, 2007, a site inspection of the above facility was performed. The purpose of the inspection was to verify the compliance of the facility with their NPDES permit.

The facility appeared to be in good working order, however, a review of the self-monitoring reports received by Ohio EPA for the period, December 2006 through December 2007, indicates violations of the terms and conditions of your NPDES permit. The specific instances of noncompliance are as follows:

Reporting Period	Violation Date	Station	Parameter	Sample Frequency	Expected	Reported
February 2007	2/1/2007	001	Iron, Total Recoverab	1/Month	1	0
February 2007	2/8/2007	001	Total Suspended Solids	1/Week	1	0
February 2007	2/15/2007	001	Total Suspended Solids	1/Week	1	0
February 2007	2/22/2007	001	Total Suspended Solids	1/Week	1	0
March 2007	3/1/2007	001	Iron, Total Recoverab	1/Month	1	0
April 2007	4/1/2007	001	Manganese Total (Mn)	1/Month	1	0
April 2007	4/15/2007	001	Total Suspended Solids	1/Week	1	0
April 2007	4/22/2007	001	Total Suspended Solids	1/Week	1	0
May 2007	5/1/2007	001	pH	1/Day	1	0
May 2007	5/2/2007	001	pH	1/Day	1	0
May 2007	5/3/2007	001	pH	1/Day	1	0
May 2007	5/5/2007	001	pH	1/Day	1	0
May 2007	5/8/2007	001	pH	1/Day	1	0
May 2007	5/7/2007	001	pH	1/Day	1	0
May 2007	5/8/2007	001	pH	1/Day	1	0
May 2007	5/10/2007	001	pH	1/Day	1	0
May 2007	5/11/2007	001	pH	1/Day	1	0
May 2007	5/12/2007	001	pH	1/Day	1	0
May 2007	5/13/2007	001	pH	1/Day	1	0
May 2007	5/14/2007	001	pH	1/Day	1	0

Mr. Kevin Hauschildt
 Norfolk Southern Railway Company
 January 7, 2008
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Reporting Period	Violation Date	Station	Parameter	Sample Frequency	Expected	Reported
May 2007	5/15/2007	001	Total Suspended Solids	1/Week	1	0
May 2007	5/15/2007	001	pH	1/Day	1	0
May 2007	5/16/2007	001	pH	1/Day	1	0
May 2007	5/17/2007	001	pH	1/Day	1	0
May 2007	5/18/2007	001	pH	1/Day	1	0
May 2007	5/19/2007	001	pH	1/Day	1	0
May 2007	5/20/2007	001	pH	1/Day	1	0
May 2007	5/21/2007	001	pH	1/Day	1	0
May 2007	5/22/2007	001	Total Suspended Solids	1/Week	1	0
May 2007	5/22/2007	001	pH	1/Day	1	0
May 2007	5/23/2007	001	pH	1/Day	1	0
May 2007	5/24/2007	001	pH	1/Day	1	0
May 2007	5/25/2007	001	pH	1/Day	1	0
May 2007	5/26/2007	001	pH	1/Day	1	0
May 2007	5/27/2007	001	pH	1/Day	1	0
May 2007	5/28/2007	001	pH	1/Day	1	0
May 2007	5/29/2007	001	pH	1/Day	1	0
May 2007	5/30/2007	001	pH	1/Day	1	0
May 2007	5/31/2007	001	pH	1/Day	1	0
August 2007	8/1/2007	001	Total Suspended Solids	1/Week	1	0
August 2007	8/1/2007	001	pH	1/Day	1	0
August 2007	8/1/2007	001	Iron, Total Recoverabl	1/Month	1	0
August 2007	8/2/2007	001	pH	1/Day	1	0
August 2007	8/3/2007	001	pH	1/Day	1	0
August 2007	8/4/2007	001	pH	1/Day	1	0
August 2007	8/5/2007	001	pH	1/Day	1	0
August 2007	8/6/2007	001	pH	1/Day	1	0
August 2007	8/7/2007	001	pH	1/Day	1	0
August 2007	8/8/2007	001	Total Suspended Solids	1/Week	1	0
August 2007	8/8/2007	001	pH	1/Day	1	0
August 2007	8/9/2007	001	pH	1/Day	1	0
August 2007	8/10/2007	001	pH	1/Day	1	0
August 2007	8/11/2007	001	pH	1/Day	1	0
August 2007	8/12/2007	001	pH	1/Day	1	0
August 2007	8/13/2007	001	pH	1/Day	1	0
August 2007	8/14/2007	001	pH	1/Day	1	0
August 2007	8/15/2007	001	Total Suspended Solids	1/Week	1	0
August 2007	8/15/2007	001	pH	1/Day	1	0
August 2007	8/16/2007	001	pH	1/Day	1	0
August 2007	8/17/2007	001	pH	1/Day	1	0
August 2007	8/18/2007	001	pH	1/Day	1	0
August 2007	8/19/2007	001	pH	1/Day	1	0
August 2007	8/24/2007	001	pH	1/Day	1	0

Mr. Kevin Hauschildt
Norfolk Southern Railway Company
January 7, 2008
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Reporting Period	Violation Date	Station	Parameter	Sample Frequency	Expected	Reported
August 2007	8/25/2007	001	pH	1/Day	1	0
August 2007	8/26/2007	001	pH	1/Day	1	0
October 2007	10/22/2007	001	Total Suspended Solids	1/Week	1	0

Based on the inspection findings and the overall compliance record of the facility, the facility is considered to be in substantial compliance. However, the facility should explain why the above frequency violations have occurred and take action to prevent them in the future. The explanation should be submitted to this writer within 14 days of the date of this letter. If no error in the sampling frequency has occurred and the error is a result of the SWIMware program, indicate this in the letter of explanation and resubmit this information into SWIMware or in hardcopy to the Columbus office so that the violation can be eliminated from the program.

In addition to the above, during a public meeting held regarding a permit needed from Ohio EPA's Division of Air Pollution Control, an issue was raised concerning wastewater drainage into the Ashtabula River from the conveyor belt extending over the river. The facility indicated that water is used to control the dust from the coal, but that all drainage pipes are in place to prevent water from dripping into the river from the belt. It appeared during the inspection that all pipes were intact, however, no water was being used at the time of the inspection to verify if wastewater could drain to the river. Therefore, the facility should conduct a complete check of the wastewater collection system along the conveyor belt to ensure that it is still collecting the wastewater properly to prevent drainage to the river.

If there are any questions or comments regarding this notification, please contact this office.

Respectfully,



Virginia Wilson, P.E.
Geological Engineer
Division of Surface Water

VW/mt

cc: Paul Zottola, Norfolk Southern Corporation

File: Industrial/Norfolk Southern/P&C

