



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

August 29, 2012

**ROSS COUNTY
FORMER CSXT CHILLICOTHE YARD
(NORTH PARCEL) PROPERTY**

Director Environmental Management
CSX Real Property
301 West Bay Street, Suite 800
Jacksonville, FL 32202

CERTIFIED MAIL
7010 2780 0001 9704 4787

**RE: Notice of Violation of Operation and Maintenance Agreement - Former CSXT
Chillicothe Yard (North Parcel) Project # [REDACTED] 471-002002-006**

Dear Ms. Leitheiser:

I am writing to inform you of the noncompliance that Ohio EPA has identified with regard to the former CSXT Chillicothe Yard (North Parcel) property, East of South Fifth Street and North of East Seventh Street in Chillicothe, Ohio. The property is the subject of a no further action (NFA) letter, which was issued in 2000 and amended in 2004 and 2006 by Certified Professional Ron Roelker. Based on the NFA letter as amended, on May 18, 2006 the director of Ohio EPA issued to CSX Transportation, Inc. (CSXT) a covenant not to sue under Ohio's Voluntary Action Program (VAP).

The covenant not to sue is conditioned upon the implementation of an operation and maintenance (O&M) agreement and plan, under which CSXT agreed to perform monitored natural attenuation of ground water to achieve the applicable VAP standards. The chemicals of concern (COCs) in ground water underlying the property are carbon tetrachloride and daughter methylene chloride.

CSXT began its O&M plan monitoring in November, 2006 and the data has shown persistent low-level concentrations of carbon tetrachloride at or near the southern property line. The carbon tetrachloride detected in monitoring well (MW) 7 at the property line in September 2011 occurred at 5.4 ug/L, a concentration above the VAP ground water standard of 5.0 ug/L. Ohio EPA has not received more recent ground water data report; however, I understand from an August 20, 2012 e-mail from Mr. Roelker that CSXT intends to submit another annual report by September 1st of this year.

The O&M plan, section 4.7, Remedial Contingency Plan, states that CSXT will "submit to Ohio EPA for review and approval a plan to include active remediation and associated monitoring necessary to reduce the COC concentrations to below the applicable standards." The active remediation plan is to provide for achieving compliance with the applicable standards within 24 months of plan approval. Ohio EPA has not yet received CSXT's active remediation plan. Overall, CSXT has failed to 1) submit periodic reports (quarterly ground water monitoring reports) since November 2011 and 2) submit an active remediation plan to address the COCs

that remains in excess of the applicable standard as prescribed by section 4.7 of the O&M plan. The data collected to-date indicates that the passive remedy has not resulted in the property's attainment of the applicable standard for carbon tetrachloride in ground water. CSXT has not triggered the allowable contingency of active remediation under the O&M plan. As described in Section 9 of the O&M agreement, failure to comply with the O&M plan may be the failure to maintain an applicable standard in accordance with the Ohio Revised Code (ORC) Section 3746.12(B).

In order that CSXT may return to compliance with the O&M Agreement as quickly as possible, Ohio EPA requests that CSXT submit the required quarterly ground water monitoring reports and its active remediation plan within 60 days of receipt of this letter. Please mail or deliver the documents to my attention, at Ohio EPA's Southeast District Office at 2195 Front Street, Logan, Ohio, 43138, and copy Emily Patchen, Compliance Coordinator for the Division of Environmental Response and Revitalization, at Ohio EPA's Central Office, 50 West Town Street, Columbus, Ohio 43215. (The address given in the O&M agreement for Ohio EPA's Central Office contact is no longer current.)

Please be aware that the time Ohio EPA staff have spent addressing these violations and general oversight of the O&M Agreement and O&M plan, and time that may be spent in the future, will be billed to CSXT's VAP O&M account.

If you have any questions concerning this letter, please contact me at 740-380-5271 or via email at kris.vanecko@epa.ohio.gov. Your cooperation in resolving this matter is appreciated.

Sincerely,



Kristin Vanecko
Site Coordinator
Division of Environmental Response & Revitalization

KV/cb

cc: Paul J. Kurzanski
Manager Environmental Remediation
CSXT Remediation
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