

Public Notice Date: May 4, 2011

Ashtabula County

**PUBLIC NOTICE
PROPOSED CONSENT ORDER**

The Ohio Environmental Protection Agency (Ohio EPA) has entered into a proposed Consent Order (CO) with Norfolk Southern Railway Company (Defendant), to resolve claims that the Defendant violated Ohio Revised Code Chapter 6111 at its coal dock facility in Ashtabula, alleged in the complaint filed by the State of Ohio in Ashtabula County Court of Common Pleas. The proposed CO requires the Defendant to comply with all applicable provisions of Ohio Revised Code Chapter 6111 and the rules promulgated thereunder, to comply with the schedule set forth in the CO, and to comply with all terms and conditions of its NPDES Permit No. 3IT00011*DD and any renewals and modifications thereof. Defendant is ordered and enjoined to submit to Ohio EPA for approval a General Plan that identifies options for elimination of the discharge of coal wash water from the coal conveyor bridge. Defendant is also ordered and enjoined to update its Storm Water Pollution Prevention Plan which shall include an evaluation of the effectiveness of the improvements in eliminating the discharge of coal wash water into waters of the state.

Defendant is also ordered to pay the State of Ohio a civil penalty of one hundred fifteen thousand dollars (\$115,000.00) within thirty (30) days of the effective date of this CO. Finally, in lieu of paying an additional civil penalty of three hundred fifty thousand dollars (\$350,000.00), and in furtherance of the parties' objectives to improve the environment and the aquatic habitat in waters of the State of Ohio, as a supplemental environmental project, Defendant shall make available land that runs along the Ashtabula River and shall cause an environmental covenant to be placed upon the land. Approximately fourteen hundred (1,400) feet of fish shelves will be constructed along the shoreline to act as a habitat and spawning ground for a variety of Lake Erie fish.

Copies of the Consent Order can be obtained for the Ohio EPA, Central Office, by calling Patti Smith at 614-644-2156 or by writing to:

Patti Smith
Ohio EPA, Division of Surface Water
P.O. Box 1049
Columbus, Ohio 43216-1049

Written Comments should be submitted to the Ohio EPA, Central Office, at the above address. Written comments should be submitted on or before June 4, 2011.

The final approval and entry of the proposed Consent Order will not occur until after the thirty (30) day public comment period has expired. The thirty day period commences on May 4, 2011. The State of Ohio and Norfolk Southern Railway Company reserve the right to withdraw or alter the proposed Consent Order based on comments received during the comment period.