

# EPA ORGANIZATION

Internal deliberative pre-decisional - FOR USE BY 2024 PRESIDENT-ELECT TRANSITION TEAM MEMBERS ONLY

## ISSUE SUMMARY:

On February 3, 2023, a train derailed in East Palestine, Ohio. EPA is responding to the vinyl chloride and butyl acrylate hazardous substances releases through a CERCLA Unilateral Administrative Order (UAO), and the discharge of petroleum lube oils through a CWA UAO issued to Norfolk Southern Railroad (NSR). Executive Order 14108 ensures the people of East Palestine are protected now and into the future.

Vast quantities of multimedia samples have been collected and analyzed including private wells, groundwater, public drinking water, surface water, creek sediment, air, and soil in support of the response.

As of June 2024, over 179,000 tons of waste solids and 71,425,000 gallons of waste liquids have been shipped offsite for disposal.

## KEY POINTS:

EPA continues to ensure that Norfolk Southern is held accountable through both the CERCLA UAO and CWA § 311 UAO. Enforcement activities continue in conjunction with DOJ, including lodging of a Consent Decree in May 2024.

Cleanup is nearing completion at the derailment site. A site delineation “double-check” including comprehensive environmental sampling is nearly 2/3 complete. Furthering community trust remains paramount with EPA prioritizing transparency and data sharing. Equipment demobilization has begun with the decommissioning of a liquids waste storage tank farm.

Stream sediment cleaning is continuing with completion anticipated by October 2024, which will be followed by reassessment and monitoring with the potential for additional cleanup if needed.

## ONGOING/UPCOMING MILESTONES FOR FY2025:

- **Fall 2024** –The next major operational phase of cleanup of Sulphur Run and Leslie Run is transition to assessment and monitoring.
- **Fall 2024** – DOJ/EPA lodged a Consent Decree settlement with Norfolk Southern in May 2024 valued at \$310 Million. Key settlement terms include: completion of cleanup in East Palestine; Long-Term Monitoring of water resources; enhancement of Norfolk Southern Emergency Preparedness; Rail Safety Improvements; 20-year Community Health Monitoring and Mental Support; and implementation of a Local Waterways Remediation Plan. On October 12, 2024, DOJ filed the US’s motion to enter requesting that the Court finalize the settlement. Acceptance by the District Court could occur as soon as Fall 2024.

## KEY EXTERNAL STAKEHOLDERS:

<input checked="" type="checkbox"/> Congress	<input checked="" type="checkbox"/> Industry	<input checked="" type="checkbox"/> States	<input type="checkbox"/> Tribes	<input checked="" type="checkbox"/> Media	<input checked="" type="checkbox"/> Other Federal Agency
<input type="checkbox"/> NGO	<input checked="" type="checkbox"/> Local Governments	<input checked="" type="checkbox"/> Public			

## MOVING FORWARD:

Stream and derailment site cleanup activities are expected to be concluded by Fall 2024. Additional response tasks including monitoring and site delineation is expected to continue through early CY25. Public engagement remains paramount and communications with the community continue with periodic newsletters mailed to East Palestine residents by EPA. If the Consent Decree is accepted by the Court, the anticipated effective length is 20+ years.

EPA remains present and engaged with the community of East Palestine, and working with the Village, County, State of Ohio, and Federal, non-profit, and academic partners, is ensuring that Norfolk Southern continues effective and thorough cleanup and continues to be held accountable.