

PFBC, DISTRICT ATTORNEY ANNOUNCE SETTLEMENT OF TRAIN CRASH CLAIMS**\$7.35 MILLION PAYMENT TO BE PAID TO COMMONWEALTH FOR 2006 POLLUTION****November 15, 2007**

The Commonwealth of Pennsylvania today announced that it has secured one of the largest natural resources damage settlements in state history. Under terms of the settlement, Norfolk Southern will pay \$7.35 million to resolve its civil liability for a June 2006 derailment in [McKean County](#) that polluted and killed fish and other aquatic life in Big Fill Run, Sinnemahoning-Portage Creek and the Driftwood Branch of Sinnemahoning Creek.

As part of the agreement, Norfolk Southern will pay \$3,675,000 each to the Pennsylvania Fish and Boat Commission (PFBC) and the Pennsylvania Department of Environmental Protection (DEP). The settlement agreement focuses on contamination of the environment that occurred on June 30, 2006, when approximately 31 rail cars of a train operated by Norfolk Southern derailed near Gardeau, McKean County. During the derailment, liquid sodium hydroxide spilled from three railcars into wetlands and entered Big Fill Run, a tributary of the Sinnemahoning-Portage Creek that flows through McKean County and into Cameron County. From Big Fill Run, the spilled sodium hydroxide traveled down Sinnemahoning-Portage Creek, which flows into the Driftwood Branch of Sinnemahoning Creek. This release of liquid sodium hydroxide contaminated soils, sediments, surface water, groundwater, and wetlands, and killed or damaged fish and other aquatic life and terrestrial plant and animal life.

Under a separate plea agreement with the McKean County DA's office, Norfolk Southern pleaded no contest to one violation of section 2504 of the Fish and Boat Code relating to pollution of waters. The agreement expressly recognizes that the company will pay \$7,350,000 to the Commonwealth of Pennsylvania to mitigate the impacts of the spill in the area of the derailment and that the civil settlement agreement adequately addresses and fully compensates for the environmental harm and damage that occurred.

"My main focus and that of Cameron County District Attorney Tommy Tompkins has always been to assure that the local harm caused by this disaster will be adequately addressed. This resolution assures that projects will be undertaken in the local area to not only address the specific harm caused by the derailment and spill, but to strengthen and improve fishing and boating opportunities in Cameron, Elk, Potter and McKean counties," said McKean County District Attorney John Pavlock. "We appreciate that the Pennsylvania Fish and Boat Commission also shared and worked toward this same goal. Further, we appreciate that Norfolk Southern has accepted its responsibility to address the situation. The recovery of the affected streams and wetlands is really just beginning. I'm pleased that the Commonwealth has committed to seeking input and participation from the local community and using funds from the civil settlement to improve the environment in the region most directly affected by the events of June 30, 2006."

A portion of the settlement – \$93,000 – will be used to repay the PFBC for its costs incurred investigating and responding to the accident.

The PFBC will deposit its remaining share of the settlement into an interest-bearing, restricted revenue account that can be used only for the development and implementation of projects that benefit recreational fishing and boating and the aquatic resources of Cameron, McKean, Elk and Potter counties. Initially, the Commission will focus on projects in the Sinnemahoning Creek Watershed upstream of the confluence with the First Fork of Sinnemahoning Creek.

"People say time heals all wounds. The wound inflicted on the aquatic resources of Northcentral Pennsylvania by the massive spill of sodium hydroxide was substantial. While some initial recovery has begun, it will take more time and a considerable effort for the waters, fish population, and aquatic organisms to fully recover. As a result of the settlement that we are announcing today, the monies will be invested into the region's natural resources to help continue the healing process," said PFBC President William Sabatose.

Prior to funding projects in the watershed affected by the derailment, the PFBC will convene a stakeholder group to seek input regarding the best ways to mitigate impacts stemming from the sodium hydroxide spill. Projects to be considered will include but will not be limited to acid mine drainage abatement; habitat protection, enhancement and restoration; the acquisition of properties for public fishing and access and improvements to existing access areas; and aquatic inventories.

In addition, the PFBC already has dedicated, at a minimum, \$125,000 to the McKean County Boondocs Program, a unique conservation and education project that uses the construction of trout stream improvement devices as a means of providing treatment to delinquent and dependent children.

"This settlement brings to end another chapter in the saga of this environmentally devastating event. To this point, the story has been a sad one – a tale of precious natural resources damaged on an unprecedented scale. Now, with the legal proceedings drawing to a close, we can begin to write the next part of the story: the recovery. With time, dedication and now fiscal resources on our side, the Commission is eager to help craft a happy ending," said PFBC Executive Director Doug Austen.