

**TENTH PROGRESS REPORT
NORFOLK SOUTHERN RAILWAY COMPANY
OLD ATHENS TURNPIKE LEAD SITE
OLD ATHENS ROAD
PRINCETON, WEST VIRGINIA
NSRC FILE NO. SA08-253-001**

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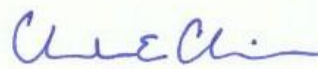
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1.0 INTRODUCTION

This Progress Report was prepared on behalf of Norfolk Southern Railway Company (NSRC) by Marshall Miller & Associates (MM&A). The Progress Report describes response actions in accordance with Section 8.7 of the Administrative Settlement and Order on Consent for Removal Response Action, hereafter referred to as the Settlement Agreement (SA), between the United States Environmental Protection Agency (USEPA) and NSRC. The effective date of the SA was July 2, 2009. Response actions are being performed in the Old Athens Turnpike right-of-way in accordance with the Response Action Plan (RAP) submitted to USEPA on July 6, 2009, as amended on July 16, 2009. NSRC received USEPA's July 29, 2009 approval of the RAP, as well as notification of access to the portion of the Site not owned by NSRC, on July 31, 2009. In accordance with the SA, NSRC commenced on-site implementation of the RAP on August 5, 2009, within seven business days of receipt of the RAP approval and access notification. NSRC submitted the First Progress Report on August 6, 2009, the Second Progress Report on August 20, 2009, the Third Progress Report on September 3, 2009, the Fourth Progress Report on September 17, 2009, the Fifth Progress Report on October 1, 2009, the Sixth Progress Report on October 15, 2009, the Seventh Progress Report on October 29, 2009, the Eighth Progress Report on November 12, 2009, and the Ninth Progress Report on November 27, 2009, each providing information on activities performed during the fourteen days following the respective prior progress report. In accordance with the SA, this Tenth Progress Report provides information on activities performed during the fourteen days following the Ninth Progress Report.

The Old Athens Turnpike right-of-way (hereafter referred to as the R-O-W) is located in Princeton, Mercer County, West Virginia. For purposes of the RAP, the Site consists of (1) a portion of the R-O-W (approximately 50 feet wide by 300 feet long) adjacent to the former salvage facility (referred to herein as the S.S. Belcher property) that was operated by S.S. Belcher & Company (S.S. Belcher) on NSRC property, and (2) a small overwash area (approximately 30 feet wide by 50 feet long) located on NSRC's property formerly leased to S.S. Belcher. NSRC owns Parcel Number 9 in Princeton, Mercer County, West Virginia,

which extends southwestward to the centerline of the former R-O-W. Access to the portion of the Site not owned by NSRC was granted to USEPA by a warrant issued on July 23, 2009. USEPA notified NSRC of the issuance of the warrant granting NSRC access, as USEPA's agent for that purpose, by letter dated July 29, 2009. Lead-impacted surface soil is being assessed and remediated at the R-O-W in accordance with the approved RAP.

2.0 RESPONSE ACTIONS COMPLETED DURING REPORTING PERIOD

In accordance with the SA and RAP, MM&A has completed the following activities during this reporting period:

1. Maintained high visibility security fencing and keep out signs around the R-O-W to deter access by persons not conducting or overseeing the response actions, to preclude interference with the performance of the response activities and to provide for safety of the public during non-working hours.
2. Conducted a review of agricultural analytical results for soil samples collected from the Athens Road borrow site material including pH, metals, ammonia nitrogen and phosphorous, which indicated that 50 pounds of lime and 50 pounds of 10-20-10 fertilizer should be sufficient to support growth of grasses on the 0.2-acre disturbed area of the Site. No additional fertilization requirements are needed.
3. Validated and released laboratory analytical results for two split soil samples from the 14 post-excavation confirmatory XRF samples collected from the Site on October 27, 2009.

3.0 PROBLEMS ENCOUNTERED OR ANTICIPATED

Saturated soil conditions caused by rainfall continue to impair the removal of borrow material from the Athens Road site as well as accessibility to the Old Athens Turnpike Site for backfilling.

4.0 ACTIONS TO PREVENT OR MITIGATE PROBLEMS

Loading of borrow material from Athens Road, transportation and placement of backfill in the Old Athens Turnpike Site will be planned around precipitation events.

5.0 SCHEDULE FOR COMPLETING PROBLEM MITIGATION

Weather permitting, it is anticipated that backfilling of the excavation will begin on December 9, 2009 and completed the week of December 14th.

6.0 COPIES OF ANALYTICAL DATA

No further analytical data is anticipated.

7.0 RESPONSE ACTION PLAN MODIFICATIONS

No other modifications were made to the response action, the RAP or the schedule.

8.0 REMEDIAL ACTIONS OVER NEXT FOURTEEN DAYS

The following response actions are anticipated to be completed in the next fourteen days in accordance with the schedule included in the RAP:

1. Backfilling will be conducted in accordance with Item 14 of Section 2.1 of the RAP. Ground cover will be placed in accordance with Item 15 of Section 2.1 of the RAP. Since the average dry weight XRF total lead concentration for post-excavation soil samples is below 400 mg/kg, the excavation will be backfilled using clean material without a fabric filter or liner.
2. Following the completion of backfilling, MM&A will prepare the approximately 0.2-acre disturbed area of the Site surface and plant ground cover. The ground cover will be comprised of a combination of native and domesticated, non-competitive, non-invasive, cool and warm climate grasses and legume species purchased from Southern States Cooperative or similar source.
3. Following the application of ground cover, the Site surface will be covered with mulch comprised of approximately 0.5 ton of hay.