

CASE CLOSURE MEMORANDUM

To: File
From: Robin J. Schuhmann
Date: 6/5/08
Re: Norfolk and Western Railway Company

☒ **Facility.** Air Registration #60180
☐ **Complaint.**
Referral Date: 12/19/97 (Notice of Violation)

Location:

Reason for CLOSURE:

☐ **Compliance achieved through informal action**
☐ **Letter of Agreement issued**
☒ **Consent order issued.** Effective 3/2/98
☐ **Referral. Referred to:**

Comments:

This case is recommended for closure because all requirements of the consent order have been completed. The consent order required payment of a civil charge and the submittal of documentation pertaining to the incinerator. The civil charge and the documentation have been received by DEQ.

Background:

Norfolk and Western Railway Company ("Norfolk Western") owned and operated a coal facility located at 38th Street in Norfolk, Virginia, known as the Lambert's Point Terminal ("Facility"). On June 16, 1997 DEQ compliance staff and noted a small waste incinerator that was smoking. At the time of the inspection, Norfolk Western staff indicated that the incinerator would no longer be used. On December 3, 2007, DEQ compliance staff re-inspected the Facility and noted the incinerator was in use and the emissions were at 20% opacity.

On December 19, 1997, DEQ issued a Notice of Violation ("NOV") to Norfolk Western for the above deficiencies. Norfolk Western entered into an Order by Consent ("Order") effective March 2, 1998 to resolve the NOV. The Order required Norfolk Western to pay a civil charge of \$1,356.00 and submit documentation stating that the incinerator will no longer be used. The \$1356.00 civil charge as well as the documentation stating that the incinerator would no longer be used was received by DEQ on March 11, 1998.

Recommended by: Robin J. Schuhmann  **Date:** June 5, 2008

Concurrence:


Regional Enforcement Manager

6/5/08
Date


Deputy Regional Director

6/9/08
Date


Regional Director

6/10/08
Date

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Concurrence:

J Regional Enforcement Manager Date

ZC
Deputy Regional Director Date

X
Regional Director Date

