

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

In The Matter Of:)
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CHAMPION INTERNATIONAL CORPORATION))
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Courtland, Lawrence County, Alabama)
)

CONSENT ORDER NO. 98-039-CAP

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, §§22-22A-1 through 22-22A-16, Code of Alabama (1975), as amended, the Alabama Air Pollution Control Act, §§22-28-1 through 22-28-23, Code of Alabama (1975), as amended, and the ADEM Administrative Code of Regulations ("ADEM Admin. Code R.") promulgated pursuant thereto, and without the adjudication of any issues of fact or law and upon the consent of the parties hereto, the Alabama Department of Environmental Management (hereinafter, "the Department") makes the following FINDINGS OF FACT:

1. Champion International Corporation - Courtland Mill (hereinafter, "Champion") is the permitted owner and/or operator of an integrated pulp and paper mill located in northwest Alabama along the Tennessee River, approximately seven kilometers north of Courtland, Lawrence County, Alabama. Champion operates under the authority of ADEM Air Permit No. 707-0001-X019, issued July 18, 1989. Said permit authorizes the operation of Champion's No. 3 Smelt Dissolving Tank with Venturi Wet Scrubber, subject to certain limitations and conditions.

executed *mailed*
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2. The Department is a duly constituted agency of the State of Alabama pursuant to §§22-22A-1 through 22-22A-16, Code of Alabama (1975), as amended.

3. Pursuant to §22-22A-4(n), Code of Alabama (1975), the Department is the state air pollution control agency for the purposes of the federal Clean Air Act, 42 U.S.C. 7401 through 7671q, as amended. In addition, the Department is authorized to administer and enforce the provisions of the Alabama Air Pollution Control Act, §§ 22-28-1 through 22-28-23, Code of Alabama (1975), as amended.

4. ADEM Air Permit No. 707-0001-X019, Paragraph No. 17, limits particulate emissions to 0.12 pounds per ton of black liquor solids and 10.5 pounds per hour.

5. On June 19, 1997, two runs of an initial compliance test conducted by Champion on its No. 3 Smelt Dissolving Tank indicated particulate emissions of 0.19 and 0.25 pounds of particulate per ton of dry black liquor solids and 16.5 and 21.9 pounds per hour, respectively, exceeding the emission limit of ADEM Air Permit No. 707-0001-X019, Paragraph No. 17. Additionally, even after the subsequent test run on June 20, 1997 is averaged with the prior two test runs for a complete test report, particulate emissions of 0.17 pounds of particulate per ton of black liquor solids exceeded the permitted emission limit for the unit.

6. On August 7, 1997, the Department issued a Notice of Violation to Champion citing the June 19, 1997 particulate emission violations.

7. On September 10, 1997, the Department received Champion's response to the Notice of Violation dated August 7, 1997.

8. Champion neither admits nor denies the Findings contained in this Consent Order. However, in an effort to cooperate with the Department and to resolve the allegations cited above, Champion consents to the terms of this Order.

9. The Department agrees to this Order upon a determination that the terms contained herein are in the best interests of the citizens of the State of Alabama in resolving the cited allegations.

ORDER

Based on the foregoing FINDINGS and pursuant to §§22-22A-5(10), 22-22A-5(12), 22-22A-5(18), 22-28-10(2) and 22-28-18, Code of Alabama (1975), as amended, and with the consent of each party hereto, it is hereby ORDERED:

A. That there is assessed a civil penalty against Champion International Corporation - Courtland Mill in the amount of Fifteen Thousand Dollars (\$15,000.00) to be paid to the Alabama Department of Environmental Management within thirty (30) days of issuance of this Order.

B. That immediately upon issuance of this Order, Champion International shall maintain the unit cited in this Order in compliance with the particulate emission limits as found in ADEM Air Permit No. 707-0001-X019, Paragraph No. 17.

C. That this Consent Order shall apply to and be binding upon both parties and their successors. Each signatory to this Consent Order certifies that he or she is fully authorized by the party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the party represented and to legally bind such party.

D. That subject to the terms contained herein and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the allegations cited hereinabove.

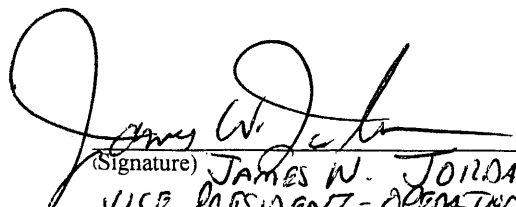
E. That Champion is not relieved from any liability if it fails to comply with any provision of this Consent Order.

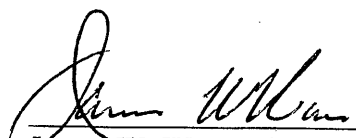
F. That for purposes of this Order only, Champion agrees that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in a court of competent jurisdiction, including but not limited to the Circuit Court of Montgomery County, Alabama. Champion further agrees that in any action brought by the Department to compel compliance with the terms of this Order, Champion shall be limited to the defenses of Force Majeure, compliance with this Order and physical impossibility.

G. That this Order does not preclude the Department from taking other enforcement actions based on these facts regarding violations of other regulatory programs. Should additional facts and circumstances be discovered in the future concerning Champion which would constitute possible violations not addressed in this Order, or if the violations noted herein continue, then such future violations shall be addressed in Orders as may be issued by the Department, litigation initiated by the Department, or such other enforcement action as may be appropriate, and Champion shall not object to such future orders, litigation or enforcement actions based on the issuance of this Consent Order; however, nothing herein shall in any way waive or limit any other defense or mitigation that Champion would have in or to such order, litigation or enforcement action

H. That by agreement of the parties, this Order shall be considered final and effective immediately upon signature of all parties. This Consent Order shall not be appealable, and Champion does hereby waive any hearing on the terms and conditions contained herein.

ORDERED and ISSUED this 6th day of January, 1998.


(Signature) JAMES W. JORDAN
VICE PRESIDENT - OPERATIONS MGR
(Print Name and Title of Authorized Officer)
Champion International Corporation


James W. Warr, Director
Alabama Dept. of Environmental Management