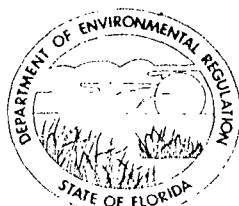


Chambers

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

TWIN TOWERS OFFICE BUILDING
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32301-8241



BOB GRAHAM
GOVERNOR
VICTORIA J. TSCHINKEL
SECRETARY

February 4, 1986

Benjamin Bilus, Esquire
Senior Associate Counsel
Hampton International Corporation
1 Champion Plaza
Stamford, Connecticut 06921

RE: Richard D. Radford v. Champion International
Corporation and Department of Environmental Regulation
OGC File No. 86-0049

Dear Ben:

Please find enclosed a copy of the Final Order dismissing Mr. Radford's petition. Also, I have enclosed a copy of his withdrawal of the petition which came after my Order. This should finally conclude Mr. Radford's current objection to your project. I suppose that he probably will have other objections on down the line sometime and we will deal with him again. Champion can commence construction under the permit straight away. The permit is effective as of the date of the Final Order.

I trust that Connecticut was not too chilling after Phoenix; nonetheless the weather has been sufficiently lousy here that I have little pity for you.

Sincerely,

[Handwritten signature of Douglas M. Wyckoff]

Douglas M. Wyckoff
Assistant General Counsel

DMW/ccs

Enclosure

cc: Mr. Robert Kriegel

RECEIVED

FEB 7 1986

NORTHWEST FLORIDA
DER

Protecting Florida and Your Quality of Life

ROUTING SLIP
NORTHWEST DISTRICT, D E R

To: *Kriegel*

Copies to: *Hoffman*



December 16, 1985

VIA FEDERAL EXPRESS

Mr. George E. Hoffman, Jr.
District Enforcement Officer
State of Florida Department of
Environmental Regulation
Northwest District
160 Governmental Center
Pensacola, FL 32501-5794

Re: Consent Order 85-0619
Champion International Corporation
Bag Plant - Cantonment, Florida

Dear Mr. Hoffman:

In accordance with Paragraph 8 of the above-referenced Consent Order, enclosed please find Champion's check no. 234165 in the amount of \$9,600.00 payable to the State of Florida Department of Environmental Regulation. We appreciate your consideration in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Benjamin S. Bilus', written in a cursive style.

Benjamin S. Bilus

BSB/sea

Enclosure

cc: E. Clem
P. Harper
R. Wigger

RECEIVED

DEC 17 1985

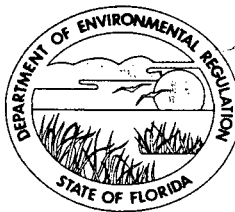
NORTHWEST FLORIDA
DEPT. OF ENVIRONMENTAL REGULATION

STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL REGULATION

NORTHWEST DISTRICT

160 GOVERNMENTAL CENTER
PENSACOLA, FLORIDA 32501-5794



BOB GRAHAM
GOVERNOR

VICTORIA J. TSCHINKEL
SECRETARY

ROBERT V. KRIEGL
DISTRICT MANAGER

December 11, 1985

CERTIFIED, RETURN
RECEIPT REQUESTED

Mr. Benjamin Bilus
Senior Associate Counsel
Champion International Corporation
One Champion Plaza
Stamford, Connecticut 06921

Dear Mr. Bilus:

Paragraph 8 of Consent Order 85-0619 entered between the Department and Champion on October 31, 1985 requires a settlement payment of \$9,600 on or before December 1, 1985. To date, we have not received this payment.

Please review the Consent Order and make provisions to remit the necessary payment within ten (10) days of receipt of this letter.

If you have any questions regarding this matter, please contact Mr. Charles Goddard of this office at (904) 436-8320.

Sincerely,

George E. Hoffman, Jr.
District Enforcement Officer

GEH:cgd

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

IN THE OFFICE OF THE
NORTHWEST DISTRICT

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

OGC FILE NO.: 85-0619

Complainant,

vs.

CHAMPION INTERNATIONAL CORP.,

Respondent.

CONSENT ORDER

This Consent Order is made and entered into between the State of Florida Department of Environmental Regulation (hereinafter the "Department") and Champion International Corp. (hereinafter "Respondent").

The Department finds the following:

1. Respondent is a person within the meaning of Sections 403.031 and 403.703, Florida Statutes. Respondent is a corporation organized and existing under the laws of the State of New York and having an office at One Champion Plaza, Stamford, Connecticut 06921. Respondent is authorized to conduct business in the State of Florida.

2. Respondent is the successor by merger to St. Regis Corporation, formerly known as St. Regis Paper Company, and as such became and is the owner and operator of a pulp, paper and bag manufacturing facility (hereinafter referred to as the "facility") in Cantonment, Escambia County, Florida.

3. The Department conducted inspections of the facility on December 12, 1983, January 30, 1985 and May 16, 1985 and thereafter, by letter dated July 3, 1985 provided to Respondent certain documents, a copy of said letter and documents being attached hereto as Exhibit 1 and hereby made a part of this Consent Order, which set forth in detail violations alleged by the Department against Respondent and the penalties to be sought

unless Respondent agreed to resolve the matter by mutual consent.

4. Respondent, by letter dated July 19, 1985, a copy of said letter being attached hereto as Exhibit 2 and hereby made a part of this Consent Order, among other things denied the Department's allegations and accepted the Department's offer to resolve the matter by mutual consent.

5. Respondent maintains that the inks for which analysis was originally ordered by the Department are no longer being used at the facility and have been replaced by other inks. The waste process waters containing said inks are presently put through an Alarm System prior to flowing into the facility's waste treatment system and neither the waste water nor the residue from the operation of the Alar System are hazardous wastes. The bag manufacturing portion of the facility is expected to cease permanently all operations on or before April 1, 1986.

6. Wherefore Respondent and the Department met on August 2, 1985 to discuss a mutually acceptable resolution of the alleged violations, pursuant to Florida Administrative Code Rule 17-103.110(3), Respondent and Department mutually agree and it is

ORDERED:

7. Within 15 days of the effective date of this Consent Order, Respondent shall make payment to the Department for costs and expenses in the amount of \$404.86. Payment shall be made to the State of Florida Department of Environmental Regulation at the Northwest District Office, 160 Governmental Center, Pensacola, Florida 32501-5794.

8. Within 30 days of the effective date of this Consent Order, Respondent shall pay a settlement in the sum of \$9,600 in settlement of all administrative, civil and criminal violations and causes of action arising from the facts and circumstances set forth in this Consent Order and as alleged in Exhibit 1 hereto. The payment shall be made to the State of Florida

Department of Environmental Regulation at the Northwest District office, 160 Governmental Center, Pensacola, Florida 32501-5794.

9. Upon the effective date of this Consent Order, Respondent shall implement the preliminary contamination assessment plan (PCAP) in the manner and within the time frames specified in Exhibit 3, which is attached hereto and incorporated herein.

10. In the event the PCAP set forth in Exhibit 3 reveals the presence of contaminants specified in the PCAP in the soil, sediment, surface water and/or ground water in violation of Florida Administrative Code Chapter 17-3 resulting from Respondent's activities; or reveals the presence of said contaminants resulting from Respondent's activities which may reasonably be expected to cause pollution of the surface and/or ground water of the state in excess of Florida Administrative Code Chapter 17-3 standards, Respondent shall implement the corrective actions in the manner and within the time frame set forth in the containment assessment plan (CAP) specified in Exhibit 4, which is attached hereto and incorporated herein.

11. Nothing required in this Consent Order is meant to prevent Respondent from utilizing the existing ground water monitoring system and/or plan submitted by Respondent in accordance with Florida Administrative Code Rule 17-4.245(6) criteria and approved by the Department as set forth in industrial waste Permit IO17-39276. However, Respondent must evaluate the adequacy of the system with respect to the PCAP and CAP requirements and demonstrate such adequacy to the satisfaction of the Department.

12. Should the CAP report conclude that cleanup necessary to meet water quality standards of Florida Administrative Code Chapter 17-3 of the contaminated area is not feasible; or should conditions be encountered or discovered at the site which

prevent Respondent from completely implementing any remedial action plan (RAP) to the satisfaction of the Department, the Department may seek restitution by Respondent for environmental damages resulting from pollution of the ground water as a result of Respondent's actions. Within 20 days of receipt of Department notification of its intent to seek said restitution, Respondent may pay the amount of damages or may, if it so chooses, initiate negotiations with the Department regarding the monetary terms of restitution to the State. Respondent is aware that should a negotiated sum or other compensation for environmental damages not be agreed to by the Department and Respondent within 30 days of receipt of Department notification of its intent to seek restitution, the Department may institute appropriate action, either administrative, through a Notice of Violation, or judicial, in a court of competent jurisdiction through a civil complaint, to seek to recover Department assessed environmental damages pursuant to Section 403.141, Florida Statutes.

13. With regard to any determination made by the Department pursuant to this Consent Order, including, without limitation, any determination made pursuant to Exhibit 3 and/or Exhibit 4 to this Consent Order, Respondent may file a Petition for Formal or Informal Administrative Hearing Proceeding, if Respondent objects to the Department's determination, pursuant to Section 120.57, Florida Statutes, and Florida Administrative Code Chapters 17-103 and 28-5. The petition must conform with the requirements of Florida Administrative Code Rule 28-5.201, and must be received by the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32301, within 30 days after receipt of notice from the Department of any determination Respondent wishes to challenge. The Department's determination, upon expiration of the 30 day time period if no petition is filed, or the Department's Final Order as a result of the filing of a petition, shall be incorporated by reference into this Consent Order and made a part of it. All

other aspects of the Consent Order shall remain in full force and effect at all times, except such portions of the Consent Order which are the subject of, or necessarily affected by a petition for hearing by Respondent. Respondent may appeal any Final Order made as a result of the filing of a petition to a court of competent jurisdiction.

14. Persons not parties to this Consent Order, whose substantial interest is affected by this Consent Order, have a right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative determination (hearing) on it. The petition must conform to the requirements of Florida Administrative Code Chapters 17-103 and 28-5, and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32301, within 14 days of receipt of notice. Failure to file a petition within the 14 days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, Florida Statutes.

If a Final Order is entered on a third party's petition, a substantially affected party has the right to seek judicial review of the Final Order pursuant to Section 120.68, Florida Statutes, by filing of Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32301; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days of the date the Final Order is filed with the Clerk of the Department.

15. Entry of this Consent Order does not relieve Respondent of the need to comply with any other applicable federal, state or local laws, regulations, or ordinances.

16. The terms and conditions set forth in this Consent Order may be enforced by either party in a court of competent

jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes.

17. Respondent shall allow all authorized representatives of the Department access to the property at reasonable times for the purpose of determining compliance with the terms of this Consent Order.

18. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit future violations of applicable statutes or the rules promulgated thereunder not covered by the terms of this Consent Order.

19. Any modifications of the terms of this Consent Order shall be reduced to writing and executed by both Respondent and the Department, except as otherwise specified herein for the CAP and RAP.

20. All reports, plans, and data required by this Consent Order to be submitted to the Department should be sent to the Environmental Manager (Enforcement Section), 160 Governmental Center, Pensacola, Florida 32501-5794 and Bureau of Operations, 2600 Blair Stone Road, Tallahassee, Florida 32301.

21. This Consent Order is a final agency action of the Department pursuant to section 120.69, Florida Statutes, and Florida Administrative Code Rule 17-103.110(3), and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed as required by Chapter 120, Florida Statutes. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.

22. This Consent Order shall terminate upon the sending of the notice as provided in paragraph 9 of the PCAP or upon completion of the CAP.

23. The Department agrees that for such period of time as Respondent is in substantial compliance with this Consent Order, this Consent Order shall stand in lieu of any administrative, legal and equitable remedies available to the Department regarding any alleged contamination and required remediation of the

soil, sediment, or surface or ground waters resulting from Respondent's activities.

24. In entering into the Consent Order, Champion is settling a disputed matter with the Department and does not admit and retains the right to contest the validity of the Department's determinations and allegations of violation in any proceedings brought by the Department which are based on said determinations and allegations of violation or any one of them.

25. The Department shall grant extensions of the time periods set forth in this Consent Order in the event Respondent demonstrates good cause to the Department for granting such extensions, and such extensions shall be commensurate with the delays involved.

FOR RESPONDENT:


CHAMPION INTERNATIONAL CORPORATION

Date: October 17, 1985

By: 

Richard E. Olson
Vice President, Manufacturing,
Printing and Writing Papers

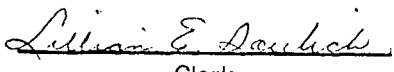
DONE and ENTERED this 31st day of Oct, 1985 in Pensacola, Florida.


ROBERT V. KRIEDEL
District Manager

Northwest District
160 Governmental Center
Pensacola, FL 32501-5794
(904) 436-8300

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to S120.52 (9), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

 10-31-85
Clerk Date

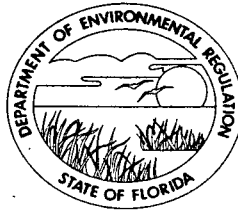
EX Exhibits: Inspection reports for 12/12/83, 1/30/85, 5/16/85
Letter to DER from Champion regarding settlement of Warning Notice.
Preliminary Contamination Assessment Actions (DER document)

STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL REGULATION

NORTHWEST DISTRICT

160 GOVERNMENTAL CENTER
PENSACOLA, FLORIDA 32501-5794



BOB GRAHAM
GOVERNOR

VICTORIA J. TSCHINKEL
SECRETARY

ROBERT V. KRIEGL
DISTRICT MANAGER

October 31, 1985

CERTIFIED, RETURN
RECEIPT REQUESTED

Mr. Benjamin S. Bilus
Senior Associate Counsel
Champion International Corporation
One Champion Plaza
Stamford, Connecticut 06921

Dear Mr. Bilus:

Attached is a copy of the executed Consent Order entered between the Department and Champion International on October 31, 1985. Your continued cooperation is requested by monitoring the provisions of the Consent Order and complying as agreed.

If you should have any questions, please feel free to contact Mr. Charles Goddard of this office at (904) 436-8320.

Sincerely,

George E. Hoffman, Jr.
District Enforcement Officer

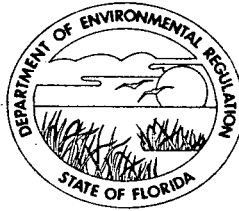
GEH:cgd
Attach: Consent Order

STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL REGULATION

NORTHWEST DISTRICT

160 GOVERNMENTAL CENTER
PENSACOLA, FLORIDA 32501-5794



BOB GRAHAM
GOVERNOR

VICTORIA J. TSCHINKEL
SECRETARY

ROBERT V. KRIEGLER
DISTRICT MANAGER

October 4, 1985

Mr. Benjamin Bilus
Senior Associate Counsel
Champion International
One Champion Plaza
Stamford, Connecticut

Dear Mr. Bilus:

We have received the proposed Champion Consent Order and cover letter dated October 2, 1985, addressing various changes and have forwarded copies to our legal and technical staff for review. Completing this, you will be notified accordingly.

In the event you should have any questions regarding this matter, please feel free to contact Mr. Charles Goddard at (904) 436-8320.

Sincerely,

George E. Hoffman, Jr.
District Enforcement Officer

GEH:cgd



October 2, 1985

VIA FEDERAL EXPRESS

Mr. George E. Hoffman, Jr.
District Enforcement Officer
Department of Environmental Regulation
State of Florida, Northwest District
160 Governmental Center
Pensacola, FL 32501-5794

Re: Consent Order
Champion International Corporation
Bag Plant - Cantonment, Florida

Dear Mr. Hoffman:

Enclosed is the executed Consent Order relating to remedial investigation and action with respect to the discharges from the Champion International Corporation bag manufacturing plant in Cantonment, Florida.

The Order has been slightly revised from the one provided by the Department, but we believe it preserves the essential features required by the Department of Champion. The principal revision is intended to focus the Order on the investigation and remediation of contamination which may have resulted from the discharge of process waste waters from Champion's bag manufacturing activities to the facility's waste water treatment system. It is these discharges which are the subject of Exhibit 1, the three inspection reports, and it is these discharges which form the basis of the Department's findings of regulatory violations. We believe, therefore, that the Order should address contamination resulting from these discharges, and it now does.

To make the Order truly consensual, we have deleted the admission of violation by Champion. We believe it is sufficient for the entry of the Order that it recite that the Department has made the findings stated in the Order and that Champion has agreed to enter into the Order with the Department in an effort to reach a mutually acceptable and expeditious resolution of the matter.

RECEIVED

OCT - 3 1985

NORTHWEST FLORIDA
DER

Mr. George E. Hoffman, Jr.
October 2, 1985
Page Two

The Order also now specifically provides that Champion has the right to appeal to a court of competent jurisdiction any Final Order which the Department may enter as the result of a petition by Champion for a hearing. It is our expectation and belief that disagreements between the Department and Champion will not come to such a pass, because we are both desirous of responding to the problem in an environmentally sound and cost effective manner. Champion believes, however, that it must preserve its right to an impartial adjudication of good faith differences of opinion between the parties which may arise.

We have also added specific provisions for the termination of the Order upon completion of the investigation, if no contamination is found, or upon the completion of the remedial action, if one is required; that while Champion is in substantial compliance with the Order, the Department will take no further action against Champion relating to the discharges from the bag plant; and that the Department will grant extensions of the time for the accomplishment of a required task if good cause is demonstrated by Champion.

The changes in Exhibits 3 (the PCAP) and 4 (the CAP) are principally to provide slightly more time to undertake the tasks required and to provide additional information if requested by the Department. Our experience in dealing with the hiring of consultants for remedial investigations and actions, the preparation of reports and the hiring of engineers and contractors to perform the work tells us that the periods of time allowed by the Department for these tasks are unrealistically short. We certainly do not want to delay the implementation of the Order, but we know that remedial investigations, feasibility studies and remedial action plans require a bit more time, and we trust that the Department will allow us that time.

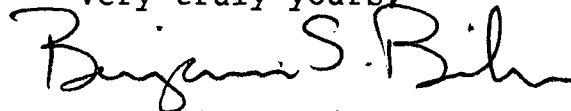
I also would like to note that the PCAP no longer calls for testing and analysis of pesticides. As the investigation reports state, Champion handled its pesticide as a hazardous waste even though not required to do so, and further, no findings of discharge of pesticides from the bag plant were made. We do not believe, therefore, that the sampling and testing should include pesticides.

Mr. George E. Hoffman, Jr.
October 2, 1985
Page Three

By executing the Consent Order as revised, Champion hopes to demonstrate to the Department its desire to move ahead with the work as quickly as possible. If the Department is in accordance with the Consent Order, or if you have any comments or questions, please contact Mr. Edward Clem (203-358-7847), or the undersigned in his absence.

We look forward to the early execution and entry of the Order by the Department.

Very truly yours,

A handwritten signature in cursive script, reading "Benjamin S. Bilus". The signature is written in dark ink and is positioned above the printed name.

Benjamin S. Bilus

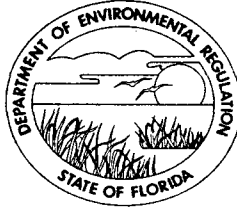
BSB/sea

Enclosures

DEPARTMENT OF ENVIRONMENTAL REGULATION

NORTHWEST DISTRICT

160 GOVERNMENTAL CENTER
PENSACOLA, FLORIDA 32501-5794



BOB GRAHAM
GOVERNOR

VICTORIA J. TSCHINKEL
SECRETARY

ROBERT V. KRIEGLER
DISTRICT MANAGER

August 19, 1985

CERTIFIED, RETURN
RECEIPT REQUESTED

Mr. Edward Clem, Director
Environmental Affairs
Champion International Corporation
One Champion Plaza
Stamford, Connecticut 06921

Dear Mr. Clem:

As agreed during our August 2, 1985 meeting, I have attached a Consent Order to resolve the outstanding issues in the matter of Department's draft Notice of Violation.

Please review the Consent Order and, if acceptable, have the appropriate authorized individual sign and return to the Department for execution by the District Manager. Completing this an executed copy of the agreement will be forwarded to you and your client for compliance purposes.

If you should have any questions regarding this matter, please feel free to contact Mr. Charles Goddard of this office at 436-8320.

Sincerely,

George E. Hoffman, Jr.
George E. Hoffman, Jr.
District Enforcement Officer

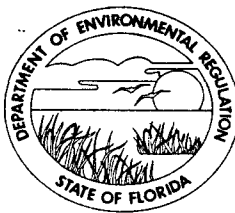
GEH:cgd
Attach: Consent Order

STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL REGULATION

NORTHWEST DISTRICT

160 GOVERNMENTAL CENTER
PENSACOLA, FLORIDA 32501-5794



BOB GRAHAM
GOVERNOR

VICTORIA J. TSCHINKEL
SECRETARY

ROBERT V. KRIEGLER
DISTRICT MANAGER

August 12, 1985

Mr. Edward O. Clem, Director
Environmental Affairs
Champion International
One Champion Plaza
Stamford, Connecticut 06921

Dear Mr. Clem:


We have received Champion's draft Consent Order proposal and suggestions to resolve the outstanding issues identified in the Department's draft Notice of Violation. Your timely response in this matter is commendable.

As discussed with you August 2, 1985, we will incorporate, where possible, your suggested language in the preamble portion of the agreement; however, the agreed and ordered portion of the Consent Order will closely resemble the style and content of the Orders for Corrective Action of the draft Notice of Violation.

With this in mind, we have drafted a Consent Order utilizing your proposal and suggestions as a basis. This Consent Order has been forwarded to our Office of General Counsel for review and approval. Completing this, the Consent Order will be forwarded for your review and, if acceptable, signature prior to execution by the District Manager. We hope to have the Order to you in the next week or so.

In the event you should have any questions regarding this matter, please feel free to contact Mr. Charles Goddard of this office at (904) 436-8320.

Sincerely,


George E. Hoffman, Jr.
District Enforcement Officer

GEH:cgd

INTEROFFICE MEMORANDUM

For Routing To District Offices To Other Than The Addressee		
To: _____	Locn.: _____	
To: _____	Locn.: _____	
To: _____	Locn.: _____	
From: _____	Date: _____	
Reply Optional []	Reply Required []	Info. Only []
Date Due: _____	Date Due: _____	

MEMORANDUM:

TO : File

FROM : Charles F. Goddard *CH*

DATE : August 5, 1985

SUBJECT: Champion Meeting

On August 2, 1985, representatives of Champion International met with the Department to discuss a resolution to violations cited in the Department's May, 1985 hazardous waste Warning Notice. The Department has drafted a Notice of Violation and forwarded a copy of that drafted Notice to Champion for review prior to its execution. Champion responded to the Department's draft and requested a meeting to discuss a resolution by mutual consent.

After much discussion regarding content of the draft Notice and penalty including appropriate modifications, it was agreed:

1. George Hoffman would review the penalty assessment and make necessary adjustments to reflect the review of the violations contained in the draft. It was discussed that generally speaking this amount would be less than \$10,000. This will be ready by August 5, 1985.

2. Champion will provide a draft Consent Order containing the preamble language and the Department will essentially attach the preliminary contamination assessment plan (PCAP), contamination assessment plan (CAP), remedial action plan (RAP) in exhibit form as outlined in the draft Notice for the Agreed and Ordered portion of the Consent Order. The Department will review PCAP, RAP, CAP, etc. in light of existing data and monitoring network. Champion will provide the Consent Order the week of August 5, 1985.

CFG:cgd

INTEROFFICE MEMORANDUM

Routing To District Offices And/or To Other Than The Addressee		
To: _____	Locn.: _____	
To: _____	Locn.: _____	
To: _____	Locn.: _____	
From: _____	Date: _____	
Reply Optional []	Reply Required []	Info. Only []
Date Due: _____	Date Due: _____	

MEMORANDUM:

TO : Robert V. Kriegel *[Signature]*

FROM : Settlement Review Committee *[Signature]*

DATE : August 5, 1985

SUBJECT: Amended Settlement Review
Champion Paper, OGC File No. 85-0619

By memorandum dated June 28, 1985, the committee recommended to you that the Department seek a settlement of \$28,800 from Champion Paper as a result of the Department findings alleged in draft NOV, OGC File No. 85-0619. Subsequent to that date the Company responded in detail to the Department's allegations and the rationale used in arriving at the recommended settlement figure. In addition, the District met with representatives of the Company to discuss their position on August 2, 1985.

The Company, inter alia, contends that there was no violation of permit conditions as alleged since the original application for this permit included the waste stream containing the ink washwater. The District's evaluation of the Company position supports the Company's rationale and it was agreed that this allegation is unfounded and should be dropped.

Therefore, a re-evaluation of the settlement rationale and amount is appropriate. The alleged permit violation was a factor used in evaluation of the Extent of Deviation and Potential for Harm of Violation I, as well as Extent of Deviation in Violation II. Each of these was categorized as major. In addition, the extenuating circumstances were not considered in the adjustments applied under History of Noncompliance.

The committee now recommends, after evaluation of the above, that two alleged violations be retained as Disposing of Hazardous Waste without a specific permit and failure to conduct the waste analysis but both be classified as Moderate/moderate, have an overall settlement range of \$16,000 to \$10,000.

The Company's good faith efforts, cooperation and a responsiveness, as well as elimination of the alleged violation of a permit condition fully warrants allowing a reduction within the limits of your authority.

The committee recommends therefore that the authorized 40% reduction be exercised and applied in this case to the \$16,000 settlement amount; thus, settling this case by a Consent Order for an amount of \$9,600 plus reimbursement of the Department's cost.

GEH:ghd



RECEIVED

JUL 22 1985

NORTHWEST FLORIDA
DER

July 19, 1985

VIA FEDERAL EXPRESS

Mr. George Hoffman, Jr.
District Enforcement Officer
Florida Department of Environmental
Regulation - Northwest District
160 Governmental Center
Pensacola, FL 32502-5794

Dear Mr. Hoffman:

Further to my letter to you dated July 12, 1985, Champion proposes settlement of the matters which were the subject of your letter dated July 3, 1985, structured as follows, and for the following reasons:

1. The Department has determined and alleges two violations, namely, that (1) Champion stored/treated and/or disposed of hazardous waste without a current and valid permit issued by the Department, a violation of Florida Statutes Section 403.722 and Florida Administrative Code Rule 17-30.18; and (2) Champion violated Florida Statutes Section 403.161 in that it treated and discharged hazardous waste through its industrial waste treatment system in violation of Condition 2 of its Operating Permit IO17-39276 and failed to conduct a waste analysis in December 1983, as directed by the Department. Champion, in entering into a Consent Agreement, is settling a disputed matter with the Department and does not admit, and would retain the right to contest the validity of, the Department's determination and allegation of violation in any proceedings brought by the Department which are based on either or both of the said alleged violations.

2. The Department has determined that, based on policy guidance documents, the alleged violations support an actual settlement figure of \$28,800; and the proposed Notice of Violation refers to costs and expenses incurred by the Department in the amount of \$404.86. Champion would agree to reimburse the Department, following execution of a Consent Agreement, for reasonable costs and expenses of the Department in this matter in an amount up to and including \$1,000, within 30 days of presentation by

EXHIBIT 2

Mr. George Hoffman, Jr.
July 19, 1985
Page 2

the Department of an itemized statement of such costs and expenses. With respect to an actual settlement figure, however, Champion believes that a figure in the neighborhood of \$3-5,000, if anything, is far more just and appropriate to the matter. The belief arises from the following factors:

a. Champion's predecessor at the facility, St. Regis Corporation (formerly known as St. Regis Paper Company), did not perform the waste analysis requested by the Department in a timely fashion, due, it is submitted, to extenuating circumstances. Beginning in late 1982 and continuing in 1983, poor business conditions resulted in personnel cutbacks and job reassignments. Following closely, in early 1984, St. Regis became the subject of several successive unfriendly takeover attempts. Both factors contributed, it is believed, to the failure of St. Regis to respond with its usual alacrity as the talents and attention of its personnel were severely strained to keep the business running "as usual", while at the same time learning new or additional skills, partaking where required in anti-takeover actions, and still wondering if the next paycheck was the last. It should be noted, too, that after Champion acquired St. Regis and was able to gain some familiarity with the operations at each location, the analyses requested by the Department were promptly ordered to be done and were completed. It is Champion's belief that the extenuating circumstances referred to, Champion's prompt response when it became aware of the matter, and the fact that no damage to the environment did in fact occur either before, during or after the time the analyses were requested by the Department warrant classifying this alleged violation as minor/ minor, if indeed, it is of any matrix significance after consideration of the remainder of Champion's position, as set forth below.

b. If Champion were, as alleged, guilty of storing, treating and/or disposing of hazardous waste in its industrial waste treatment system without a current and valid permit, then there is only one act and one violation, not two, even though different portions of the Statutes and/or regulations may be involved; to conclude otherwise is to engage in tautologic reasoning. Furthermore, assuming there is any violation, and Champion does not admit that there is or has been, no environmental or other harm has occurred, and therefore, the protection of the environment, which Champion believes to be the purpose

Mr. George Hoffman, Jr.
July 19, 1985
Page 3

of the cited Statutes, remains intact. Indeed, the violation is classified by the Department as an administrative one, with the only violation being some inexplicit adverse effect on the purposes or procedures for implementing the RCRA program. The Department reasons further that, because the industry has such an excellent reputation and record, Champion must be severely penalized for this alleged administrative violation, even though the likelihood of exposure is stated by the Department not to be a consideration and, Champion believes, the fact is that there is no potential for environmental harm, as evidenced by the fact that there has been none to date, whether or not the Department's allegation of violation is correct. Champion disagrees with the Department's reasoning since such reasoning both ignores the facts that Champion is and has been a member of the highly regarded industry referred to and that Champion's actions, as well as those of St. Regis, have contributed significantly to the stature and cooperative history described. Furthermore, the Department's reasoning sends a message to the industry which says, in effect, the more cooperative and right-doing you are, the harder you will be penalized when you stumble, so be less cooperative and your misdeeds will be penalized less severely. Champion does not believe the Department intended that either of these conclusions result from its considerations, and therefore, Champion believes that any matrix considerations of any alleged violation, with no environmental harm, potential or actual, together with Champion's and the industry's excellent records as givens, should result in a minor/minor categorization, if any, when the matrix is used.

c. Champion believes that, contrary to the Department's allegation, it was and is a generator of hazardous wastes, but not a treater, storer or disposer of them. To the extent that Champion is subject to RCRA, Champion has not ignored nor sought to circumvent the Act. Champion holds a valid and current EPA Generator ID Permit #FLD055279715, and hazardous wastes generated at the plant site are and have been disposed of at permitted disposal facilities since the effective date of the RCRA regulations governing them. Indeed, Champion (and previously, St. Regis) also, as noted by the Department, voluntarily treats pesticide wastes as hazardous wastes, despite the greater disposal costs involved; such behavior is certainly not that of a flagrant violator and abuser of the environmental laws and their administration, worthy of severe penalties and censure.

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Page 4

Furthermore, the pulp and paper mill and the bag plant physically comprise a single building with a single process sewer for water soluble wastes; these paper and paper product manufacturing processes within a single physical facility owned by a single owner are believed to antedate enactment of all of the laws which currently regulate them. The fact that this is a single physical facility owned by a single owner is not changed by the fact that the owner has chosen to operate the facility along product lines to make it more manageable; indeed, the single ownership of/single physical facility/single waste water process sewer are believed to have lent themselves to a so-called "building block" approach in the permitting of the facility, an approach encouraged when more than one production process is employed and the entire production at a miscellaneous mill can be allocated to existing subcategories. It is reflected, in part, by the fact that application for the facility's Permit IO17-39276 shows the results of testing for, among other things, lead and chromium, as well as fecal coliform, indicators that the permitted waste treatment system contained waste waters from more than one source within the facility and, regardless of source, the effluent is not hazardous and causes no injury to the environment. At worst, it might be alleged that Champion (St. Regis) violated a reporting regulation by neglecting to disclose that a relatively small portion of the facility's large volume of pulp and paper mill waste water in the facility's process sewer emanated from bag manufacturing; however, such violation resulted in no injury to the environment, no release of hazardous substances and, indeed, there was no failure to disclose to the extent that the hazardous substances alleged to have been improperly disposed of were tested for, the test results were part of the application for the Permit, and were found not to be a threat to or harmful to the environment. Therefore, the Department's allegation that Champion's Permit was not valid for the wastes which were treated is, in Champion's opinion, invalid, as is any allegation that the effluent from the wastewater treatment system was in any way violative of any regulations pertaining to the waters and groundwaters of the State or harmful to them. Furthermore, Permit Condition 2, cited in the proposed NOV, states that any unauthorized deviation from the approved drawings, exhibits, specifications or conditions of the permit constitute grounds for enforcement action by the Department; Champion submits that there have been no deviations from what was submitted, including the

Mr. George Hoffman, Jr.
July 19, 1985
Page 5

wastewater analyses, and therefore, no grounds for Department enforcement action exist. The Department's analysis, itself, acknowledges the low likelihood of exposure of hazardous waste to the public and animal life; Champion believes that none has been shown to exist, and Champion believes further that any impact on the receiving waters has already been shown to be nonexistent or non-relevant, as evidenced by analyses submitted with the Permit application. Thus, again, because there was, at the very least, substantial compliance and because adverse impact on the environment is nonexistent, Champion believes that the violation, if indeed there is any, is minor/minor and not, as the Department determined, of major proportions.

3. Champion, without any admission of fault or liability, no longer uses the types of inks which were analyzed at the Department's request. Furthermore, the wastewaters containing the recently substituted inks are put through a newly installed Alar System prior to their flowing into the facility's waste treatment system. Neither the waste water flowing into the facility's waste treatment system nor the residue from the operation of the Alar System are hazardous wastes. However, if the Department is abandoning the building block or totality concept of the Champion operation, it suggests that the Department might be or will require Champion to seek amendment of the Permit for purposes of describing this wastewater which is part of the waters entering into the facility's waste treatment system, even though the bag manufacturing portion of the facility is expected to be closed on or before December 31, 1985. If true, then seeking an amendment and interim operating authority pending granting of an amended Permit or closure of the bag plant, whichever occurs first, would appear to be a proper subject for inclusion in the proposed Consent Agreement.

4. As part of the proposed Consent Agreement, Champion would agree, further, to provide the Department with the results of tests, sampling and analyses which it has already performed or has had performed on the Alar wastes and on the sediments from the facility's primary settling pond and waste treatment ponds, as well as the results up to the date of the proposed Consent Agreement of the groundwater monitoring done by means of monitoring wells already in place at the facility. Each and all of them will substantiate, further, Champion's position that

Mr. George Hoffman, Jr.
July 19, 1985
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there has been no violation nor any harm done to the environment.


With respect to the proposed NOV, Champion would also like to take this opportunity to comment on some, although by no means all, of the proposed corrective actions which it believes are irrelevant, excessive and/or punitive, rather than corrective of the alleged violations. For example, numbered Paragraph 18 would order Champion to cease discharging from its facility to the ground and/or surface waters of the State in excess of the limitations established in its Permit even though the Department has never alleged that this was being done, tests show no adverse affects on the environment which would indicate such discharges ever occurred, and such an order would make no allowance for possible operational exceedances unrelated to the alleged violation. Similarly, the request for a formal contamination assessment plan of any magnitude, much less the one proposed, ignores totally the facts that the facility's effluent was tested and found not to be hazardous or deleterious to the environment and that the Department's own analysis of the alleged violations found little or no possibility of environmental harm. (The contamination study, itself, is another cause for protest, since it addresses pollutant organic chemicals which have no relevance to the violations alleged and pesticides which the Department, as shown in its own reports and analyses, knows are handled in a manner exceeding regulatory requirements when they become wastes!) Furthermore, to order corrective actions, as is done in numbered Paragraph 20, when any contaminants are found, regardless of background and other relevant factors and without regard to what formed the basis originally for the alleged violation can only be described as punitive and/or arbitrary and capricious.

However, as indicated above, Champion believes it is in the best interests of all the parties involved and in the public interest to seek resolution of this matter by means of a Consent Agreement. Therefore, it is suggested that a meeting with the Department be scheduled to discuss the exact parameters of the Agreement and that the specific terms be drafted as agreed immediately thereafter.

Mr. George Hoffman, Jr.
July 19, 1985
Page 7

I look forward to hearing from you, at your convenience, concerning a meeting place and time.

Sincerely,

A handwritten signature in dark ink, appearing to read "Edward O. Clem". The signature is fluid and cursive, with a long horizontal stroke at the end.

Edward O. Clem
Director of Environmental Affairs

RECEIVED

JUL 18 1985

NORTHWEST FLORIDA
DER



July 12, 1985

Mr. George Hoffman, Jr.
District Enforcement Officer
Florida Department of Environmental
Regulation-Northwest District
160 Governmental Center
Pensacola, Florida 32502-5794

Dear Mr. Hoffman:

This letter will confirm our telephone conversation of July 12, 1985 concerning the proposed Notice of Violation submitted with your July 3, 1985 letter to me. Champion prefers to settle this matter through mutual consent, rather than by the Notice of Violation. Champion is preparing a proposed settlement offer which you will be receiving in a few days. In the interim, we hope that our intention to settle the matter in this manner can defer or terminate the Notice of Violation process.

If you have any questions prior to our next communication, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Edward O. Clem'.

Edward O. Clem

EOC:js

cc: R. Wigger
L. Rettig
S. Oldham
R. Kriegel

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

NORTHWEST DISTRICT

160 GOVERNMENTAL CENTER
PENSACOLA, FLORIDA 32501-5794



BOB GRAHAM
GOVERNOR

VICTORIA J. TSCHINKEL
SECRETARY

ROBERT V. KRIEGLER
DISTRICT MANAGER

July 3, 1985

CERTIFIED RETURN
RECEIPT REQUESTED

Mr. Edward Clem
Director of Environmental Affairs
Champion International
1 Champion Plaza
Stamford, Connecticut 06921

Dear Mr. Clem:

As agreed during our June 26, 1985 meeting, I have attached a draft copy of the Department's Notice of Violation and Orders for Corrective Action; a copy of the minutes of the meeting and the Department's rationale for the calculation of a penalty pursuant to the joint EPA/DER matrix agreement.

It is requested that you review these documents and advise the Department within five (5) days of receipt of this letter if you wish to resolve these matters through mutual consent. Failure to respond will result in the Department issuing the referenced document.

If you should have further questions regarding this matter, please feel free to contact Mr. Charles Goddard of this office at (904) 436-8320.

Sincerely,

George E. Hoffman, Jr.
District Enforcement Officer

GEH:cgd

Attachments

cc: Richard Wigger
Lee Rettig
Steve Oldham

INTEROFFICE MEMORANDUM

Routing To District Offices To Other Than The Addressee		
To: _____	Locn.: _____	
To: _____	Locn.: _____	
To: _____	Locn.: _____	
From: _____	Date: _____	
Reply Optional []	Reply Required []	Info. Only []
Date Due: _____	Date Due: _____	

MEMORANDUM:

TO : Robert V. Kriegel

FROM : Settlement Review Committee

DATE : June 28, 1985

SUBJECT: Settlement, Champion Paper, HW (RCRA) Violations

The Settlement Review Committee has addressed the amount sought as settlement with Champion Paper. The review and factors considered were based on policy guidance memoranda of the Secretary and EPA Enforcement Response Policy memorandum dated December 21, 1984.

The Notice of Violation against Champion Paper alleges two violations as follows:

1. Storing, treating and/or disposing of hazardous waste without a current and valid permit issued by the Department.

This is a violation of section 403.722, Florida Statutes and Florida Administrative Code Rule 17-30.18. Having a current and valid permit for storing, treating and/or disposing of hazardous waste is a general operating requirement. Any failure of an owner or operator to meet applicable general operating requirement of the Department is classified as a Class I violation per EPA memorandum December 21, 1984.

2. Failure to comply with any rule, permit, order or requirement of the Department pursuant to its lawful authority.

This is a violation of Section 403.161, Florida Statutes in that the company treated and discharged hazardous waste through its industrial waste treatment system in violation of condition 2 of Operating Permit IO17-39276. The company further failed to conduct a waste analysis in December 1983 as directed by the Department. This is a general operating requirement and therefore a Class I violation. Further, the failure to conduct the required analysis is a Class I violation.

The Committee evaluated Respondent's eligibility for a waiver of settlement penalty in accordance with the criteria contained in the Secretary's guidance memorandum dated April 18, 1985. Findings were that Respondent did not qualify because:

a) Although the violations cannot be attributed to negligence certainly it can be presumed Respondent was knowledgeable of RCRA requirements and gave little or no attention to the requirement for waste analysis.

b) Correction was within Respondent's capability.

c) Respondent was totally responsible.

d) The violation was not reported by Respondent but discovered by the Department during its inspection.

e) Respondent reacted only after notice.

f) Willingness can be questioned due to failure to conduct analysis when requested.

VIOLATION I

A. Extent of Deviation:

Respondent has deviated from RCRA requirements in storing, treating and disposing of hazardous waste without a current and valid permit. This failure falls within the definition of a Major Deviation by deviating from the requirements of the regulation or statute to such an extent that there is a substantial noncompliance. It must be assumed that the deviation continued in excess of 1 1/2 years or since the condition was first suspected and an analysis requested. Therefore, the Extent of Deviation is categorized as Major.

B. Potential for Harm:

This violation is classified as of an administrative nature therefore likelihood of exposure is not a consideration. However, harm in terms of adverse effect on the statutory or regulatory purposes or procedures for implementing the RCRA program is a consideration. In light of the excellent reputation of this particular industry in the community, its broad interest throughout the Nation and its history of an outstanding degree of interface and cooperation with this Department, the potential for harm must be considered as having a substantial adverse effect and is therefore categorized as Major.

The violation is Major Deviation and Major Potential for Harm and specifies a settlement within a range of \$25,000 to \$20,000.

VIOLATION II

Extent of deviation -

Respondent has deviated from RCRA requirements by the unauthorized disposal of hazardous waste in violation of its IW permit condition 2, and failure to conduct analysis when first requested which constitutes a major noncompliance and falls within the definition of a Major Extent of deviation.

Potential for Harm

The violations involved the unauthorized discharge of approximately 2,500 gallons per month of ink SVM4362-H wash water containing concentrations for lead and chromium in excess of EP Toxicity limits. However, the violation poses a relatively low likelihood of exposure of hazardous waste to the public and animal life although impact, if any, on aquatic life in the receiving waters is yet to be determined. Therefore from this aspects the violation complies with a criteria of minor.

On the other hand, Harm in terms of effect on the statutory or regulatory purposes or procedures due to the unauthorized activity is considered Major as outlined in Violation I.

Therefore the overall Potential for Harm category for this matrix is moderate.

Considering a Major Extent of Deviation and a Moderate Potential for Harm a settlement in the range of \$10,999 to \$8,000 specified.

Mitigating factors warranting reductions are:

A. Good Faith Efforts:

The efforts of Respondent at this facility in the past to cooperate with the Department and comply with the statutes and rules of the Department have certainly been demonstrations of Respondent's good faith. The failure of Respondent to address is inconsistent with its prior demonstrations of good faith efforts. Respondent did immediately terminate violation upon notification. In view of the above, a recommended downward adjustment of 30% is recommended.

B. Willfulness or Negligence:

No justification for either is indicated. The violations appear a matter of management oversight rather than willfulness or negligence. Therefore, no adjustment is warranted.

C. History of Noncompliance:

The RCRA history of noncompliance is marginal at best. A late 1983 inspection resulted in the direction to perform a waste analysis without an adequate response. The January 30, 1985 inspection again found this among other discrepancies. Therefore, an upward adjustment of 20% is recommended.

In view of the above analysis of the violations and the evaluation of the factors involved, the District should impose a mid range settlement of \$32,000 adjusted downward by 10% for an actual settlement of \$28,800.

GEH:ghd

INTEROFFICE MEMORANDUM

For Routing To District Offices A For To Other Than The Addressee		
To: _____	Locn.: _____	
To: _____	Locn.: _____	
To: _____	Locn.: _____	
From: _____	Date: _____	
Reply Optional []	Reply Required []	Info. Only []
Date Due: _____	Date Due: _____	

TO : File

FROM : Charles Goddard *Ch*

DATE : July 2, 1985

SUBJECT: Champion International
Hazardous Waste Meeting

On June 26, 1985, representatives of Champion International met with the Department to discuss a resolution to the Department's May 23, 1985 Warning Notice. A copy of the attendee sheet is attached.

Bob Kriegel opened the meeting and generally reviewed the series of events preceeding the meeting, that being:

December 1983 - The Department conducted an initial HW determination and advised St. Regis of the requirement to conduct a hazardous waste determination on its printing ink wastewaters.

August 1984 - St. Regis responded by submitting manufacturers data sheets. No hazardous waste determination was conducted.

January 1985 - The Department reinspects St. Regis (Champion) and cites Champion for violation of failing to conduct hazardous determination. Also training violations were noted.

February 1985 - The Department sent Champion a Warning Notice requesting that they correct various personnel training problems and conduct a hazardous waste determination.

March 1985 - Champion requests additional time to do test.

April 1985 - Champion submits test results which reveals the wastewaters are EP Toxic hazardous wastes for chromium and lead.

May 1985 - Additional inspection reveals that these hazardous wastes are being treated, stored and/or disposed without proper permit. A Warning Notice was sent advising an administrative action requiring a penalty settlement would be forthcoming.

June 1985 - Champion requests meeting.

Rick Singer reviewed the test results which reveal concentrations of lead in some instances as high as 162,053 ppm and chromium as high

as 14,000 ppm. Rick advised that the wash waters resulting from the use of ink #SVM 4362-H exceeded the EP toxicity limits for both lead (224 mg/l) and chromium (15.3 mg/l). The wash waters are discharged to Champion's industrial wastewater treatment plant.

At this point, Mr. Ed Clem advised that the meteor inks on two presses are cased inks and do not get into the ink wash up system. He further reviewed the status of their corporation and current activity as follows:

For the past year and a half, St. Regis has gone through numerous battles with various companies seeking to purchase their plant. Their activities were somewhat diverted from day to day responsibilities. Further, the bag plant production line which manufactures multiwalled bags used in bagging cement, mulch, lime, lawn products, etc. has been dwindling because of plastics. The bag plant itself changed managers three times with Steve Oldham being its current manager. He advised that their company does not condone not following up on hazardous waste issues and could only surmise that it was unintentional.

Mr. Clem advised that as a result of our recent hazardous waste inspection they immediately took action by systematically reducing the high lead inks. They currently are not in use. Also, they are using an ALAR unit, package treatment facility, to remove, precipitate out and pretreat wash waters prior to discharging to their IW holding ponds. Bob Kriegel advised that this may require an IW permit modification. Dick Cashen advised that the system involved utilizing coagulation, precipitation and carbon filter. He further stated its sludges pass EP Toxic tests.

Mr. Clem advised that samples of the sludges in their holding pond were not EP Toxic and also the sludges going to the landfill (N. U.S. 29 sludge site) were not EP Toxic. I advised that they had submitted a closure plan for the landfill which was currently being reviewed in-house.

At this point I passed out typical NOV exhibits addressing a preliminary contamination assessment plan and report, a contamination assessment plan and a remedial action plan. I reviewed briefly their content and scope and advised that our proposed NOV would include language similar to these exhibits and also would address any surface water concerns the Department has for Eleven Mile Creek.

George Hoffman reviewed the EPA/DER penalty matrix and settlement policy. He advised that our committee had reviewed the guidelines and tabulated a figure ranging from \$32,000 - 45,000. We provided Mr. Clem with a copy of rationale for a Class I violation.

It was agreed we would provide Mr. Clem with some specific rationale for the assessment and would also allow him to review the draft NOV prior to its issuance. The draft NOV will be ready by July 3, 1985.

CFG:cgd

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

IN THE OFFICE OF THE
NORTHWEST DISTRICT

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

OGC FILE NO.: 85-0619

Complainant,

vs.

CHAMPION INTERNATIONAL CORP.,

Respondent.

NOTICE OF VIOLATION AND
ORDERS FOR CORRECTIVE ACTION

TO: Champion International Corp.
c/o Robert F. Longbine, President
One Champion Plaza
Stamford, Connecticut 06921

Certified Mail Number _____

Pursuant to the authority of Section 403.121(2), Florida Statutes, and Florida Administrative Code Rule 17-103.110, the State of Florida Department of Environmental Regulation ("Department") gives notice to Champion International Corp. ("Respondent") of the following Findings of Fact and Conclusions of Law with respect to violations of Chapter 403, Florida Statutes.

FINDINGS OF FACT

PARAGRAPHS APPLICABLE TO ALL COUNTS

1. The Department is the Florida administrative agency which has the authority to administer and enforce the provisions of Chapter 403, Florida Statutes, and the rules promulgated thereunder, Florida Administrative Code Title 17.

2. Respondent is a corporation authorized to conduct business in the State of Florida. Respondent owns and operates the Kraft paper mill and bag plant (hereinafter "facility") which are located at the intersection of State Road 184 and U.S. Highway 29 in Cantonment, Escambia County, Florida.

1 : Inspection report

EXHIBITS ~~II~~ PCA Action

3. Respondent is a hazardous waste generator as defined in 40 CFR 260.10 and currently operates under a Florida hazardous waste generators ID #D055279715. The wastes generated by Respondent include wastewaters from its bag printing process. These wastes are EP Toxic (Extraction Procedure) for lead and chromium as identified pursuant to 40 CFR 261.24, as adopted by reference in Florida Administrative Code Chapter 17-30.

4. Respondent's operations are described in a Hazardous Waste Compliance Reports dated December 12, 1983, January 30 and May 16, 1985, copies of which are attached and incorporated as Exhibit I.

COUNT I

5. Respondent has violated rules regarding hazardous waste management contained in Florida Administrative Code Chapter 17-30 as set forth in the "Summary of Violations" section of Exhibit I.

COUNT II

6. The hazardous wastes identified in paragraph 5 have discharged to Respondent's industrial wastewater treatment facility, Permit No. IO17-39276.

7. Respondent's industrial wastewater treatment system discharges wastewaters within the limitations of Permit IO17-39276, to Eleven Mile Creek, a Class III surface water of the State and the underlying G-II ground waters of the State.

8. Respondent's Permit IO17-39276 was not valid for the treatment of the hazardous wastes described in Count I.

COUNT III

9. The Department has incurred expenses to date while investigating this matter of not less than \$404.86.

CONCLUSIONS OF LAW

The Department has evaluated the Findings of Fact with regard to the requirements of Chapter 403, Florida Statutes, and Department Rules, and has made the following conclusions of law:

10. Respondent is a person within the meaning of Sections 403.031 and 403.703, Florida Statutes.

11. The provisions of 40 CFR 260.10 and 40 CFR Parts 261 through 265 are adopted by reference in Florida Administrative Code Rules 17-30.02, 17-30.03, 17-30.16, 17-30.17 and 17-30.18.

12. The facts related in Count I constitute a violation of Section 403.727(1), Florida Statutes, which makes it unlawful for a hazardous waste generator, transporter, or facility owner or operator to fail to comply with Department rules concerning hazardous waste management, and a violation of Section 403.722 which makes it unlawful to construct, operate or close a hazardous waste facility without a Department permit.

13. The facts described in Count I constitute a violation of Section 403.087, Florida Statutes which provides that no stationary installation which will reasonably be expected to be a source of air or water pollution shall be operated or maintained without an appropriate Department permit.

14. The facts described in Count II constitute a violation of Permit Condition 2 of IO17-39276 which states that the permit is only valid for the specific processes and operations indicated in the application.

15. The facts described in Counts I and II constitute a violation of Section 403.161(1)(b), Florida Statutes which states it is a violation and is prohibited to fail to obtain any permit, or to violate or fail to comply with any rule, regulation, order, or permit.

16. The costs and expenses related in Count III are reasonable costs and expenses incurred by the State while investigating this matter, which are recoverable pursuant to Section 403.141(1), Florida Statutes.

ORDERS FOR CORRECTIVE ACTION

The Department has alleged that the activities related in the Findings of Fact constitute violations of Florida law. The

Orders for Corrective Action state what you, Respondent, must do in order to correct and redress the violations alleged in this Notice.

The Department will adopt the Orders for Corrective Action as part of its Final Order in this case unless Respondent files a timely petition for a formal hearing or informal proceeding, pursuant to Section 403.121, Florida Statutes and Florida Administrative Code Rule 17-103.110 (see Notice of Rights). If Respondent fails to comply with the corrective actions ordered by the Final Order, the Department is authorized to file suit seeking judicial enforcement of the Department's Order pursuant to Sections 120.69 and 403.061(6), Florida Statutes.

Pursuant to the authority of Section 403.061(8), Florida Statutes, and Florida Administrative Code Rule 17-103.110, the Department proposes to adopt in its Final Order in this case the following specific corrective actions which will redress the alleged violations.

17. Respondent shall upon the effective date of the Final Order cease and desist from any and/or all discharges of wastewater containing hazardous wastes into its wastewater treatment ponds, Permit #IO17-39276.

18. Respondent shall upon the effective date of the Final Order cease from all discharges from its facility to the ground and/or surface waters of the State in excess of the limitations established in Permit IO17-39276 where applicable or Florida Administrative Code Chapters 17-3 and 17-4 standards.

19. Respondent shall implement the preliminary contamination assessment plan (PCAP) in the manner and within the time frames specified in Exhibit II which is attached and incorporated herein.

20. In the event the PCAP set forth in Exhibit II reveals the presence of contaminants in the soil, sediment, surface water and/or ground water in violation of Florida Administrative Code Chapter 17-3; or reveals the presence of contaminants

which may reasonably be expected to cause pollution of the surface and/or ground water of the State in excess of Florida Administrative Code Chapter 17-3 standards, Respondent shall implement the corrective actions in the manner and within the time frames set forth in Exhibit III.

21. Nothing required in these Orders for Corrective Action is meant to prevent Respondent from utilizing the existing ground water monitoring system and/or plan submitted by Respondent in accordance with Florida Administrative Code Rule 17-4.245(6) criteria and approved by Department as set forth in industrial waste Permit IO17-39276. However, Respondent must evaluate the adequacy of the system with respect to the PCAP and CAP requirements and demonstrate such adequacy to the satisfaction of the Department.

22. Should the CAP report conclude that cleanup necessary to meet water quality standards of Florida Administrative Code Chapters 17-3 and 17-4 of the contaminated area is not feasible; or should conditions be encountered or discovered at the site which prevent Respondent from completely implementing the RAP to the satisfaction of the Department, the Department may seek restitution by Respondent for environmental damages resulting from pollution of the ground water as a result of Respondent's actions. Within 20 days of receipt of Department notification of its intent to seek said restitution, Respondent may pay the amount of damages or may, if it so chooses, initiate negotiations with the Department regarding the monetary terms of restitution to the State. Respondent is aware that should a negotiated sum or other compensation for environmental damages not be agreed to by the Department and Respondent within 30 days of receipt of Department notification of its intent to seek restitution, the Department may institute appropriate action, either administrative, through a Notice of Violation, or judicial, in a court of competent jurisdiction

through a civil complaint, to seek to recover Department assessed environmental damages pursuant to Section 403.141, Florida Statutes.

23. Within fifteen (15) days, Respondent shall make payment to the Department for costs and expenses in the amount of \$404.86. Payment shall be made by certified check, cashiers' check or money order to the State of Florida Department of Environmental Regulation Hazardous Waste Trust Fund and remitted to the Northwest District Office, 160 Governmental Center, Pensacola, Florida 32501-5794.

NOTICE OF RIGHTS

24. Respondent has the right to a formal administrative hearing pursuant to Section 120.57(1), Florida Statutes, if Respondent disputes issues of material fact raised by this Notice of Violation and Orders for Corrective Action ("Notice"). At a formal hearing, Respondent will have the opportunity to be represented by counsel, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

25. Respondent has the right to an informal administrative proceeding pursuant to Section 120.57(2), Florida Statutes, if Respondent does not dispute issues of material fact raised by this Notice. If an informal proceeding is held, Respondent will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Department's proposed action or to present a written statement challenging the grounds upon which the Department is justifying its proposed action.

26. Respondent may request an informal conference with the Department pursuant to Florida Administrative Code Rule 17-103.090 in order to resolve this matter promptly and

amicably. Respondent's rights will not be adjudicated at an informal conference, and the right to a formal hearing or informal proceeding will not be affected by requesting and participating in an informal conference.

27. If Respondent desires a formal hearing or an informal proceeding, Respondent must file a written responsive pleading entitled "Petition for Administrative Proceeding" within twenty days of receipt of this Notice. The petition must be in the form required by Florida Administrative Code Title 17 and by Florida Administrative Code Rule 28-5.201. A petition is filed when it is received by the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32301. A petition must specifically request a formal hearing or an informal proceeding, it must admit or deny each Finding of Fact of this Notice, and it must state any defenses upon which Respondent relies. If Respondent lacks knowledge of a particular allegation, Respondent must so state, and that statement will operate as a denial.

28. If Respondent desires an informal conference, Respondent must file a written "Request for Informal Conference" within 10 days of receipt of this Notice. The request must be made to the person indicated on the last page of this Notice. The informal conference will be held within 10 days of receipt of the request. If no resolution of this matter results from the informal conference, Respondent has the right to file a petition for a formal hearing or informal proceeding within ten days of the date the conference was held.

29. Respondent will waive the right to a formal hearing or an informal proceeding if a petition is not filed with the Department within twenty days of receipt of this Notice or within ten days of the date of an informal conference if one is held. These time limits may be varied only by written consent of the Department.

30. The allegations of this Notice will be adopted by the Department in a Final Order if Respondent fails to comply with the Orders for Corrective Action and fails to timely file a petition for a formal hearing or informal proceeding, pursuant to Section 403.121, Florida Statutes, and Florida Administrative Code Rule 17-103.110. A Final Order will constitute a full and final adjudication of the matters alleged in the Notice of Violation and Orders for Corrective Action.

31. If Respondent fails to comply with the Final Order, the Department is authorized to file suit in circuit court seeking a mandatory injunction to compel compliance with the Order, pursuant to Sections 120.69 and 403.131, Florida Statutes. The Department may also seek to recover damages, all costs of litigation including reasonable attorney's fees and expert witness fees, and civil penalties of not more than \$50,000 per day for each day that Respondent has failed to comply with the Final Order.

32. This matter may be resolved if the Department and Respondent enter into a Consent Order, in accordance with Florida Administrative Code Rule 17-103.110(3), upon such terms and conditions as may be mutually agreeable. In this regard, the Department has entered into an agreement with the United States Environmental Protection Agency ("EPA") regarding cases involving violations of hazardous waste rules. The agreement obligates the Department either to seek civil penalties in such cases or to refer them to EPA to collect penalties. The agreement requires the penalties to be computed on the basis of the EPA Resource Conservation and Recovery Act Civil Penalty policy dated May 8, 1984, a copy of which available upon request from the Department. Any settlement between the Department and Respondent concerning the violations set forth herein must include the payment of penalties consistent with this Policy. Should the parties not be able to settle this action, the

Department may voluntarily dismiss this NOV and seek judicial imposition of penalties in circuit court, file a separate and independent action in court for imposition of civil penalties, or refer the violation to EPA.

33. The Department is not barred by the issuance of this Notice from maintaining an independent action in circuit court with respect to the alleged violations. If such action is warranted, the Department may seek injunctive relief, damages, civil penalties of not more than \$50,000 per day, and all costs of litigation.

34. Copies of Department rules referenced in this Notice may be examined at any Department office or may be obtained by written request to the District Manager whose name and address follows.

DATED this _____ day of _____, 1985.

ROBERT V. KRIEDEL
District Manager

160 Governmental Center
Pensacola, Florida 32501-5794
(904) 436-8300

Copies furnished to:
Office of General Counsel

Direct answer and request for an administrative hearing to:

THOMAS MAURER, ESQ.
Office of General Counsel
State of Florida Department
of Environment Regulation
2600 Blair Stone Road
Tallahassee, Florida 32301-8241
904/488-9730

Direct request for an informal conference to:

GEORGE E. HOFFMAN, JR.
District Enforcement Officer
State of Florida Department
of Environmental Regulation
160 Governmental Center
Pensacola, Florida 32501-5794
904/436-8320

JUL 01 1985

NORTHWEST FLORIDA
DER



June 28, 1985

Mr. C. F. Goddard
Florida Dept. of Environmental Regulation
160 Governmental Center
Pensacola, Florida 32501-5794

Champion International Cantonment Bag Plant Compliance

Dear Mr. Goddard:

As Mr. Ed Clem explained in our June 26 meeting in Pensacola and as you and I discussed by phone on June 28, the current washup waters from the Cantonment Bag Plant flexo presses are non-toxic.

At the June 26 meeting we had only a telephone report of results of EP toxicity tests on three samples each of washups from two different inks in current use. The report from the testing lab is attached. Samples 0805-1, 2, and 3 are from a green ink and samples 1201-1, 2, and 3 are from a purple ink. The three separate samples submitted for each ink were identical portions of the same composite washup sample. The test samples were collected on June 7 and the testing completed on June 25.

If you have questions about this information or if you need additional information, please call.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'R. F. Cashen'.

R. F. Cashen
Environmental Engineer

/pw

ROUTING SLIP
NORTHWEST DISTRICT, D E R

To: _____

Copies to: MOODY ✓

Remarks:

ESE

ENVIRONMENTAL SCIENCE
AND ENGINEERING, INC.

ENVIR. ENGR. FILE COPY

11-118-770.000

RECEIVED

JUL 01 1985

NORTHWEST FLORIDA
DER

16-27

June 25, 1985

ESE No. 85402V0470

Mr. Bob Tyree
Champion International
P.O. Box 87
Muscogee Road
Cantonment, Florida 32533

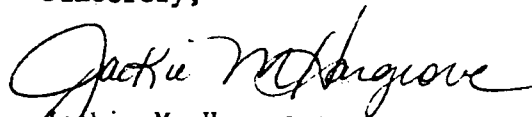
Dear Mr. Tyree:

I have enclosed the results of analysis of the six ink wash-up samples sent to ESE for metal analysis. Samples were collected by your staff on June 7, 1985.

The analysis was performed in accordance with procedures specified in Test Methods for Evaluating Solid Wastes, EPA SW-846, July 1982.

Do not hesitate to call if you have any questions.

Sincerely,


Jackie M. Hargrove
Project Coordinator

JMH:dfc

Enclosure

cc: Mr. Richard Cashin
Champion International
2400 Gulf Life Tower
Jacksonville, FL 32207

Mr. Harold Judd
Champion International
One Champion Plaza
Stanford, CT 06921

RECEIVED

JUN 26 1985

COR. CIVIL ENGINEERING
CIVIL ENGINEERING
CIVIL ENGINEERING

ENVIRONMENTAL SCIENCE AND ENGINEERING

85402470 DATE : 06/25/85

PROJECT: CHAMPION INTERNATIONAL

CLIENT: MR. BOB TYREE

FIELD GROUP: CHI-2 PARAMETERS: ALL

SAMPLES: ALL STATUS: FINAL

SAMPLE NUMBERS

RECEIVED

JUL 01 1985

NORTHWEST FLORIDA
DER

PARAMETERS STORET # 0805-1
525600

DATE METHOD # 06/7/85

TIME 0

ARSENIC, DISS (UG/L) 1000 <2

BARIUM, DISS (UG/L) 1005 525

CADMIUM, DISS (UG/L) 1025 <5.0

CHROMIUM, DISS (UG/L) 1030 660

LEAD, DISS (UG/L) 1049 1080

MERCURY, DISS. (UG/L) 71890 <0.2

SELENIUM, DISS (UG/L) 1145 <4.0

SILVER, DISS (UG/L) 1075 <5.0

ENVIRONMENTAL SCIENCE AND ENGINEERING

85402470 DATE : 06/25/85

PROJECT: CHAMPION INTERNATIONAL

CLIENT: MR. BOB TYPEE

FIELD GROUP: CHI-2 PARAMETERS: ALL

SAMPLES: ALL STATUS: FINAL

SAMPLE NUMBERS

PARAMETERS STORET # 0805-2
525601

RECEIVED

DATE METHOD # 06/7/85

JUL 01 1985

TIME 0

NORTHWEST FLORIDA
DER

ARSENIC, DISS (UG/L)	1000	<2
BARIUM, DISS (UG/L)	1005	1170
CADMIUM, DISS (UG/L)	1025	<5.0
CHROMIUM, DISS (UG/L)	1030	440
LEAD, DISS (UG/L)	1049	1140
MERCURY, DISS. (UG/L)	71890	<0.2
SELENIUM, DISS (UG/L)	1145	<4.0
SILVER, DISS (UG/L)	1075	<5.0

ENVIRONMENTAL SCIENCE AND ENGINEERING

85402470 DATE : 06/25/85

PROJECT: CHAMPION INTERNATIONAL

CLIENT: MR. BOB TYREE

FIELD GROUP: CHI-2 PARAMETERS: ALL

SAMPLES: ALL

STATUS: FINAL

SAMPLE NUMBERS

RECEIVED

PARAMETERS STORET # 0805-3
525602

JUL 01 1985

DATE METHOD # 06/7/85

NORTHWEST FLORIDA
DER

TIME 0

ARSENIC, DISS (UG/L) 1000 <2

0
BARIUM, DISS (UG/L) 1005 660

0
CADMIUM, DISS (UG/L) 1025 <5.0

0
CHROMIUM, DISS (UG/L) 1030 980

0
LEAD, DISS (UG/L) 1049 110

0
MERCURY, DISS. (UG/L) 71890 <0.2

0
SELENIUM, DISS (UG/L) 1145 <4.0

0
SILVER, DISS (UG/L) 1075 <5.0

0

ENVIRONMENTAL SCIENCE AND ENGINEERING

85402470 DATE : 06/25/85

PROJECT: CHAMPION INTERNATIONAL

CLIENT: MR. BOB TYREE

FIELD GROUP: CHI-2 PARAMETERS: ALL

SAMPLES: ALL STATUS: FINAL

SAMPLE NUMBERS

RECEIVED

PARAMETERS STORET # 1201-1
525603

JUL 01 1985

DATE METHOD # 06/7/85

NORTHWEST FLORIDA
DER

TIME 0

ARSENIC, DISS (UG/L) 1000 <2

BARIUM, DISS (UG/L) 1005 1460

CADMIUM, DISS (UG/L) 1025 <5.0

CHROMIUM, DISS (UG/L) 1030 60

LEAD, DISS (UG/L) 1049 <40.0

MERCURY, DISS. (UG/L) 71890 0.8

SELENIUM, DISS (UG/L) 1145 <4.0

SILVER, DISS (UG/L) 1075 <5.0

ENVIRONMENTAL SCIENCE AND ENGINEERING

85402470

DATE : 06/25/85

PROJECT: CHAMPION INTERNATIONAL

CLIENT: MR. BOB TYREE

FIELD GROUP: CHI-2 PARAMETERS: ALL

SAMPLES: ALL

STATUS: FINAL

SAMPLE NUMBERS

RECEIVED

PARAMETERS STORET # 1201-2
525604

JUL 01 1985

DATE METHOD # 06/7/85

NORTHWEST FLORIDA
DER

TIME 0

ARSENIC, DISS (UG/L) 1000 <2

BARIUM, DISS (UG/L) 1005 1630

CADMIUM, DISS (UG/L) 1025 <5.0

CHROMIUM, DISS (UG/L) 1030 40

LEAD, DISS (UG/L) 1049 <40.0

MERCURY, DISS. (UG/L) 71890 <0.2

SELENIUM, DISS (UG/L) 1145 <4.0

SILVER, DISS (UG/L) 1075 <5.0

ENVIRONMENTAL SCIENCE AND ENGINEERING

85402470

DATE : 06/25/85

PROJECT: CHAMPION INTERNATIONAL

CLIENT: MR. BOB TYREE

FIELD GROUP: CHI-2 PARAMETERS: ALL

SAMPLES: ALL

STATUS: FINAL

SAMPLE NUMBERS

PARAMETERS STORET # 1201-3
525605

RECEIVED

DATE METHOD # 06/7/85

JUL 01 1985

NORTHWEST FLORIDA
DER

TIME 0

ARSENIC, DISS (UG/L) 1000 <2

BARIUM, DISS (UG/L) 1005 1260

CADMIUM, DISS (UG/L) 1025 <5.0

CHROMIUM, DISS (UG/L) 1030 20

LEAD, DISS (UG/L) 1049 <40.0

MERCURY, DISS. (UG/L) 71850 0.3

SELENIUM, DISS (UG/L) 1145 <4.0

SILVER, DISS (UG/L) 1075 <5.0

INTEROFFICE MEMORANDUM

Routing To District Offices To Other Than The Addressee		
To: _____	Locn.: _____	
To: _____	Locn.: _____	
To: _____	Locn.: _____	
From: _____	Date: _____	
Reply Optional []	Reply Required []	Info. Only []
Date Due: _____	Date Due: _____	

TO : File

FROM : Charles Goddard *Ch*

DATE : July 2, 1985

SUBJECT: Champion International
Hazardous Waste Meeting

On June 26, 1985, representatives of Champion International met with the Department to discuss a resolution to the Department's May 23, 1985 Warning Notice. A copy of the attendee sheet is attached.

Bob Kriegel opened the meeting and generally reviewed the series of events preceeding the meeting, that being:

December 1983 - The Department conducted an initial HW determination and advised St. Regis of the requirement to conduct a hazardous waste determination on its printing ink wastewaters.

August 1984 - St. Regis responded by submitting manufacturers data sheets. No hazardous waste determination was conducted.

January 1985 - The Department reinspects St. Regis (Champion) and cites Champion for violation of failing to conduct hazardous determination. Also training violations were noted.

February 1985 - The Department sent Champion a Warning Notice requesting that they correct various personnel training problems and conduct a hazardous waste determination.

March 1985 - Champion requests additional time to do test.

April 1985 - Champion submits test results which reveals the wastewaters are EP Toxic hazardous wastes for chromium and lead.

May 1985 - Additional inspection reveals that these hazardous wastes are being treated, stored and/or disposed without proper permit. A Warning Notice was sent advising an administrative action requiring a penalty settlement would be forthcoming.

June 1985 - Champion requests meeting.

Rick Singer reviewed the test results which reveal concentrations of lead in some instances as high as 162,053 ppm and chromium as high

as 14,000 ppm. Rick advised that the wash waters resulting from the use of ink #SVM 4362-H exceeded the EP toxicity limits for both lead (224 mg/l) and chromium (15.3 mg/l). The wash waters are discharged to Champion's industrial wastewater treatment plant.

At this point, Mr. Ed Clem advised that the meteor inks on two presses are cased inks and do not get into the ink wash up system. He further reviewed the status of their corporation and current activity as follows:

For the past year and a half, St. Regis has gone through numerous battles with various companies seeking to purchase their plant. Their activities were somewhat diverted from day to day responsibilities. Further, the bag plant production line which manufactures multiwalled bags used in bagging cement, mulch, lime, lawn products, etc. has been dwindling because of plastics. The bag plant itself changed managers three times with Steve Oldham being its current manager. He advised that their company does not condone not following up on hazardous waste issues and could only surmise that it was unintentional.

Mr. Clem advised that as a result of our recent hazardous waste inspection they immediately took action by systematically reducing the high lead inks. They currently are not in use. Also, they are using an ALAR unit, package treatment facility, to remove, precipitate out and pretreat wash waters prior to discharging to their IW holding ponds. Bob Kriegel advised that this may require an IW permit modification. Dick Cashen advised that the system involved utilizing coagulation, precipitation and carbon filter. He further stated its sludges pass EP Toxic tests.

Mr. Clem advised that samples of the sludges in their holding pond were not EP Toxic and also the sludges going to the landfill (N. U.S. 29 sludge site) were not EP Toxic. I advised that they had submitted a closure plan for the landfill which was currently being reviewed in-house.

At this point I passed out typical NOV exhibits addressing a preliminary contamination assessment plan and report, a contamination assessment plan and a remedial action plan. I reviewed briefly their content and scope and advised that our proposed NOV would include language similar to these exhibits and also would address any surface water concerns the Department has for Eleven Mile Creek.

George Hoffman reviewed the EPA/DER penalty matrix and settlement policy. He advised that our committee had reviewed the guidelines and tabulated a figure ranging from \$32,000 - 45,000. We provided Mr. Clem with a copy of rationale for a Class I violation.

It was agreed we would provide Mr. Clem with some specific rationale for the assessment and would also allow him to review the draft NOV prior to its issuance. The draft NOV will be ready by July 3, 1985.

CFG:cgd

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION
Northwest District
160 Governmental Center
Pensacola, Florida 32501

CONFERENCE

SUBJECT CHAMPION PAPER

DATE JUNE 26, 1985

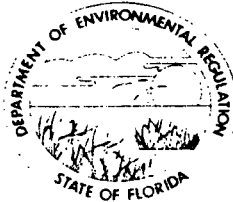
DER Representative _____

NAME (Please Print)	TITLE/AFFILIATION/ADDRESS	TELEPHONE NUMBER
GEORGE E. HOFFMAN	DER ENF.	436-8320
BILL KELLENBERGER	DER PERMITTING	436-8360
Clare E. Gray	DER-OGC Tallahassee	904/488-9730
RICHARD F. CASHEN	CHAMPION JACKSONVILLE	596-5741
EDWARD O. CLEM	DIRECTOR, ENVIR. AFFAIRS CHAMPION INTL.	203/358-7847
Charles F. Goddard	DER ENF.	904 436-8320
STEPHEN BAISDEN	DER IW COMPLIANCE	904 436-8360
Richard A. Singer	DER H.W. permitting	904-436-8360
Bob Kreeger	Wetlands DER	904-436-8300
J.D. BROWN	REGIONAL ENVIRONMENTAL AGENCY	904-1222

SUMMARY:

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

TWIN TOWERS OFFICE BUILDING
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32301-8241



BOB GRAHAM
GOVERNOR
VICTORIA J. TSCHINKEL
SECRETARY

RECEIVED

June 26, 1985

JUN 28 1985

NORTHWEST FLORIDA
DER

H. R. Emery
Environmental Engineering
Department Manager
St. Regis Paper Company
Gulf Life Tower
Jacksonville, Florida 32207

champion
called Mary Wilson
3 July
B.H.K.

Dear Mr. Emery:

In 1983 this agency contacted St. Regis Paper Company about the activities involving hazardous waste disposal being conducted by your neighbor, Earl G. Dubose, in Cantonment, Florida. As you will recall, Mr. Dubose was believed to be burying hazardous wastes on his property and in so doing had also buried wastes on your adjoining property. By letter of March 8, 1983, you offered a proposal concerning site assessment which was unacceptable to the Department as explained in Mr. Robert Kriegel's letter to you dated April 4, 1983. Mr. Kriegel in his letter also advised you that the Department needed from St. Regis an expression of willingness to share in site restoration. The Department received no response from you to that letter.

In May of 1983 the Department filed suit against Mr. and Mrs. Dubose. Subsequently the Department was granted injunctive relief by the court which allowed the Department to go onto the property to conduct a contamination assessment. The assessment showed that the soils, groundwater and surface water at the Dubose site are contaminated with a variety of hazardous wastes and substances, and confirmed that drums had been buried on both your property and Mr. Dubose's property.

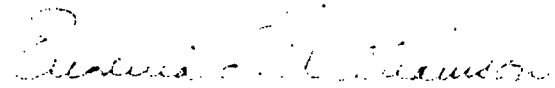
Following the preliminary contamination assessment, the site was stabilized by excavating the contaminated soils and storing them in a lined vault on site, pending determination of the best way in which to dispose of the soils. The drums were also removed and disposed of by Mr. Dubose at an approved hazardous waste landfill.

H. R. Emery
June 26, 1985
Page Two

The Department is now in the process of identifying and contacting all potentially responsible parties (PRP's) to advise them of their liability and to give them an opportunity to participate in the remedial investigation and feasibility study and the clean-up at the site as an alternative to litigation. PRP's include anyone who may have statutory liability to reimburse the Department for expenditures to remedy conditions at the site; specifically in this case, generators and transporters of the substances which were disposed of at the site, and owners of the hazardous waste facility. It is the Department's position that St. Regis is part owner of this hazardous waste facility because it held title to a portion of a site where hazardous waste was disposed of. See Section 403.703(22), Florida Statutes; 40 CFR 260.10; Sections 403.727(1)(d) and 403.727(4)(b), Florida Statutes.

The generators who were initially identified have formed a committee to gather information about the site and to propose plans for a remedial investigation and feasibility study. The Department is requesting that you notify it within 14 days of the date of this letter whether you are willing to negotiate with the Department and the other PRP's regarding assessment and clean-up of this site as an alternative to litigation.

Sincerely,



Eugenia L. Williamson
Deputy General Counsel

ELW/mlw

cc: Robert V. Kriegel
Patricia Dugan
Theodore Craver, Esq.
Linda Baggett, Esq.
Joe J. Harrell, Esq.
Mark Proctor, Esq.
Nixon Daniel, III, Esq.

RECEIVED

JUN 20 1985

NORTHWEST FLORIDA
DEROFFICE OF GENERAL COUNSEL
NOTIFICATION OF CASE ASSIGNMENT/TRACKING SYSTEM ENTRYASSIGNMENT DATE: 6/18/85

REASSIGNMENT DATE: _____

OGC FILE NO.: 85-0619

TO: TOM MAURER
THROUGH:
FROM: DAN THOMPSON

THE BELOW REFERENCED CASE HAS BEEN ASSIGNED/REASSIGNED TO YOU.
PLEASE HANDLE. ALL FURTHER INQUIRIES FROM DEPARTMENT STAFF WILL
BE DIRECTED TO YOU.

cc: District Manager
Diane Nelson
Lowell Carter

CASE NAME: DER vs. CHAMPION INTERNATIONAL CORP.,PROGRAM: HW/GW MODE: EDISTRICT: NWD COUNTY: Escambia

PERMIT/APPLICATION #: _____

Petition for Administrative Hearing Recv'd: _____

Request for Extension of Time to File Petition
for Administrative Hearing Received: _____

Draft Consent Order Received: _____

Draft N.O.V. Received: 6/17/85

Case Report Received: _____

Revised February 1985

POOR ORIGINAL

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION



NORTHWEST DISTRICT

160 GOVERNMENTAL CENTER
PENSACOLA, FLORIDA 32501-5794

BOB GRAHAM
GOVERNOR

VICTORIA J. TSCHINKEL
SECRETARY

ROBERT V. KRIEGL
DISTRICT MANAGER

June 6, 1985

Mr. Ed Clem
Director of Environmental Affairs
Champion International
1 Champion Plaza
Stamford, Connecticut 06921

Dear Mr. Clem:

As discussed with Mr. Charles Goddard of this office this date, this letter will confirm our meeting date of June 26, 1985 at 9:30 a.m. The meeting will be held in the Department's second floor conference room at the Chappie James Building located at 160 Government Street, Pensacola, Florida.

If you should have any further questions regarding this matter, please feel free to contact Mr. Goddard at (904) 436-8320.

Sincerely,



George E. Hoffman, Jr.
District Enforcement Officer

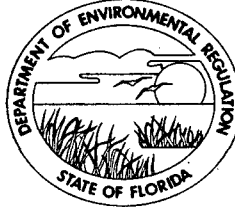
GEH:cgd

cc: Tom Maurer, Esq., DER
Steve Oldham, Champion
M. T. Still, Champion

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

NORTHWEST DISTRICT

160 GOVERNMENTAL CENTER
PENSACOLA, FLORIDA 32501-5794



BOB GRAHAM
GOVERNOR

VICTORIA J. TSCHINKEL
SECRETARY

ROBERT V. KRIEGLER
DISTRICT MANAGER

June 5, 1985

Ms. Lee Rettig, Esq.
Champion International
1 Champion Plaza
Stamford, Connecticut 06921

Dear Ms. Rettig:

As discussed with Mr. Charles Goddard of this office on June 3, 1985, I have attached a copy of the Department's Warning to Champion International and the EPA/DER penalty matrix which will be utilized in determining a settlement for the referenced violations.

It is requested that representatives of Champion contact the Department upon receipt of this letter to arrange a meeting to discuss a settlement to the violations.

It is our intent to initiate an administrative action in this regard to enforce the requirements of Chapter 403, Florida Statutes. However, execution of a mutual consent agreement will terminate any such proceedings.

In the event you should have any questions regarding this matter, please feel free to contact Mr. Goddard at (904) 436-8320.

Sincerely,

George E. Hoffman, Jr.
District Enforcement Officer

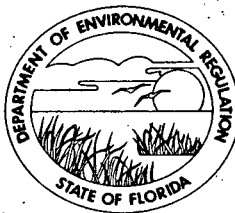
GEH:cgd

cc: M. T. Still
Steve Oldham
Dick Wigger

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

NORTHWEST DISTRICT

160 GOVERNMENTAL CENTER
PENSACOLA, FLORIDA 32501-5794



BOB GRAHAM
GOVERNOR

VICTORIA J. TSCHINKEL
SECRETARY

ROBERT V. KRIEGLER
DISTRICT MANAGER

May 23, 1985

WARNING NOTICE
NWHW 17-1060

CERTIFIED RETURN
RECEIPT REQUESTED

Mr. Steve Oldham
Plant Manager
Champion International Corporation
P. O. Box 87
Cantonment, Florida 32533

Dear Mr. Oldham:

During January 1985, the Department conducted a hazardous waste compliance inspection at the Champion bag plant, a function of Champion International Corporation situated in Cantonment, Florida. As a result of this inspection, you were requested to conduct tests to determine if your wastes are hazardous. The test results and subsequent inspection of this facility on May 16, 1985 revealed that hazardous wastes are being generated and discharged to your industrial wastewater treatment facility. It was further noted that you have initiated construction of a system to treat your wash waters. This activity may require a hazardous waste construction permit.

The referenced activities constitute specific violations of the Florida Administrative Code Rules and States which are referenced below for your review:

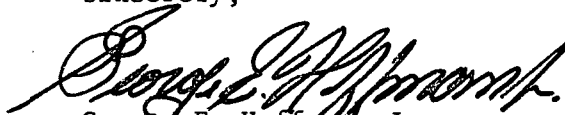
<u>Violation</u>	<u>Rule/Statute</u>
Champion is storing, treating and disposing of hazardous waste without a current and valid permit issued by the Department.	Section 403.722, FS FAC Rule 17-30.18
It is a violation of Chapter 403 and is prohibited to fail to comply with the requirements and/or rules of the Department adopted pursuant to its lawful authority.	Section 403.161(1)(b), FS

It is the intent of the Department to initiate an administrative action against you to enforce the provision of Chapter 403, Florida Statutes. This action will require a settlement for the violations as set forth in the joint EPA/DER RCRA hazardous waste agreement.

In the interim, it is requested that you contact the Department within five (5) days of receipt of this letter regarding the permitting issues surrounding the construction of the wash water treatment system.

In the event you should have any questions regarding this matter, please feel free to contact Mr. Charles Goddard of this office at 436-8320.

Sincerely,

A handwritten signature in cursive script, appearing to read "George E. Hoffman, Jr.", is written over the typed name.

George E. Hoffman, Jr.
District Enforcement Officer

GEH:cgd

Attach: Inspection Report

cc: Tom Maurer, Esq., DER