BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Ahlstrom West Carrollton, LLC	:	**Director's Final Findings**
1 South Elm Street	:	**and Orders**
P.O. Box 49098	:	
West Carrollton, OH 45449	:	
Respondent		

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Ahlstrom West Carrollton, LLC ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 6111.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 6111 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has made the following findings:

1. Respondent produces vegetable parchment and other waxed papers at its facility located at 1 South Elm Street, West Carrollton, Ohio in Montgomery County, Ohio ("the Facility.") The Facility discharges to Owl Creek at river mile 0.37, which is tributary to the Great Miami River. The Facility was previously owned by the West Carrollton Parchment Company, but was purchased as part of a merger by Respondent with West Carrollton Parchment on February 1, 2008.

2. Owl Creek and the Great Miami River constitute "waters of the state" as defined in ORC 6111.01

3. The Facility had been issued a National Pollutant Discharge Elimination System ("NPDES") permit (1IA00010*ID) with an effective date of August 1, 2003 and an expiration date of June 30, 2007. A Fact Sheet for the NPDES permit was developed by Ohio EPA and public noticed on May 13, 2003. However, on December 8, 2006, Ohio EPA did receive an NPDES permit application for renewal of the NPDES permit by Respondent. The permit has not been renewed because Respondent is not in compliance with the permit.

4. The NPDES permit effluent limits for Total Dissolved Solids and Copper were erroneously calculated by Ohio EPA based on warm water habitat water quality criteria applied to Owl Creek. Rather, the error occurred due to having another Owl Creek in the Great Miami River watershed in Hamilton County designated as a warm water habitat. The Owl Creek that flows through West Carrollton in Montgomery County is designated as a limited resource water as set forth in Ohio Administrative Code ("OAC") 3745-1-5.

5. Taking into account the recalculation of effluent limits for Owl Creek based upon its designation as a limited resource water, Respondent has violated the final effluent limits of its NPDES Permit for the Facility on numerous occasions. The effluent violations are set forth in Attachment A, which is hereby incorporated into these Findings and Orders. Each violation constitutes a separate violation of ORC §§ 6111.04 and 6111.07.

6. In addition, Respondent has failed to follow the monitoring frequency requirements of its NPDES on the dates set forth in Attachment A. Each violation constitutes a separate violation of ORC §§ 6111.04 and 6111.07.

Compliance Schedule Violations

7. Part I, C of Respondent's NPDES permit contains a Schedule of Compliance for Industrial Whole Effluent Toxicity ("WET") Limits. According to the Schedule of Compliance, Respondent was required to initiate a Toxicity Identification Evaluation and Reduction Plan ("TRE") in order to meet the WET limits of 1.0 TUa for Acute Toxicity. By August 1, 2005, Respondent was to attain consistent compliance with the final WET limit of 1.0 TUa at outfall 1IA00010001. To date, a TRE plan has never been submitted.

8. Respondent has exceeded the 1.0 TUa toxicity limit on the dates set forth in Attachment A.

9. Part II, Section E, of the NPDES permit Schedule of Compliance required that pH values outside the required range not exceed 7 hours 26 minutes in a calendar month, and no individual excursion from the required pH range could exceed 60 minutes.

10. Respondent reported one pH excursion lasting longer than 60 minutes on both February 10, 2005 and one monthly pH excursion exceeding the 7 hour 26 minute limit for August 2005.

Free From Violations

11. Pursuant to OAC Rule 3745-1-04(A) all surface waters of the state shall be free from suspended solids or other substances that enter the waters as a result of human activity and that will settle to form putrescent or otherwise objectionable sludge deposits, or that will adversely affect aquatic life.

12. Pursuant to OAC Rule 3745-1-04(C) all surface waters of the state shall be free from materials entering the waters as a result of human activity producing color, odor or other conditions in such a degree as to create a nuisance.

13. Pursuant to OAC Rule 3745-1-04(E) all surface waters of the state shall be free from nutrients entering the waters as a result of human activity in concentrations that create nuisance growths of aquatic weeds and algae.

14. On October 5, 2005, September 21, 2006, August 17, 2007, and July 8, 2008, Ohio EPA inspected Owl Creek downstream of Respondent's outfall. On each occasion, Ohio EPA documented excessive growth of fungus and/or bacteria to the point that this excessive growth would negatively affect aquatic life.

15. Part I, No. 2 of the NPDES permit Schedule of Compliance required Respondent to submit an evaluation report by February 1, 2004 regarding the impact of solids and color of Respondent's effluent and its effect on Owl Creek. The evaluation was to include possible treatment options to reduce or eliminate solids and color from the receiving stream. An evaluation report was submitted by Respondent on March 8, 2005. Although the report identified the type of growth, Respondent has not provided options to control this growth. As noted in the July 8, 2008 inspection report from Ohio EPA, the fungal growth continues to be prevalent.

16. Pursuant to R.C. § 6111.04(C), no person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit.

17. Pursuant to R.C. § 6111.07(A), no person shall violate or fail to perform any duty imposed by R.C. §§ 6111.01 to 6111.08 or violate any order, rule, or term or condition of a permit issued or adopted by the Director of Ohio EPA pursuant to those sections. Each day of violation is a separate offense.

18. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the state to be derived from such compliance in accomplishing the purposes of ORC Chapter 6111.

V. ORDERS

1. Respondent shall do the following as expeditiously as practicable, but not later than the milestone dates of the following compliance schedule for the Facility:

2. Within 1 month of the effective date of these orders, Respondent shall submit an updated NPDES renewal application which includes the company's production rates, flow rate for pollutant loading calculations and antidegradation addendum.

3. Respondent shall continue to meet the monthly average wasteload allocation criteria for Total Dissolved Solids of 2907 mg/l in their discharge at outfall 001. This requirement will be superseded by any new limit established for Total Dissolved Solids or Total Filterable Residue in the renewal of Respondent's NPDES permit.

4. Within 3 months of the effective date of these Orders, Respondent shall submit a complete Toxicity Identification and Reduction Plan to Ohio EPA for approval in order to meet the WET limits of 1.0 TUa at outfall 001. The Plan must include the designated laboratory's Standard Operating Procedures for conducting TIE/TRE studies. The Plan shall identify a trigger of 1.0 TUa or less for initiating the TIE/TRE studies on a confirmed result of acute toxicity measured on effluent at outfall 001.

5. Within 4 months of when Respondent initiates a TIE/TRE plan on confirmed results of acute toxicity of respondent's effluent, Respondent

shall submit a final report on the TIE/TRE study conducted on the triggered sampling event. The final report shall include the laboratory documentation of data, results and conclusions. The final report shall also describe the Respondent's plan of action to reduce toxicity in the effluent of outfall 001.

6. Within 15 months of the determination of the cause of the toxicity as discussed in the final report submitted under Order 5, Respondent shall complete construction of all necessary changes to its manufacturing process or wastewater treatment system to meet the WET limit of 1.0 TUa and maintain consistent compliance with that limit.

7. If the renewal of Respondent's NPDES permit includes any new WET limit different from the current limit of 1.0TUa, the new limit in Respondent's NPDES permit shall supercede the WET limit of 1.0 TUa as set forth in Orders 4, 5 and 6.

8. As an addendum to the study submitted to Ohio EPA dated January 2010, Respondent shall submit an additional report evaluating Respondent's effluent to Owl Creek. The report should maintain a focus on the previously identified fungus and bacteria set forth in both the March 8, 2005 report submitted to Ohio EPA as well as the January 2010 report, while examining the lifecycle of each fungus and bacteria and attempting to identify what possible food sources may be emanating from Ahlstrom's discharge that could be exacerbating their normal growth pattern in nature. If it is determined that Ahlstrom's discharge is exacerbating conditions of excessive fungal or bacterial growth in Owl Creek, the report should discuss implementation of measures that can be used to control or reduce the components in the Ahlstrom discharge causing such exacerbation. These measures may entail additional treatment options, process changes, or additional studies to focus on the fungal/bacterial growth to determine ways to inhibit the growth in the stream without any detrimental effects to the creek.

9. Within 30 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of seventeen thousand five hundred dollars ($17,500.00) in settlement of Ohio EPA's claims for civil penalties for the Facility, which may be assessed pursuant to R.C. Chapter 6111. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for $14,000.00 of the total amount and shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent and the Site. A copy of the check shall be sent to the Ohio EPA, Southwest District Office at the following address:

Ohio EPA, Southwest District Office
Attn: DSW Enforcement Unit Supervisor
401 East Fifth Street
Dayton, Ohio 45402

10. In lieu of paying the remaining $3,500.00 of the civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project by making a contribution in this amount to the Ohio EPA Clean Diesel School Bus Program. Specifically, within thirty (30) days after the effective date of these Orders, Respondent shall deliver an official check in the amount of $3,500.00 and made payable to "Treasurer, State of Ohio." The official check and a cover letter identifying the Respondent shall reference the Ohio EPA Clean Diesel School Bus Program and shall be submitted to Brenda Case, or her successor at:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

A copy of this check shall be sent to Mark Mann, Enforcement Manager, or his successor, at the following address:

Ohio EPA
Division of Surface Water
P.O. Box 1049
Columbus, Ohio 43216-1049

11. Should Respondent fail to fund the SEP within the required timeframe in Order No. 10, Respondent shall pay to Ohio EPA the full $17,500.00 civil penalty in accordance with the procedures in Order No. 9.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certify in writing and demonstrate to the satisfaction of Ohio EPA that Respondent have performed all obligations under these Orders and the Chief of Ohio EPA's Division of Surface Water acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of the Respondent. For purposes of these Orders, a responsible official is as defined in OAC rule 3745-33-03.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to activities occurring on or at the Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Southwest District Office
Division of Surface Water
ATTN: DSW Enforcement Unit Supervisor
401 East Fifth Street
Dayton, Ohio 45402

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Surface Water

ATTN: Manager, Storm water and Enforcement Section
50 West Town Street, P.O. Box 1049
Columbus, Ohio 43215

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consent to the issuance of these Orders and agree to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent' liability for the violations specifically cited herein.

Respondent hereby waive the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waive any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Chris Korleski
Director

12/20/10
Date

IT IS SO AGREED:

Ahlstrom West Carrollton, LLC

Signature

11/23/2010
Date

Leonard M Levy
Printed Name

Plant Manager
Title

Attachment A

PERMIT VIOLATIONS FOR OUTFALL 1IA00010 001

EFFLUENT LIMIT EXCEEDANCES AT OUTFALL 001 FROM FEB 2005 – JUNE 2008

Parameter	Date	Permit Limit	Value Reported
Nitrogen, Ammonia (monthly average)	July, 2005	8.47 kg/day	8.53 kg/day
pH excursions	August, 2005	7 hrs, 26 min.	8 hrs, 25 min.
Residue, Total Dissolved (monthly average)	August 2005	1500 mg/l 3974 kg/day	2880 mg/l 9058 kg/day*
Residue, Total Dissolved (monthly average)	Sept. 2005	1500 mg/l 3974 kg/day	3080 mg/l 12637 kg/day*
Residue, Total Dissolved (monthly average)	Oct. 2005	1500 mg/l 3974 kg/day	2750 mg/l 11168 kg/day*
Residue, Total Dissolved (monthly average)	Nov. 2005	1500 mg/l 3974 kg/day	2840 mg/l 10792 kg/day*
Residue, Total Dissolved (monthly average)	Jan. 2006	1500 mg/l 3974 kg/day	2010 mg/l 7356 kg/day*
Acute Toxicity, c. dubia	Jan. 16, 2006	1.0 TUa	2.0 TUa
Acute Toxicity, c. dubia	Feb. 10, 2006	1.0 TUa	2.0 TUa
Residue, Total Dissolved (monthly average)	March 2006	1500 mg/l 3974 kg/day	2650 mg/l 10018 kg/day*
Residue, Total Dissolved (monthly average)	April 2006	1500 mg/l 3974 kg/day	2490 mg/l 8736 kg/day*
Residue, Total Dissolved (monthly average)	May 2006	1500 mg/l 3974 kg/day	3110 mg/l 9699 kg/day*
Residue, Total Dissolved (monthly average)	June 2006	1500 mg/l 3974 kg/day	2290 mg/l 7350 kg/day*
Residue, Total Dissolved (monthly average)	July 2006	1500 mg/l 3974 kg/day	2250 mg/l 6923 kg/day*

Parameter	Date	Permit Limit	Value Reported
Residue, Total Dissolved (monthly average)	Aug. 2006	1500 mg/l 3974 kg/day	2690 mg/l 8287 kg/day
Copper, Total Recov. (monthly average)	Aug. 2006	0.066 kg/day	0.067 kg/day
Copper, Total Recov. (daily max.)	Aug. 9, 2006	42 ug/l 0.1113 kg/day	44 ug/l 0.1355 kg/day
Residue, Total Dissolved (monthly average)	Sept. 2006	1500 mg/l	2260 mg/l
Residue, Total Dissolved (monthly average)	Oct. 2006	1500 mg/l 3974 kg/day	2280 mg/l 6860 kg/day
Residue, Total Dissolved (monthly average)	Nov. 2006	1500 mg/l 3974 kg/day	3320 mg/l 10279 kg/day
Residue, Total Dissolved (monthly average)	Dec. 2006	1500 mg/l 3974 kg/day	3300 mg/l 10766 kg/day
Residue, Total Dissolved (monthly average)	Jan. 2007	1500 mg/l 3974 kg/day	2590 mg/l 10430 kg/day
Residue, Total Dissolved (monthly average)	Feb. 2007	3974 kg/day	5611 kg/day
Residue, Total Dissolved (monthly average)	Mar. 2007	1500 mg/l 3974 kg/day	2830 mg/l 11311 kg/day
Residue, Total Dissolved (monthly average)	May 2007	1500 mg/l 3974 kg/day	2810 mg/l 9784 kg/day
Residue, Total Dissolved (monthly average)	Jun. 2007	1500 mg/l 3974 kg/day	2360 mg/l 5529 kg/day
Copper, Total Recov. (daily max.)	July 12, 2007	0.1113 kg/day	0.12201 kg/day
Copper, Total Recov. (monthly average)	July 2007	25 ug/l 0.066 kg/day	36.3 ug/l 0.1220 kg/day
Residue, Total Dissolved (monthly average)	July 2007	1500 mg/l 3974 kg/day	1650 mg/l 5545 kg/day

Parameter	Date	Permit Limit	Value Reported
Residue, Total Dissolved (monthly average)	Aug. 2007	1500 mg/l 3974 kg/day	3060 mg/l 9960 kg/day
Residue, Total Dissolved (monthly average)	Sept. 2007	1500 mg/l 3974 kg/day	2800 mg/l 10131 kg/day
Residue, Total Dissolved (monthly average)	Oct. 2007	1500 mg/l 3974 kg/day	3210 mg/l 11481 kg/day
Residue, Total Diss.Nov. 2007 (monthly average)		1500 mg/l 3974 kg/day	3740 mg/l 13278 kg/day
Residue, Total Dissolved (monthly average)	Dec. 2007	1500 mg/l 3974 kg/day	2760 mg/l 11062 kg/day
Residue, Total Dissolved (monthly average)	Jan. 2008	1500 mg/l 3974 kg/day	2700 mg/l 10423 kg/day
Copper, Total Recov. (monthly average)	Jan. 2008	25 ug/l 0.066 kg/day	28.9 ug/l 0.1115 kg/day

Residue, Total Dissolved (monthly average)	Aug. 2007	1500 mg/l 3974 kg/day	3060 mg/l 9960 kg/day*
Residue, Total Dissolved (monthly average)	Sep. 2007	1500 mg/l 3974 kg/day	2800 mg/l 10131 kg/day*
Residue, Total Dissolved (monthly average)	Oct. 2007	1500 mg/l 3974 kg/day	3210 mg/l 11481 kg/day*
Residue, Total Dissolved (monthly average)	Nov. 2007	1500 mg/l 3974 kg/day	3740 mg/l 13278 kg/day*
Residue, Total Dissolved (monthly average)	Dec. 2007	1500 mg/l 3974 kg/day	2760 mg/l 11062 kg/day*
Residue, Total Dissolved (monthly average)	Jan. 2008	1500 mg/l 3974 kg/day	2700 mg/l 10423 kg/day
Residue, Total Dissolved (monthly average)	Feb. 2008	1500 mg/l 3974 kg/day	2800 mg/l 10163 kg/day*
Acute Toxicity, c. dubia	Feb. 14, 2008	1.0 TUa	1.1 TUa

Residue, Total Dissolved (monthly average)	Mar. 2008	1500 mg/l 3974 kg/day	3040 mg/l 8767 kg/day*
Residue, Total Dissolved (monthly average)	Apr. 2008	1500 mg/l 3974 kg/day	2760 mg/l 95481 kg/day*
Copper, Total Recov.	Apr. 2008	0.066 kg/day	0.35979 kg/day*

MONITORING FREQUENCY VIOLATIONS

Parameter	Date	Permit Limit	Value Reported
Water Temp. Residue, T. Dis.	Feb. 2004	1/month	0
Water Temp. Residue, T. Dis.	Mar. 2004	1/month	0
Water Temp. Residue, T. Dis.	Apr. 2004	1/month	0
Total Sus. Solids	Apr. 1 2004	2/week	0
Water Temp. Residue, T. Dis.	May 2004	1/month	0
Water Temp. Residue, T. Dis.	Jun. 2004	1/month	0
Water Temp. Residue, T. Dis.	July 2004	1/month	0
Total Sus. Solids	July 1, 2004	2/week	0
Residue, T. Dis.	Aug. 2004	1/month	0
Residue, T. Dis.	Oct. 2004	1/month	0
Residue, T. Dis.	Nov. 2004	1/month	0
Total Sus. Solids	Mar. 15, 2005	2/week	1
Total Sus. Solids	July 1, 2005	2/week	0

Total Sus. Solids	Dec 22, 2005	2/week	0
Nitrogen, Ammonia Oil & Grease Residue, T. Dis. Barium, T. Rec. Strontium, T. Rec. Cyanide, Free COD, BOD Copper, T. Rec.	Feb. 2006	1/month	0

Parameter	Date	Permit Limit	Value Reported
Total Sus. Sol.	July 1, 2006	2/week	0
Total Sus. Sol.	Dec. 22, 2006	2/week	0
Total Sus. Sol.	July 1, 2007	2/week	0
Total Sus. Sol.	Nov. 22, 2007	2/week	1
Total Sus. Sol.	Dec. 22, 2007	2/week	0