



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049  
Columbus, OH 43216-1049

**CERTIFIED MAIL**

April 9, 2008

John R. Blind  
P.H. Glatfelter Company  
96 South George St., Suite 420  
York, PA 17401 - 1434

And

Gregory A. Hadley  
NewPage Corporation  
8540 Gander Creek Dr.  
Miamisburg, OH 45342

RE: Director's Final Findings & Orders  
P.H. Glatfelter Company and NewPage Corporation  
US EPA ID No.: OHD 046428363

Dear Messrs. Blind and Hadley:

Here are the Director's Final Findings and Orders (Orders) issued to P.H. Glatfelter Company and NewPage Corporation on April 9, 2008. These Orders are effective today.

I have also enclosed an invoice for the penalty payments as required by Order No. 1. Please remember that your payment is due no later than May 9, 2008.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Dave Chenault at (740) 380-5292

Sincerely,

David A. Sholtis, Assistant Chief  
Division of Hazardous Waste Management

cc: Michael A. Savage, Chief, DHWM  
Harry Sarvis, Mgr., CAS, DHWM  
Todd Anderson, Legal  
Heidi Griessmer, PIC  
Dave Chenault Mgr., DHWM, SEDO

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director



OHIO E.P.A.

APR -9 2008

ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

P.H. Glatfelter Company  
96 South George Street, Suite 420  
York, Pennsylvania 17401-1434

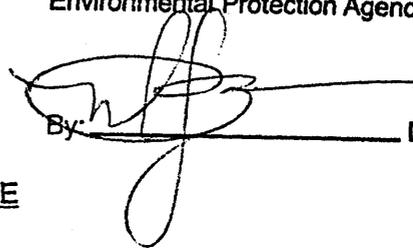
and

NewPage Corporation  
8540 Gander Creek Drive  
Miamisburg, Ohio 45342

Respondents

Director's Final  
Findings and Orders

I certify this to be a true and accurate copy of the  
official documents as filed in the records of the Ohio  
Environmental Protection Agency.

By:  Date: 4-9-08

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to P.H. Glatfelter Company and NewPage Corporation (Respondents) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.13 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondents and successors in interest liable under Ohio law. No change in ownership of the Respondents or of the Facility shall in any way alter Respondents' obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the rules promulgated thereunder.

#### IV. FINDINGS

All of the findings necessary for the issuance of these Orders pursuant to ORC Sections 3734.13 and 3745.01 have been made and are outlined below. Nothing in the findings shall be considered to be an admission by Respondents of any matter of law or fact. The Director of Ohio EPA has determined the following findings:

1. Respondent Glatfelter owns and operates a business located at 401 S. Paint St., Chillicothe, Ross County, Ohio (Facility). Respondent NewPage formerly owned and operated the Facility.
2. Respondents are each a "person" as defined in ORC § 3734 01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).
3. In early 2006, Respondent Glatfelter purchased the Facility from Respondent NewPage. Respondent NewPage had previously purchased the Facility from MW Custom Papers, LLC on or about May 2, 2005. At the Facility, MW Custom Papers, LLC generated "hazardous waste" as that term is defined by ORC § 3734.01(J) and OAC rules 3745-50-10(A) and 3745-51-03 and was identified as a small quantity generator of hazardous waste.
4. On April 7, 8, 14 and May 16, 2005, Ohio EPA conducted a compliance evaluation inspection at Vexor Technology, Inc. located at 955 West Smith Road, Medina, Ohio. (Vexor). As a result of this inspection, Ohio EPA determined that MW Custom Papers, LLC had, on March 4, 2005, transported or caused to be transported two containers of corrosive hazardous waste (D002) to Vexor. Vexor does not hold a hazardous waste facility installation and operation permit issued in accordance with ORC Chapter 3734. The containers of waste were transported as non-hazardous waste and were accompanied by non-hazardous shipping papers.
5. Because MW Custom Papers, LLC failed to properly evaluate its waste to determine if it was hazardous and transported or caused to be transported the containers of hazardous waste to Vexor, a facility not operating under a hazardous waste facility installation and operation permit issued in accordance with ORC Chapter 3734., the Director has determined that Respondents Glatfelter and NewPage also violated OAC rule 3745-52-11 and ORC § 3734.02(F).
6. Because the containers of hazardous waste were transported from Vexor to Chemtron Corporation, a facility operating under a hazardous waste facility installation and operation permit, the Director has determined that no further action is required of Respondents Glatfelter and NewPage to abate the

violations as referenced in Finding No. 5. of these Orders.

#### **V. ORDERS**

Respondents shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated thereunder according to the following compliance schedule:

1. Within 30 days after the effective date of these Orders, Respondents shall pay to Ohio EPA the amount of \$4,400.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734., and which will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be made by an official check(s) made payable to "Treasurer, State of Ohio" for a total amount of \$4,400.00. The official check(s) shall be submitted to Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter(s) identifying Respondents. A copy of this check(s) shall be submitted in accordance with Section X. of these Orders.

#### **VI. TERMINATION**

Respondents' obligations under these Orders shall terminate upon Ohio EPA's receipt of the official check(s) required by Section V. of these Orders.

#### **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, the operation of 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 Respondents Glatfelter and NewPage.

#### **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

Director's Final Findings and Orders  
P.H. Glatfelter Company and NewPage Corporation  
Page 4 of 6

of Ohio EPA.

**X. NOTICE**

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

Ohio Environmental Protection Agency  
Southeast District Office  
Division of Hazardous Waste Management  
2195 Front Street  
Logan, Ohio 43138  
Attn: DHWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Chris Korleski, Director  
Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Hazardous Waste Management  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: Manager, Compliance Assurance Section

For deliveries to the building:

Chris Korleski, Director  
Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Hazardous Waste Management  
50 West Town Street, Suite 700  
Columbus, Ohio 43215  
Attn: Manager, Compliance Assurance Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

**XI. RESERVATION OF RIGHTS**

Ohio EPA and Respondents 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, Respondents 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 Respondents' liability for the violations specifically cited herein

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

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

**XIII. EFFECTIVE DATE**

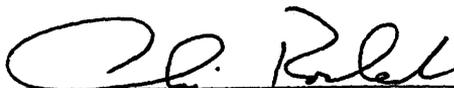
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**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

**APR 9 2008**  
Date

IT IS SO AGREED:

P.H. Glatfelter Company

John R. Blind  
Signature

2/26/2008  
Date

John R. Blind  
Printed or Typed Name

Vice President - Printing & Carbonless Division  
Title

NewPage Corporation

Gregory A. Hadley  
Signature

3/17/08  
Date

GREGORY A. HADLEY  
Printed or Typed Name

Assistant Secretary  
Title

# Ohio EPA Invoice/Receipt

Date Printed: April 09, 2008

Revenue ID: 653452

*Please include this Revenue ID with all correspondence.*

Place ID: 36733

Information: PH Glatfelter Co-Chillicothe Fac  
401 S Paint St  
Chillicothe, OH 45601-

Due Date: May 09, 2008

Amount Due: \$2,200.00

Effective Date: April 09, 2008

Revenue Description: DHWM- Findings and Orders - hazardous waste cleanup

Program Name: Hazardous Enforcement

Reason: Civil penalty fees related to Director's final F&Os.

*For some Revenues, Interest and/or Penalties may be charged for late payment.*

Next Interest Date (if applicable):

Next Penalty Date (if applicable):

## Remittance Advice

Detach Here - Please Return This Portion With Your Payment

Place ID: 36733

Information: PH Glatfelter Co-Chillicothe Fac  
401 S Paint St  
Chillicothe, OH 45601-

Due Date: May 09, 2008

Amount Due: \$2,200.00

Secondary Type/Id: RCRA / OHD046428363

Revenue Type: FFOHW

Amount Enclosed: \$ \_\_\_\_\_

Please write this number on your check. Revenue ID: 653452

Make check or money order payable to "Treasurer, State of Ohio"

Remit to: Ohio Environmental Protection Agency - OFA  
Department L-2711  
Columbus, OH 43260-2711

For Ohio EPA use only

Check ID: \_\_\_\_\_  
Check Date: \_\_\_\_\_  
Check Number: \_\_\_\_\_  
Check Amount: \$ \_\_\_\_\_

220000

FFOHW 653452

# Ohio EPA Invoice/Receipt

Date Printed: April 09, 2008

Revenue ID: 653453

Please include this Revenue ID with all correspondence.

NewPage Corporation  
8540 Gander Creek Dr.  
Miamisburg, OH 45342

Due Date: May 09, 2008

Amount Due: \$2,200.00

Effective Date: April 09, 2008

Revenue Description: DHWM- Findings and Orders - hazardous waste cleanup

Program Name: Hazardous Enforcement

Reason: Civil penalty fees related to Director's final F&Os,

*For some Revenues, Interest and/or Penalties may be charged for late payment.*

Next Interest Date (if applicable):

Next Penalty Date (if applicable):

## Remittance Advice

Detach Here - Please Return This Portion With Your Payment

Place ID: 96080  
Information: NewPage Corporation  
8540 Gander Creek Dr.  
Miamisburg, OH 45342

Due Date: May 09, 2008

Amount Due: \$2,200.00

Secondary Type/Id: /

Revenue Type: FFOHW

Amount Enclosed: \$ \_\_\_\_\_

Please write this number on your check. Revenue ID: 653453  
Make check or money order payable to "Treasurer, State of Ohio"

Remit to: Ohio Environmental Protection Agency - OFA  
Department L-2711  
Columbus, OH 43260-2711

For Ohio EPA use only

Check ID: \_\_\_\_\_  
Check Date: \_\_\_\_\_  
Check Number: \_\_\_\_\_  
Check Amount: \$ \_\_\_\_\_

96080 NewPage Corporation 220000 FFOHW 653453