OHIO E.P.A.

MAR 11 2008

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Weyerhaeuser Company	:	
6100 Hillcrest Drive	:	**Director's Final Findings**
Valley View, Ohio 44125	:	**and Orders**
and		
	:	
Weyerhaeuser Company	:	
22475 Aurora Road	:	
Bedford Heights, Ohio 44146	:	

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:** 3-11-08

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Weyerhaeuser Company ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3704.03 and 3745.01.

II. PARTIES

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

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meanings as defined in ORC Chapter 3704 and the regulations promulgated thereunder.

IV. FINDINGS

The Director of the Ohio EPA has determined the following findings:

1. Respondent owned and operated a manufacturing facility ("Valley View") located at 6100 Hillcrest Drive in Valley View, Ohio (Ohio EPA Facility ID# 1318577915) and an additional facility ("Bedford Heights") located at 22475 Aurora Road in Bedford Heights, Ohio (Ohio EPA Facility ID# 1318043843). At the facilities, Respondent manufactured corrugated and solid fiber boxes.

2. At the Valley View facility, Respondent operated the following emissions units:

Emissions unit	Installation Date	Description
K001	1994	30" Wolverine Printer SF
K002	1994	30" Wolverine Printer SF
K003	1994	Wolverine Printer SF
K004	1994	Wolverine Printer SF
K005	1994	Wolverine Printer SF
K006	1994	Wolverine Printer SF
K007	1994	Wolverine Printer SF
K008	2001	Wolverine Printer SF
K009	1994	Wolverine Printer SF
K010	1994	Wolverine Roll to Roll Printer
K011	1994	Wolverine Printer SF

3. Permit to install ("PTI") #13-03938 was issued for emissions units K001-K011 on July 03, 2002. Synthetic minor PTI was issued for emissions unit K001-K011 on October 29, 2002.

4. ORC Section 3704.05(G) states that no person shall violate any order, rule, or determination of the director.

5. Ohio Administrative Code ("OAC") Rule 3745-31-02 states, in part, that no person shall cause, permit, or allow the installation of a new source of air pollutants....without first obtaining a permit to install from the Director.

6. Respondent installed emissions units K001-K011 at the Valley View facility without first applying for and receiving a PTI, in violation of OAC Rule 3745-31-02.

7. OAC Rule 3745-35-02 states that no person may cause, permit, or allow the operation or other use of any air contaminant source without applying for and obtaining a permit to operate ("PTO") from the Director.

8. From 1994 until July 31, 2006, when the Valley View facility shut down, Respondent operated emissions units K001-K007 and K009-K011 without first applying for and obtaining PTOs, in violation of OAC Rule 3745-35-02.

9. At the Bedford Heights facility, Respondent operated the following emissions units:

Emissions Unit	Installation Date	Description
K001	2000	S&S 38" x 80" Flexo Folder Gluer
K002	2001	Ward 66" x 146" Flexo Folder Gluer
K005	1973	Kopper 35" x 85" Printer Slotter
K006	1973	S&S 66" x 135" Flexo Folder Gluer
K007	1988	Label Laminator 45" x 60
K008	1993	Ward Rotary Die Cutter
K009	1989	Post Folder Gluer
K010	1972	Ware Rotary Die Cutter
P001	2000	Corrugator

10. PTI 13-03677 was issued for emissions units K001 and K002 on August 17, 2000. Synthetic minor PTI #13-03870 was issued for emissions units K003 (formerly K001), K004 (formerly K002), K005, K006, K007, K008, K009, K010, and P001 on November 26, 2004.

11. Respondent installed emissions units K007, K008, K009, and P001 without first applying for and obtaining PTIs, in violation of OAC Rule 3745-31-02.

12. From the dates of installation and continuing until June 7, 2002, Respondent operated emission units K003-K010 and P001 without first applying for and obtaining PTOs, in violation of OAC Rule 3745-35-02.

13. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall pay the amount of five thousand six hundred seventy dollars ($5,670) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for four thousand five hundred thirty-six dollars ($4,536) of the

total amount. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

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

2. In lieu of paying the remaining one thousand one hundred thirty-four ($1,134) of the civil penalty, Respondent shall within thirty (30) days of the effective date of these Orders, fund a Supplemental Environmental Project ("SEP") by making a contribution to the Ohio EPA's Clean Diesel School Bus Fund (Fund 5CD0). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for $1,134. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

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

3. A copy of each check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216 - 1049

4. Should Respondent fail to fund the SEP within the required timeframe set forth in Order 2, Respondent shall immediately pay to Ohio EPA $1,134 of the civil penalty in accordance with the procedures in Order 1.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official checks required by Section V of these Orders.

VII. OTHER CLAIMS

1. Respondent does not admit any liability to Ohio EPA arising out of the occurrences alleged in these Orders. Nothing in these Orders shall be construed as an admission of liability by the Respondent for any claims or allegations made in these Orders.

2. 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 Respondent's activities 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:

City of Cleveland
Division of Air Quality
1925 St. Clair Avenue
Cleveland, Ohio 44114
Attn: George Baker

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: John Paulian

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

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 consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives 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

3/3/08
Date

IT IS SO AGREED:

Weyerhaeuser Company

James C Myers
Signature

Date 1-31-08

JAMES C. MYERS
Printed or Typed Name

VICE PRESIDENT of SUPPLY
Title CONTAINERBOARD PACKAGING & RECYCLING
WEYERHAEUSER