



RECEIVED

JUL - 2 2009

SOLID WASTE SECTION  
ASHEVILLE REGIONAL OFFICE

**Blue Ridge Paper Products Inc. - Canton Mill**

29 June 2009

Mr. Donald Herndon  
Compliance Officer  
Division of Waste Management  
North Carolina Department of Environment  
and Natural Resources  
1646 Mail Service Center  
Raleigh, North Carolina 27699-1646

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7004 0750 0000 0865 6790

| Fac/Perm/Co ID # | Date     | Doc ID# |
|------------------|----------|---------|
| 44-06            | 10/16/09 | 8768    |

**Subject: Compliance Review Request Dated 11 June 2009**  
Blue Ridge Paper Products Inc.  
Permit #44-06  
Haywood County, North Carolina

Dear Mr. Herndon –

Enclosed are the completed compliance review questionnaires requested in your letter of 11 June 2009. The only solid waste facilities operated by Blue Ridge Paper Products / Evergreen Packaging are at our Canton Mill in North Carolina and at our Pine Bluff Mill in Arkansas.

Please advise if you need additional information to wrap up the compliance review and issue the construction permit for Landfill Area 6D South within the Canton Mill permitted site. Bids have been received, and we are ready to start work on this important project to avoid disruption to mill operations.

Sincerely –

James A. Giaque  
Waste Compliance and Landfill Supervisor  
828-646-2028  
[jim.giaque@everpack.com](mailto:jim.giaque@everpack.com)

Paul S. Dickens  
Manager, Environment Health and Safety  
828-646-6141  
[paul.dickens@everpack.com](mailto:paul.dickens@everpack.com)

Enclosures: Compliance review questionnaire for Blue Ridge Paper Products Inc.  
Compliance review questionnaire for Evergreen Packaging New Zealand Limited

cc: Allen Gaither, Permit Engr, NC DWM Asheville  
Ed Mussler, Permitting Branch Head, NC DWM Raleigh  
C File – waste and internal distribution

Blue Ridge Paper Products Inc. – Canton Mill  
175 Main Street • PO Box 4000  
Canton, North Carolina 28716 • 828-646-2000

*Division of Evergreen Packaging*

8768

## Compliance Review

The applicant, Blue Ridge Paper Products Inc., is requested to provide the following information. For purposes of the questions below, the phrase "within the past five years," means five years prior to the date of this request.

A. The following question applies to all of the applicant's solid waste management (including hazardous waste management) activities.

1. With respect to the applicant's solid waste management activities, check whether the applicant has been a party to or received any of the following within the past five years:

- a. Compliance Order with a penalty
- b. Compliance order without a penalty
- c. Order to cease operating
- d. Order to abate public health nuisance [130A-19];
- e. Order to abate imminent hazard [130A-20];
- f. Order to abate nuisance scrap tire site [130A-309.60].
- g. Administrative Consent Agreement or Settlement Agreement (e.g., may involve revised permit conditions)
- h. Revocation or suspension of a permit
- i. Denial of a permit application for a solid waste management facility
- j. Penalty Collection lawsuit (lawsuit to collect an unpaid penalty)
- k. Confession of Judgment (for the payment and collection of an unpaid penalty or other monies owed to a special account, such as the scrap tire account or white goods account)
- l. Injunctive relief or law suit for injunctive relief
- m. Lawsuit for forfeiture of gain (N.C.G.S. §130A-28)
- n. Lawsuit for recovery of money (N.C.G.S. §130A-27)
- o. State Criminal action- misdemeanor or felony (N.C.G.S. 130A-25; 130A-26.1 and 26.2; 14-399)
- p. Federal criminal action-misdemeanor or felony

none apply

B. **[Note: Questions 2 and 3 cover any type of environmental violation.]**

Check all applicable boxes.

Within the past five years:

2. The applicant has been convicted of, or pled guilty or no contest to, a criminal violation of a statute, regulation, or rule for the protection of the environment or conservation of natural resources.

- a. in state court
- b. in federal court
- c. not applicable

3. A monetary penalty (whether denominated as a civil penalty, an administrative penalty, a judicial penalty, or by some other designation), has been assessed against the applicant for the violation of a state or federal statute, regulation, rule, including a permit condition, or for the protection of the environment or conservation of natural resources.

- a. in a state forum  
 b. in a federal forum  
 c. not applicable

See attached

**[Note: Questions 4 and 5 will encompass those situations where a solid waste management facility operated in violation of solid waste management statutes/regulations, as well as water quality, including groundwater and surface water, sedimentation and erosion control, and air quality statutes/regulations, among others.]**

4. With respect to any solid waste management facility (including hazardous waste management) owned or operated by the applicant, a lawsuit for injunctive relief has been filed against the applicant for the violation of a statute, regulation or rule for the protection of the environment or conservation of natural resources.

- a. in state court  
 b. in federal court  
 c. not applicable

5. With respect to any solid waste management facility (including hazardous waste management) owned or operated by the applicant, a judgment, or consent judgment, for injunctive relief has been entered against the applicant for the violation of any statute, regulation or rule for the protection of the environment or conservation of natural resources.

- a. in state court  
 b. in federal court  
 c. not applicable

6. A permit for a solid waste management facility owned or operated by the applicant has been revoked or suspended.

- a. in a state forum  
 b. in a federal forum  
 c. not applicable

7. An environmental permit for any undertaking other than a solid waste management facility has been revoked or suspended.

- a. in a state forum  
 b. in a federal forum  
 c. not applicable

8. The applicant submitted a permit application for the proposed ownership or operation of a solid waste management facility that has been denied.
- a. in a state forum
  - b. in a federal forum
  - c. not applicable
9. A governmental agency or unit has notified the applicant in writing that the applicant has operated or is operating a solid waste management facility without the requisite permit.
- a. yes
  - b. not applicable
10. A governmental agency or unit has notified the applicant in writing that the applicant has operated or is operating a solid waste management facility outside the scope of the permitted activity.
- a. yes
  - b. not applicable
11. A governmental agency or unit has notified the applicant in writing that the applicant has operated or is operating a facility or undertaking other than a solid waste management facility without the requisite environmental permit(s).
- a. yes
  - b. not applicable

For each question that has been marked with an answer other than "not applicable," please provide a written, detailed explanation, including how or if the matter has been resolved.

The applicant may be requested to provide a written, sworn statement certifying the status of the matter.

If the applicant certifies that the applicant is now in compliance, the applicant may be asked to submit proof from the agency having jurisdiction over the violation that the applicant is in the process of correcting or has corrected the violation to the satisfaction of the agency.

The applicant will be asked to certify the truth and accuracy of the answers provided to these compliance review questions.

I, Joseph B. Hanks, hereby certify on behalf of Blue Ridge Paper Products Inc. as applicant's Vice President - Assistant Secretary (title of position with applicant), that I have read the foregoing answers provided to the Compliance Review, that the information and answers contained in the responses to the Compliance Review are true and accurate based on my own knowledge and my review of documents and that I have not omitted any material information or falsified any information contained in the foregoing answers. I further certify that I have the requisite authority vested in me by the Blue Ridge Paper Products Inc. to bind the corporation to the accuracy and completeness of the information provided herein. I am aware that there are significant penalties for making any false statement, representation, or certification including the possibility of a fine and imprisonment.

Signature/printed name and title:

Attest:

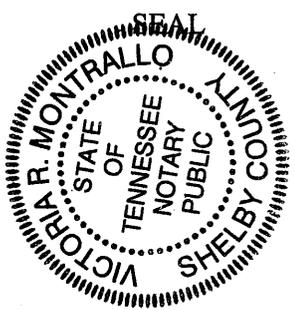
James B. Hank  
Vice President + Assistant Secretary

State of Tennessee  
County of Shelby

Sworn and subscribed to before me this the 22 day of Nov, 2009

Victoria R. Montalvo  
notary public

My Commission expires: My Commission Expires Nov. 29, 2009



## Compliance Review

The applicant, Evergreen Packaging New Zealand Limited, is requested to provide the following information. For purposes of the questions below, the phrase "within the past five years," means five years prior to the date of this request.

B. The following question applies to all of the applicant's solid waste management (including hazardous waste management) activities.

1. With respect to the applicant's solid waste management activities, check whether the applicant has been a party to or received any of the following within the past five years:

- a. Compliance Order with a penalty
- b. Compliance order without a penalty
- c. Order to cease operating
- d. Order to abate public health nuisance [130A-19];
- e. Order to abate imminent hazard [130A-20];
- f. Order to abate nuisance scrap tire site [130A-309.60].
- g. Administrative Consent Agreement or Settlement Agreement (e.g., may involve revised permit conditions)
- h. Revocation or suspension of a permit
- i. Denial of a permit application for a solid waste management facility
- j. Penalty Collection lawsuit (lawsuit to collect an unpaid penalty)
- k. Confession of Judgment (for the payment and collection of an unpaid penalty or other monies owed to a special account, such as the scrap tire account or white goods account)
- l. Injunctive relief or law suit for injunctive relief
- m. Lawsuit for forfeiture of gain (N.C.G.S. §130A-28)
- n. Lawsuit for recovery of money (N.C.G.S. §130A-27)
- o. State Criminal action- misdemeanor or felony (N.C.G.S. 130A-25; 130A-26.1 and 26.2; 14-399)
- p. Federal criminal action-misdemeanor or felony

None apply

B. **[Note: Questions 2 and 3 cover any type of environmental violation.]**  
Check all applicable boxes.

Within the past five years:

12. The applicant has been convicted of, or pled guilty or no contest to, a criminal violation of a statute, regulation, or rule for the protection of the environment or conservation of natural resources.

- a. in state court
- b. in federal court
- c. not applicable

13. A monetary penalty (whether denominated as a civil penalty, an administrative penalty, a judicial penalty, or by some other designation), has been assessed against the applicant for the violation of a state or federal statute, regulation, rule, including a permit condition, or for the protection of the environment or conservation of natural resources.

- a. in a state forum
- b. in a federal forum
- c. not applicable

See attached

**[Note: Questions 4 and 5 will encompass those situations where a solid waste management facility operated in violation of solid waste management statutes/regulations, as well as water quality, including groundwater and surface water, sedimentation and erosion control, and air quality statutes/regulations, among others.]**

14. With respect to any solid waste management facility (including hazardous waste management) owned or operated by the applicant, a lawsuit for injunctive relief has been filed against the applicant for the violation of a statute, regulation or rule for the protection of the environment or conservation of natural resources.

- a. in state court
- b. in federal court
- c. not applicable

15. With respect to any solid waste management facility (including hazardous waste management) owned or operated by the applicant, a judgment, or consent judgment, for injunctive relief has been entered against the applicant for the violation of any statute, regulation or rule for the protection of the environment or conservation of natural resources.

- a. in state court
- b. in federal court
- c. not applicable

16. A permit for a solid waste management facility owned or operated by the applicant has been revoked or suspended.

- a. in a state forum
- b. in a federal forum
- c. not applicable

17. An environmental permit for any undertaking other than a solid waste management facility has been revoked or suspended.

- a. in a state forum
- b. in a federal forum
- c. not applicable

18. The applicant submitted a permit application for the proposed ownership or operation of a solid waste management facility that has been denied.

- a. in a state forum
- b. in a federal forum
- c. not applicable

19. A governmental agency or unit has notified the applicant in writing that the applicant has operated or is operating a solid waste management facility without the requisite permit.

- a. yes
- b. not applicable

20. A governmental agency or unit has notified the applicant in writing that the applicant has operated or is operating a solid waste management facility outside the scope of the permitted activity.

- a. yes
- b. not applicable

21. A governmental agency or unit has notified the applicant in writing that the applicant has operated or is operating a facility or undertaking other than a solid waste management facility without the requisite environmental permit(s).

- a. yes
- b. not applicable

For each question that has been marked with an answer other than "not applicable," please provide a written, detailed explanation, including how or if the matter has been resolved.

The applicant may be requested to provide a written, sworn statement certifying the status of the matter.

If the applicant certifies that the applicant is now in compliance, the applicant may be asked to submit proof from the agency having jurisdiction over the violation that the applicant is in the process of correcting or has corrected the violation to the satisfaction of the agency.

The applicant will be asked to certify the truth and accuracy of the answers provided to these compliance review questions.

I, Helen Golding, hereby certify on behalf of Evergreen Packaging New Zealand Limited, as applicant's director (title of position with applicant), that I have read the foregoing answers provided to the Compliance Review, that the information and answers contained in the responses to the Compliance Review are true and accurate based on my own knowledge and my review of documents and that I have not omitted any material information or falsified any information contained in the foregoing answers. I further certify that I have the requisite authority vested in me by the Evergreen Packaging New Zealand Limited to bind the corporation to the accuracy and completeness of the information provided herein. I am aware that there are significant penalties for making any false statement, representation, or certification including the possibility of a fine and imprisonment.

Signature/printed name and title:

Attest: \_\_\_\_\_

*Helen Golding*

State of Auckland  
County of New Zealand

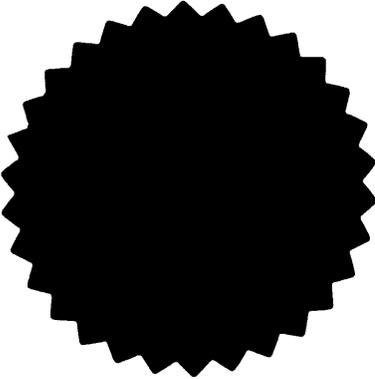
Sworn and subscribed to before me this the 25th day of June, 2009.

*[Signature]*  
notary public

My Commission expires: *permanent, indefinite*

SEAL

DAVID HUGH RISHWORTH  
SOLICITOR AND NOTARY PUBLIC  
AUCKLAND, NEW ZEALAND



**Information related to NC DWM compliance review questionnaire item 3, Blue Ridge Paper Products Inc. and Evergreen Packaging New Zealand Limited**

There were three (3) monetary penalties related to air permit excursions during the compliance review period of June 2004 through June 2009. These are summarized below. There are no monetary penalties related to water, solid waste or other environmental media during the review period.

**Canton Mill - Haywood County, North Carolina  
Title V Air Permit No. NC 08961T11**

**NC DAQ File No. 2004-253**

\$3186 assessed in Feb 2005 by the NC DAQ for a power boiler excess emission that occurred on 13 May 2004 and was not accepted by NC as a malfunction. The excess emission period was self-reported and classified as malfunction. The DAQ disagreed with the malfunction classification. The problem was documentation - mill could not show that corrective actions were taken when the excess emission (opacity) was occurring. Internal systems were improved, and there have been no repeats.

**NC DAQ File No. 2007-242**

\$16,288 assessed in Oct 2007 by the NC DAQ for four (4) procedural violations of MACT startup, shutdown and malfunction (SSM) plans on recovery sources that occurred during 1st half of 2007. All were immediately corrected and self-reported to the NC DAQ. In July 2007, the mill asked the DAQ to expedite closing enforcement action related to these self-reported events. The DAQ's enforcement approach and penalty assessment in this matter were consistent with enforcement actions taken for similar MACT excursions at other companies in North Carolina. Internal systems were improved, and there have been no repeats.

**Pine Bluff Mill - Jefferson County, Arkansas  
Title V Air Permit No. AR 0580-AOP-R7**

**ADEQ File No. CAO 09-047**

\$810 assessed in March 2009 for a permit upset condition involving used oil firing rate at the mill's power house that occurred in June 2008. The upset condition was self-reported. The mill worked with the ADEQ to resolve the matter. Internal systems were improved, and there have been no repeats.

Blue Ridge Paper Products Inc. – Canton Mill  
175 Main Street • PO Box 4000  
Canton, North Carolina 28716 • 828-646-2000

*Division of Evergreen Packaging*