

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

In The Matter Of:

WestPoint Stevens Inc.

Opelika Plant

Opelika, Lee County, Alabama

Air Facility I. D. No. 206-0007

CONSENT ORDER NO. 97-141-CAP

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, §§22-22A-1 through 22-22A-16, Code of Alabama (1975), as amended, the Alabama Air Pollution Control Act, §§22-28-1 through 22-28-23, Code of Alabama (1975), as amended, and the ADEM Administrative Code of Regulations ("ADEM Admin. Code R.") promulgated pursuant thereto, and without the adjudication of any issues of fact or law and upon the consent of the parties hereto, the Alabama Department of Environmental Management (hereinafter, "the Department") makes the following FINDINGS OF FACT:

1. WestPoint Stevens Inc. - Opelika Plant ("WestPoint") operates a textile manufacturing plant (Air Facility ID No. 206-0007) located on 2401-B First Avenue located in Opelika, Lee County, Alabama, operating under authority of ADEM Air Facility I.D. No. 209-0007.

2. The Alabama Department of Environmental Management is a duly constituted agency of the State of Alabama pursuant to §§ 22-22A-1 through 22-22A-16, Code of Alabama 1975, as amended.

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3. Pursuant to § 22-22A-4(n), Code of Alabama 1975, as amended, the Department is the state air pollution control agency for the purposes of the federal Clean Air Act, 42 U.S.C. 7401 through 7671q, as amended. In addition, the Department is authorized to administer and enforce the provisions of the Alabama Air Pollution Control Act, §§ 22-28-1 through 22-28-23, Code of Alabama 1975, as amended.

4. On June 29, 1995, a Department inspector noted smoke emitting from the Screen Print vents which duct emissions from the Screen Print Department. A Visible Emissions Observation was not conducted due to the weather conditions.

5. On July 26, 1995, the Department issued a warning letter to WestPoint citing the smoke noted during the inspection on June 29, 1995.

6. In a written response to the July 26, 1995, warning letter dated August 9, 1995, WestPoint stated that new chemicals would be tested in the Screen Print Department in an attempt to reduce smoke emissions.

7. ADEM Administrative Code R. 335-3-4-.01(a) states, "no person shall discharge into the atmosphere from any source of emission, particulate of an opacity greater than that designated as twenty percent (20%) opacity, as determined by a six (6) minute average."

8. On May 22, 1996, a Department inspector noted visible emissions of twenty - six percent (26%) and twenty - four percent (24%) opacity, as determined by a six minute average, from the #4 rear Screen Printer vent in violation of ADEM Admin. Code R. 335-3-4-.01(a).

9. On June 4, 1996, the Department issued a warning letter to WestPoint citing violations of the conditions of ADEM Admin. Code R. 335-3-4-.01(a), which were noted during the Visible Emissions Observation conducted on May 22, 1996.

10. In a written response to the July 26, 1996, warning letter, dated June 21, 1996, WestPoint stated that new chemicals would be tested in the Screen Print Department in an attempt to reduce smoke emissions.

11. On August 28, 1996, a Department inspector noted visible emissions of thirty percent (30%) and twenty - six percent (26%) opacity, as determined by a six minute average, from the #2 rear Screen Printer vent in violation of ADEM Admin. Code R. 335-3-4-.01(a).

12. On September 19, 1996, the Department issued a Notice of Violation ("NOV") to WestPoint citing violations of the conditions of ADEM Admin. Code R. 335-3-4-.01(a), which were noted during the Visible Emissions Observation conducted on August 28, 1996.

13. In a written response to the September 19, 1996, NOV, dated October 10, 1996, WestPoint proposed to completely install an emission control program for the Screen Print Department and have the equipment operational by mid 1997.

14. On October 17, 1996, a Department inspector noted smoke emitting from the Screen Print Vents. A Visible Emissions Observation was not conducted due to the relative sun's position.

15. On November 14, 1996, a Department inspector noted visible emissions of twenty - nine percent (29%) and twenty - eight percent (28%) opacity, as determined by a six minute average, from the #4 rear Screen Printer vent in violation of ADEM Admin. Code R. 335-3-4-.01(a).

16. WestPoint neither admits nor denies the Findings contained in this consent order. However, in an effort to cooperate with the Department and to resolve the allegations cited above, WestPoint consents to the terms of this Order.

17. The Department agrees to this Consent Order upon a determination that the terms are in the best interests of the citizens of Alabama in resolving the alleged violations cited hereinabove.

ORDER

Based upon the foregoing FINDINGS and pursuant to §§ 22-22A-5(10), 22-22A-5(12), 22-22A-5(18), 22-28-10(2) and 22-28-18, Code of Alabama 1975, as amended, and with the consent of WestPoint it is hereby ORDERED:

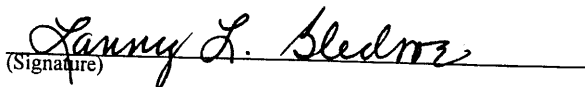
- A. That there is assessed a civil penalty against WestPoint in the amount of Twelve Thousand Dollars (\$12,000) to be paid to the Alabama Department of Environmental Management within thirty (30) days of issuance of this Order.
- B. That not later than July 31, 1997, the emission control system for the Screen Print department must be installed and operational.
- C. During its term, this Consent Order shall apply to and be binding upon both parties, their directors, officers, and all persons or entities acting under or for them, except that no director, officer, person, or entity acting under or for WestPoint Stevens shall be personally liable for any civil penalty issued under this Consent Order. Each signatory to this Consent Order certifies that he or she is fully authorized by the party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the party represented, and to legally bind such party.
- D. That subject to the terms of these presents and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the violations which are cited in this Order.
- E. That WestPoint is not relieved from any liability if it fails to comply with any provision of the Consent Order.

F. That for purposes of this Order only, WestPoint agrees that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in a court of competent jurisdiction, including, but not limited to, Montgomery County Circuit Court. WestPoint also agrees that in any action brought by the Department to compel compliance with the terms of this Order, WestPoint shall be limited to the defenses of Force Majeure, compliance with this Order and physical impossibility.

G. That this Order does not preclude the Department from taking other enforcement actions based on these facts regarding violations of other regulatory programs. Should additional facts and circumstances be discovered in the future concerning WestPoint, which would constitute possible violations not addressed in this Order, or if the violations noted herein continue beyond July 31, 1997, then such future violations shall be addressed in Orders or litigation initiated by the Department, or such other enforcement action as may be appropriate, and WestPoint shall not object to such future orders, litigation or enforcement action based on the issuance of this Consent Order.

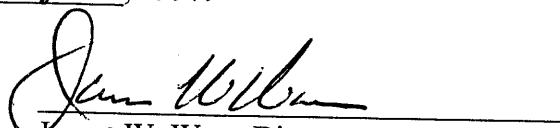
H. That by agreement of the parties, this Order shall be considered final and effective immediately upon signature of all parties. This Consent Order shall not be appealable, and the Respondent does hereby waive any hearing on the terms and conditions of same.

ORDERED and ISSUED this 13 day of February, 1997.


(Signature)

Lanny L. Bledsoe - Senior Vice President
(Please Print Name and Title of Authorized Officer)**Sheet Mfg.**

WestPoint Stevens Inc.


James W. Warr, Director
Alabama Department of
Environmental Management