

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY REGION 2

2011 JUL 27 A 10:33

REGIONAL HEARING
CLERK

In the Matter of:

Eastman Kodak Company,
Rochester, NY

Respondent

In a proceeding under the Clean Air Act,
42 U.S.C. § 7401, et seq., 42 U.S.C.
§ 7413(d), Section 113(d)

CAA-02-2011-1209

Hon. Barbara A. Gunning,
Administrative Law Judge

JOINT STIPULATIONS

The parties, by their respective counsel, hereby agree and stipulate to,
and accept, the following:

1. Complainant is the Director of the Division of Enforcement and Compliance Assistance of the United States Environmental Protection Agency (EPA), Region 2.
2. Respondent in this proceeding is Eastman Kodak Company.
3. Complainant issued an administrative complaint and notice of opportunity for hearing (Complaint) against Respondent on April 1, 2011.
4. Respondent filed an answer and request for a hearing dated May 5, 2011.
5. The parties conducted settlement negotiations in April through June 2011.
6. On June 28, 2011, the parties agreed to a settlement in principle.
7. Both parties agree to the following joint stipulations:

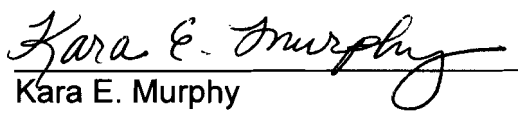
- a. Complaint paragraph 114 – should properly read, “Respondent is a corporation organized under the laws of New Jersey;”
- b. Complaint paragraphs 153 - 154, 157, 189, 193, and 197 – should reference the distilling batch pumps located in Building 322 or B-322 (Distilling batch pumps) **not** the batch pumps in the SCD MCPU (SCD pumps);
- c. Complaint paragraphs 181 and 182 – should properly cite to 40 C.F.R. § 63.1025(b)(1), **not** § 63.1026(b)(1); and
- d. Complaint paragraph 201 – should **not** include the listed date of 7/6/09.

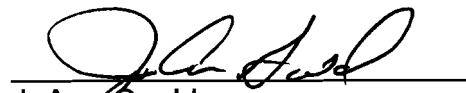
Dated: July 26, 2011

Dated: July 19, 2011

ON BEHALF OF COMPLAINANT
U.S. Environmental Protection Agency,
Region 2

ON BEHALF OF RESPONDENT
Eastman Kodak Company


Kara E. Murphy
U.S. EPA, Region 2
Counsel for Complainant


JoAnn Gould
Eastman Kodak Company
Harter Secrest & Emery LLP
Counsel for Respondent

CERTIFICATE OF SERVICE

I certify that the attached Joint Stipulations, dated 07/26/2011 on behalf of Complainant and dated 07/19/2011 on behalf of Respondent was sent in the following manner to the addressees listed below.

✓ Original and One Copy Delivered by hand to Regional Hearing Clerk's Office:

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866

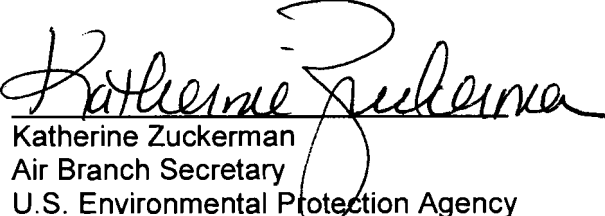
Copy by (*Overnight*) Mail to:

Honorable Barbara A. Gunning
Administrative Law Judge
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Mail Code 1900L
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460-2001

and copy to:

JoAnn Gould, Esq.
Senior Environmental Counsel
Harter Secrest & Emery, LLP
1600 Bausch & Lomb Place
Rochester, NY 14604

Dated: July 26, 2011


Katherine Zuckerman
Air Branch Secretary
U.S. Environmental Protection Agency
Office of Regional Counsel, Region 2