

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

Eastman Kodak Company,
Rochester, New York

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

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2011 NOV 10 P 2:48
REGIONAL HEARING
CLERK

STATUS REPORT

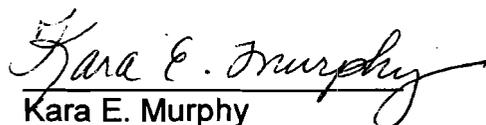
The Complainant in this proceeding, the Director of the Division of Enforcement and Compliance Assistance, EPA, Region 2 (EPA), through her attorney, provides the Court with this status report regarding settlement.

On September 15, 2011, Eastman Kodak Company (Respondent), through its counsel, JoAnn E. Gould, Esq., along with Complainant submitted a second joint motion for an extension of time to file the prehearing exchanges (Motion). By Order, dated September 20, 2011, the Court granted the Motion. The Order indicated that the parties had until November 14, 2011 to finalize the consent agreement and final order (CAFO).

On November 8, 2011, the Complainant's attorney (on behalf of both parties) informed the staff attorney for the Honorable Chief Judge Gunning, Steve Sarno, that Respondent signed the CAFO on November 7, 2011 and that the Region is going through its final concurrence process to obtain signatures. At

this time, Mr. Sarno directed Complainant to provide a copy of Respondent's signature page and status report for the Court's records. Please find attached a copy of Respondent's signature page.

Dated: November 9, 2011
New York, New York



Kara E. Murphy
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866
212-637-3211/FAX: 212-637-3199

TO: Honorable Barbara A. Gunning
Administrative Law Judge
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-2001

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

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

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGIONAL OFFICE
NEW YORK, NEW YORK

NOV 10 10 51 AM '11

RECEIVED
OFFICE OF REGIONAL COUNSEL

19. Each party to this Consent Agreement shall bear its own costs and attorneys' fees in connection with this action resolved by this Consent Agreement and attached Final Order.

20. The Consent Agreement and attached Final Order shall be binding on Respondent and its successors and assignees.

21. Each of the undersigned representatives to this Consent Agreement certifies that he or she is duly authorized by the party whom he or she represents to enter into the terms and conditions of this Consent Agreement and to execute and legally bind that party to it.

For Respondent:

For Complainant:



Charles J. Ruffing, Director
Health, Safety Environment and
Sustainability
Eastman Kodak Company



Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance
United States Environmental
Protection Agency, Region 2

Date 7 November 2011

Date _____

CERTIFICATE OF SERVICE

I certify that the attached Status Report, dated 11/09/2011 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 Hand to:

Kara Murphy
Assistant Regional Counsel
U.S. Environmental Protection Agency
Air Branch, 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: November 9, 2011


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