STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF DIRECTOR

In the matter of administrative proceedings involving **EAGLE OTTAWA LEATHER COMPANY**, a corporation organized under the laws of the State of Wisconsin and doing business at 200 North Beechtree Avenue, City of Grand Haven, County of Ottawa, State of Michigan.	)	SIP No. 7-1994

STIPULATION FOR ENTRY OF
FINAL ORDER BY CONSENT

This proceeding results from provisions of the Federal Clean Air Act ("CAA"), 42 U.S.C. Section 7401 et seq., as amended by the Clean Air Act Amendments of 1990, P.L. No. 101-549, 104 Stat. 2399 (Nov. 15, 1990), that designate Ottawa County as "moderate" non-attainment for ozone and require a State Implementation Plan ("SIP") that provides for the implementation of Reasonably Available Control Technology ("RACT") with respect to all major sources of volatile organic compounds ("VOCs") that are located in the non-attainment area.

Eagle Ottawa Leather Company ("Company") owns and operates a leather tannery plant ("Plant") that tans and finishes bovine leather for use in automotive interiors, located at 200 North Beechtree Avenue, Grand Haven, County of Ottawa, State of Michigan. The Michigan Department of Natural Resources ("MDNR") alleges that the Plant is a major source of VOC emissions which is subject to the RACT requirements of the Federal CAA.

The Company and the MDNR stipulate as follows:

1. The Air Pollution Act, 1965, P.A. 348, as amended, ("Act 348"), MCL 336.11 et seq., MSA 14.58(1) et sq. is an act to control air pollution in this State.

2. The Director of the MDNR ("Director") is authorized pursuant to Section 5 of Act 348 to administer and enforce all provisions of Act 348. Further, the Director had delegated authority to the Air Quality Division Chief ("AQD Chief") to enter into this Consent Order.

3. The termination of this matter by a Final Order to be entered by consent pursuant to Section 16(c) of Act 348 is proper and acceptable.

4. The signing of this stipulation does not constitute an admission by the Company that the law has been violated.

5. This final order by consent does not arise from an enforcement action of the MDNR. The purpose of this final order by consent is to embody the requirements of Section 182(b)(2)(C) of the Federal CAA pertaining to the application of RACT at a major source of VOC in an ozone nonattainment area.

COMPLIANCE PROGRAM IMPLEMENTATION SCHEDULE

6. Emission Limitations - Production Spray Lines

A. Bark Finishing Lines

(1) On and after May 31, 1995, coatings used on the two Bark Finishing Lines shall not exceed a VOC content of 5.8 pounds of VOC per gallon of coating minus water and exempt solvents, as applied.

2) Compliance with the emission limits specified in subparagraph 6.A.1. shall be based on the volume weighted average of all coatings which are used on the Bark Finishing Line during each calendar day averaging period.

B. Basecoat Aulson Finishing Line

1) On and after May 31, 1995, coatings used on the Basecoat Aulson Finishing Line shall not exceed a VOC content of 5.8 pounds of VOC per gallon of coating minus water and exempt solvents, as applied.

2) Compliance with the limit specified in subparagraph 6.B.1. shall be based on the volume weighted average of all coatings which are used on the Basecoat Aulson Finishing Line during each calendar day averaging period.

TESTING AND RECORDKEEPING

7. The VOC content of any coating used on the Production Finishing Lines shall be determined using Federal Reference Test Method 24, or an alternative federally referenced method approved by the Grand Rapids District Supervisor of Air Quality Division.

8. On and after May 15, 1995, the Company shall keep a separate record for each calendar day of the usage rate of each coating used on the Bark Finishing Lines and the Basecoat Aulson Finishing line. Further, applicant shall keep a record of the pounds of VOC per gallon of coating, minus water and exempt solvents, the density of the VOC portion, minus water and exempt solvents, of each coating and the density of each coating, and the daily average VOC content of coatings applied, using methods outlined in Rule 1040. This information shall be kept on file for a period of at least two years and made available to the Air Quality Division upon request.

9. Nothing in this consent order affects the Company's right, if any, to bank, trade, sell or convey offsets, including those attributable to the two Bark Finishing Lines and the Basecoat Aulson.

GENERAL PROVISIONS

10. Upon entry, this final order by consent, along with other supporting documentation required by the U.S. Environmental Protection Agency (EPA), shall be submitted to the USEPA for approval as a revision to the Michigan SIP in accordance with Sections 110 and 182 of the Federal CAA.

11. Pursuant to Section 120 of the Federal CAA, PL 95-95, as amended, the Company may be required to pay a noncompliance penalty for failure to comply with rules which have been promulgated under the Air Pollution Act and which are part of the USEPA approved SIP for the State of Michigan.

12. This consent order is not a variance subject to the 12-month limitation specified in Section 22 of the Air Pollution Act, being MCLA 336.32.

13. The provisions of this final order by consent shall be binding on the parties to this action, their officers, servants, employees, and attorneys and on those persons in active concert or participation with them who receive actual notice to this consent order. In the event Eagle Ottawa Leather Company sells or transfers the facility located at 200 N. Beechtree Avenue, Grand Haven, it shall advise the purchaser or transferee of the existence of this consent order in connection with such sale or transfer. Within 30 calendar days, Eagle Ottawa Leather Company shall also notify the MDNR, in writing of such sale or transfer, the identity and address of any purchaser or transferee, and confirm the fact that notice of this consent order been given to the purchaser or transferee.

14. The MDNR and the Company both acknowledge that a public hearing on this matter was held on May 26, 1994. Enforcement of this final order by consent in the same manner and by the same procedures for all final orders entered pursuant to Section 16 of 1965 PA 348, as amended, MCLA 336.26;

MSA 14.58(16), including enforcement pursuant to the Michigan Environmental Protection Act ("MERA"), 1970 PA 127, MCLA 691.1201 et seq; MSA 14.528(201) et seq.

The undersigned, who is signing this stipulation and final order by consent for the Company, certifies that he/she is fully authorized by the Company to enter into this stipulation and final order by consent and to execute and legally bind the Company to it.

Approved as to Form and Content:

EAGLE OTTAWA LEATHER COMPANY

Dated: 7/13/94

The above signatory subscribed and sworn to before me this 13 day of JULY, 1994.

JAMES S. FOX
NOTARY PUBLIC, OTTAWA COUNTY, MI
MY COMMISSION EXPIRES 5-7-98

Notary Public

Approved as to Content:

ACTING

Dennis M. Drake, Acting Chief
AIR QUALITY DIVISION
DEPARTMENT OF NATURAL RESOURCES

Dated: 7-13-94

Approved as to Form:

A. Michael Leffler
Assistant Attorney General
ENVIRONMENTAL PROTECTION DIVISION
DEPARTMENT OF ATTORNEY GENERAL

Dated: 7/13/94

FINAL ORDER

The Chief of the Air Quality Division, Michigan Department of Natural Resources, having had opportunity to review the above Stipulation for Entry of Final Order by Consent and having been delegated authority to enter into consent orders by the Director of the Michigan Department of Natural Resources pursuant to the provisions of the Air Pollution Act,

IT IS ORDERED that this stipulation and order be approved and be entered in the record of the Michigan Department of Natural Resources as a Final Order.

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
AIR QUALITY DIVISION

By: Richard D Johns ACTING
Dennis M. Drake, Acting Chief
Air Quality Division

Dated: 7-13-94