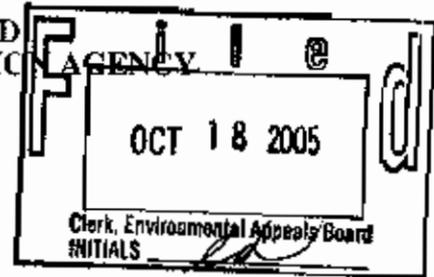


ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In the Matter of:

Grand Street Mercury Site,
General Electric Company, Petitioner

CERCLA § 106(b) Petition Nos. 05-01
and 05-03

CONSOLIDATION ORDER AND ORDER GRANTING STAY

By petitions filed on March 1, 2005, and October 14, 2005, the General Electric Company ("GE") seeks reimbursement of costs (plus interest) incurred in complying with the terms of two unilateral administrative orders ("UAO") issued by U.S. EPA Region 2 (the "Region") regarding the Grand Street Mercury Superfund Site, Hoboken, New Jersey. The October 14, 2005 petition incorporates by reference the March 1, 2005 petition and, accordingly, we hereby consolidate the administration and review of both petitions.

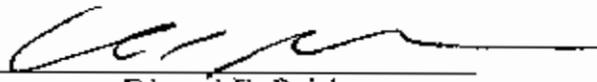
Before the Board at this time is GE's motion, set forth in its October 14, 2005 petition, for a stay of both petitions to promote settlement of these matters. GE states that it has reached an agreement in principle with the Region concerning a related matter that will also resolve GE's petitions before the Board, assuming the agreement in principle is implemented as presently contemplated. GE explains that the agreement in principle contemplates a resolution to EPA's cost-recovery claims pending in the U.S. District Court for the District of New Jersey in the case of *United States v. General Electric Co.*, docket number CIV. No. 03-4688, and that once the U.S. District Court case has been resolved, GE will request dismissal with prejudice of the petitions pending before the Board. GE states that full implementation of the agreement will take several months. GE states that it is authorized to represent that the Region concurs with GE's request for a stay.

GE's motion for stay to promote settlement is hereby granted. Accordingly, further proceedings related to GE's petitions for reimbursement filed on March 1, 2005, and October 14, 2005, are hereby stayed. In addition, GE and the Region shall file, either individually or jointly, status reports on the progress of their settlement of the District Court case. The status reports shall be filed every three months, with the first status report due on Wednesday, January 18, 2006.

So ordered.

Dated: 10/18/05

ENVIRONMENTAL APPEALS BOARD

By: 
Edward E. Reich
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Consolidation Order and Order Granting Stay in the matter of Grand Street Mercury Site, General Electric Company, Petitioner, CERCLA § 106(b) Petition Nos. 05-01 and 05-03, were sent to the following persons in the manner indicated:

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Dated: OCT 1st 2007


Annette Duncan,
Secretary