

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

	)	
In re:	)	
	)	RCRA Appeal No. 21-01
General Electric Company	)	
	)	
Permit No. MAD002084093	)	
	)	

**ORDER GRANTING MOTIONS FOR EXTENSION OF TIME FOR  
 RESPONSE AND AMICUS BRIEFS**

On January 14, 2021, the Housatonic River Initiative and the Housatonic Environmental Action League (collectively, “Petitioners”) filed a “Notice of Appeal” of a Resource Conservation and Recovery Act (“RCRA”) permit issued by the U.S. Environmental Protection Agency, Region 1, to the General Electric Company for remediation of the Housatonic River. The Board granted Petitioners an additional thirty days to submit a brief setting forth the factual and legal grounds for their appeal and also established new dates for submission of response and amicus briefs consistent with Petitioners’ extension and the time periods in EPA regulations for the filing of response and amicus briefs. *See* Order Granting Extension of Time for Filing of Brief in Support of Petition for Review (EAB Jan. 19, 2021); Order Establishing the Date for Filing a Response to the Petition for Review (EAB Feb. 22, 2021). We have now received requests for extensions of time for the filing of response and amicus briefs.

The Housatonic Rest of River Municipal Committee (“Committee”) has requested that the due date for any amicus brief be extended from March 26, 2021, to April 19, 2021. Both Region 1 and the General Electric Company have requested that the filing date for their

responses to the Petition for Review, as set by the Board's prior order, be extended from April 5, 2021, to May 5, 2021. Additionally, Region 1 has requested that the time required for the Region to file the certified index to the Administrative Record and the relevant portions of the Administrative Record be extended from April 5, 2021 to May 5, 2021. Each of these parties asserts that the requested extensions are necessary to respond to the extensive arguments in the Petitioners' briefs. Further, Region 1 states that it needs the additional time to consult with the EPA Office of General Counsel and other EPA offices. Finally, as we understand the representations from Region 1, the General Electric Company, and the Committee, none of the parties in this litigation opposes these extensions so long as all requested extensions are granted.

Accordingly, based on the representations in the motions filed by Region 1, the General Electric Company, and the Committee, the Board **GRANTS** these motions as follows: any response to the Petition for Review,<sup>1</sup> *see* 40 C.F.R. § 124.19(b)(2) and (4), must be filed with the Board on or before **May 5, 2021**, and any amicus brief, *see id.* § 124.19(e), in this proceeding must be filed with the Board on or before **April 19, 2021**. *See* 40 C.F.R. § 124.19(o).

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: March 17, 2021

By:   
Kathie A. Stein  
Environmental Appeals Judge

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<sup>1</sup> If they wish to participate in the appeal, States or Tribal authorities where the permitted facility or site is or is proposed to be located must file a notice of appearance with their response. 40 C.F.R. § 124.19(b)(4).

**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing **ORDER GRANTING MOTIONS FOR EXTENSION OF TIME FOR RESPONSE AND AMICUS BRIEFS** in the matter of General Electric Company, RCRA Appeal No. 21-01, were sent to the following persons by email:

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Dated: March 17, 2021



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Eurika Durr  
Clerk of the Board