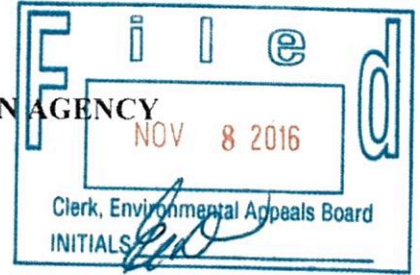


ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



\_\_\_\_\_  
In re: )

General Electric Company )

Permit No. MAD002084093 )

) RCRA Appeal No. 16-01M  
)  
)  
)  
)  
)  
\_\_\_\_\_

**ORDER GRANTING REQUEST FOR EXCEEDANCE OF WORD LIMITATIONS**

The General Electric Company states that it intends to appeal a modification to a Resource Conservation and Recovery Act ("RCRA") permit that U.S. Environmental Protection Agency, Region 1, issued last month. Prior to filing an appeal, General Electric submitted an unopposed request to exceed the word limitations in the applicable regulation on appeal and reply briefs. *See* 40 C.F.R. § 124.19(d)(3). General Electric represents that it has contacted Region 1 and that Region 1 has no objection to General Electric's request.

Requests to exceed the word limitations on briefs filed in permit appeals are discouraged and the Environmental Appeals Board grants such requests only in unusual circumstances. *Id.* The Board finds such "unusual circumstances" here based on General Electric's representations in its unopposed request. General Electric represents that the permit modification is a facet of a lengthy proceeding that goes back at least to October 2000 when the United States District Court for the District of Massachusetts entered a consent decree in which, generally speaking, General Electric agreed to conduct a cleanup of polychlorinated biphenyls in the Housatonic River under the Comprehensive Emergency Response, Compensation, and Liability Act. General Electric further represents that the remedial action prescribed by the modified permit is complex and

multifaceted and that the modified permit comprises over 100 pages. In addition, the administrative record bearing on the dispute appears to be extensive; the consent decree alone is nearly 400 pages long and Region 1's response to comments on the draft permit modification is even longer. Finally, Region 1 itself has priced the cleanup plan in the modified RCRA permit in the hundreds of millions of dollars. EPA Region 1, *Statement of Basis for EPA's Proposed Remedial Action for the Housatonic River "Rest of the River"*, 2 (June 2014). The Board therefore concludes that an exceedance of the word limitations in section 124.19(d)(3) is warranted in these circumstances.

Accordingly, the Board establishes word limitations on briefs for this proceeding as follows: (1) General Electric's appellate brief shall be no longer than 17,000 words; (2) Region 1's response brief shall be no longer than 17,000 words; and (3) any reply brief General Electric may file shall be no longer than 8500 words. The parties shall calculate the number of words in their briefs for the purpose of applying these word limitations following the instructions set forth in 40 C.F.R. § 124.19(d)(3).

So ordered.

Dated: November 8, 2016

**ENVIRONMENTAL APPEALS BOARD<sup>1</sup>**

By: Kathie A. Stein  
Kathie A. Stein  
Environmental Appeals Judge

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<sup>1</sup> The three-member panel deciding this matter is composed of Aaron P. Avila, Kathie A. Stein, and Mary Beth Ward.

**AMENDED CERTIFICATE OF SERVICE**

I certify that copies of the forgoing *ORDER GRANTING REQUEST FOR EXCEEDANCE OF WORD LIMITATION* issued November 8, 2016, in the matter of *In re General Electric Co.*, RCRA Appeal No. 16-01M, were sent to the following persons in the manner indicated. As originally posted on the Environmental Appeal Board's website, the Certificated of Service erroneously stated that the service was made on November 8, 2016. This Amended Certificate of Service documents that service was made on November 9, 2016.

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Dated: NOV -9 2016

  
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Annette Duncan  
Administrative Specialist