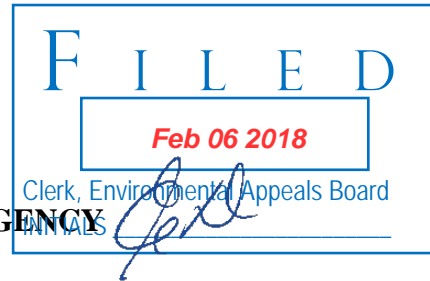


**ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**



---

In re: )  
          ) RCRA Appeal No. 16-01  
General Electric Company )  
          )  
Permit No. MAD002084093 )  
          )  
\_\_\_\_\_ )

**SCHEDULING ORDER ON MOTION FOR RECONSIDERATION**

On February 5, 2018, the U.S. Environmental Protection Agency, Region 1 (“the Region”) moved for reconsideration of a single issue in the Environmental Appeals Board’s January 26, 2018 order in this matter. In that order, the Board remanded in part, and denied review in part of, a permit issued by the Region to the General Electric Company (“GE”) under the Resource Conservation and Recovery Act (“RCRA”). Five separate petitions were filed in response to the Region’s issuance of this permit, including one by the permittee, GE. The Region seeks reconsideration only of the Board’s decision on GE’s petition (RCRA Appeal No. 16-01) and only as to the Board’s remand to the Region of the permit provision addressing the obligation of GE to perform additional response actions in connection with certain future work by third parties. The Region indicates that the other two respondents in Appeal No. 16-01, Massachusetts and Connecticut, either “assent” or “support” its motion, but that the petitioner, GE, “opposes any request for reconsideration of the EAB’s decision on the third party additional work issue.” EPA’s Motion for Partial Reconsideration at 6-7.

GE must file a response to the Region’s motion for reconsideration no later than Tuesday, February 13, 2018. Any other party to this matter may file a separate response to the Region’s

motion, and that response is also due on Tuesday, February 13, 2018. Responses may not address any issue other than the specific issue on which the Region has requested reconsideration. The Region may file a reply to GE's response and to any other response that is filed. Any reply by the Region must be filed no later than Friday, February 16, 2018.

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: February 6, 2018

By:   
Kathie A. Stein  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I certify that copies of the attached **SCHEDULING ORDER ON MOTION FOR RECONSIDERATION** issued February 6, 2018, in the matter of General Electric Co., RCRA Appeal No. 16-01, were sent to the following persons in the manner indicated:

**By Email:**

*For General Electric:*

James R. Bieke  
SIDLEY AUSTIN, LLP  
1501 K Street, N.W.  
Washington, D.C. 20005  
(202) 736-8000  
jbieke@sidley.com

Jeffrey R. Porter  
Andrew Nathanson  
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY &  
POPEO, P.C.  
One Financial Center  
Boston, MA 02111  
(617) 542-6000  
[JRPorter@mintz.com](mailto:JRPorter@mintz.com)  
[ANNathanson@mintz.com](mailto:ANNathanson@mintz.com)

*For EPA Region 1:*

Timothy Conway (OES04-3)  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency,  
Region 1  
Five Post Office Square, Suite 100  
Boston, MA 02109-3912  
(617) 918-1705  
[Conway.tim@epa.gov](mailto:Conway.tim@epa.gov)

Alexandra Dunn (ORA01-4)  
Regional Administrator U.S. EPA, Region 1  
Five Post Office Square, Suite 100  
Boston, MA 02109-3912  
[Dunn.alexandra@Epa.gov](mailto:Dunn.alexandra@Epa.gov)

Bryan Olson (OSRR07-5)  
Director, Office of Site Remediation and  
Restoration  
U.S. EPA, Region 1  
Five Post Office Square, Suite 100  
Boston, MA 02109-3912  
[Olson.bryan@Epa.gov](mailto:Olson.bryan@Epa.gov)

*For Housatonic River Initiative:*

Timothy Gray  
Peter DeFur  
Housatonic River Initiative, Inc.  
P.O. Box 321  
Lenoxdale, MA 01242-0321  
(413) 446-2520  
[Housriverkeeper@gmail.com](mailto:Housriverkeeper@gmail.com)  
[pldefur@gmail.com](mailto:pldefur@gmail.com)

*For C. Jeffrey Cook:*

C. Jeffrey Cook  
9 Palomino Drive  
Pittsfield, MA 01201  
Home: 413-499-1544  
Cell: 413-441-2814  
Home Office: 413-499-4107  
Work: 413-553-0404  
[jcook@cohenkinne.com](mailto:jcook@cohenkinne.com)

*For Housatonic Rest of the River Municipal  
Committee*

Matthew F. Pawa  
Benjamin A. Krass  
Pawa Law Group, P.C.  
1280 Centre Street  
Newton, MA 02459  
617-641-9550  
Fax: 617-641-9551  
[mp@pawalaw.com](mailto:mp@pawalaw.com)

*For the Berkshire Environmental Action Team,  
Inc.:*

Jane Winn  
Berkshire Environmental Action Team, Inc.  
29 Highland Ave.  
Pittsfield, MA 01201-2413  
[jane@thebeatnews.org](mailto:jane@thebeatnews.org)  
413-230-7321

*For The City of Pittsfield*

Richard M. Dohoney  
DONOVAN O'CONNOR & DODIG, LLP.  
1330 Mass MoCA Way  
North Adams, MA 01247  
[rdohoney@docatty.com](mailto:rdohoney@docatty.com)  
[mail@docatty.com](mailto:mail@docatty.com)  
413-663-3200 tel  
413-663-7970 fax

*For Massachusetts Audubon Society:*

Kathleen E. Connolly  
Louison, Costello, Condon & Pfaff, LLP  
101 Summer Street  
Boston, MA 02110  
(617) 439-0305  
[kconnolly@lccplaw.com](mailto:kconnolly@lccplaw.com)

*For State of Connecticut:*

Lori D. DiBella  
Assistant Attorney General  
55 Elm Street  
P.O. Box 120  
Hartford, CT 06141-0120  
Tel: (860) 808-5250  
Fax: (860) 808-5386  
[Lori.dibella@ct.gov](mailto:Lori.dibella@ct.gov)

*For Commonwealth of Massachusetts:*

Jeffrey Mickelson  
Deputy General Counsel  
Massachusetts Department of Environmental  
Protection  
One Winter Street  
Boston, MA 02108  
[Jeffrey.Mickelson@state.ma.us](mailto:Jeffrey.Mickelson@state.ma.us)

Richard Lehan  
General Counsel  
Massachusetts Department of Fish and Game  
251 Causeway St., Suite 400  
Boston, MA 02114  
[Richard.Lehan@state.ma.us](mailto:Richard.Lehan@state.ma.us)

*For Green Berkshires, Inc.:*

Robert D. Cox, Jr.  
Bowditch & Dewey, LLP  
311 Main St., P.O. Box 15156  
Worcester, MA 01615  
[rcox@bowditch.com](mailto:rcox@bowditch.com)  
508-926-3409 tel  
508-929-3012 fax

Dated: February 6, 2018



Erika Durr  
Clerk of the Board