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October 14, 2005

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board
Colorado Building
1341 G Street, N.W., Suite 600
Washington, DC 20005

Re: In the Matter of Grand Street Mercury Site
CERCLA § 106(b) Petition No. 05-01

Dear Clerk of the Board:

On behalf of Petitioner General Electric Company, please find one original and five copies of General Electric Company's Petition for Reimbursement Under Section 106(b)(2) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, and Unopposed Motion to Stay Further Proceedings Pending Settlement.

As indicated by the attached Certificate of Service, we have served counsel for the Office of Regional Counsel for Region 2 and the headquarters Office of Site Remediation and Enforcement.

Please return a file-stamped copy of the pleading to the waiting messenger. Do not hesitate to contact me if you have any questions.

Clerk of the Board
October 14, 2005
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Very truly yours,

A handwritten signature in black ink, appearing to read "S. Gutter", written over the typed name below.

Samuel I. Gutter

cc: Sarah P. Flanagan, EPA Region 2
Clarence Featherson, EPA OSRE
James Moss, Herrick Feinstein
Kirk Macfarlane, GE

Encls.


CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Petition for Reimbursement Under Section 106(b)(2) of the Comprehensive Environmental Response, Compensation, And Liability Act Of 1980 and Unopposed Motion To Stay Further Proceedings Pending Settlement were sent to the following persons by first class mail, postage prepaid:

Sarah P. Flanagan
Office of Regional Counsel
U.S. EPA, Region 2
290 Broadway, 17th floor
New York, NY 10007-1866

Clarence Featherson
EPA Office of Site Remediation and Enforcement
Ariel Rios Building, MC 2272A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dated: October 14, 2005



Samuel J. Gutter

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

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In the Matter of:)	CERCLA § 106(b) Petition No. 05-01
)	
Grand Street Mercury Site,)	Unilateral Administrative Orders
General Electric Company, Petitioner)	Docket No. II-CERCLA-97-0108
)	Docket No. II-CERCLA-98-0108
)	
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**GENERAL ELECTRIC COMPANY'S PETITION FOR
REIMBURSEMENT UNDER SECTION 106(b)(2) OF THE
COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT OF 1980**

AND

**UNOPPOSED MOTION TO STAY
FURTHER PROCEEDINGS PENDING SETTLEMENT**

Currently pending before the Environmental Appeals Board is the Petition for Reimbursement filed by General Electric Company ("GE") relating to CERCLA UAO Docket No. II-CERCLA-97-0108. By this pleading, GE re-files its petition for reimbursement relating to CERCLA UAO Docket No. II-CERCLA-98-0108, previously dismissed by the Board without prejudice. GE also moves the Board to stay further proceedings relating to both UAOs pending implementation, in a consent decree, of an agreement in principle recently reached by GE and EPA. GE is authorized to represent that EPA concurs with the motion to stay further proceedings.

Background

On March 1, 2005, GE filed a petition for reimbursement for costs incurred responding to two UAOs issued for the Grand Street Mercury Superfund Site in Hoboken, New Jersey. The Board accepted jurisdiction over GE's petition relative to UAO Docket No. II-CERCLA-97-0108, the "Site Maintenance UAO." However, the Board dismissed GE's petition insofar as it sought reimbursement of costs incurred pursuant to UAO Docket No. II-CERCLA-98-0108, the "Remedial Action UAO." See Order Dismissing Petition In Part Without Prejudice (May 11, 2005).

The basis for the Board's partial dismissal of GE's petition was the Board's conclusion that GE could not be said to have completed its work under the Remedial Action UAO until such time as EPA approved GE's Remedial Action Report. The Board held that, once EPA approved GE's Remedial Action Report, GE could re-file its petition simply by incorporating by reference the March 1, 2005, petition. May 11, 2005 Order at 6.

As the Board has been informed, EPA approved GE's Remedial Action Report on August 30, 2005. See EPA's Status Report filed August 31, 2005. Accordingly, pursuant to the Board's Order of May 11, 2005, GE may now re-file its petition as applies to the Remedial Action UAO.

Subsequently, GE and EPA have reached an agreement in principle to resolve EPA's cost-recovery claims pending in U.S. district court, *United States v. General Electric Co.*, Civ. No. 03-4688 (D.NJ), and related matters involving the Grand Street site. Under the agreement in principle, GE and EPA will enter into a consent decree to be filed with the district court. Assuming that GE and EPA reach agreement on the terms of a consent decree, and that the court, following lodging and the requisite public comment period, approves the consent decree, GE will thereupon dismiss, with prejudice, this petition before the Board.

It is anticipated to take several months before the consent decree is negotiated, lodged, and entered. In the meantime, however, GE must re-file its petition related to the Remedial Action UAO within 60 days of EPA's approval of GE's Remedial Action Report. See CERCLA § 106(b)(2). Otherwise, in the event that final settlement is not achieved, the statutory deadline will have passed.

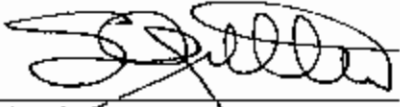
Relief Requested

First, GE hereby petitions the Environmental Appeals Board for reimbursement of GE's costs incurred pursuant to the Remedial Action UAO. As allowed by the Board's Order of May 11, 2005, GE incorporates by reference GE's original petition, dated March 1, 2005, which seeks reimbursement of GE's costs incurred pursuant to both the Remedial Action UAO and the Site Maintenance UAO.

Second, GE respectfully requests that the Board stay all further proceedings related to GE's petition pending negotiation, lodging and entry of the consent decree in *United States v. GE, supra*. GE suggests that the Board may further direct the parties to file status reports every 60 days, or at such other interval as the Board deems appropriate, until final resolution of the settlement.

Respectfully submitted,

GENERAL ELECTRIC COMPANY

By: 
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October 14, 2005