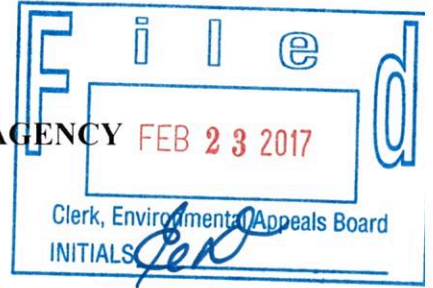


ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



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

General Electric Company )

Permit No. MAD002084093 )  
\_\_\_\_\_ )

RCRA Appeal Nos. 16-01, 16-02, 16-03,  
16-04, and 16-05

**ORDER GRANTING ORAL ARGUMENT**

The U.S. Environmental Protection Agency, Region 1, has requested oral argument in each of five permit appeals involving Region 1's decision to revise a Resource Conservation and Recovery Act ("RCRA") permit for the Housatonic Rest of River remedial action. *In re General Electric Co.*, RCRA Appeal Nos. 16-01 through 16-05. Mr. C. Jeffrey Cook, the petitioner in RCRA Appeal No. 16-03, has also requested oral argument in his permit appeal. The Board grants these requests for oral argument in the five appeals.

The Board requests that the parties present oral argument in the five appeals on Thursday, June 8, 2017, in the Administrative Courtroom, U.S. Environmental Protection Agency, William Jefferson Clinton East Building, Room 1152, 1201 Constitution Avenue, N.W., Washington, D.C. Counsel or other duly-authorized representatives of the parties may also present their arguments by video-conference. Given the complexity of the matter and the large number of appeals, parties, and issues, the Board is tentatively scheduling two sessions for oral argument on that day: 10 a.m. to 12 p.m., and 2 p.m. to 4 p.m. (Eastern Daylight Savings Time).

Once all briefing in these appeals is complete, the Board will issue an additional order on oral argument designating the order in which the appeals and issues will be heard and allocating time for presentations for the various parties.<sup>1</sup>

So ordered.

Dated: February 23, 2017

**ENVIRONMENTAL APPEALS BOARD**

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

---

<sup>1</sup> Oral arguments before the Board are open to the public. For security purposes, advance notice is required to gain entry into the EPA building where the Courtroom is located. Members of the public wishing to attend oral argument must contact the Clerk of the Board (Eurika Durr, 202-233-0122, durr.eurika@epa.gov) sufficiently in advance of the oral argument to allow the Clerk reasonable opportunity to notify appropriate security personnel (i.e., no later than one week prior to the scheduled oral argument).

## CERTIFICATE OF SERVICE

I certify that copies of the foregoing ORDER GRANTING ORAL ARGUMENT issued February 23, 2017, in the matter of *In re General Electric Co.*, RCRA Appeal Nos. 16-01, 16-02, 16-03, 16-04, and 16-05, were sent to the following persons in the manner indicated:

### **By First Class Mail:**

*For General Electric Company:*

Jeffrey R. Porter  
Andrew Nathanson  
MINTZ LEVN, COHN, FERRIS,  
GLOVSKY & POPEO, P.C.  
One Financial Center  
Boston, MA 02111

James R. Bieke  
SIDLEY & AUSTIN, LLP  
1501 K Street, N.W.  
Washington, D.C. 20005

Thomas H. Hill  
Associate General Counsel  
GENERAL ELECTRIC COMPANY  
801 Main Avenue  
The Towers at Merritt River  
Norwalk, CT 06851

Roderic J. McLaren  
Executive Counsel – Environmental  
Remediation  
GENERAL ELECTRIC COMPANY  
159 Plastics Avenue  
Pittsfield, MA 01201

*For Housatonic River Initiative:*

Timothy Gray  
Housatonic River Initiative, Inc.  
(HRI)  
P O Box 321  
Lenoxdale, MA 01242-0321

*For C. Jeffrey Cook:*

C. Jeffrey Cook  
9 Palomino Drive  
Pittsfield, MA 01201

*For Housatonic Rest of River Municipal  
Committee*

Matthew F. Pawa  
Benjamin A. Krass  
PAWA LAW GROUP, P.C.  
1280 Centre Street  
Newton, MA 02459

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

Jane Winn  
Berkshire Environmental Action  
Team, Inc.  
29 Highland Ave.  
Pittsfield, MA 01201-2413

*For Massachusetts Audubon Society:*

Kathleen E. Connolly  
LOUISON, COSTELLO, CONDON &  
PFAFF, LLP  
101 Summer Street  
Boston, MA 02110

*For State of Connecticut:*

Lori D. DiBella  
Assistant Attorney General  
55 Elm Street  
P.O. Box 120  
Hartford, CT 06141-0120

*For Commonwealth of Massachusetts:*

Jeffrey Mickelson  
Deputy General Counsel  
Massachusetts Dept. of Environmental Protection  
One Winter Street  
Boston, MA 02108

Richard Lehan  
General Counsel  
Massachusetts Department of Fish and Game  
251 Causeway St., Suite 400  
Boston, MA 02114

*For The City of Pittsfield*

Richard M. Dohoney  
DONOVAN O'CONNOR & DODIG, LLP.  
1330 Mass MoCA Way  
North Adams, MA 01247

**By EPA Pouch Mail:**

*For EPA Region 1:*

Curt Spalding (ORA01-4)  
Regional Administrator  
U.S. EPA, Region 1  
Five Post Office Square, Suite 100  
Boston, MA 02109-3912

Timothy Conway (OES04-3)  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency,  
Region 1  
Five Post Office Square, Suite 100  
Boston, MA 02109-3912

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

Dated:           **FEB 23 2017**          



\_\_\_\_\_  
Annette Duncan  
Administrative Specialist