

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

IN THE MATTER OF: )  
General Electric Co. ) Nos. RCRA 16-01, 16-02, 16-03, 16-04, 16-05  
RCRA Permit No. MAD002084093 )  
)

**SUBMISSION OF CITATIONS**

At oral argument in these matters on June 8, 2017, the Board permitted each party making an appearance to file with the Board, by June 19, 2017, a list of additional citations to the record in response to questions posed by the Board. The Housatonic Rest of River Municipal Committee (“Municipal Committee”) respectfully submits the following citations:

- 1. Location of GE’s proposed “on-site” disposal facilities relative to the Housatonic River.** The Committee refers the Board to Admin. Record Doc. # 586276, “Presentation: GE’s Proposed Upland Disposal Facilities, 2/24/2016, Citizens Coordinating Council Meeting” (hereinafter “CCC Presentation”). The CCC Presentation is attached as Exhibit 1, and is also available from EPA’s website at <https://sempub.epa.gov/work/01/586276.pdf>.
  
- 2. Whether the three proposed “on-site” permanent disposal locations are subject to flooding.** According to the record, all three of General Electric’s proposed locations are “situated outside the 500-year floodplain.” RCMS 9-42. (This statement appears to refer to the current or historic 500-year floodplain; the Region has acknowledged however that climate change will increase flooding above current/historic levels. RTC 204, 369.)

**3. Proximity of residential properties to GE’s three proposed “on-site” permanent disposal locations.**

- a. Woods Pond.** The RCMS states that the Woods Pond site is bounded to the east by residential properties on Woodland Road. *See* RCMS 9-42. Attached as Exhibit 2 are figures 9-4 and 9-5 from the RCMS<sup>1</sup> and a satellite photo of the area from Google Maps.<sup>2</sup> The RCMS figures show that the proposed operations area would be on the eastern side of the site, some 400 feet from one of these abutting residences (visible on the RCMS figures as a bulge in the property line, extending west into the proposed landfill site). This home is also visible in the Woods Pond satellite photo included in the CCC Presentation (Exhibit 1); the home is just to the left of the label identifying Woodland Road. In addition, the historic village of Lenox Dale is just southwest of the Woods Pond site. Lenox Dale homes are visible in the lower left corner of the CCC Presentation satellite photo (Exhibit 1), and also in the Google Maps satellite photo (Exhibit 2).
- b. Forest Street.** The RCMS states that the Forest Street site is bounded to the north by residential properties. *See* RCMS 9-43. Figure 9-8 from the RCMS and a Google Maps satellite photo of the area are attached as Exhibit 3.

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<sup>1</sup> The RCMS figures show site configurations under maximum and minimum disposal volume scenarios. *See* RCMS 9-42. The volume will affect the precise contours of the operations area and thus affect the precise proximity. The CCC presentation (Exhibit 1) has satellite photos with contour lines showing the operations area of a 1 million cubic-yard landfill at each of the three sites – *i.e.*, a landfill that would accommodate the 990,000 cubic yards of material that are expected to be excavated as part of the selected remedy.

<sup>2</sup> *See United States v. Perea-Rey*, 680 F.3d 1179, 1182 n.1 (9th Cir. 2012) (judicial notice of Google maps).

Comparing Fig. 9-8 from the RCMS with satellite photos from Google Maps and from the CCC Presentation (Exhibit 1) indicates that the northern tip of the operations area is directly opposite Silver Street, and that residences on Silver Street are approximately 200 feet away. In addition, Google Maps and the CCC presentation show that Chanterwood Road (a winding street branching off Forest Street, east of the site) also has nearby homes.

- c. ***Rising Pond.*** The RCMS states that Rising Pond is bounded to the west by residential property. RCMS 9-43. Figures 9-10 and 9-11 from the RCMS and Google Maps satellite photos of the Rising Pond area are attached as Exhibit 4. Comparing RCMS Figures 9-10 and 9-11 to the CCC Presentation and other satellite photos from Google Maps shows that the proposed operations area is approximately 300 feet away from homes across Van Deusenville Road, to the west of the site. The Google Maps satellite photos also show that the proposed operations area is approximately 1,500 feet from the village of Housatonic, which is to the north of the site.

June 19, 2017

Respectfully submitted,

Housatonic Rest of River Municipal Committee

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CERTIFICATE OF SERVICE

I certify that a copy of this submission of citations has been sent to the counsel listed below.

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