

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

In re:)	
)	
GENERAL ELECTRIC COMPANY)	RCRA Appeal No. 16-04
)	
Modification of RCRA Corrective Action)	
Permit No. MAD002084093)	

**PERMITTEE’S NOTICE OF APPEARANCE AND UNOPPOSED MOTION FOR
CLARIFICATION OF RIGHT TO RESPOND TO PETITION OF THE
HOUSATONIC REST OF RIVER MUNICIPAL COMMITTEE**

Pursuant to 40 C.F.R. § 124.19(b)(3), the permittee General Electric Company (“GE”) hereby (i) files a notice of appearance in the proceeding commenced by the petition of the Housatonic Rest of River Municipal Committee (“Municipal Committee”) on November 23, 2016, RCRA Appeal No. 16-04, for review of the final permit modification decision issued to GE by the U.S. Environmental Protection Agency (“EPA”), Region 1 (“the Region”) on October 24, 2016, under the Resource Conservation and Recovery Act (“RCRA”); and (ii) seeks clarification of its right to respond to the Municipal Committee’s petition.¹

The Municipal Committee’s petition raises entirely separate challenges to the final permit modification from those raised in GE’s petition or the other petitions. Those challenges, if successful, would have an adverse impact on GE. As a result, GE has a direct and substantial interest in responding to these challenges.

¹ GE has also filed a petition for review of the RCRA permit modification at issue in this proceeding (RCRA Appeal No. 16-01). Other parties have also filed petitions for review of the same permit modification.

The Board's rules provide that a permit applicant who did not file a petition but wishes to participate in an appeal commenced by a petition may file a notice of appearance and a response to the petition, which must be filed by the same deadline as the Region's response. 40 C.F.R. § 124.19(b)(3). Although GE did file its own petition appealing the final permit modification, that petition raises issues different from those raised in the petition of the Municipal Committee, and therefore § 124.19(b)(3) would seem to provide GE the right to respond to the Municipal Committee's petition. In any event, this Board generally grants petitions to intervene by permit applicants. *See, e.g., In re: Christian County Generation, LLC*, PSD Appeal No. 12-01, order dated June 13, 2012; *In re: Hess Newark Energy Center*, PSD Appeal 12-02, order dated November 2, 2012; *In re: Pio Pico Energy Center*, PSD Appeal Nos. 12-04 through 12-06, order dated January 24, 2013.

GE would file its response to the Municipal Committee's petition on the same date as is established for the Region's response to all of the petitions for review in this proceeding.² GE would limit its response to no more than 7,000 words in accordance with 40 C.F.R. § 124.19(d)(3).

Counsel for the Region and counsel for the Municipal Committee have both advised GE that the Region and the Municipal Committee assent to this motion .

For the reasons given above, GE files this notice of appearance and seeks clarification of its right to respond to the Municipal Committee's petition on the same date as is established for the Region's response to all petitions.

² The Region has moved for an extension of the time to file its response to January 31, 2017. GE assents to that request.

Respectfully submitted,

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Dated: December 8, 2016

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of December, 2016, I served one copy of the foregoing Permittee's Notice of Appearance and Unopposed Motion for Clarification of Right to Respond to the Petition of the Housatonic Rest of River Municipal Committee on each of the following:

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