

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

In re:)	
General Electric Co.)	
Permit No. MAD002084093)	RCRA Appeal No. 21-01
)	

**MOTION FOR EXTENSION OF TIME
BY HOUSATONIC REST OF RIVER MUNICIPAL COMMITTEE**

The Housatonic Rest of River Municipal Committee (“Committee”), by and through its undersigned counsel, hereby moves pursuant to 40 C.F.R. 124.19(g) to extend the Committee’s deadline to submit an amicus brief in this matter.

The Committee requests that the deadline for any amicus brief by the Committee be moved to April 19, 2021. The current deadline for all amicus briefs is March 26, 2021, and the deadline for permit issuer EPA Region 1 to file its brief and the administrative record filings is April 5, 2021. *See* Dkt. #4 (Board’s scheduling order). April 5 is also the deadline for any briefs from permittee General Electric Co. (“GE”), Connecticut, Massachusetts, and/or Tribal authorities. *Id.* Based on conversations with counsel, the Committee’s understanding is that Region 1 will file a motion later today seeking to move the April 5 deadlines to May 5, 2021.

This motion is partially unopposed. Counsel for petitioners Housatonic River Initiative and Housatonic Environmental Action League (“HRI/HEAL”) informed the Committee that HRI/HEAL do not oppose extending the Committee’s deadline to April 19. Counsel for the Region, the Massachusetts Department of Environmental Protection, and GE have informed the Committee that they do not oppose the Committee’s extension request, provided the Board

grants the Region’s upcoming request to move the April 5 deadlines to May 5. Counsel for Connecticut did not respond immediately to the Committee’s request for consent to this motion.

An extension of the Committee’s time to file an amicus brief is warranted. **First**, as the Board appeared to acknowledge in granting a similar extension request by HRI/HEAL, the permit modification under appeal is “complex” and “technical,” and the administrative record is “extensive.” Dkt. #2, at 1. In addition, the HRI/HEAL petition relies on reports by several individuals whom HRI/HEAL identifies as having relevant expertise. The Committee expects to support the Region’s cleanup decisions, and additional time will help the Committee develop thorough and careful responses to some of HRI/HEAL’s more detailed objections to these cleanup decisions.

Second, if the Board grants the Region’s expected extension request, any extension granted to the Committee will not delay the close of briefing in this matter.

For these reasons, the Committee respectfully requests that the Board move the deadline for the Committee’s amicus brief to April 19, 2021.

Date: March 16, 2021

Respectfully submitted,

Housatonic Rest of River Municipal Committee

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CERTIFICATE OF SERVICE

I certify that on March 16, 2021, I have sent a copy of the foregoing to the counsel listed below by email.

/s/ Diana Phelan

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