

## JUDICIAL RULINGS

The following list of judicial rulings is provided by the U.S. Environmental Protection Agency (EPA) Pursuant to Section II of Corrected Order Establishing Framework for Oral Argument, in re: General Electric Company Permit No. MAD002084093, May 10, 2017. This document will also be available in electronic format on the enclosed disk.

### **(1) Consideration of Cost in RCRA Corrective Action and CERCLA Remedial Decisionmaking**

*Franklin Cnty. Convention Facilities Auth. v. Am. Premier Underwriters, Inc.*, 240 F.3d 534, 546 (6th Cir. 2001).

*Ameripride Servs. v. Valley Indus. Serv.*, 2011 U.S. Dist. LEXIS 55634, \*53 (E.D. Cal. May 12, 2011).

*City of Wichita v. Trs. of the Apco Oil Corp. Liquidating Tr.*, 306 F. Supp. 2d 1040, 1085 (D. Kan. 2003).

*Pentair Thermal Mgmt., LLC v. Rowe Indus.*, No. 06-cv-07164 NC, 2013 U.S. Dist. LEXIS 47390, \*40-43 (N.D. Cal. Mar. 31, 2013).

*United States v. Akzo Nobel Coatings*, 990 F. Supp. 892, 896-97 (E.D. Mich. 1998).

*United States v. Bell Petroleum Servs., Inc.*, 734 F. Supp. 771, 780 (W.D. Tex. 1990).

*United States v. City of Rockford*, No. 98C50026, 1998 U.S. Dist. LEXIS 23728, \*167-69 (N.D. Ill. Apr. 8, 1998).

*United States v. Niagara Mohawk Power Corp.*, No. 97-CV-0136 FJS DNH, 1997 U.S. Dist. LEXIS 21394, \*200-202, 220 (N.D.N.Y. May 15, 1997).

### **(2) Consideration of State and Community Concerns in RCRA Corrective Action Remedial Decisions**

*Alabama v. EPA*, 911 F.2d 499, 505 (11th Cir. 1990).

### **(3) Consideration of State and Community Concerns in CERCLA Remedial Decisions**

*Carson Harbor Vill. v. Cnty. of Los Angeles*, 433 F.3d 1260, 1266-67 (9th Cir. 2006).

*Cnty. Line Inv. Co. v. Tinney*, 933 F.2d 1508, 1511-15 (10th Cir. 1991).

*Union Pac. R.R. Co. v. Reilly Ind., Inc.*, 215 F.3d 830, 835-39 (8th Cir. 2000).

*Washington State Dep't of Transp. v. Washington Natural Gas Co.*, 59 F.3d 793, 805 (9th Cir. 1995).

*City of Wichita v. Trs. of the Apco Oil Corp. Liquidating Tr.*, 306 F. Supp. 2d 1040, 1089-90 (D. Kan. 2003).

*Norfolk S. Railway Co. v. Gee Co.*, 158 F. Supp. 2d 878, 880-83 (N.D. Ill. 2001).

*Pub. Serv. Co. v. Gates Rubber Co.*, No. 96 N 1922, 1997 U.S. Dist. LEXIS 21422, \*38-39 (D. Colo. Dec. 16, 1997).

*Sealy Connecticut v. Litton Ind.*, 93 F. Supp. 2d 177, 196 (D. Conn. 2000).

*Southfund Partners III v. Sears, Roebuck & Co.*, 57 F. Supp. 2d 1369, 1383 (N.D. Ga. 1999).

*United States v. City of Rockford*, No. 98C50026, 1998 U.S. Dist. LEXIS 23728, \*168-69 (N.D. Ill. Apr. 8, 1998).

*United States v. Niagara Mohawk Power Corp.*, No. 97-CV-0136 FJS DNH, 1997 U.S. Dist. LEXIS 21394, at \*191 (N.D.N.Y. May 15, 1997).

*United States v. Pechiney Plastics*, 2013 U.S. Dist. LEXIS 37640, \*73-74 (D. N.J. 2013).