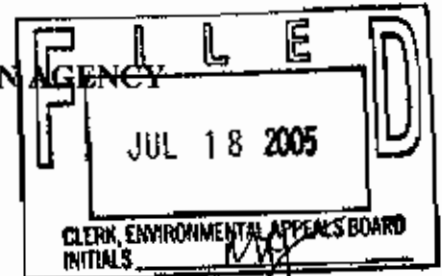


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ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In the Matter of:

Grand Street Mercury Site,
General Electric Company, Petitioner

CERCLA § 106(b) Petition No. 05-01

ORDER GRANTING SECOND EXTENSION OF TIME

By petition filed on March 1, 2005, the General Electric Company ("GE") seeks reimbursement of costs (plus interest) incurred in complying with the terms of two unilateral administrative orders ("UAO") issued by U.S. EPA Region 2 (the "Region") regarding the Grand Street Mercury Superfund Site, Hoboken, New Jersey. The petition refers to the first UAO, which was originally issued on February 24, 1997, as the "Site Maintenance UAO." The petition refers to the second UAO, which was originally issued on April 1, 1998, as the "Remedial Action UAO."

Consistent with the Board's practice, the Clerk of the Environmental Appeals Board sent a letter to the Region requesting that the Region file a certified index to the administrative record and a response to GE's petition on or before April 4, 2005. By Order dated April 6, 2005, the Board granted the Region's request for a stay through July 15, 2005, of the Region's obligation to respond to GE's petition, and by Order dated May 11, 2005, the Board partially dismissed GE's petition without prejudice insofar as GE's petition seeks reimbursement of costs with respect to the Remedial Action UAO.

The Board's May 11 Order determined that GE's request for reimbursement of its response costs under the Remedial Action UAO was premature in that the required action had not yet been completed. The May 11 Order noted that GE would be allowed to re-file its request for reimbursement under the Remedial Action UAO after the Region issues a notice of

completion. The Board's orders, nevertheless, recognized the parties' understanding that consolidated consideration of GE's requests for reimbursement under both UAOs is the most practical course. Thus, the Board's April 6 Order directed the Region to file a status report by July 15, 2005, regarding the completeness of the action required under the Remedial Action UAO and stated that an order scheduling further briefing in this case would be issued after receipt of the Region's status report.

Before the Board at this time is the Region's July 15 Status Report. In that report, the Region states that it has not yet issued its notice of completion to GE with respect to the Remedial Action UAO. The Region states further that, barring any unforeseen complications, it anticipates issuing that notice by the end of August 2005.

In consideration of the foregoing, the Region is hereby directed to file on or before Friday, September 2, 2005, a second status report regarding its review of the completeness of GE's action under the Remedial Action UAO. (We encourage the Region to file its report promptly after it issues any notice of completion to GE.) A further order related to briefing in this case will be issued after receipt of the Region's second status report.

So ordered.

Dated: JUL 18 2005

ENVIRONMENTAL APPEALS BOARD

By: 

Edward E. Reich
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Granting Second Extension of Time in the matter of Grand Street Mercury Site, General Electric Company, Petitioner, CERCLA § 106(b) Petition No. 05-01, were sent to the following persons in the manner indicated:

By First Class Mail
Postage Prepaid:

Samual I. Gutter
Samuel B. Boxerman
Sidley Austin Brown & Wood, LLP
1501 K Street, N.W.
Washington, DC 20005

James A. Moss
Herrick, Feinstein LLP
Two Park Avenue
New York, NY 10016

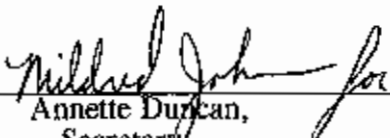
Kirk Macfarlane
Counsel, GE Corporate Environmental Programs
640 Freedom Business Center
King of Prussia, PA 19406

By Pouch Mail:

Sarah P. Flanagan
Office of Regional Counsel
U.S. EPA, Region 2
290 Broadway, 17th Floor
New York, NY 10007-1866

Clarence Featherson
Office of Site Remediation and Enforcement
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Dated: JUL 18 2005


Annette Duncan,
Secretary