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

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ENVIR. APPEALS BOARD

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_____))
In re: _____))
_____))
General Electric Company _____))
NPDES Permit No. MA0003891 _____))
_____))

NPDES Appeal No. 08-25

**JOINT MOTION TO EXTEND THE DEADLINE FOR FILING THE REGION'S
RESPONSE TO THE PETITION FOR REVIEW**

Region 1 of the United States Environmental Protection Agency ("Region") and the General Electric Company ("GE") respectfully request that the U.S. EPA Environmental Appeals Board ("Board") extend the deadline for the Region to file its response to GE's petition for review in the above-captioned matter until April 23, 2009, to allow the parties to undertake settlement negotiations. As the basis for this motion, the parties submit the following grounds.

BACKGROUND

The Region reissued NPDES Permit No. MA0003891 to GE on October 3, 2008. On November 3, 2008, GE timely filed a petition for review with the Board contesting certain conditions of the permit. By letter dated November 6, 2008, the Board directed the Region to prepare a response that addresses GE's contentions and whether GE has satisfied the requirements for obtaining review.

Upon consideration of the permitting documents and the petition for review, the parties believe that resolution of some or all of the issues in this appeal is possible and have agreed to enter into settlement discussions.

REQUESTED RELIEF AND GROUNDS FOR SUCH RELIEF

The parties request that the Board rescind the December 23, 2008, deadline for filing of the Region's response to the petition for review and establish a new deadline of April 23, 2009. Before such date, but not later than March 23, 2009, the parties shall submit a status report on the progress of settlement discussions and shall move the Board for additional relief as warranted. An extension of this length is reasonable and necessary given the significant technical complexity underlying Region 1's permitting determinations in this matter; the need to schedule multiple meetings between technical and legal personnel from the Region and GE, including during the traditional holiday months of November and December; and Region 1's desire to inform numerous and long-standing non-party stakeholders in the Housatonic River cleanup effort of any actions proposed to be taken as a consequence of settlement discussions. If an extension is not granted, the parties will be forced to divert their time and effort to the proceedings before this Board, when there is a substantial possibility that all or some of the issues raised in the petition for review may be resolved through settlement discussions. Accordingly, in an effort to conserve administrative resources, and to encourage efficiency and promote judicial economy, the parties jointly request that the Board grant this motion.

Respectfully submitted,



**U.S. Environmental Protection Agency,
Region 1**



General Electric Company

By its counsel,

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November 20, 2008

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November 20, 2008

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Joint Motion to Extend the Deadline for Filing the Region's Response to the Petition for Review of the General Electric Company NPDES Permit Issued by EPA Region 1 in the matter of *In re: General Electric Company*, NPDES Permit No. MA0003891, Appeal No. 08-25 was served by United States First Class Mail on the following persons, this 20th day of November, 2008.

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Dated: November 20, 2008