

Attachment 9:

**Petitioner's Erratum to Petition for Review (January 13, 2017),
Docket Document # 21, EAB Docket # 16-01.**

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

In re:

GENERAL ELECTRIC COMPANY

Modification of RCRA Corrective Action
Permit No. MAD002084093

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) RCRA Appeal No. 16-01
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ERRATUM TO GENERAL ELECTRIC COMPANY'S PETITION FOR REVIEW

On November 23, 2016, the General Electric Company ("GE") filed a petition for review of the final permit modification issued to GE by the Environmental Protection Agency, Region 1 under the Resource Conservation and Recovery Act on October 24, 2016 (the "Modified Permit"). GE has discovered that certain provisions of the Modified Permit that GE has clearly contested are not also specified in GE's list of the contested Modified Permit conditions at pages 8 to 9 of its petition. Even though all of the contested Modified Permit conditions are identified in EPA's Revised Notice of Uncontested and Severable Permit Conditions (dated January 9, 2017), and GE was the only petitioner to even attempt to list the Modified Permit conditions it was contesting, it files this Erratum.

Specifically, Condition II.B.2.l includes requirements that, for any Legally Permissible Future Project or Work in the Connecticut portion of the river (Reaches 10 through 16) that involves handling of material with PCBs greater than 1 mg/kg, GE must conduct response actions to be protective of that project or work (Conditions II.B.2.l.(1)(a) and (2)(a)). GE listed the provisions for future projects or work in Massachusetts (Conditions II.B.2.j.(1)(c) & (2)(e) and II.B.2.k) as contested provisions, but inadvertently neglected to list the parallel provisions for Connecticut. However, the Petition makes clear that GE is contesting that "[t]he Modified

Permit requires that, for any such future project or work in Massachusetts, *or for any such project or work in Connecticut that would require handling of sediment containing more than 1 mg/kg of PCBs*, GE must conduct ‘response actions to be protective’ of the work.” GE Pet. at 48 (emphasis added). GE then goes on to show that those provisions exceed EPA’s contractual authority under the CD with respect to both Massachusetts and Connecticut. *Id.* at 48-51. Therefore, as EPA has acknowledged in its January 9, 2017 Revised Notice of Uncontested and Severable Permit Conditions, GE has contested Conditions II.B.2.1.(1)(a) and (2)(a) (as well as the references to subsection (2)(a) in subsection (2)(b).i).

Respectfully submitted,

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Dated: January 13, 2017

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of January, 2017, I served one copy of the foregoing

Erratum to General Electric Company's Petition for Review on each of the following:

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