

BEFORE THE ENVIRONMENTAL APPEALS BOARD  
 U.S. ENVIRONMENTAL PROTECTION AGENCY  
 WASHINGTON, D.C.

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ORAL ARGUMENT

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IN RE:	:	RCRA Appeal Nos.
	:	16-01
GENERAL ELECTRIC COMPANY	:	16-02
	:	16-03
Permit No. MAD002084093	:	16-04
	:	16-05

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Thursday,  
 June 8, 2017

Administrative Courtroom  
 Room 1152  
 EPA East Building  
 1201 Constitution Avenue, NW  
 Washington, DC

The above-entitled matter came on for  
 hearing, pursuant to notice, at 10:00 a.m.

BEFORE:

THE HONORABLE KATHIE A. STEIN  
 Environmental Appeals Judge

THE HONORABLE MARY BETH WARD  
 Environmental Appeals Judge

THE HONORABLE AARON AVILA  
 Environmental Appeals Judge

## APPEARANCES:

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ALSO PRESENT:

Eurika Durr, Clerk of the Board

1 Next to a river?

2 I believe Your Honor asked a question,  
3 do you -- is it relevant to take into  
4 consideration that this is going next to a river?  
5 Never. You would -- I river by definition is an  
6 environmentally-sensitive receptor. You don't  
7 put a hazardous waste facility near a river.  
8 That's why the TSCA regulations say what they  
9 say. All three of these sites have a hydrologic  
10 connection between the surface water and the  
11 groundwater. It makes no sense whatsoever to  
12 put --

13 JUDGE STEIN: If GE were to take the  
14 PCBs that were 50 parts per million and above and  
15 take them off site and take PCBs that were lower  
16 than 50 parts per million and leave them on site,  
17 would that alter your -- the views of your  
18 clients?

19 MR. PAWA: No, it's still toxic even  
20 if it doesn't meet that threshold definition, and  
21 it's still solid waste under the Massachusetts  
22 solid waste facility definitions. And again, you