

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

In re:)
)
)
GENERAL ELECTRIC COMPANY) RCRA Appeal Nos. 16-01, 16-02,
) 16-03, 16-04, and 16-05
)
Modification of RCRA Corrective Action)
)
Permit No. MAD002084093)
)

**GENERAL ELECTRIC COMPANY’S PARTIAL OPPOSITION TO HOUSATONIC
REST OF RIVER MUNICIPAL COMMITTEE’S MOTION FOR CLARIFICATION
AND MOTION FOR EXTENSION OF TIME**

The General Electric Company (“GE”) hereby responds to the Housatonic Rest of River Municipal Committee’s January 22, 2017 Motion for Clarification and Motion for Extension of Time as follows:¹

1. GE assents to the Municipal Committee’s request that all reply briefs be due on the same date for the same reasons given by the Board in its November 22, 2016 *Order Granting Extension of Time and Establishing a Single Deadline for Responses to Petitions*.

2. GE opposes the Municipal Committee’s suggestion that the “common” deadline for reply briefs should be March 14, 2017. The Board’s regulations (40 C.F.R. § 124.19(c)(2)) grant a petitioner one-half the amount of time granted for a response to the petition to submit the petitioner’s reply to said response. If EPA does in fact file its response to GE’s petition on February 14, 2017, it will have had 83 days to file its responses, which would mean that GE should have at least 41 days or until at least March 27, 2017 to submit its reply.

¹ As the Municipal Committee’s counsel acknowledges in its motion, the Municipal Committee did not contact GE’s counsel regarding its motion until the afternoon of Friday, January 20th so GE did not have an opportunity to share its response with the Municipal Committee prior to the Municipal Committee’s filing of its motion on Sunday, January 22nd.

However, neither GE nor the Board is in a position to assess the time GE should have to reply to the three responses anticipated to its petition (as opposed to the two responses anticipated in response to the Municipal Committee's petition) until the responses have been submitted. Each response is anticipated to raise different issues in what the Board has already recognized as "unusual circumstances." As proof for this proposition, GE notes that EPA has been forced to request two extensions of the time to submit its responses to the pending petitions as it has been working on its responses.

Therefore, GE respectfully requests that the Board not set a common deadline for reply briefs until a further motion by one of the petitioners to be submitted no later than seven (7) days after the date on which the last response is submitted. In the alternative, GE requests that, consistent with its November 22, 2016 order, the Board establish March 27, 2017 as the deadline for replies, but recognize that GE might seek a further extension based on the number and complexity of the arguments made in the anticipated responses to its petition.

Respectfully submitted,

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Dated: January 23, 2017

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of January, 2017, I served one copy of the foregoing

**GENERAL ELECTRIC COMPANY'S PARTIAL OPPOSITION TO HOUSATONIC
REST OF RIVER MUNICIPAL COMMITTEE'S MOTION FOR CLARIFICATION
AND MOTION FOR EXTENSION OF TIME** on each of the following:

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