

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

HOUSATONIC RIVER INITIATIVE and
HOUSATONIC ENVIRONMENTAL ACTION
LEAGUE,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, New England Region,

Respondent.

PETITION FOR REVIEW

Pursuant to Federal Rule of Appellate Procedure 15(a)(1) and 42 U.S.C. § 6976, Petitioners Housatonic River Initiative and Housatonic Environmental Action League hereby petition the court for review of the Final Permit Decision issued by the United States Environmental Protection Agency (New England Region) on February 28, 2022. Such final agency action was issued in connection with EPA’s December 2020 Revised Final Permit Modification to the 2016 Reissued RCRA Permit (RCRA Permit No. MAD002084093).

A copy of the Final Permit Decision is attached hereto as **Exhibit A**.

Respectfully submitted by the following Attorneys for
Petitioners:

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Dated: May 19, 2022

CERTIFICATE OF SERVICE

I hereby certify that, on May 19, 2022, I electronically filed the foregoing document with the United States Court of Appeals for the First Circuit by using the CM/ECF system. I certify that I sent copies of the foregoing document by first class mail and electronic mail to the following individuals:

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/s/ Stephanie R. Parker
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EXHIBIT A



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
New England Region
Five Post Office Square -- Suite 100
Boston, Massachusetts 02109-3912

Via Electronic Mail

February 28, 2022

Andrew T. Silfer
Leader, Pittsfield/Housatonic River
General Electric Company
Global Operations – Environment, Health & Safety
1 Plastics Avenue
Pittsfield, MA 01201

**RE: General Electric Company, Pittsfield, MA
December 2020 Revised Final Permit Modification
RCRA Corrective Action Permit No. MAD002084093; RCRA Appeal No. 21-01
GE-Pittsfield/Housatonic River Site**

Dear Mr. Silfer:

In accordance with 40 C.F.R. § 124.19(l)(2), I am notifying you of my final permit decision in connection with EPA's December 2020 Revised Final Permit Modification to the 2016 Reissued RCRA Permit (RCRA Permit No. MAD002084093) ("Revised Final Permit"), which obligates the General Electric Company to perform a cleanup of the Rest of River portion of the GE-Pittsfield/Housatonic River Site.

Following EPA's issuance of the Revised Final Permit on December 16, 2020, the Housatonic River Initiative and the Housatonic Environmental Action League timely petitioned EPA's Environmental Appeals Board ("Board") for review of the Revised Final Permit.

On February 8, 2022, the Board denied review of the petition in its entirety. *See In re General Electric Company*, RCRA Appeal No. 21-01 (EAB February 8, 2022). Under 40 C.F.R. § 124.19(l)(2), the Regional Administrator must issue a final permit decision when the Board issues notice to the parties that the petition for review has been denied. Upon consideration of the Board's Order Denying Review, I am accordingly issuing my final permit decision. Pursuant to this decision, the Revised Final Permit shall become fully enforceable and

effective on March 1, 2022. For the purposes of judicial review, this decision constitutes final agency action under 40 C.F.R. § 124.19(l)(2).

If you have any questions regarding this notice, please contact John Kilborn of EPA's Office of Regional Counsel at (617) 918-1893 or kilborn.john@epa.gov.

Sincerely,



David W. Cash
Regional Administrator
U.S. Environmental Protection Agency-Region 1

Ccs via email:

John Ziegler, Massachusetts DEP
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Michael Gorski, Massachusetts DEP
Michelle Craddock, Massachusetts DEP, Lead Admin. Trustee
Betsy Harper, Massachusetts Attorney General's Office
Traci Iott, Connecticut DEEP
Susan Peterson, Connecticut DEEP
Graham Stevens, CT DEEP
Lori DiBella, Connecticut Attorney General's Office
Molly Spurduto, U.S. Fish. and Wildlife, Trustee
Mark Barash, U.S. Department of Interior
Ken Finkelstein, NOAA
Jim McGrath, City of Pittsfield
Michael Coakley, PEDA
Jeff Mickelson, Massachusetts DEP
Mark Tisa, Massachusetts Div. of Fish and Game
Jon Regosin, Massachusetts Div. of Fish and Game
Melissa Provencher, Berkshire Regional Planning Comm.
Christopher J. Ketchen, Chief Administrative Officer, Lenox
Town Administrator, Lee, (Acting: Christopher Brittain)
Town Manager, Great Barrington (Mark Pruhenski)
Town Administrator, Stockbridge (Michael Canales)
Town Administrator, Sheffield (Rhonda LaBombard)
Public Info. Repository at David M. Hunt Library in Falls Village, CT
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Matt Pawa, Counsel for Municipal Comm.
Judith Knight, Counsel for Citizens for PCB Removal
Christopher Ferry, ASRC (EPA's electronic repository)