



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

In re:
Limetree Bay Terminals, LLC., and
Limetree Bay Refining, LLC
PAL Permit No. EPA-PAL-VI-001/2019
CAA Appeal No. 20-03M

ORDER GRANTING EXTENSION OF TIME FOR
PERMITTEES TO FILE PETITION FOR REVIEW

On December 23, 2020, the Limetree Bay Terminals, LLC and Limetree Bay Refining, LLC (collectively, "Permittee Petitioners"), filed a motion for a thirty-day extension of time to file a petition for review of a Plantwide Applicability Limit ("PAL") permit decision of the U.S. Environmental Protection Agency ("EPA") for seven air pollutants. EPA Region 2 issued the PAL permit¹ to the Permittee Petitioners for refinery and related terminal operations in St. Croix, U.S. Virgin Islands. The Permittee Petitioners assert that their petition for review is currently due to be filed with the Environmental Appeals Board ("Board") on or before January 4, 2021, and they seek an extension until February 3, 2021.

Another group of petitioners appealing the above-mentioned PAL permit, St. Croix Environmental Association, Center for Biological Diversity, Sierra Club, and Elizabeth Leigh

¹ The Permit was issued under the signature of the EPA Administrator. EPA, Region 2, Plantwide Applicability Limit for Limetree Bay Refining and Limetree Bay Terminals, St. Croix, U.S. Virgin Islands, EPA – PAL -VI-001/2019 (Dec. 1, 2020).

Neville (collectively, “Environmental Petitioners”), earlier sought a thirty-day extension for filing of their petition in this matter. The Board granted that extension on December 22, 2020, and denied, on December 23, 2020, a motion from Region 2 opposing the extension and seeking reconsideration of the Board’s decision. *In re Limetree Bay Terminals, LLC*, CAA Appeal No. 20-02M (EAB Dec. 22, 2020) (Order Granting Motion for Extension of Time to File Petition for Review) (“*Grant of Environmental Petitioners’ Extension*”); *In re Limetree Bay Terminals, LLC*, CAA Appeal No. 20-02M (EAB Dec. 23, 2020) (Order Denying Motion To Reconsider And Directing Service On All Parties) (“*Denial of Reconsideration*”). Permittee Petitioners represent that Environmental Petitioners do not oppose Permittee Petitioners’ extension motion, but that Region 2 does oppose the motion based on its opposition to the extension granted to Environmental Petitioners.²

Permittee Petitioners request an extension on similar grounds to those asserted by Environmental Petitioners—namely, that Permittee Petitioners have been “unable to seek clarifications regarding the PAL permit from key EPA staff who are on leave or otherwise unreachable for the next several weeks” and have been “affected by the ongoing COVID-19 pandemic and holiday season.” *Limetree Bay Terminals, LLC and Limetree Bay Refining, LLC Motion for Extension of Time to File Petition for Review 2* (Dec. 23, 2020) (“Permittees’ Motion”). The Board, based on good cause, grants Permittee Petitioners’ motion. *See* 40 C.F.R.

² Permittee Petitioners note that they inquired whether Region 2 opposed Permittee Petitioners’ motion on December 23, 2020, but prior to issuance of the Board’s order denying Region 2’s motion for reconsideration.

§ 124.19(n) (authorizing Board to grant, for good cause, extensions of time to filing requirements prescribed by applicable regulations); *Grant of Environmental Petitioners' Extension* at 2; *Denial of Reconsideration* at 2-3. As set forth in the Board's orders on December 22nd and 23d of 2020, there are an unusual combination of circumstances in this matter that justify a relatively short extension: (1) the three federal holidays in December and early January (December 24-25 and January 1) that occur immediately prior to the due date for the petition; (2) the delays and uncertainties connected with the ongoing COVID-19 pandemic; and (3) the difficulty both sets of petitioners have had in obtaining clarification or information regarding the permit from the Region. *Grant of Petitioners' Extension* at 2; *Denial of Reconsideration* at 2-3. Permittee Petitioners also state that they "can operate without the PAL permit and [are] not prejudiced by a 30-day extension." Permittees' Motion at 2; *see also Denial of Reconsideration* at 3.

Accordingly, based on the representations in Permittee Petitioners' motion, the Board **GRANTS** this motion and, if the Permittees ultimately decide to file a petition for review of this PAL permit decision, their petition must be filed with the Board on or before **February 3, 2021**.

Pursuant to 40 C.F.R. section 124.19(i)(3)(iii), the Board is serving this Order by e-mail (Clerk_EAB@epa.gov) at the addresses listed on the attached Certificate of Service. Additionally, the Board has authorized all parties in permit appeals to use e-mail to fulfill their service obligations under 40 C.F.R. § 124.19(i)(3)(ii). *See Revised Order Authorizing Electronic Service of Documents in Permit and Enforcement Appeals* (EAB Sept. 21, 2020). Parties shall

promptly notify the Board and the other parties of any changes to their e-mail addresses and shall provide an email address if they have not already done so.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: December 28, 2020

By: 
Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing **Order Granting Extension of Time For Permittees to File Petition for Review** in the matter of *Limetree Bay Terminals, L.L.C.*, & *Limetree Bay Refinery, L.L.C.*, CAA Appeal No. 20-03M, were sent to the following persons by electronic mail:

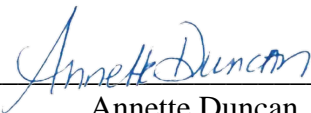
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Dated: December 28, 2020



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