

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

In re:)	
Ocean Era, Inc. – Velella Epsilon Facility)	NPDES Appeal No. 20-08
NPDES Permit No. FL0A00001)	
)	

ORDER GRANTING STAY

On October 30, 2020, Friends of Animals ("FOA") petitioned the Environmental Appeals Board ("Board") to review a Clean Water Act ("CWA") National Pollutant Discharge Elimination System ("NPDES") permit decision by U.S. Environmental Protection Agency Region 4 ("Region"). ¹

By Motion filed on March 22, 2021, the Region seeks a 60-day stay of proceedings, until May 31, 2021, to allow the Region to fully brief the new Administration officials so that an informed decision can be made prior to the filing of a status report currently due on March 31, 2021. *See* Motion for Stay of Proceedings. In support of the motion, the Region explains that "due to the number of matters on which the new Administration is being briefed, the Region is not able to fully and adequately brief new Administration officials" within the time by which the

¹ A consortium of groups, including Center for Food Safety, Friends of the Earth, Recirculating Farms, Tampa Bay Waterkeeper, Suncoast Waterkeeper, Healthy Gulf, Sierra Club Florida, the Center for Biological Diversity, and Food & Water Watch, have also filed a petition for review in this matter (NPDES Appeal No. 20-09).

status report is currently due. *Id.* at 2. The Region states further that "[t]he requested stay will allow the Agency to take actions in this case in a manner consistent with the policies and directions in the Board's Order and in the Agency's Executive Order." *Id.* The Region represents that FOA does not object to the motion. *Id.*

Based on the Region's representations, the Board **GRANTS** the motion to stay this matter until June 1, 2021. The Region must file a status report with the Board no later than **June 1, 2021** informing the Board whether the Board should proceed with deliberations on this matter, including whether to set this matter for oral argument.²

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: Mar 24, 2021

Kathie A. Stein

Environmental Appeals Judge

² Because the Region's proposed deadline of May 31, 2021 falls on the Memorial Day holiday, the Board extended the date until June 1, 2021.

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Granting Stay* in the matter of Ocean Era, Inc. – Velella Epsilon Facility, NPDES Appeal No. 20-08, were sent by email to the following persons:

For EPA:

Paul Schwartz
U.S. EPA Region 4
Office of Regional Counsel
61 Forsyth St., NW
Atlanta, GA 30303
Schwartz.Paul@epa.gov
Tel. (404) 562-9576

Steven Neugeboren
Assoc. General Counsel
Water Law Office
U.S. EPA Office of General Counsel
Mail Code: 2310A
1200 Pennsylvania Ave., NW
Washington, DC 20460
Neugeboren.Steven@epa.gov
Tel: 202-564-5488

Elise M. O'Dea
Tracy L. Sheppard
Stephen J. Sweeney
Richard T. Witt
Office of General Counsel
U.S. EPA
Washington, DC 20004
Odea.elise@epa.gov
Sheppard.tracy@epa.gov
Sweeney.Stephen@epa.gov
Witt.Richard@epa.gov

For Friends of Animals:

Jennifer Best Adam Kreger Friends of Animals 7500 E. Arapahoe Rd., Ste. 385 Centennial, CO 80112 jennifer@friendsofanimals.org adam.kreger@friendsofanimals.org Tel: (720) 949-7719

For Ocean Era, Inc.:

Neil Anthony Sims Ocean Era, Inc. P.O. Box 4239 Kailua-Kona, HI 96745 neil@ocean-era.com Tel: (808) 989-2438

Dated: Mar 24, 2021

Eurika Durr Clerk of the Board