

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

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

ORDER GRANTING EXTENSION OF TIME

Region 4 of the United State Environmental Protection Agency has filed with the Environmental Appeals Board a motion for an extension of time to file its response to the Petition for Review in the above-captioned matter filed by Friends of Animals. Currently, Region 4’s response is due November 30, 2020. *See* 40 C.F.R. § 124.19(b)(2). Region 4 seeks an additional twenty-one days to file its response and represents that the Petitioner, Friends of Animals, does not oppose this motion.

In support of its extension, Region 4 states that it needs additional time to simultaneously respond to both the Friends of Animals petition, as well as a second petition for review, NPDES Appeal No. 20-09, filed on the same day by Center for Food Safety and eight other environmental organizations, challenging the same NPDES Permit issued to Ocean Era, Inc. Region 4 also states that both petitions are lengthy, raise numerous issues, and involve a voluminous record. The time during which the Region must respond also includes multiple federal holidays.

Based on the representations in the motion, the Board GRANTS Region 4’s motion for an extension of time to file a response brief under 40 C.F.R. § 124.19(b). Any response brief in


this matter must be filed on or before **Monday, December 21, 2020**. Region 4 must file a certified index to the administrative record and the relevant portions of the administrative record on or before that same date. *See* 40 C.F.R. § 124.19(b)(2).

Pursuant to 40 C.F.R. § 124.19(i)(3)(iii), the Board may use electronic mail (Clerk_EAB@epa.gov) to serve orders and decisions in this matter at the addresses provided by the parties. Additionally, the Board has authorized all parties in permit appeals to use email 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 change to their email address.

So ordered.

Dated: November 18, 2020

ENVIRONMENTAL APPEALS BOARD

By: 

Kathie A. Stein

Environmental Appeals Judge

CERTIFICATE OF SERVICE

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

By Email:

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Dated: **Nov 18 2020**



Annette Duncan
Administrative Specialist