

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

In re: NPDES Permit No. AS0000019)
Starkist Samoa Co.) MOTION WITH CONSENT FOR
) EXTENSION OF TIME TO FILE
) PETITION FOR REVIEW

)

MOTION WITH CONSENT FOR EXTENSION OF TIME

Starkist Samoa Co. (“Starkist”) requests that the Environmental Appeals Board (“EAB”) grant Starkist a thirty-day extension, until April 27, 2020, to file a Petition for Review of NPDES Permit NO. AS0000019 (“the Permit”) issued to Starkist by the Environmental Protection Agency Region 9 (“EPA”) by mail on February 26, 2020 and by email on February 28, 2020. A copy of the Permit is attached hereto as Exhibit 1, and incorporated by reference. The current deadline for filing a Petition for Review is no earlier than March 27, 2020. An extension is permissible for good cause shown under 40 C.F.R. 22.7(b) and 40 C.F.R. 124.19(g). Starkist has not requested a previous extension.

In support of its motion, Starkist seeks additional time because items to be addressed in its Petition for Review require detailed technical and regulatory analysis by Starkist’s legal and technical advisors. Starkist is also engaged in discussion with U.S. Region 9 staff regarding concerns with the Permit. This process has been, and is expected to continue to be, greatly impeded by the COVID-19/Coronavirus pandemic, which was declared a national emergency by the President on March 13, 2020. The COVID-19 pandemic, and attendant office closures, travel and meeting restrictions, and other significant disruptions to routine business and life activities, greatly

complicates the process of evaluating the Permit and preparing an anticipated appeal of the Permit. Starkist respectfully submits that the standard thirty day time period is insufficient to evaluate and prepare a Notice of Appeal under these circumstances. Thirty additional days would be of great benefit to Starkist, with minimal prejudice to EPA.

Starkist contacted the EPA Office of Regional Counsel for Region 9 via email on March 17, 2020 to inquire whether the EPA would consent or object to the motion. By email dated March 28, 2020, written confirmation was received from the EPA Region 9 Regional Counsel's Office that EPA supports this 30-day extension of time for Starkist to file a petition for review of the Permit. A copy of the email exchange between Starkist counsel and EPA counsel is attached as Exhibit 2.

For the reasons set forth, Starkist respectfully requests that its Motion for Extension of Time to File a Petition for Review of the Permit be granted and that the EAB extend the deadline for Starkist to file a Petition for Review of the Permit up to and including April 27, 2020.

Respectfully Submitted:

/s/ David A. Rockman

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Date: March 17, 2020

CERTIFICATE OF SERVICE

I, David A. Rockman, hereby certify that on March 18, 2020, I caused to be served a true and correct copy of the foregoing Motion with Consent for Extension of Time to File Petition for Review to the following:

Via Federal Express:
Tracking No. 7700 4950 6557
Tomas Torres
Director, Water Division
U.S. EPA – Region IX
75 Hawthorne Street
San Francisco, CA 94105

Via Email and via Federal Express
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