

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

In re:)	
)	
)	
)	
Limetree Bay Terminals, LLC and Limetree Bay Refining, LLC)	Appeal No. CAA 20-02M
)	
Permit No. EPA-PAL-VI-001/2019)	
)	
Limetree Bay Refinery, St. Croix, U.S. Virgin Islands)	

MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR REVIEW

Limetree Bay Terminals, LLC and Limetree Bay Refining, LLC (collectively, “Limetree”) respectfully move for an extension of time until February 3, 2021, to file a petition for review of Plantwide Applicability Limit (“PAL”) Permit No. EPA - PAL - VI-001/2019 for Limetree Bay Refinery in St. Croix, U.S. Virgin Islands (the “PAL permit”), which was issued to Limetree on December 2, 2020, by U.S. EPA Region 2 (“Region 2”). Pursuant to 40 C.F.R. § 124.19(g), this motion is brought sufficiently in advance of the due date for a petition for review, currently January 4, 2021, and with good cause, as explained below.

On December 21, 2020, Petitioners St. Croix Environmental Association, et al. (collectively, “St. Croix Petitioners”) moved to extend the deadline to file a petition for review of the PAL permit until February 3, 2021. Dkt. 1. On December 22, 2010, the Board issued an Order granting St. Croix Petitioners’ motion for an extension. Dkt. 2. On December 22, 2020, Region 2 filed an opposition to St. Croix Petitioners’ motion for an extension and moved the Board to reconsider its December 22, 2020, Order. Dkt. 3. On December 23, 2020, the Board issued an Order denying Region 2’s motion for reconsideration and directing service on all

parties. Dkt. 4. On December 23, 2020 (but before the Board issued its Order denying Region 2's motion for reconsideration), Limetree contacted counsel for St. Croix Petitioners and Region 2. St. Croix Petitioners do not oppose this motion. Region 2 opposes this motion, citing its Opposition and Motion for Reconsideration.

Limetree seeks this extension for reasons similar to those cited by St. Croix Petitioners and found sufficient by the Board. Limetree has also 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. *See* Attachments 1 and 2. As noted in St. Croix Petitioners' motion, Region 2 Air Permitting Section Chief Suilin Chan and Region 2 Air and Radiation Division Director Richard Ruvo are out of the office until January 4, 2021. Dkt. 1 at 2. Limetree has also been affected by the ongoing COVID-19 pandemic and holiday season, which as recognized by the Board in its Order denying reconsideration, continue to cause significant and widespread delays and operational and personnel impacts. Dkt. 4 at 2-3. Finally, as noted by the Board, Limetree can operate without the PAL permit and is not prejudiced by a 30-day extension. Dkt. 4 at 3.

For good cause shown, Limetree respectfully requests that its Motion for Extension of Time to File Petition for Review be granted and that the Board extend the deadline for Limetree to file a petition for review until February 3, 2021.

Respectfully submitted,

/s/

LeAnn M. Johnson Koch
LeAnnJohnson@perkinscoie.com
Odin A. Smith, DC Bar No. 480598
OSmith@perkinscoie.com
Perkins Coie LLP
700 Thirteenth Street, N.W., Suite 800
Washington, D.C. 20005-3960
Telephone: 202.654.6344
Facsimile: 202.654.9119

Date: December 23, 2020

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2020, the foregoing was filed electronically with the Clerk of the Environmental Appeals Board using the EAB eFiling System, and was served on the following by electronic mail:

Elizabeth Leigh Neville, Esq.
Attorney for Petitioners St. Croix Environmental Association, et al.
The Neville Law Firm, L.L.C.
127 West Fairbanks Avenue, #262
Winter Park, Florida 32789
elizabeth@neville.com

Robert DeLay, Office of Regional Counsel
Richard Ruvo, Director, Air and Radiation
Liliana Villatora, Chief, Air Branch
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, New York 10007
delay.robert@epa.gov
ruvo.richard@epa.gov
villatora.liliana@epa.gov

Gautam Srinivasan, Associate General Counsel
John T. Krallman
Brian Doster
Air & Radiation Law Office, Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
srinivasan.gautam@epa.gov
krallman.john@epa.gov
doster.brian@epa.gov

/s/

Odin Smith