

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
ENVIRONMENTAL APPEALS BOARD

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In Re: Ocean Era, Inc., Permit Applicant )  
Permitted Facility: Velella Epsilon Facility ) NPDES Appeal No. 25-02  
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NPDES Permit No. FL0A00001 )  
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**Unopposed Motion for Extension of Time and Authorization to File a Consolidated Response**

Pursuant to 40 C.F.R. 124.19(g), the Environmental Protection Agency, Region 4 (the Region), files this Motion for Extension of Time, seeking a 30-day extension of the deadline for responding to the Petition For Review filed by Friends of Animals (“Petitioners”) on June 16, 2025 (“FOA Petition”). Without an extension, the Region’s response to the Petition and a certified index to the administrative record would be due on July 16, 2025.

In support of this Motion, the Region states the following:

- (1) the FOA Petition is one of two Petitions for Review the Region received challenging the same modified NPDES Permit, a permit issued to Ocean Era, Inc., by the Region on May 15, 2025. The second Petition for Review (NPDES Appeal No. 25-01M) was filed on June 14, 2025 by Center for Food Safety and four additional environmental organizations (“CFS Petition”), and the Region will be simultaneously working on responses to both Petitions during the same response period;
- (2) The FOA Petition and the CFS Petition are both lengthy and raise numerous issues. Accordingly, it will be difficult to prepare an appropriate response to the Petitions within the normal 30-day deadline;

- (3) The period for developing a response following receipt of both petitions includes the Juneteenth and Independence Day holidays, and members of the EPA team developing a response have long-planned vacations within the 30-day period for developing a response;
- (4) The Region is filing a similar extension request in connection with the CFS Petition; and
- (5) In addition, in light of the many overlapping issues in the two Petitions, the Region seeks the Board's authorization to file a single consolidated Response to both Petitions.

The Region has contacted counsel for the Petitioners in both matters, and I am authorized to represent that Petitioners do not object to the granting of this Motion for extension and for authorization to file a consolidated response, subject to the Petitioners' preservation of their right to file separate replies.

For the foregoing reasons, the Region respectfully requests that this Motion for Extension of Time and Authorization to File a Consolidated Response be granted, that EPA's deadline for filing a Response to the Petition and a certified index to the administrative record be extended by 30<sup>1</sup> days, to August 15, 2025, and that the Region be authorized to file a consolidated Response to the two Petitions seeking review of the same modified permit (NPDES Appeal No. 25-01M and NPDES Appeal No. 25-02).

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<sup>1</sup> The similar Motion filed in NPDES Appeal No. 25-01M, requests an extension of 32 days to sync up the deadlines so that Responses to both Petitions will be due on August 15, 2025.

Respectfully submitted.

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Dated: June 25, 2025

## CERTIFICATE OF SERVICE

I, Paul Schwartz, hereby certify that on June 25, 2025, I caused to be served a true and correct copy of the foregoing Motion for Extension of Time, via the EAB's electronic filing system, and by sending a true and correct copy, via e-mail, to the following:

Jennifer Best  
Director, Wildlife Law Program

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Dated: June 25, 2025

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