

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

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In re:)	
)	
Limetree Bay Terminals, L.L.C., and)	CAA Appeal No. 20-02M
Limetree Bay Refining, L.L.C.)	
)	
PAL Permit No. EPA-PAL-VI-001/2019)	
)	

ORDER GRANTING EXTENSION OF TIME
TO FILE PETITION FOR REVIEW

On December 21, 2020, the St. Croix Environmental Association, Center for Biological Diversity, Sierra Club, and Elizabeth Leigh Neville (collectively, “Petitioners”), filed a motion for a thirty-day extension of time to file a petition for review of a Plantwide Applicability Limit (“PAL”) permit decision of the U.S. Environmental Protection Agency (“EPA”) for seven air pollutants. EPA issued the PAL permit to Limetree Bay Terminals, L.L.C., and Limetree Bay Refining, L.L.C. (collectively, “Limetree”) for refinery and related terminal operations in St. Croix, U.S. Virgin Islands. According to Petitioners, EPA Region 2 served notice of the PAL permit decision on December 2, 2020, and thus any petition for review this PAL permit decision is currently due to be filed with the Environmental Appeals Board (“Board”) on or before January 4, 2021.

Petitioners represent that they contacted EPA Region 2 (“Region”) to inquire whether the Region would support or oppose the motion. Petitioners also attempted to contact Limetree with the same inquiry. Petitioners state that the Region’s counsel could not confirm whether EPA would support or oppose the motion without conferring with colleagues at EPA Headquarters in

Washington, D.C. Petitioners represent that they were unable to reach counsel for Limetree.
Mot. at 1.

Petitioners base their extension request on three grounds: (1) key EPA staff involved in the permit decisionmaking process are on leave or otherwise unreachable for the next several weeks and “these absences and inability to reach key persons impair Petitioners’ ability to ask basic questions about the [p]ermit and to receive or review records related to the [p]ermit”; (2) the COVID-19 pandemic and holiday season cause significant delays and uncertainties; and (3) additional time is needed to fully evaluate changes in the permit from the draft permit. *Id.* at 2-3.

Under the regulations governing permit appeals, the Board may, for good cause, grant extensions of time to the filing requirements prescribed by the applicable regulations. 40 C.F.R. § 124.19(n). Based on the representations in Petitioners’ motion, the Board **GRANTS** this motion, and any petition for review of this PAL permit decision must be filed with the Board on or before **February 3, 2021**.

Pursuant to 40 C.F.R. § 124.19(i)(3)(iii), the Board is serving this Order by e-mail (Clerk_EAB@epa.gov) at the addresses listed on the attached Certificate of Service (and by mail where an e-mail address was unavailable). Additionally, the Board has authorized all parties in permit appeals to use e-mail 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 changes to their e-mail addresses and shall provide an e-mail address if they have not already done so.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: **Dec 22 2020**

By: 

Aaron P. Avila
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the foregoing **Order Granting Extension of Time to File Petition for Review** in the matter of *Limetree Bay Terminals, L.L.C., & Limetree Bay Refinery, L.L.C.*, CAA Appeal No. 20-02M, were sent to the following persons in the manner indicated:

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Dated: Dec 22 2020



Annette Duncan
Administrative Specialist