

# **EXHIBIT 2**

**From:** [Goldsmith, Sara](#)  
**To:** [Scott R. Dismukes](#)  
**Cc:** [Sablad, Elizabeth](#); [Blake, Ellen](#); [Jeff.Roberts@StarKist.com](mailto:Jeff.Roberts@StarKist.com); [Scott.Meece@StarKist.com](mailto:Scott.Meece@StarKist.com); [David A. Rockman](#); [Kermish, Laurie](#); [Goldsmith, Sara](#)  
**Subject:** [External] RE: URGENT; Starkist Motion for Request for Extension of Time in Which to File Petition for Review with EAB  
**Date:** Wednesday, March 18, 2020 12:26:13 PM

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Hi Scott -

EPA supports your request for a 30-day extension in which to file a petition with the EAB re the StarKist NPDES permit.

Best,  
Sara

Sara Goldsmith  
Assistant Regional Counsel  
US EPA, Region 9  
75 Hawthorne St., ORC-3  
San Francisco, CA 94105  
Ph: 415-972-3931  
Fax: 415-947-3570

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**From:** Scott R. Dismukes <SDismukes@eckertseamans.com>  
**Sent:** Wednesday, March 18, 2020 9:01 AM  
**To:** Goldsmith, Sara <Goldsmith.Sara@epa.gov>  
**Cc:** Sablad, Elizabeth <Sablad.Elizabeth@epa.gov>; Blake, Ellen <Blake.Ellen@epa.gov>; Jeff.Roberts@StarKist.com; Scott.Meece@StarKist.com; David A. Rockman <DRockman@eckertseamans.com>; Kermish, Laurie <Kermish.Laurie@epa.gov>  
**Subject:** RE: URGENT; Starkist Motion for Request for Extension of Time in Which to File Petition for Review with EAB

Sara: While we appreciate your response, we had hoped to hear from you in this regard late yesterday. For StarKist time is of the essence. While we prefer to work with U.S. EPA, and given the National Medical Emergency we are prepared to file early this afternoon (EST) regardless. Please indicate whether U.S. EPA is prepared to consent to this request. Thank you for your consideration.

**Scott R. Dismukes, Esquire**  
**ECKERT SEAMANS CHERIN & MELLOTT, LLC**  
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**From:** Goldsmith, Sara <[Goldsmith.Sara@epa.gov](mailto:Goldsmith.Sara@epa.gov)>  
**Sent:** Tuesday, March 17, 2020 12:13 PM  
**To:** Scott R. Dismukes <[SDismukes@eckertseamans.com](mailto:SDismukes@eckertseamans.com)>  
**Cc:** Sablad, Elizabeth <[Sablاد.Elizabeth@epa.gov](mailto:Sablاد.Elizabeth@epa.gov)>; Blake, Ellen <[Blake.Ellen@epa.gov](mailto:Blake.Ellen@epa.gov)>;  
[Jeff.Roberts@StarKist.com](mailto:Jeff.Roberts@StarKist.com); [Scott.Meece@StarKist.com](mailto:Scott.Meece@StarKist.com); David A. Rockman  
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**Subject:** [External] RE: URGENT; Starkist Motion for Request for Extension of Time in Which to File  
Petition for Review with EAB

Dear Scott -

EPA is in receipt of StarKist's request for EPA to support its planned request for a 30-day extension to file a petition for review of the NPDES permit with the EAB, and is considering it now. We will reply as soon as possible.

Sincerely,  
Sara

Sara Goldsmith  
Assistant Regional Counsel  
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San Francisco, CA 94105  
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**From:** Scott R. Dismukes <[SDismukes@eckertseamans.com](mailto:SDismukes@eckertseamans.com)>  
**Sent:** Tuesday, March 17, 2020 8:38 AM  
**To:** Goldsmith, Sara <[Goldsmith.Sara@epa.gov](mailto:Goldsmith.Sara@epa.gov)>  
**Cc:** Sablad, Elizabeth <[Sablاد.Elizabeth@epa.gov](mailto:Sablاد.Elizabeth@epa.gov)>; Blake, Ellen <[Blake.Ellen@epa.gov](mailto:Blake.Ellen@epa.gov)>;  
[Jeff.Roberts@StarKist.com](mailto:Jeff.Roberts@StarKist.com); [Scott.Meece@StarKist.com](mailto:Scott.Meece@StarKist.com); David A. Rockman  
<[DRockman@eckertseamans.com](mailto:DRockman@eckertseamans.com)>

**Subject:** URGENT; Starkist Motion for Request for Extension of Time in Which to File Petition for Review with EAB

Sara –

On behalf of StarKist Co. and Starkist Samoa Co. (“Starkist”) we would like to thank you for our March 13, 2020 call to discuss Starkist’s concerns regarding Part I, Section (A)(3)(h) of the February 26, 2020 final renewed NPDES permit (“Permit”). We understand that you are evaluating the concern expressed in that discussion with U.S. EPA Region 9 Management and staff, and had indicated that you would get back to us with respect to that issue.

Given the current national emergency regarding Covid-19, we understand that it may take some time for U.S. EPA to respond. Our concern with the dissolved oxygen requirement in Part I, Section (A)(3)(h) of the Permit is targeted and limited. Since this provision was not included in the draft of the Permit issued for public notice and comment, and while we believe the solution is simple – use of the language from Part I, Section (B)(9) of the 2008 Permit language – we are faced with a time deadline of March 27<sup>th</sup> in which to file a Petition for Review of the NPDES Permit with the Environmental Appeals Board. From our perspective, this very short deadline puts undue pressure on EPA Region 9’s consideration of our March 13<sup>th</sup> discussion, and on the time for Starkist to prepare and file a Petition for Review. Starkist intends to request that the EAB grant a 30-day extension of the time in which to file a Petition for Review. Under the unique circumstances of the current coronavirus national emergency, we write to inquire whether EPA Region 9 is willing to support Starkist’s request for a 30-day extension of time in which to file the Petition for Review with the Environmental Appeals Board, until April 27, 2020. This request for extension will also provide further opportunity for Starkist and EPA Region 9 to confer and hopefully resolve the concern with the dissolved oxygen provision.

Your prompt and urgent response is requested. Thank you for your consideration.

**Scott R. Dismukes, Esquire**  
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