

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. 20-08
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NPDES Permit No. FL0A00001)
_____)

Motion for Extension of Time

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 21-day extension of the deadline for the Region for responding to the Petition For Review filed by Friends of Animals (“Petitioner”) on October 30, 2020 (“FOA Petition”). Without an extension, the Region’s response to the Petition and a certified index to the administrative record would be due on November 30, 2020.

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 NPDES Permit, a permit issued to Ocean Era, Inc., by the Region on September 30, 2020. The second Petition for Review was filed on the same day by Center for Food Safety (“CFS Petition”) and eight other environmental organizations, and the Region will be simultaneously working on responses to both Petitions during the same response period;
- (2) The CFS Petition and the FOA Petition are both lengthy and raise numerous issues, and the permitting record from which material supporting the Region’s responses will

be drawn is voluminous. 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 Veterans' Day federal holiday and the Thanksgiving holiday, 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) The Region has contacted counsel for the Petitioner, and I am authorized to represent that Petitioner does not object to the granting of this Motion.

For the foregoing reasons, the Region respectfully requests that this Motion for Extension of Time be granted, and that EPA's deadline for filing a Response to the Petition and a certified index to the administrative record be extended by 21 days, to December 21, 2020.

Respectfully submitted.



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Dated: November 16, 2020

CERTIFICATE OF SERVICE

I, Paul Schwartz, hereby certify that on November 16, 2020, 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:

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Dated: November 16, 2020


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