

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
ENVIRONMENTAL APPEALS BOARD  
WASHINGTON, DC**

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In re: )  
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Ocean Era, Inc. – Velella Epsilon Facility ) NPDES Appeal No. 20-08  
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NPDES Permit No. FL0A00001 )  
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**FRIENDS OF ANIMALS' UNOPPOSED MOTION FOR EXTENSION OF TIME**

Pursuant to 40 C.F.R. 124.19(g), Petitioner Friends of Animals requests that the Environmental Appeals Board (“EAB”) grant a 27-day extension of time, until February 1, 2021, to file its reply to EPA Region 4’s Response to Petition for Review. Petitioner Friends of Animals seeks this additional time due to both the holiday schedule and other scheduling conflicts, including a U.S. Court of Appeals hearing in January 2021. Friends of Animals counsel believes that a 27-day extension will allow it to provide an adequate reply and will not cause prejudice to any parties. Petitioner represents that counsel for EPA does not oppose this motion.

#### **PROCEDURAL HISTORY AND REASONS FOR EXTENSION**

1. The Petition for Review on this matter was filed on October 30, 2020.
2. On November 13, 2020, EPA counsel contacted Petitioner requesting an extension for the Response to December 21, 2020. Petitioner consented. EPA counsel filed a Motion for Extension of Time, which was granted on November 18, 2020.
3. The EPA submitted its Response to the Petition for Review and a certified index to the administrative record on December 18, 2020.
4. Pursuant to 40 C.F.R. § 124.19(c)(2), Petitioner’s reply is due in fifteen days after the Response. That falls on Saturday, January 2, 2021. Thus, the reply is due on January 4, 2021. 40 C.F.R. § 124.20.
5. Petitioner requests this extension of time due to multiple factors. Petitioner has a limited staff, some of whom have scheduling conflicts during the time to file the reply. Due to the holiday season, there are two federal holidays during the time to reply and petitioner office is closed on those days: December 25, 2020, and January 1, 2021. Furthermore, Petitioner has a hearing in the 10<sup>th</sup> Circuit scheduled for January 2021.
6. Petitioner has contacted counsel for EPA who indicated that EPA does not object to the granting of an extension for Petitioner’s reply brief until February 1, 2021.

For the reasons set forth above, Petitioner respectfully requests that this Motion for Extension of Time be granted, and that the EAB extend the deadline for filing a reply to EPA's Response to the Petition to February 1, 2021.

Date: December 22, 2020

Respectfully submitted,

/s/Jennifer Best  
Jennifer Best  
Assistant Director, Wildlife Law Program

Adam Kreger  
Staff Attorney

Friends of Animals  
7500 E. Arapahoe Rd., Ste. 385  
Centennial, CO 80112  
Tel. (720) 949-7791  
jennifer@friendsofanimals.org  
adam.kreger@friendsofanimals.org

*Attorneys for Petitioner*

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Motion for Extension of Time in the matter of Ocean Era, Inc.'s NPDES permit for Velella Epsilon were served by electronic mail, pursuant to the Revised Order Authorized Electronic Service of Documents in Permit and Enforcement Appeals dated September 21, 2020, on the following persons, this 22<sup>nd</sup> day of December, 2020:

Paul Schwartz  
U.S. EPA Region 4  
Office of Regional Counsel  
61 Forsyth St., NW  
Atlanta, GA 30303  
Schwartz.Paul@epa.gov  
Tel. (404) 562-9576

Steven Neugeboren  
Assoc. General Counsel  
Water Law Office  
U.S. EPA Office of General Counsel  
Mail Code: 2310A  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
Neugeboren.Steven@epa.gov  
Tel: 202-564-5488

Ocean Era, Inc.  
c/o Neil Anthony Sims  
P.O. Box 4239  
Kailua-Kona, HI 96745  
Phone: (808) 989-2438  
Email: neil@ocean-era.com

/s/Jennifer Best

Jennifer Best  
Assistant Director, Wildlife Law Program  
Friends of Animals  
7500 E. Arapahoe Rd., Ste. 385  
Centennial, CO 80112  
Tel. (720) 949-7791  
jennifer@friendsofanimals.org