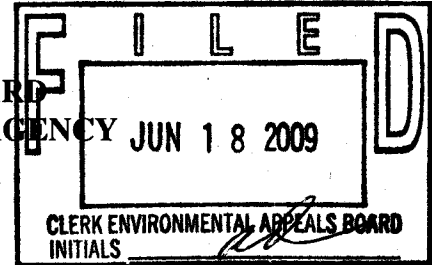


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:

Smith Farm Enterprises, LLC

Docket No. CWA-03-2001-0022

CWA Appeal No. 08-02

ORDER GRANTING REPLY AND SUR-REPLY BRIEFS

In July, 2008, Smith Farm Enterprises, LLC ("Smith Farm") appealed from the decision upon remand and supplemental decision issued by Administrative Law Judge William B. Moran ("ALJ"), arising out of an administrative complaint U.S. Environmental Protection Agency Region 3 ("Region") filed. After a stay to allow the parties to discuss settlement expired, Smith Farm filed its appellate brief on April 17, 2009, and the Region filed its response brief on June 2, 2009. Smith Farm has now requested permission to file a reply brief and for oral argument.

Upon consideration, Smith Farm's motion to submit a reply brief is hereby granted, and the Region is granted an opportunity to file a sur-reply. Smith Farm shall file its reply on or before Monday, July 6, 2009; the Region may file a sur-reply on or before Monday, July 20, 2009. Briefs shall be limited to 20 pages and shall be confined to responding to the issues and arguments raised in the opponent's prior appellate brief and not previously addressed in the parties' own brief. Smith Farm's request for oral argument is taken under advisement.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated:

June 17, 2009

By:

Charles J. Sheehan

Charles J. Sheehan
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Reply and Sur-reply Briefs in the matter of Smith Farm Enterprises, LLC, CWA Appeal No. 08-02, were sent to the following persons in the manner indicated:

By Facsimile and Pouch Mail:

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Dated:

JUN 18 2009



Annette Duncan
Secretary