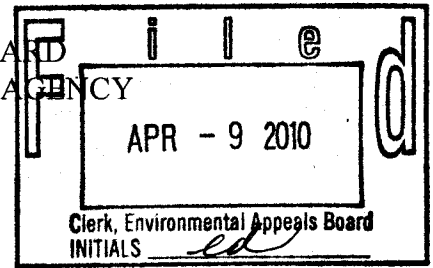


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



In re: )  
)  
)

Smith Farm Enterprises, LLC )  
)

Docket No. CWA-03-2001-0022 )  
)  
)  
)

CWA Appeal No. 08-02

**ORDER SCHEDULING ORAL ARGUMENT**

In the matter of Smith Farm Enterprises, LLC ("Smith Farm"), CWA Appeal No. 08-02, the Board has determined that oral argument may be of assistance in its deliberations.

Accordingly, the parties are ordered to participate in oral argument beginning at 10:00 a.m. on Thursday, May 20th, 2010, in the Administrative Courtroom, U.S. Environmental Protection Agency, EPA East Building, Room 1152, 1201 Constitution Avenue, N.W., Washington, D.C.

Oral argument shall proceed as follows: (1) thirty minutes for Appellant, Smith Farm; (2) thirty minutes for Appellee, EPA Region 3. At the outset of the proceedings, Appellant may reserve up to five minutes of their allocated time for rebuttal.

The parties shall notify the Clerk of the Board in writing by Thursday, May 13, 2010, of the names of counsel who will present argument. Counsel for the parties are advised that the Administrative Courtroom is equipped with state-of-the-art video-conferencing equipment and, accordingly, any party may participate in the oral argument by video conference rather than attending in person. Counsel who wish to participate in this oral argument via video-conferencing shall contact the Clerk of the Board, at 202-233-0122, no later than Thursday, May 13, 2010, to make arrangements for use of the video-conference equipment.

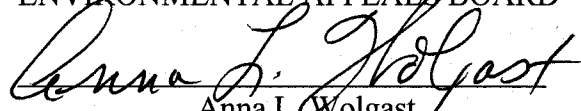
The Board encourages the parties to consider settlement of this matter. In that regard, the Board is prepared, upon request of the parties, to assist in facilitating mediation to aid settlement should the parties determine that such assistance would be beneficial.

So ordered.

Dated:

April 9, 2010

ENVIRONMENTAL APPEALS BOARD



Anna L. Wolgast

Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Order Scheduling Oral Argument 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 Certified Mail Return  
Receipt Requested:**

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Dated: APR - 9 2010

  
Annette Duncan  
Secretary