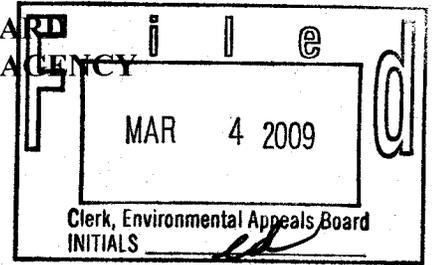


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
Smith Farm Enterprises, LLC)
)
)
Docket No. CWA-03-2001-0022)
)

CWA Appeal No. 08-02

ORDER GRANTING FOURTH EXTENSION OF TIME

On July 14, 2008, Smith Farm Enterprises, LLC (“Smith Farm”) filed a notice of appeal from the decision upon remand and supplemental decision issued by Administrative Law Judge William B. Moran. At that time, Smith Farm also filed a motion requesting an extension of time to file its appellate brief and an extension of time for U.S. EPA Region 3 (the “Region”) to file a its reply brief in response to Smith Farm’s appellate brief. By order dated July 24, 2008, the Board granted the requested extensions of time, setting October 24, 2008, as the deadline for Smith Farm’s brief and December 12, 2008, as the deadline for the Region’s reply brief. The parties subsequently requested a second extension and third of these filing deadlines, which the Board granted by orders dated October 2, 2008 and January 12, 2009. The latter order set March 6, 2009, as the due date for Smith Farm’s brief and April 10, 2009, as the deadline for the Region’s reply brief.

Before the Board at this time is Smith Farm’s motion requesting a fourth extension of time to file its brief, and the Region’s response, which both consents to Smith Farm’s request and

requests that the due date for its reply brief be extended as well. In their respective filings, the parties state that they have held settlement discussions and exchanged offers and counter-offers and that, at present, Smith Farm is waiting to receive a further offer from the Region, which both parties state must be reviewed by the U.S. Department of Justice before the Region sends it to Smith Farm. To accommodate this further exchange of settlement offer, the parties request an additional extension of time to file their briefs until April 8, 2009, for Smith Farm and June 2, 2009, for the Region.

Upon consideration, the parties' respective requests are hereby granted. Smith Farm shall file its brief in support of its notice of appeal on or before Wednesday, April 8, 2009, and the Region shall file its brief responding to Smith Farm's appeal on or before Tuesday, June 2, 2009.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: *March 4, 2009*

By: *Charles J. Sheehan*
Charles J. Sheehan
Environmental Appeals Judge

CERTIFICATE OF SERVICE

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

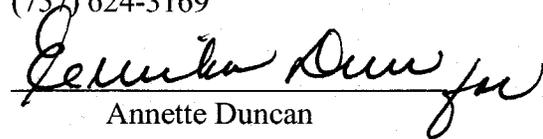
By Facsimile and Pouch Mail:

Stefania D. Shamet
U.S. EPA, Region 3
Office of Regional Counsel
1650 Arch Street
Philadelphia, PA 19103-2029
(215) 814-2603

By Facsimile and U.S. Mail:

Hunter W. Sims
Kaufman & Canoles
150 West Main Street
Suite 2100
Norfolk, VA 23514
(757) 624-3169

Dated: 3/4/2009


Annette Duncan
Secretary