


To the extent the Board is inclined to accept further briefing from Respondent, that brief should be concise and not used to expand the scope of this appeal. While Complainants are not inclined to engage in a tit-for-tat briefing, Complainants respectfully reserve their ability to seek leave to file further briefing in the event that Respondent's motion is granted and Respondent's brief raises new issues or mischaracterizes the record.

With respect to Respondent's request for oral argument, Complainants do not object if the Board believes that oral argument would be helpful to it in deciding this matter.

Respectfully submitted,

Date: 6/16/09


Stefania D. Shamet
Senior Assistant Regional Counsel

CERTIFICATE OF SERVICE

I hereby certify that on this date I caused the foregoing Complainants' Response to Respondent's Motion Requesting Permission to File a Reply Brief and Motion Requesting Oral Argument in *In re Smith Farm Enterprises, LLC*, CWA Appeal No. 08-02 to be served in the following manner:

BY FEDERAL EXPRESS (Original and five copies):

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board
Colorado Building
1341 G Street, N.W., Suite 600
Washington, D.C. 20005


BY FACSIMILE AND FIRST CLASS MAIL:

Hunter W. Sims, Jr.
Kaufman & Canoles, P.C.
P.O. Box 3037
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By HAND DELIVERY:

Regional Hearing Clerk (3RC00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Dated: 6/16/09


Stefanya D. Shamet