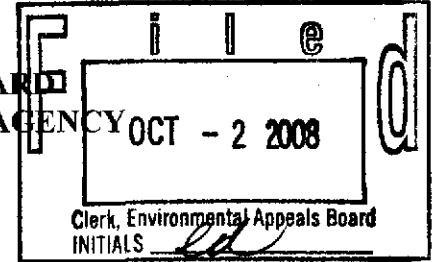


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



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

CWA Appeal No. 08-02

ORDER GRANTING SECOND 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.

Before the Board at this time is the joint motion (filed on September 30, 2008) of both Smith Farm and the Region requesting a further extension of time to file their briefs. The joint motion states that the parties have engaged in “the most serious and productive settlement discussions” of this case but have not yet reached an agreement in principle. They request an additional sixty-day extension of time to continue settlement discussions.

Upon consideration, the parties' joint motion is hereby granted. Smith Farm shall file its brief in support of its notice of appeal on or before Friday, January 23, 2009, and the Region shall file its brief responding to Smith Farm's appeal on or before Friday, March 6, 2009.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: *October 2, 2008*

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Second 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:

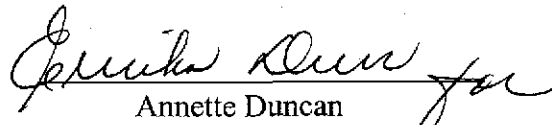
By Facsimile and Pouch Mail:

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

Dated: *10/3/2008*


Annette Duncan
Secretary