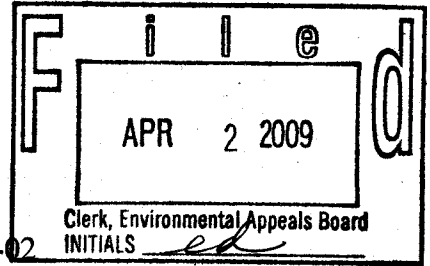


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



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

CWA Appeal No. 08-02

ORDER GRANTING NINE-DAY 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, third and fourth extensions of these filing deadlines, which the Board granted by orders dated October 2, 2008, January 12, 2009, and March 4, 2009. The latter order set April 8, 2009, as the due date for Smith Farm’s brief and June 2, 2009, as the deadline for the Region’s reply brief.

Before the Board at this time is Smith Farm’s uncontested motion requesting a short nine-day extension of time to file its brief. Smith Farm states in its motion that the Region does not

object to Smith Farm's motion and does not request a similar extension of time for its reply brief. Smith Farm also explains that it needs the additional time due to the fact that it has new counsel representing it and the case's record is voluminous.

Upon consideration, Smith Farm's motion is hereby granted. Smith Farm shall file its brief in support of its notice of appeal on or before Friday, April 17, 2009.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: *April 2, 2009*

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Nine-Day 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:

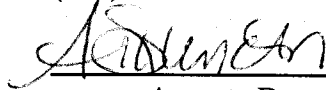
By Facsimile and Pouch Mail:

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

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Suite 2100
Norfolk, VA 23514
(757) 624-3169

Dated: APR - 2 2009



Annette Duncan
Secretary