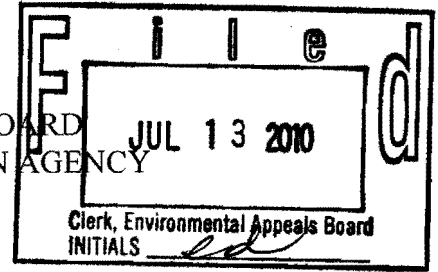


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



---

In re: )

Smith Farm Enterprises, LLC )

Docket No. CWA-03-2001-0022 )

---

CWA Appeal No. 08-02

**ORDER CLARIFYING SCOPE OF ORAL ARGUMENT**

On July 12, 2010, Smith Farm Enterprises, LLC (“Smith Farm”) filed with the Board a Motion for Leave to File Supplemental Brief. In its motion, Smith Farm also seeks to discuss the contents of that motion at oral argument which is set for July 20, 2010. Smith Farm indicates in the motion that it first contacted EPA Region 4 (the “Region”) regarding this motion on October 29, 2009, and that the Region indicated on or about May 14, 2010, that it would oppose any such motion. No reason is provided for why Smith Farm waited until one week prior to oral argument to file this motion.

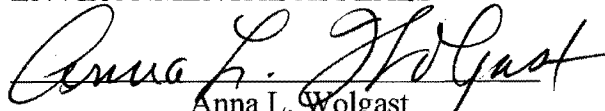
Based on Smith Farm’s representations, the Board anticipates that the Region will file an opposition to this motion within the time allowed by 40 C.F.R. §§ 22.16, and 22.7, as applicable. Given the late date of this filing, however, the Board will not have the opportunity to rule on the motion prior to oral argument. Accordingly, the Board will not entertain argument on the motion

or on the issues raised in the Supplemental Brief (attached to the motion) at oral argument on July 20, 2010.

So ordered.

Dated: July 13, 2010

ENVIRONMENTAL APPEALS BOARD

  
Anna L. Wolgast  
Environmental Appeals Judge

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Clarifying of Scope of 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:**

Hunter Sims, Jr.  
Marina Liacouras Phillips  
Christy L. Murphy  
**Kaufman & Canoles, P.C.**  
150 West Main Street, Suite 2100  
Norfolk, VA 23510  
Fax: 757-624-3169

LaJuana S. Wilcher  
**English, Lucas, Priest & Owsley**  
1101 College Street  
P.O. Box 770  
Bowling Green, KY 42102  
Fax: 270-782-7782

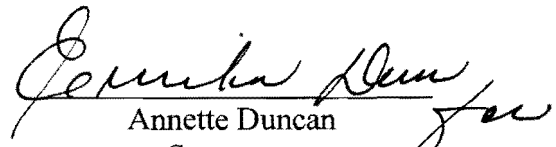
**By Facsimile and Pouch Mail:**

Stefania D. Shamet, Esquire  
Regional Counsel  
**U.S. EPA Region 3**  
1650 Arch Street  
Mail Code: 3RC20  
Philadelphia, PA 19103-2029  
Fax: 215-814-2603

**By Facsimile and Interoffice Mail:**

Gary Jonesi  
Senior Counsel  
**U.S. EPA Office of Civil Enforcement /  
OECA**  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Mail Code: 2241-A  
Washington, DC 20460  
Fax: 202-501-0494

Dated: July 13, 2010

  
Annette Duncan  
Secretary