

BEFORE THE ENVIRONMENTAL APPEALS BOARD
United States Environmental Protection Agency
Washington, D.C.

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|---------------------------------|---|-----------------------|
| In the Matter of |) | |
| |) | |
| Smith Farm Enterprises, L.L.C., |) | CWA Appeal No.: 08-02 |
| Docket No.: CWA-03-2001-0022 |) | |
| Respondent. |) | |

NOTICE OF INTENT TO FILE REPLY TO RESPONSES

TAKE NOTICE that the Respondent, Smith Farm Enterprises, L.L.C. ("Smith Farm"), by counsel, hereby gives notice of its intent to file replies to the responses filed by the Complainants (the "EPA"), through counsel, and in support thereof states:

1. Pursuant to 40 C.F.R. § 22.16(b), "[a] party's response to any written motion must be filed within 15 days after service of such motion."
2. After requesting and being granted an extension of time to file a response to each of the motions filed by Smith Farm, on or about November 3, 2010, the EPA filed its responses to Smith Farm's motions with the EAB.
3. On November 3, 2010, Smith Farm received the EPA's Response to Motion for Remand and to Stay Final Order, Response to Motion for Leave to Correct, and Response to Motion for Partial Reconsideration via electronic mail.
4. Pursuant to 40 C.F.R. § 22.16(b), "movant's reply to any written response must be filed within 10 days after service of such response and shall be limited to issues raised in the response."

5. Consequently, under 40 C.F.R. § 22.16(b), Smith Farm may reply to any written response of the EPA to Smith Farm's motions within 10 days after service of the responses on Smith Farm so long as the replies are limited to issues raised in the responses.

6. Smith Farm hereby expresses and give notice of its intent to file a replies to the responses filed by the EPA to its motions as permitted by 40 C.F.R. § 22.16(b).

November 3, 2010

SMITH FARM ENTERPRISES, L.L.C.

By /s/ Hunter W. Sims, Jr.
Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of November 2010, the foregoing *Notice of Intent to File Reply to Responses* was furnished:

Via Electronic Filing:

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

Via Fax and Federal Express:

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Via Federal Express:

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

/s/ Hunter W. Sims, Jr.

Hunter W. Sims, Jr.