

KAUFMAN & CANOLES

— | A Professional Corporation | —
Attorneys and Counselors at Law

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September 29, 2008

KC Matter No.: 0058296

Via Federal Express

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board
1341 G Street, NW
Suite 600
Washington, DC 20005

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OCT 1 - 2008
2008 SEP 31 AM 10:10
ENVIR. APPEALS BOARD

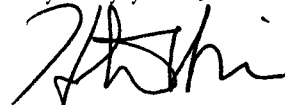
Re: ***In the Matter of VICO Construction Corporation, Smith Farm Enterprises, LLC***
CWA Appeal No.: 05-05; Docket No.: CWA-03-2001-0022

Dear Sir or Madam:

Enclosed for filing on behalf of the Respondent in the captioned matter are an original and five copies of a Notice of Appearance.

Please call me if you have questions. Otherwise, thank you for your assistance in this regard.

Very truly yours,



Hunter W. Sims, Jr.

HWS/lsw

Enclosures

cc: Honorable William B. Moran (*via* Federal Express w/enc.)
Stefania D. Shamet, Esquire (*via* Federal Express w/enc.)

1407250

Chesapeake

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Virginia Beach

Williamsburg

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

RECEIVED
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OCT. 1-2005
~~2005 SEP 31~~ AM 10:10
ENVIR. APPEALS BOARD

In the Matter of

Vico Construction Corporation,
Smith Farm Enterprises, LLC,

Proceeding to Assess Class II Administrative
Penalty Under Section 309(g) of the Clean
Water Act, 33 U.S.C. § 1319(g)

Regarding property known as the "Smith Farms" Site located north of Portsmouth Boulevard (Rt. 337) and east of Shoulders Hill Road, and south of Rt. 17 in Chesapeake and Suffolk, Virginia (the "Property") CWA Appeal No.: 05-05

Docket No.: CWA-03-2001-0022

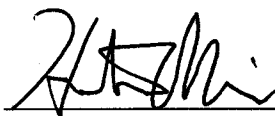
NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that Mary Jane Hall, an attorney with Kaufman & Canoles, P.C., will appear as one of the attorneys for Respondents, Smith Farm Enterprises, LLC (the "Respondent") and furthermore, that Beth V. McMahon, who has appeared in this matter on behalf of the Respondent, has retired from Kaufman & Canoles, P.C. and will no longer serve as co-counsel of record.

Respectfully submitted,

SMITH FARM ENTERPRISES, LLC

By



Hunter W. Sims, Jr.

Hunter W. Sims, Jr., Esquire (VSB # 09218)
Marina Liacouras Phillips, Esquire (VSB # 39944)
Mary Jane Hall, Esquire (VSB # 26509)
Kaufman & Canoles, P.C.
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Norfolk, Virginia 23510
Phone: (757) 624-3000
Fax: (757) 624-3169

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of September 2008, a true and correct copy of the foregoing *Notice of Appearance* was served:

Via Federal Express to:
Honorable William B. Moran
U.S. Environmental Protection Agency
Office of the Administrative Law Judges
Franklin Court, Suite 350
1099 14th Street, N.W.
Washington, DC 20005

Original and Five Copies via Federal Express to:
U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board
1341 G Street, NW, Sixth Floor
Washington, DC 20005
Fax: (202) 233-0121

Via Federal Express to:
Stefania D. Shamet, Esquire
United States Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Fax: (215) 814-2603