

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

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

**MOTION FOR REMAND**

NOW COMES Respondent, Smith Farm Enterprises, L.L.C. (“Respondent”), by counsel, pursuant to 40 C.F.R. § 22.30(c) and, as an alternative to Respondent’s Motion for Partial Reconsideration and to Stay the September 30, 2010 Final Decision and Order and memorandum in support thereof, moves the Environmental Appeals Board to remand this case to Administrative Law Judge William B. Moran for the limited purpose of including in his Initial Decision on Remand an additional ruling incorporating the prior rulings of Administrative Law Judge Carl C. Charneski in his May 5, 2005 Initial Decision on the issues before Judge Charneski other than CWA jurisdiction. The Respondent also moves to stay the effective date of the Environmental Appeal Boards’ September 30, 2010 Final Decision and Order pending its ruling on Respondent’s Motion to Remand and any related rulings and also pending a ruling on Respondent’s Motion for Partial Reconsideration and any related rulings. The Respondent has filed simultaneously herewith a Memorandum of Law in Support of Motion for Remand, which contains the reasons for this motion. Respondent does not waive and reserves all of its rights on the jurisdictional issues any other issues in this case.

**October 13, 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 13th day of October 2010, the foregoing *Motion for Remand* was furnished:

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/s/ Hunter W. Sims, Jr.  
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