

# KAUFMAN & CANOLES

— | A Professional Corporation | —

**Attorneys and Counselors at Law**

Beth V. McMahon  
757 / 624-3010  
bvmcmahon@kaufcan.com

757 / 624-3000  
fax: 757 / 624-3169

*Mailing Address:*  
P.O. Box 3037  
Norfolk, VA 23514

150 West Main Street  
Suite 2100  
Norfolk, VA 23510

July 11, 2008

## Via Federal Express

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

**Re: *In the Matter of Smith Farm Enterprises, LLC***  
**Docket No.: CWA-3-2001-0022**

Dear Ms. Guy:

Enclosed for filing on behalf of the Respondent are an original and one copy of the following:

1. Notice of Appeal; and
2. Uncontested Motion for Extension of Time to File Respondent's Appeal Brief and Accompanying Request by the EPA for Extension to File Its Brief.

Thank you for your assistance. Please call me if you have questions.

Very truly yours,



Beth V. McMahon

BVM/kkw  
Enclosures  
1384923\1

cc/enc: ✓ Clerk of the Board, Environmental Appeals Board (*via* Federal Express)  
Stefania D. Shamet, Esq. (*via* Federal Express)

RECEIVED  
U.S. E.P.A.  
2008 JUL 14 AM 9:59  
ENVIR. APPEALS BOARD

Chesapeake

Hampton

Newport News

Richmond

Virginia Beach

Williamsburg

RECEIVED  
U.S. E.P.A.

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

Region III  
1650 Arch Street  
Philadelphia, PA 19103

2008 JUL 14 AM 10:00  
EIVIR. APPEALS BOARD

In the Matter of )  
 )  
Smith Farm Enterprises, LLC, ) Docket No.: CWA-03-2001-0022  
 )  
 )  
Respondent. )

**NOTICE OF APPEAL**

Respondent, Smith Farm Enterprises, LLC ("Respondent"), through counsel, hereby appeals the Decision Upon Remand by the Honorable William B. Moran issued March 7, 2008, which was reissued in connection with the Supplemental Decision issued June 27, 2008. Respondent does not appeal the substance of the Supplemental Decision issued June 27, 2008.

Respectfully submitted,

**SMITH FARM ENTERPRISES, LLC**

By Beth V. McMahon  
Beth V. McMahon

Hunter W. Sims, Jr., Esquire  
Marina Liacouras Phillips, Esquire  
Beth V. McMahon, Esquire  
Kaufman & Canoles, P.C.  
150 West Main Street, Suite 2100  
Norfolk, VA 23510  
Phone: (757)624-3000  
Fax: (757)624-3169

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11 day of July 2008, a true and correct copy of the foregoing *Notice of Appeal* was furnished:

Via Federal Express (the original and five copies):

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

Via Federal Express:

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

Via Federal Express:

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

  
Beth V. McMahon