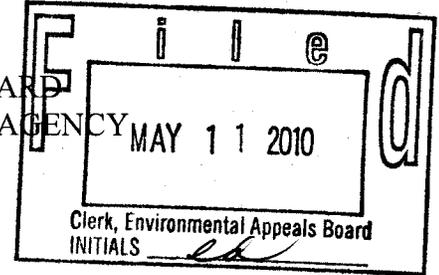


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



\_\_\_\_\_  
In re: )  
)  
)

Smith Farm Enterprises, LLC )

CWA Appeal No. 08-02

Docket No. CWA-03-2001-0022 )  
)  
)  
\_\_\_\_\_

**ORDER GRANTING MOTION TO RESCHEDULE ORAL ARGUMENT**

On April 9, 2010, the Board scheduled oral argument in the matter of Smith Farm Enterprises, LLC ("Smith Farm"), CWA Appeal No. 08-02, for May 20th, 2010. On May 3, 2010, Appellee (U.S. EPA, Region 3) moved to reschedule oral argument based on a newly developed conflict in the assigned counsel's schedule and a consequent concern regarding counsel's ability to adequately prepare for oral argument. Appellant Smith Farm joined in the motion citing its counsel's own schedule conflicts.

Upon consideration, the Board has decided to **GRANT** the Region's motion to reschedule oral argument in this matter. The Board will now hear oral argument on July 20, 2010, in the Administrative Courtroom, U.S. Environmental Protection Agency, EPA East Building, Room 1152, 1201 Constitution Avenue, N.W., Washington, D.C. Oral argument shall proceed as follows: (1) thirty minutes for Appellant Smith Farm; (2) thirty minutes for Appellee Region 3. At the outset of the proceedings, Smith Farm may reserve up to five minutes of their allocated time for rebuttal.

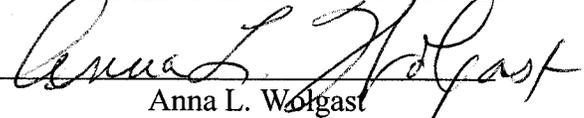
The parties shall notify the Clerk of the Board in writing by Tuesday, July 13, 2010, of the names of counsel who will present argument. The Administrative Courtroom is equipped with state-of-the-art video-conferencing equipment and, accordingly, any party may participate in the oral argument by video conference rather than attending in person. Counsel who wish to participate in this oral argument via video-conferencing shall contact the Clerk of the Board, at 202-233-0122, no later than Tuesday, July 13, 2010, to make arrangements for use of the video-conference equipment.

The Board encourages the parties to consider settlement of this matter. In that regard, the Board is prepared to facilitate mediation to aid settlement if the parties determine that such assistance would be beneficial.

So ordered.

Dated: May 11, 2010

ENVIRONMENTAL APPEALS BOARD

  
\_\_\_\_\_  
Anna L. Wolgast  
Environmental Appeals Judge

## CERTIFICATE OF SERVICE

I hereby certify that I sent copies of the foregoing Order Granting Motion to Reschedule Oral Argument in the matter of *Smith Farm Enterprises, LLC*, CWA Appeal No. 08-02, to the following persons in the manner indicated.

### By Facsimile and Certified Mail Return Receipt Requested:

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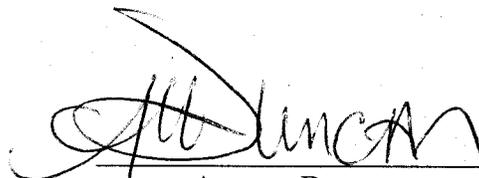
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Dated: MAY 11 2010



Annette Duncan  
Secretary