

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.)	

REPLY TO THE EPA’S RESPONSE TO MOTION FOR LEAVE TO CORRECT

In its response to Respondent’s Motion for Leave to Correct, the EPA stated that it does not object to the filing of the motion, but states that it does not agree with the substance of statements made in the Motion for Leave to Correct and its supporting Memorandum and makes other objections to the Motion for Leave to Correct and the Memorandum in Support thereof. The EPA further states that its positions will be addressed in its responses to Respondent’s Motion for Remand and Motion for Partial Reconsideration.

In reply, the Respondent does not agree with the EPA’s position except the fact that the EPA does not object to Respondent filing its Motion and Memorandum for Leave to Correct. Respondent refers to, adopts and incorporates by reference herein its Reply to the EPA’s Response to Respondent’s Motion for Partial Reconsideration and its Reply to the EPA’s Response to Respondent’s Motion for Remand, which are being filed simultaneously with this Reply.

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of November 2010, the foregoing *Reply to the EPA's Response to Motion for Leave to Correct* 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:

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

LaJuana S. Wilcher, Esquire
English, Lucas, Priest & Owsley
1101 College Street
Post Office Box 770
Bowling Green, KY 42102
Fax: (270) 782-7782

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.