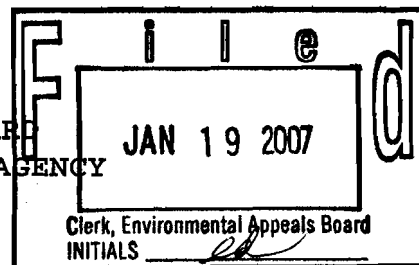


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
) Consent Agreement and
) Final Order
Consent Agreements and Proposed) CAA-HQ-2005-xx
Final Orders for Animal Feeding) CERCLA-HQ-2005-xx
Operations) EPCRA-HQ-2005-xx
)

ORDER REQUESTING SUPPORTING DOCUMENTATION

On December 6, 2006, the Environmental Appeals Board ("Board") received a memorandum from the EPA's Office of Enforcement and Compliance Assurance ("OECA", also referred to as "Complainant") requesting, inter alia,¹ the transferring of responsibility in six of the two thousand five hundred and sixty-eight Consent Agreements ("Agreements") the Board has ratified in the above-captioned matter.

In its memorandum, OECA represents that six Respondents have informed OECA that they subsequently sold their farm(s) after Board approval of their Agreement, and that the new owners wish

¹ The same submittal requested that the Board ratify fifty-two other Agreements, approve changes to one hundred and seventy-one previously ratified Agreements, and vacate nine of the ratified Agreements. Memorandum from Granta Y. Nakayama on Consent Agreements and Proposed Final Orders for Animal Feeding Operations to Environmental Appeals Board (December 6, 2006). The Board ratified the fifty-two Agreements in an order dated December 12, 2006, vacated the nine Agreements in an order dated January 17, 2007, and approved changes to the one hundred and seventy-one previously ratified Agreements in an order dated January 18, 2007.

to assume responsibility for the Agreement. OECA also represents that it has contacted the new owners and that they have expressed interest in assuming responsibility for these Agreements. The Board has reviewed OECA's submittal package and have found no supporting documentation corroborating OECA's representations.

In order for the Board to proceed with OECA's request, the Board needs written confirmation from the new owners showing that they are indeed interested in the transferring of responsibility. OECA is hereby ordered to provide the required documentation by no later than February 9, 2007. OECA may, instead, submit a status report if additional time is necessary.

So ordered.

ENVIRONMENTAL APPEALS BOARD

By: 

Edward E. Reich
Environmental Appeals Judge

Dated: 1/19/07

CERTIFICATE OF SERVICE

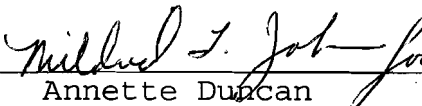
I hereby certify that copies of the foregoing Order Requesting Supporting Documentation in the matter of Consent Agreements and Proposed Final Orders for Animal Feeding Operations, were sent to the following persons in the manner indicated:

By Interoffice Mail
(and copy by facsimile):

Robert A. Kaplan
Bruce Fergusson
Tim Sullivan
Special Litigation & Projects
Division
Office of Civil Enforcement (2248-A)
U.S. Environmental Protection
Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

FAX: (202) 564-0010

Dated: JAN 19 2007


Annette Durcan
Secretary