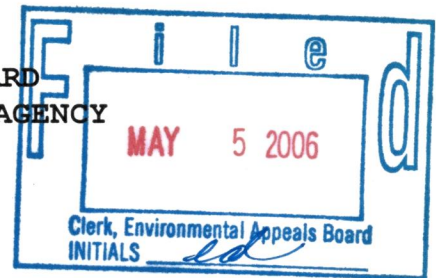


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BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____)
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
_____)

FINAL ORDER

I. BACKGROUND

On May 2, 2006, the Environmental Appeals Board ("Board") received for review and ratification two hundred eighty-six Consent Agreements and Proposed Final Orders ("Agreements")¹ from the EPA's Office of Enforcement and Compliance Assurance ("OECA", also referred to as "Complainant") in accordance with 40 C.F.R. § 22.18(b)(3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. pt. 22

¹ The Office of Enforcement and Compliance Assurance provided a list of the two hundred eighty-six companies (or "Respondents") that entered into these Agreements. See Attachment A to Memorandum from Granta Y. Nakayama on Consent Agreements and Proposed Final Orders for Animal Feeding Operations to Environmental Appeals Board (April 28, 2006). This attachment has been incorporated into this Order as Attachment 1. This Order applies to all the Respondents listed in the Attachment.

("Part 22").² The Agreements are part of a large group of proposed agreements EPA has received in response to a nationwide offer EPA made to animal feeding operations ("AFOs") in the egg, broiler, chicken, turkey, dairy, and swine industries that meet the definition of an AFO under the Clean Water Act. See Animal Feeding Operations Consent Agreement and Final Order, 70 Fed. Reg. 4958, 4959 (Jan. 31, 2005).

EPA offered these AFOs the opportunity to sign consent agreements to resolve potential liabilities under the Clean Air Act ("CAA"), CAA §§ 101-618, 42 U.S.C §§ 7401-7671q, the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), CERCLA §§ 101-405, 42 U.S.C. §§ 9601-967, and the Emergency Planning and Community Right-To-Know Act ("EPCRA"), EPCRA §§ 301-330, 42 U.S.C. §§ 1101-11050. See Animal Feeding Operations Consent Agreement and Final Order, 70 Fed. Reg. 4958 (Jan. 31, 2005); see also Animal Feeding Operations Consent Agreement and Final Order, 70 Fed. Reg. 40016 (July 12, 2005).

² According to section 22.18(b)(3), settlements or consent agreements arising from proceedings commenced at EPA Headquarters need the Board's approval before becoming final Agency action. 40 C.F.R. § 22.18(b)(3) ("No settlement or consent agreement shall dispose of any proceeding under these Consolidated Rules of Practice without a final order from * * *, in a proceeding commenced at EPA Headquarters, the Environmental Appeals Board, ratifying the parties' consent agreement."). See also *id.* § 22.4(a) ("The Environmental Appeals Board * * * approves settlements of proceedings under these Consolidated Rules of Practice commenced at EPA Headquarters").

Under the model agreement published in the January 31, 2005 Federal Register notice, participating AFOs will pay a civil penalty based on the number and size of the farms and the number of animals at each AFO covered by the Agreement, in accordance with a table set forth therein. Participating AFOs would also share responsibility for funding a two-year nationwide emissions monitoring study aimed at the development of methodologies for estimating emissions from AFOs, which in turn would be used to determine participating companies' regulatory status and compliance under the CAA, CERCLA, and EPCRA. As part of the Agreements, the companies would receive a release and covenant not to sue for potential civil violations of specified requirements of these statutes that may have already occurred or that may occur during the study period.

This is the third group of Agreements the Board has received for review and ratification under this initiative. The first group consisted of twenty Agreements, which, after careful examination,³ the Board ratified by Final Order dated January 27,

³ On November 18, 2005, after a preliminary examination of the first group of Agreements and the supporting documentation OECA submitted, the Board issued an order identifying various areas that needed clarification and requesting OECA to file a supplemental memorandum answering several questions. The Board also scheduled a hearing inviting OECA and any interested Respondents to address the areas identified in the order. See Order Scheduling Hearing and Requesting Supplemental Information (EAB, Nov. 18, 2005). On December 6, 2005, the Board received a

2006. See Consent Agreements and Proposed Final Order for Animal Feeding Operations (EAB, Jan. 27, 2006). In its review of the first twenty Agreements, the Board found that: (1) the Agreements were administrative penalty orders subject to Board review; (2) the Agreements did not violate the Clean Air Act or Part 22; and (3) the penalty amounts set forth in the Agreements followed the applicable statutory penalty criteria and any deviations from EPA's penalty policies were appropriately explained. *Id.* 8-34. A second group, consisting of seven hundred and two Agreements, was ratified by Board order of April 17, 2006. See Consent Agreements and Proposed Final Order for Animal Feeding Operations (EAB, Apr. 17, 2006). The discussion and findings in these earlier orders apply with equal force to these Agreements as well.

joint request from various community and environmental groups (collectively referred to as "AIR"), seeking, among other things, to file a memorandum to respond to OECA's supplemental brief and asking to participate at the hearing. By order dated December 8, 2005, the Board granted AIR the opportunity to participate at the hearing. See Order Granting Opportunity to Participate at Hearing and Allocating Time (EAB, Dec. 8, 2005). By a separate order, the Board allowed AIR to file a non-party brief. See Order Denying Motion for Leave to Intervene (EAB, Dec. 8, 2005).

The Board held the hearing on December 13, 2005. OECA, counsel for six of the Respondents, and AIR participated at the hearing. On December 20, 2005, AIR filed a non-party brief responding to OECA's supplemental brief. On January 6, 2006, OECA and Respondents each filed a response brief to AIR's non-party brief. Upon consideration of all responsive filings, the Board issued a Final Order on January 27, 2006, ratifying the Agreements.

In its transmittal memorandum, OECA represents that the Agreements in this current group are identical to the seven hundred and twenty-two Agreements previously ratified by the Board, the model agreement published in the January 31, 2005 Federal Register notice, and the sample Agreement attached to its transmittal memorandum.⁴ The transmittal memorandum further states that each penalty assessed by the Agreements is in accordance with the formula established in Paragraph 48 of the model agreement.⁵

Upon review, the Board hereby issues the following order.

II. FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b), the Board issues this Final Order ratifying the Agreement executed by the Complainant and each Respondent listed in Attachment 1 to this Order as submitted to the Board by Complainant on May 2, 2006.

⁴Memorandum on Consent Agreements and Proposed Final Orders for Animal Feeding Operations from Granta Y. Nakayama to Environmental Appeals Board (April 28, 2006) at 2.

⁵*Id.* The Board has previously found that this paragraph is consistent with all applicable statutory penalty criteria and that any deviations from applicable penalty policies are appropriate. Consent Agreements and Proposed Final Order for Animal Feeding Operations (EAB, Jan. 27, 2006) at 25-34.

Complainant and Respondent have consented to the entry of this Final Order and have agreed to comply with the Agreement. It is hereby ORDERED that:

1. Respondent shall comply with all the terms of the Agreement, incorporated herein by reference;

2. Nothing in the Agreement relieves Respondent from otherwise complying with the applicable requirements set forth in the CAA, CERCLA, and EPCRA.

3. Respondent is hereby assessed a civil penalty in the sum of the amount determined by Paragraph 48 of the Agreement.

4. Respondent shall, within thirty (30) days of the date that an executed copy of the Agreement is received by the Respondent, forward a certified check or money order, payable to the United States Treasurer, in the amount determined by Paragraph 48 of the Agreement to:

U.S. Environmental Protection Agency
(Washington, D.C. Hearing Clerk)
Docket No. [insert Respondent's case docket number]
P.O. Box 360277
Pittsburgh, PA 15251-6277

The check or money order shall bear the notation of the name of the Respondent and the appropriate case docket number. A transmittal letter, indicating Respondent's name, complete address, and the case docket number must accompany the payment. Respondent shall file a copy of the check and the transmittal letter by mailing the copies to:

U.S. Mail Address

Office of Hearing Clerk
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
MC 1900L
Washington, D.C. 20460-0001

Courier/FedEx Address

U.S. EPA Office of the Hearing Clerk
1099 14th Street, NW
Suite 350, Franklin Court
Washington, D.C. 20005

5. Failure to remit the civil penalty assessed under the Agreement may subject the Respondent to civil action pursuant to section 113 of the CAA, 42 U.S.C. § 7413, section 109 of CERCLA, 42 U.S.C. § 9609, and/or section 325 of EPCRA, 42 U.S.C. § 11045, to collect any unpaid portion of the monies owed, together with the interest, handling charges, enforcement expenses, including attorney fees and nonpayment penalties set forth in Paragraphs 51 and 52 of the Agreement.

6. With respect to all requirements of the Agreement except for those related to the assessment and payment of penalties in Paragraphs 48-52, failure to comply with these other requirements will void the releases and covenants not to sue granted by the Agreement as provided for in Paragraph 37 of the Agreement.

7. Complainant is ordered to serve each of the Respondents listed in Attachment 1. Complainant shall submit to the Board a certificate of service confirming that such service has been made.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: *May 5, 2006*

By: 
Edward E. Reich
Environmental Appeals Judge


CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Final Order 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
202-564-0010 FAX

Dated: **MAY - 5 2006**



Annette Duncan
Secretary

Penalty Calculation Table for 286 Respondents

Submittal ID	Docket Number	Submitter Name	Number of Farms			Penalty	
			Below CAFO Threshold	Above Large CAFO Threshold but less than 10x Large CAFO	Above 10x Large CAFO Threshold		Total Farms
86	0768	Miner Institute	1	0	0	1	\$200
117	0769	Southview Farms, LP	0	2	0	2	\$1,000
132	0770	Lamb Farms, Inc.	0	2	0	2	\$1,000
153	0771	County Line Dairy, LLC	0	1	0	1	\$500
159	0772	Springwater Farm	1	0	0	1	\$200
194	0773	Carlos Echeverria & Sons Dairy	0	1	0	1	\$500
196	0774	John de Groot & Son	0	0	1	1	\$1,000
197	0775	Afentranger & Sons Dairy Farms, Inc.	0	1	0	1	\$500
203	0776	Do-Rene Dairy	1	0	0	1	\$200
211	0777	Rajen Dairy	0	1	0	1	\$500
213	0778	Vander Hoff Brothers Dairy, LLC	1	0	0	1	\$200
640	0779	Star Rock Dairy, Inc.	1	2	0	3	\$1,500
663	0780	TeRiele Dairy	0	1	0	1	\$500
1604	0781	Visser Dairy LLC	0	1	0	1	\$500
1639	0782	Glenvue Farms, LLC	1	0	0	1	\$200
1646	0783	Powerline Dairy LLC	0	1	0	1	\$500
1647	0784	Manuel Silveira Dairy	0	1	0	1	\$500
1651	0785	Frank N. Rocha Dairy	0	1	0	1	\$500
1653	0786	Boersma's A&T Dairy	1	0	0	1	\$200
1663	0787	A.F. Mendes & Sons	0	1	0	1	\$500
1664	0788	Weeping Hollow Farms	0	1	0	1	\$500
1666	0789	Vander Woude Dairy	0	0	1	1	\$1,000
1667	0790	Lima Ranch	0	1	0	1	\$500
1668	0791	Lawnhurst Farms	0	1	0	1	\$500
1675	0792	Pete Vanderham Dairy, Inc	0	0	1	1	\$1,000
1684	0793	Dorchsland Farms	1	0	0	1	\$200
1685	0794	Manders Dairy LLC	1	0	0	1	\$200
1687	0795	Hoslum Dairies, LLC	0	1	0	1	\$500
1691	0796	Chesterfield Dairy	1	0	0	1	\$200
1692	0797	Van Erk Dairy, LLP	0	1	0	1	\$500
1698	0798	Mercer Vu Farms, Inc.	0	1	0	1	\$500
1703	0799	Desert Rose Farms	0	0	1	1	\$1,000
1706	0800	Sierra Vista Dairy, LP	0	1	0	1	\$500
1707	0801	Y-Run Farm LLC	0	1	0	1	\$500
1708	0802	Manning Bros Dairy	0	1	0	1	\$500
1714	0803	Charles Van Der Kooi Dairy	1	0	1	2	\$1,500
1723	0804	Lueken Dairy Farm Inc.	0	1	0	1	\$500
1724	0805	Dairyland Farms	0	1	0	1	\$500
1733	0806	Maddox Dairy, Ltd.	0	0	1	1	\$1,000
1735	0807	Silver Creek Farms, LLC	1	0	0	1	\$200
1742	0808	Fiscalini Farms	0	1	0	1	\$500
1743	0809	Dotinga Dairy	0	2	0	2	\$1,000
1744	0810	Roger Pack Dairy	0	1	0	1	\$500
1746	0811	Sioux Jersey	0	1	0	1	\$500
1747	0812	DeVries Dairy	0	1	0	1	\$500
1748	0813	Rancho Teresita Dairy	0	0	1	1	\$1,000
1749	0814	Bridgewater Dairy, LLC	0	1	0	1	\$500
1752	0815	Hy Hope Farms Inc.	1	0	0	1	\$200
1753	0816	Remington Tanner Dairy	0	0	1	1	\$1,000
1755	0817	Starks and Sons Dairy	0	1	0	1	\$500
1756	0818	Koepke Farms, Inc.	1	0	0	1	\$200
1767	0819	Lynn Island Farms	1	0	0	1	\$200

Penalty Calculation Table for 286 Respondents

Submittal ID	Docket Number	Submitter Name	Number of Farms				Penalty
			Below CAFO Threshold	Above Large CAFO Threshold but less than 10x Large CAFO	Above 10x Large CAFO Threshold	Total Farms	
1771	0820	Layn Farms	1	0	0	1	\$200
1773	0821	Bos Dairy, LLC	0	0	1	1	\$1,000
1774	0822	Hoekstra Dairy	0	0	1	1	\$1,000
1775	0823	Nylund Dairy Farms	0	1	0	1	\$500
1776	0824	Palla Rosa Farming Co.	1	1	0	2	\$1,000
1777	0825	G & H Dairy	0	1	0	1	\$500
1778	0826	Maya Dairy	0	1	0	1	\$500
1779	0827	J & R Dairy	1	0	0	1	\$200
1781	0828	Big Sky Dairy Mountainview Dairy	3	0	0	3	\$1,500
1782	0829	Del Oro Dairy	1	0	0	1	\$200
1783	0830	Hinkley Dairy	0	1	0	1	\$500
1784	0831	Hamstra Dairy	0	1	0	1	\$500
1785	0832	Moreda Valley Dairy	0	1	0	1	\$500
1786	0833	Pastime Lakes Dairy	1	0	0	1	\$200
1787	0834	Vista Verde Dairy	0	1	0	1	\$500
1788	0835	French's Dairy	1	0	0	1	\$200
1790	0836	T & W Farms	0	0	1	1	\$1,000
1791	0837	George Borba & Son Dairy	0	1	0	1	\$500
1792	0838	Bella Nave Corp.	0	0	1	1	\$1,000
1793	0839	Bartelink Dairy	0	1	0	1	\$500
1794	0840	Goyenette Dairy	0	1	0	1	\$500
1800	0841	Castelanelli Bros.	0	1	0	1	\$500
1801	0842	Sunshine Dairy	0	3	0	3	\$1,500
1802	0843	Sunnyside Farms Inc.	0	1	0	1	\$500
1805	0844	Champion Farms LLC	0	1	0	1	\$500
1807	0845	Dairy Development International, LLC	1	1	0	2	\$1,000
1813	0846	Providence Dairy LLC	0	1	0	1	\$500
1816	0847	Walter Jensen Cattle Co., Inc.	0	0	1	1	\$1,000
1819	0848	Frisia Farms-Talsma Dairy	0	2	0	2	\$1,000
1821	0849	Whey Street Dairy LLC	1	0	0	1	\$200
1823	0850	Bert Van Dam Dairy	1	0	0	1	\$200
1824	0851	Joe V. Cardoza III	0	1	0	1	\$500
1829	0852	Foster Dairy Farms	0	5	0	5	\$2,500
1832	0853	Holden T. Doane & Son	1	0	0	1	\$200
1834	0854	Peters Dairy, LLC	1	0	0	1	\$200
1851	0855	El-Vi Farms LP	0	1	0	1	\$500
1852	0856	William Koot Dairy	0	1	0	1	\$500
1888	0857	Bernard Alan teVelde	0	2	0	2	\$1,000
1889	0858	S&S Dairy	0	1	0	1	\$500
1890	0859	Wagner Dairy LP	0	1	0	1	\$500
1891	0860	Red Rock Dairy	1	0	0	1	\$200
1892	0861	Joe Luis & Son Dairy	0	1	0	1	\$500
1893	0862	Lakeview Farms	0	1	0	1	\$500
1894	0863	Southern Skies Dairy	0	1	0	1	\$500
1895	0864	B + B Dairy/Old River	0	0	1	1	\$1,000
1896	0865	3-V Dairy LLC	0	1	0	1	\$500
1897	0866	G3 Dairy	1	0	0	1	\$200
1900	0867	Gerrit Hofman Dairy	0	1	0	1	\$500
1902	0868	Thomas Roach Dairy Farm	0	1	0	1	\$500
1903	0869	Fair Oaks Dairy Farm LLC	0	0	2	2	\$2,000
1904	0870	Artesia Dairy	0	1	0	1	\$500
1905	0871	River Ranch Dairy	0	1	0	1	\$500

Penalty Calculation Table for 286 Respondents

Submittal ID	Docket Number	Submitter Name	Number of Farms				Penalty
			Below CAFO Threshold	Above Large CAFO Threshold but less than 10x Large CAFO	Above 10x Large CAFO Threshold	Total Farms	
1907	0872	Trinkle Farms	0	1	0	1	\$500
1910	0873	Henry Veenendaal Dairy, LP	0	1	0	1	\$500
1913	0874	Still Meadow Dairy, Inc.	0	1	0	1	\$500
1915	0875	Logan M. Bower	1	0	0	1	\$200
1917	0876	Ed Brower Dairy, Inc.	0	1	1	2	\$1,500
1920	0877	Adirondack Farms LLC	0	1	0	1	\$500
1923	0878	Southern Cross Dairy	0	0	1	1	\$1,000
1932	0879	West Star Ranch	0	0	1	1	\$1,000
1933	0880	Stony Brook Inc.	1	0	0	1	\$200
1936	0881	Carter Farms, Inc.	0	1	0	1	\$500
1937	0882	Bilow Dairy Farm	0	1	0	1	\$500
1938	0883	Mt. Pleasant Farm	0	1	0	1	\$500
1939	0884	Baca Linda Dairy	0	1	0	1	\$500
1940	0885	Gonzalez Dairy	0	1	0	1	\$500
1941	0886	Dairy-Knoll Farms	1	1	0	2	\$1,000
1945	0887	Bubbins Dairy, LLC	0	1	0	1	\$500
1949	0888	Wezbra Dairy, LLC	0	1	0	1	\$500
1954	0889	Barrera Dairy	0	0	1	1	\$1,000
2100	0890	Te Voortwis Dairy	0	1	0	1	\$500
2105	0891	Reyncrest Farms, Inc.	0	1	0	1	\$500
2106	0892	Green Hill Farms	0	1	0	1	\$500
2113	0893	Twin Birch Dairy, LLC	0	0	1	1	\$1,000
2126	0894	Coyne Farms, Inc.	0	1	0	1	\$500
2148	0895	Jerry Dell Farm, Inc.	1	0	0	1	\$200
2162	0896	Lester C. Jones & Sons, Inc.	0	1	0	1	\$500
2166	0897	Henn House Dairy, Inc.	0	1	0	1	\$500
2179	0898	Infinity & 1 LLC	1	0	0	1	\$200
2207	0899	McCormick Farms, Inc.	0	1	0	1	\$500
2222	0900	Hidden View Dairy, LLC	0	1	0	1	\$500
2225	0901	Crossbrook Farm	1	0	0	1	\$200
2226	0902	SDR Dairy LLP	1	0	0	1	\$200
2259	0903	Kelsay Farms, LLC	0	1	0	1	\$500
2273	0904	Ark-Tenn Dairy	0	1	0	1	\$500
2274	0905	Diamond H. Dairy	0	1	0	1	\$500
2275	0906	Mulligan Farm, Inc.	0	1	0	1	\$500
2276	0907	Haringa Dairy	0	1	0	1	\$500
2277	0908	John de Jong Dairy, Inc.	1	0	0	1	\$200
2278	0909	Ryzebol Dairy	0	1	0	1	\$500
2284	0910	Oakwood Dairy, LLC	0	1	0	1	\$500
2288	0911	Dykeman & Sons Inc.	0	1	0	1	\$500
2290	0912	Shenandoah Dairy, Inc.	0	1	0	1	\$500
2293	0913	Edward H. Hayden, Jr. Dairy Farm	1	0	0	1	\$200
2295	0914	Vanden Berge Dairy	0	1	0	1	\$500
2303	0915	Ideal Dairy Farms Inc.	0	1	0	1	\$500
2330	0916	Dairy Production Systems Companies	0	5	0	5	\$2,500
4587	0917	Hickory Hill Dairy	1	0	0	1	\$200
2338	0918	Donald G Butler & Sons, DBA Sunny Kn	0	1	0	1	\$500
2339	0919	Ornellas Dairy	0	1	0	1	\$500
2344	0920	Frey Dairy Farms, Inc.	0	1	0	1	\$500
2346	0921	Oak Spring Farms	1	0	0	1	\$200
2352	0922	Herrema Dairy, LLC	0	0	1	1	\$1,000
2353	0923	Normandy Farm	0	0	1	1	\$1,000

Penalty Calculation Table for 286 Respondents

Submittal ID	Docket Number	Submitter Name	Number of Farms				Penalty
			Below CAFO Threshold	Above Large CAFO Threshold but less than 10x Large CAFO	Above 10x Large CAFO Threshold	Total Farms	
2354	0924	Santa Fe Trail Dairy, LLC	0	1	0	1	\$500
2355	0925	Berkshire Valley Farm	0	1	0	1	\$500
2356	0926	Tony & Julie Jorge Dairy	1	0	0	1	\$200
2358	0927	Vintage Dairy	0	0	1	1	\$1,000
2606	0928	Offhaus Farms, Inc.	1	1	0	2	\$1,000
2656	0929	Moserdale Farm	1	0	0	1	\$200
2675	0930	Lauren Dairy LLC (Research Dairy)	1	0	0	1	\$200
2705	0931	Penn St Dairy Education and Research C	1	0	0	1	\$200
2716	0932	Brand Farms	0	1	0	1	\$500
2741	0933	Whittaker Farm	2	0	0	2	\$1,000
2761	0934	CY Heifer Farm LLC	0	1	0	1	\$500
2768	0935	River Breeze Farm	0	1	0	1	\$500
2771	0936	McCatham Dairy	0	1	0	1	\$500
2773	0937	Elkendale Farms LLC	0	1	0	1	\$500
2805	0938	Security Dairy, Inc.	0	1	0	1	\$500
2808	0939	Natures Dairy, Inc.	0	1	0	1	\$500
2815	0940	Fessenden Dairy, LLC	0	1	0	1	\$500
2842	0941	Chaffee Farms	1	1	0	2	\$1,000
2846	0942	Par 5 Dairy	0	0	1	1	\$1,000
2850	0943	R & R Dairy	0	1	0	1	\$500
2851	0944	Pareo Dairy	0	1	0	1	\$500
2852	0945	Cornerstone Dairy	0	1	0	1	\$500
2869	0946	Reyskens Dairy, LLC	0	1	0	1	\$500
2895	0947	Zugstead Farm, Inc.	1	0	0	1	\$200
2998	0948	Edaleen Diry, LLC	0	1	0	1	\$500
3002	0949	Mineral King Dairy	0	1	0	1	\$500
3003	0950	North Williston Cattle Company	1	0	0	1	\$200
3025	0951	Bud Butcher Dairy	1	0	0	1	\$200
3129	0952	Marks Farms	0	1	0	1	\$500
3144	0953	Van Dongen Dairy, LLC	1	0	0	1	\$200
3158	0954	Albert W. Heinbach & Sons Dairy Operat	1	0	0	1	\$200
3159	0955	Johann Dairy	0	1	0	1	\$500
3160	0956	Allenwaite Farms, Inc.	0	1	0	1	\$500
3162	0957	Tallmon Dairy	0	1	0	1	\$500
3163	0958	Larson Acres, Inc.	0	1	0	1	\$500
3164	0959	Hemlock Valley Farm	0	1	0	1	\$500
3165	0960	Evergreen Farms, Inc.	3	0	0	3	\$1,500
3167	0961	Merrell Farms, Inc.	0	1	0	1	\$500
3171	0962	Sheland Farms	0	1	0	1	\$500
3175	0963	Olsthoom Dairy, LLC	0	1	0	1	\$500
3176	0964	Pacheco Dairy, Inc.	0	1	0	1	\$500
3179	0965	DeGroot Dairy	0	3	0	3	\$1,500
3181	0966	DeGroot Dairy Farms	0	0	1	1	\$1,000
3183	0967	Twin River Dairy, LLC	0	1	0	1	\$500
3184	0968	Neil Zwart Dairy	0	1	0	1	\$500
3188	0969	M&C Dairy	0	1	0	1	\$500
3189	0970	Shein Ranch	0	1	0	1	\$500
3190	0971	DeJager Farms South	0	1	0	1	\$500
3191	0972	Diepersloot Ranch	0	1	0	1	\$500
3192	0973	Rockstar Dairy	0	1	0	1	\$500
3193	0974	DeJager Dairy North	0	0	1	1	\$1,000
3200	0975	Moonshine Dairy	0	1	0	1	\$500

Penalty Calculation Table for 286 Respondents

Submittal ID	Docket Number	Submitter Name	Number of Farms				Penalty
			Below CAFO Threshold	Above Large CAFO Threshold but less than 10x Large CAFO	Above 10x Large CAFO Threshold	Total Farms	
3201	0976	Joe O. Rocha Dairy, Inc.	0	1	0	1	\$500
3202	0977	S & S Dairy, Inc.	0	1	0	1	\$500
3217	0978	Evergreen Farms	0	0	1	1	\$1,000
3218	0979	Van Leeuwen Dairy, Inc.	0	1	0	1	\$500
3219	0980	Seifert Dairy	0	0	1	1	\$1,000
3220	0981	Cache Creek Dairy	0	1	0	1	\$500
3222	0982	Jim Bylsma Dairy	0	1	0	1	\$500
3223	0983	De Boer Dairy - Tulare	0	1	0	1	\$500
3227	0984	Day Star Dairy	0	1	0	1	\$500
3228	0985	Rodney Palla Farms	0	1	0	1	\$500
3229	0986	Woodcrest Dairy	0	1	0	1	\$500
3237	0987	Atsma Cameron Dairy	0	1	0	1	\$500
3238	0988	Atsma Dairies	1	2	0	3	\$1,500
3239	0989	Van Althuis Dairy, LLC	0	1	0	1	\$500
3241	0990	Hoffland Dairy, LLC	1	0	0	1	\$200
3243	0991	JR Dairy	0	1	0	1	\$500
3244	0992	Scheenstra Dairy & JDs Farms	0	2	0	2	\$1,000
3249	0993	Woody Hill Farm, Inc.	1	0	0	1	\$200
3252	0994	Aurora Ridge Dairy, LLC	0	1	0	1	\$500
3254	0995	Red Arrow Dairy, LLC	0	1	0	1	\$500
3255	0996	Crossroads Dairy, LLC	0	1	0	1	\$500
3256	0997	den Dulk Dairy Farm, LLC	0	1	0	1	\$500
3257	0998	Meadow Rock Dairy, LLC	0	1	0	1	\$500
3258	0999	Milk Train, Inc.	1	0	0	1	\$200
3267	1000	Cedar Valley Farms, LLC	0	1	0	1	\$500
3630	1001	Bos Family Farms Dry Cow Facility (Moo	0	1	0	1	\$500
3631	1002	Windy Ridge Dairy, LLC	0	1	0	1	\$500
3634	1003	Hidden View Farm, LLC	1	0	0	1	\$200
3636	1004	Turner Dairy	0	2	0	2	\$1,000
3639	1005	Rickreall Dairy	0	1	0	1	\$500
3640	1006	Caifland LLC	0	0	1	1	\$1,000
3647	1007	Millbrook Farm LLC	0	1	0	1	\$500
3649	1008	Double Diamond Dairy	0	1	0	1	\$500
3655	1009	Jon De Farm, Inc.	0	1	0	1	\$500
3661	1010	Gorrell Dairy	1	0	0	1	\$200
3667	1011	Fox Dairy LTD	1	0	0	1	\$200
3668	1012	Prospect Dairy LLC	0	1	0	1	\$500
3669	1013	Cooperstown Holstein Corp.	1	0	0	1	\$200
3670	1014	Schrack Farms Partnership	0	1	0	1	\$500
3671	1015	Simoes Dairy	0	1	0	1	\$500
3672	1016	Larson's Dairyland	0	1	0	1	\$500
3678	1017	Nobis Dairy Farms	0	1	0	1	\$500
3682	1018	Milky Way Dairy	0	1	0	1	\$500
3684	1019	Machado Dairy, LP	0	1	0	1	\$500
3686	1020	RuAnn Dairy	0	1	0	1	\$500
3688	1021	Five Star Dairy LLC	0	1	0	1	\$500
3700	1022	Milagro Dairy	0	1	0	1	\$500
3706	1023	Indian Camp Farm, LLC	2	0	0	2	\$1,000
3707	1024	Harper Farms	1	0	0	1	\$200
3712	1025	Seiber Dairy	0	1	0	1	\$500
3714	1026	Enchantment Dairy	0	1	0	1	\$500
3715	1027	Cottonwood Springs Dairy	0	0	1	1	\$1,000

Penalty Calculation Table for 286 Respondents

Submittal ID	Docket Number	Submitter Name	Number of Farms				Penalty
			Below CAFO Threshold	Above Large CAFO Threshold but less than 10x Large CAFO	Above 10x Large CAFO Threshold	Total Farms	
3717	1028	JMC's Dairy	0	1	0	1	\$500
3720	1029	JoBo Holstien Farm, LLC	0	1	0	1	\$500
3721	1030	Bidart Dairy, LLC	0	0	1	1	\$1,000
3723	1031	Red Knob Farm	0	1	0	1	\$500
3724	1032	Gerrit deGraaf Family Partnership, Ltd.	1	0	0	1	\$200
3726	1033	Family Dairy, LLC	0	1	0	1	\$500
3731	1034	E.W. Koeberle Sons	1	0	0	1	\$200
3732	1035	Vaz Dairy	1	0	0	1	\$200
3733	1036	Crawford Dairy	1	0	0	1	\$200
3734	1037	Vreba-Hoff Dairy, LLC	0	2	0	2	\$1,000
3735	1038	Jones Dairy Inc.	0	1	0	1	\$500
3736	1039	Newhouse Dairy	0	1	0	1	\$500
3738	1040	Misty Morning Dairy	1	0	0	1	\$200
3745	1041	Hakker Dairy	0	1	0	1	\$500
3746	1042	Redtop Jerseys, LLC	0	1	0	1	\$500
3747	1043	Frank Teicheira & Son	0	1	0	1	\$500
3748	1044	Bear Mountain Dairy	1	0	0	1	\$200
3752	1045	Wilkstrom Jersey Farms Inc.	0	1	0	1	\$500
3758	1046	Moreda Laguna Dairy	0	1	0	1	\$500
3782	1047	Gottier Farms, LLC	1	0	0	1	\$200
3807	1048	Silvery Falls Farm	1	0	0	1	\$200
4588	1049	DeVries Family Farm LLC	0	1	0	1	\$500
4599	1050	Mensonides Dairy, LLC	0	1	0	1	\$500
4600	1051	Van Beek Brothers Dairy	0	1	0	1	\$500
4637	1052	Bluebell Meadows Farms	1	0	0	1	\$200
4638	1053	Donnan Farms, Inc.	0	1	0	1	\$500