

**APPEAL HEARING
BEFORE THE STATE ENVIRONMENTAL COMMISSION
STATE OF NEVADA**

| | | |
|--|---|-------------------|
| In Re: |) | |
| |) | |
| Appeal of Water Pollution Control Permit |) | AFFIDAVIT OF BILL |
| Permit No. NEV2006504, Beverly Hills |) | BARRACKMAN |
| Dairy (A.K. Coral Cay Trust) |) | |
| _____ |) | |

STATE OF NEVADA)
) ss.
COUNTY OF NYE)

Bill Barrackman, being first duly sworn upon oath, deposes and says:

1. My name is Bill Barrackman. I reside in Amargosa Valley, Nevada.
2. I appealed the decision of the Nevada Division of Environmental Protection ("NDEP") to issue a groundwater discharge permit to the Beverly Hills Dairy.
3. I own approximately 43 acres of property in Amargosa Valley. This property is approximately 0.8 miles away from the proposed site for the Beverly Hills Dairy. My wife and I purchased this property in 1990.
4. In addition to serving as our primary residence, we have invested over \$1 million in planting and developing an organic pistachio orchard, and building an 8000 square foot state of the art pistachio processing and packaging facility.
5. We use pumped groundwater on this facility for several purposes. From one well, we pump groundwater for orchard irrigation and for domestic use. Another well which I had drilled about six years ago serves the pistachio processing facility. In addition to these active wells we have one other inactive irrigation well, one active

domestic well on an adjoining property, and one currently inactive domestic well on an adjoining parcel.

6. I am worried that the Beverly Hills Dairy will pollute the aquifer underlying my property with nitrates, bacteria, and other pollutants. This aquifer provides the water which we use to drink, cook, and bathe, as well as water which sustains our business. Pollution in the aquifer would be detrimental to our property and our health. We are deeply concerned that the permit drafted by NDEP for the Dairy is not adequate to protect our groundwater. According to the federal EPA, each dairy cow produces the same amount of waste as at least 20 people. In terms of volumes of waste, the Beverly Hills Dairy (with about 2,900 dairy cows and 1,050 heifers) can be viewed as a city of some 80,000 people.

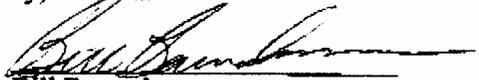
7. As a resident of Amargosa Valley, I am well aware of another dairy that was constructed about 20 miles from my residence (the Ponderosa Dairy) a few years after we moved to the Valley. This dairy routinely generates extremely strong and objectionable odors, although I live far enough away that it has not directly impacted our property. As a farmer and rural resident, I understand that farming and ranching can sometimes generate odors. But the odors generated by the Ponderosa Dairy can be more akin to municipal sewage than farming. The odors are, at times, pervasive and revolting. Moreover, the dairy attracts flies which can make any sort of outdoor activities extremely unpleasant.

8. I raise these points because they relate directly to the management of dairy waste, and therefore relate directly to the permit issued to the Beverly Hills Dairy. As a businessman in the processed nut industry, I am aware the nuts can take up the odor in

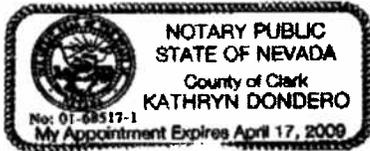
the ambient air where they are grown and processed. Obviously, it would be very harmful to my business if my pistachios smelled of decomposing livestock waste.

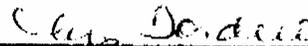
FURTHER YOUR AFFIANT SAYETH NOT.

Executed this 16 day of October, 2006, in ~~Amargosa Valley~~ ^{Las Vegas} ^{BB}, Nevada.


Bill Barrackman

SUBSCRIBED AND SWORN TO before me this 16th day of Oct, 2006.




Notary Public for Nevada
Residing at: Las Vegas, Nevada
My Commission expires: 4/17/09