

FORM FOR REQUESTING AN APPEAL HEARING
BEFORE THE NEVADA STATE ENVIRONMENTAL COMMISSION

RECEIVED

NOV - 2 2007

~~ENVIRONMENTAL PROTECTION~~

1. Name, address, telephone number, and signature of applicant:
 Name: John Bosta
 Address: P.O. Box 42 Amargosa Valley, NV 89020
 Telephone: (775) 372-9039
 Signature: *John F. Bosta*
 Representative Capacity (if applicable): _____
2. Specify type of applicant: Individual, Partnership, Corporation, or Other: Individual
3. Other person or persons authorized to receive service of notice: _____
4. Complete description of the business or activity and the location of the activity involved in the request: Permit Number NV0023027, Rockview Farms, Inc., Ponderosa Dairy fact sheet of NDEP and Bureau approved Nutrient Management Plan gives a description of the business and activities the Ponderosa Dairy operation in Amargosa Valley.
5. Nature of the appeal and grounds thereof: The Nevada Division of Environmental Protection (NDEP), Bureau of Water Pollutant Control (Bureau) decision, October 25, 2007, to issue National Discharge Elimination System (NPDES) Permit NV0023027 authorizing the increased discharge of manure and process wastewater to groundwater and surface water via land application, irrigation, and stormwater runoff in accordance with a Bureau approved Nutrient Management Plan (NMP) at Ponderosa Dairy in Amargosa Valley is Colorable. The information that has been provided is insufficient because facts has been withheld or denied. The assurance of the Bureau that the waters of the State will not be degraded from this operation and that public safety and health will be protected is Colorable. The June 12, 2007 Public Hearing in Amargosa Valley violated the Open Meeting Law. Decisions and responses of NDEP and Bureau are actions taken under "color of state and federal law."
6. Section or sections of the State Air Quality Regulations, Water Pollution Control Regulations, Hazardous Waste Regulations, Solid Waste Management Regulations, or NRS section involved in the appeal: Nevada Administrative Code (NAC) 445.228 through NAC 445.263, 40 CFR Parts 9,122, 123, and 412 National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitation Guidelines and Standards for Concentrated Animal Feeding Operations (CAFOs), Open Meeting Law NRS 228.150, and Nevada Water Pollutant Control Law NRS 445A.300 through 445A.730.
7. Approximate time in hours and minutes necessary for delivery of oral testimony and reading of prepared statements as admissible evidence to be entered in the record: 1 hour

Date of Request 10/31/07