

**JIM. GIBBONS**  
Governor



STATE OF NEVADA  
**STATE ENVIRONMENTAL COMMISSION**

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**ALLEN BIAGGI**  
Director



CHAIRMAN:  
Lew Dodgion  
Carson City, NV

**SEC Preliminary Hearing**  
**Notice Pursuant to NRS 233B.121 and NAC 445B.891**

VICE CHAIRMAN:  
Alan Coyner  
Administrator  
Division of Minerals  
Commission on Mineral  
Resources

Date: March 17, 2009

To: Appellants:  
John Bosta  
Antonio Guerra Martinez

MEMBERS

Pete Anderson  
State Forester  
Division of Forestry

Respondent:  
Nevada Division of Environmental Protection, Bureau of Water  
Pollution Control  
Represented by William Frey, SDAG, Office of the Attorney  
General

Tony Lesperance  
Director, Department of  
Agriculture

Persons Who Have Requested Intervener Status:  
Rockview Farms, Inc. (Ponderosa Dairy)  
Represented by John Zimmerman and John Butler, Parsons  
Behle Latimer

Eugene Gans  
Las Vegas, NV

Kenneth Mayer - Director  
Department of Wildlife

Amargosa Citizens for the Environment (ACE)  
Represented by John Marshall

Ira Rackley  
Las Vegas, NV

From: John B. Walker, Executive Secretary

Tracy Taylor  
State Engineer  
Division of Water Resources

Subject: Preliminary Hearing: Ponderosa Dairy Permit #NV0023027

Harry Shull  
Las Vegas, NV

A three-member panel of the State Environmental Commission (SEC) has scheduled a preliminary hearing on the above referenced appeal filed by appellants John Bosta and Antonio Guerra Martinez. This preliminary hearing will be held as a video conference beginning at 1:00 PM on March 31, 2009. The preliminary hearing location in Carson City will be at the Bryan Building located at 901 South Stewart Street, (4th Floor - Great Basin Conference Room). In Las Vegas the hearing will be held at the Nevada Division of Environmental Protection, 2030 E. Flamingo Rd. Suite 230.

Frances Barron  
State Board of Health  
Las Vegas, NV

Stephanne Zimmerman  
Las Vegas, NV

The SEC has jurisdiction to hear this appeal pursuant to NRS 445A.605, NRS 445A.610, and NAC 445B.875 through NAC 445B.899. The statutes and regulations involved in the preliminary hearing are NRS 445A.605 and NAC 445B.8915.

COUNSEL  
Rose Marie Reynolds

STAFF  
John B. Walker  
Executive Secretary

**Hearing Procedure:** Practice before the SEC is governed by the attached regulations found at NAC 445B.875 et seq. The online version is located at: <http://www.leg.state.nv.us/NAC/NAC-445B.html#NAC445BSec875>. NRS 233B.121 to 233B.150 are also applicable.

Kathy Rebert  
Recording Secretary

**Matters for Consideration:** On October 25, 2007, the Nevada Division of Environmental Protection issued a decision renewing the permit #NV0023027 for Ponderosa Dairy, and on November 3, 2007, appellants John Bosta and Antonio Guerra Martinez filed an appeal.

This Preliminary Hearing will be confined to determining whether, pursuant to NAC 445B.8915, intervener status should be granted to Rockview Farms and Amargosa Citizens for the Environment. The panel will first consider the "Petition to Intervene in Appeal of Permit No. NV0023027, Rockview Farms, Inc., Ponderosa Dairy" submitted by Rockview Farms, Inc. on November 13, 2007. The panel will then consider "Request for Order to Intervene in Appeals of Permit No. NV0023027, Rockview Farms, Inc., Ponderosa Dairy" submitted by Amargosa Citizens for the Environment (ACE) on February 13, 2009. The panel is considering Rockview Farms' petition to intervene first because it was the first petition to intervene filed after the November 3, 2007 appeal. Copies of the November 13, 2007 and February 13, 2009 petitions are attached.

Rockview Farms has purported to file an opposition to ACE's petition to intervene on February 23, 2009. However, as of the date of this notice, Rockview Farms does not have standing to object to ACE's petition because it is not yet a party. If Rockview Farms' petition to intervene is granted, its opposition will then be filed and submitted to the panel during the hearing when then panel considers ACE's petition to intervene. A copy of the February 23, 2009 opposition is attached.

In addition, a date and time for the appeal hearing regarding Ponderosa Dairy Permit #NE0023027 will be set.

**Related Information:**

Additional information about this appeal, including all of the documents listed herein, is available on the SEC website at the following location:  
[http://sec.nv.gov/main/ponderosa\\_appeal.htm](http://sec.nv.gov/main/ponderosa_appeal.htm)

Attachments: November 13, 2007 Petition to Intervene by Rockview Farms  
February 13, 2009 Request to Intervene by ACE  
February 23, 2009 Opposition to ACE's Intervention by Rockview Farms

**Available**

cc: Leo Drozdoff, Administrator, NDEP  
Tom Porta, Deputy Admin., NDEP  
Jon Palm, BWPO  
Al Tinney, BWPO  
Bruce Holmgren, BMRR