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5

6
7 APPEAL HEARING
BEFORE THE STATE ENVIRONMENTAL COMMISSION
8 STATE OF NEVADA
9

10 In Re:)
11 Appeal of:)
NPDES Permit NV0023027)
12 Ponderosa Dairy (Rockview Farms))
13

**NDEP'S RESPONSE
TO APPELLANTS'
OPENING STATEMENT**

14 The State of Nevada, Division of Environmental Protection ("NDEP"), by and through
15 its counsel of record, CATHERINE CORTEZ MASTO, Attorney General, and WILLIAM FREY,
16 Senior Deputy Attorney General, and submits its Response to Appellants' Opening
17 Statement.

18 **I. INTRODUCTION**

19 NDEP opposes Appellants' appeal of its decision to approve the renewal of National
20 Pollutant Discharge Elimination System ("NPDES") Permit NV0023027 on the issues
21 presented. In its Opening Statement, Appellants fail to raise any grounds that would form a
22 basis for modifying or denying the permit and therefore the appeal should be dismissed and
23 the permit affirmed.

24 **II. STATEMENT OF ISSUES**

25 **A. Application Process Violations**

26 **1. Inadequate Public Notice**

27 Appellants' claim that NDEP did not ensure that residents of Amargosa Valley had
28 opportunities for "meaningful participation" in the permit application process for Ponderosa

1 Dairy (Ponderosa). However, NDEP did in fact meet and exceed the regulatory requirements
2 to inform the public of the application for Ponderosa's NPDES permit. NDEP adequately
3 informed the public, including interested and potentially interested parties, by publishing its
4 Notice of Proposed Action (NPA), per NAC 445A.234(1), in both the Las Vegas Review-
5 Journal and in the Pahrump Valley Times and by mailing notices to those persons on NDEP's
6 mailing list.

7 NAC 445A.234(1)states:

8 1. Public notice of every complete application for a discharge
9 permit, except for a temporary permit or a permit for pretreatment
10 discharge or the poisoning of trash fish, must be circulated in a
11 manner designed to inform interested and potentially interested
12 persons of the proposed discharge . . . :

13 (a) Notice must be circulated within the geographical area of the
14 proposed discharge by publishing in a local newspaper or periodical
15 or, if the local newspaper is not a daily newspaper, in a daily
16 newspaper of general circulation; and

17 (b) Notice must be mailed to any person or group on the mailing
18 list maintained by the Department or upon request.

19 NDEP published NPA for NPDES permit NV0023027 on February 9, 2007, in the Las
20 Vegas Review-Journal (see Exhibit A) and the Pahrump Valley Times (see Exhibit B).
21 Additionally, the notice was mailed to interested persons on the Division's mailing list. NDEP
22 Fact Sheet, pursuant to NAC 445A.236 at 10. NAC 445A.234(1)(a) requires that an NPA be
23 published in a local, daily newspaper. If the local paper is not a daily paper then it must be
24 published in a "daily newspaper of general circulation." NAC 445A.234(1)(a). A local paper
25 that serves the Amargosa Valley area is the Pahrump Valley Times. However, this paper is
26 not a daily paper and, thus publishing the NPA in the Las Vegas Review-Journal met the
27 regulatory requirements. NDEP went beyond these requirements by publishing the NPA in
28 the Las Vegas Review-Journal and the non-daily Pahrump Valley Times.

Appellants also claim that NDEP could have sent notices to "those citizens attending
past public meetings from sign-up sheets." However, NAC 445A.234(1) only requires mailing
notices to persons on the department's mailing list or to persons who specifically request
notice. NDEP fulfilled regulatory requirements by mailing notices to those on its list and by

1 and by publishing notices in the daily paper within the geographical region.

2 Appellants claim that NDEP did not have a "public outreach" effort designed to inform
3 the public.

4 NAC 445A.234(3) states:

5 The Director shall provide a period of not less than 30 days
6 following the date of the public notice during which time interested
7 persons may submit their written views on the tentative
8 determinations with respect to the application. All written comments
9 submitted during the 30-day comment period must be retained by
the Director and considered in the formulation of his final
determinations with respect to the permit application. The period for
comment may be extended at the Director's discretion.

10 The Amargosa citizens not only were sufficiently informed of Ponderosa's application
11 for a discharge permit, but were also given thirty days to make comments on the proposed
12 permit, and to submit requests for a public hearing on the permit. Therefore, NDEP
13 adequately informed the public of the Ponderosa's application for a discharge permit and
14 allowed sufficient time for public comment.

15 2. Inadequate Notice of Public Hearing

16 Appellants claim that NDEP failed to meet the "simple" notice requirements for public
17 hearings because the citizens did not receive at least thirty days prior notice of a permit
18 hearing. NDEP met the regulatory requirements for the notice of a public hearing by
19 circulating notices at least as widely as the notice of permit application within the thirty day
20 time period.

21 Once NDEP determines there is sufficient public interest for a public hearing on a
22 proposed permit then it is required to issue a Notice of Public Hearing at least as widely as
23 was the notice of the permit application.

24 NAC 445A.239(1) states that:

25 1. Public notice of any public hearing held pursuant to NAC
26 445A.070 to 445A.340, inclusive, must be circulated at least as
widely as was the notice of the permit application. Notice for public
27 hearings held under NAC 445A.238 must be:

(a) Published in at least one newspaper of general circulation
28 within the geographical area of the discharge;

(b) Sent to all persons and government agencies which received

1 a copy of the notice or the fact sheet for the permit application;
2 (c) Mailed to any person or group upon request; and

3 (d) Given, pursuant to paragraphs (a), (b) and (c), of this
4 subsection, at least 30 days in advance of the hearing.

4 Additionally, NAC 445A.238(4) states in part:

5 4. Public notice for the hearing must be made at least 30 days
6 prior to the hearing and in accordance with the requirements stated
7 in subsection 1 of NAC 445A.234. Any person or agency which has
8 received notice of the permit application must also receive notice of
9 the public hearing. . . .

9 NDEP determined there was sufficient public interest from comments received from
10 several citizens (see Notice of Decision NV0023027, pp. 1-7). NDEP then notified the
11 interested parties of the public hearing to be held June 12, 2007, by mailing notices to those
12 on the Division's mailing list and also by publishing the notice of public hearing in a daily
13 paper, the Las Vegas Review-Journal and the Pahrump Valley Times, at least thirty days prior
14 to the hearing. Thus the notice for a public hearing was circulated at least as widely as was
15 the notice of the permit application.

16 Appellants contest that citizens had less than thirty days notice of the public hearing. It
17 references the date on NDEP's Notice of Public Hearing as May 16, 2007, thus leaving only
18 twenty-six days notice for the June 12, 2007, public hearing. However, this date is inaccurate
19 as the public was actually given thirty-one days notice of the hearing because the Notice of
20 Public Hearing was posted in the Las Vegas Review Journal (see Exhibit C) and in the
21 Pahrump Valley Times (see Exhibit D1) on May 11, 2007. (See also Notice of Decision
22 NV0023027, response to Comment 43.10.) Additionally, the residents listed on NDEP's
23 mailing list were also sent notices (see Exhibit D2). Therefore, NDEP met the requirement to
24 give thirty days notice for a public hearing. The public response to these notices is evidenced
25 by the fact that over forty people attended the June 12, 2007, public hearing (see Exhibit D3).

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1 **3. Critical Documents Not Readily Available**

2 Appellants contest that NDEP refused to “facilitate public review” of the draft permit or
3 the Nutrient Management Plan (NMP) in southern Nevada and thereby violated the
4 requirements of NAC 445A.237(1) and stretched the concept of “availability” beyond any
5 rational meaning. NDEP is required to make certain documents available for public inspection
6 and copying. NDEP must also maintain facilities for the purpose of inspection and copying.
7 NDEP is not required to go beyond these regulatory requirements to adapt to other
8 interpretations of “availability.”

9 NAC 445A.237(1), (4) state:

10 1. The Director shall ensure that any application, reporting or
11 related forms, including the draft permits prepared pursuant to
12 subsection 1 of NAC 445A.233, or any public comment upon those
13 forms pursuant to subsection 3 of NAC 445A.234 are available to
14 the public for inspection and copying. The Director may also make
15 available to the public any other records, reports, plan or information
16 obtained by the State pursuant to its participation in the permit
17 program.

18 ...
19 4. The Director shall provide facilities for the inspection of
20 information relating to application, reporting and permit forms and
21 shall ensure that state employees honor requests for such
22 inspection promptly without undue restrictions. The Director shall
23 either:
24 (a) Ensure that copying machines are available for a reasonable
25 fee; or
26 (b) Otherwise provide for copying services so that requests for
27 copies of nonconfidential documents may be honored promptly.

28 NDEP informed Appellants multiple times that they could review and copy applications,
NMPs, or other related forms at NDEP’s office in Carson City. (See Notice Decision,
response to Comment 15.2 and 43.10; see Exhibit E where NDEP posted this information on
several documents). The public was also notified that NDEP posted the Fact Sheet and other
pertinent documents online. Therefore, the actions of NDEP meet the requirements of NAC
445A.237.

4. Draft NMP not Circulated

Appellants contest that NDEP improperly deferred the review of its NMP until after the
permit was issued. However, Ponderosa’s NMP was properly reviewed and approved by the

1 permitting authority before the permit was issued (see Exhibit F). An authoritative review of
2 the NMP is required per the *Waterkeeper* decision. *Waterkeeper Alliance, Inc. v. U.S. E.P.A.*,
3 399 F.3d 486, 498 (2nd Cir. 2005) (The 2nd Circuit Court of Appeals dismissed EPA's
4 standard of allowing NPDES permits to be issued without a permitting authority's review of
5 NMP.) NDEP, as the permitting authority for Nevada's NPDES program, requires that
6 "nutrient management" must be reviewed annually. NDEP Fact Sheet NV0023027 at 3.
7 Ponderosa proposed revisions to its existing NMP in 2007. NDEP approved the revisions with
8 the note that the NMP "exceeds the NMP requirements." *Id.* In addition to reviewing the NMP
9 the EPA only requires the permitting authority to include the "terms of the NMP" as a permit
10 condition. 40 CFR Parts 9, 122, and 412. The terms of the NMP are included in the
11 Ponderosa Fact Sheet, published in February 2007. Fact Sheet, pp. 3-21. Therefore, NDEP
12 complied with the *Waterkeeper* decision by reviewing the NMP before issuing the permit and
13 by including the terms of the NMP in both the fact sheet and the permit.

14 Appellants also contest that the NMP should have been available for public review prior
15 to permit issuance. Although the EPA requires opportunity for public review and comment on
16 an NMP, minor modifications, pursuant to regulation, does not require additional public
17 comment.

18 A minor modification to an existing permit does not require a new
19 public notice. A "minor modification" is defined as a modification to a
20 monitoring system which does not result in a lessening of the
21 effectiveness of that system. NAC 445A.416(1), (4)(a); see also EPA
Office of Wastewater Management, CAFO Final Rulemaking Q&A,
December 3, 2008, p. 4.

22 In response to a letter from William Eddie written March 12, 2007, NDEP stated the
23 "NMP is basically complete except for minor revisions such as correcting typographical errors,
24 incorporating a copy of the renewed permit, and adjusting process wastewater sampling
25 locations." Notice of Decision NV0023027, response to Comment 5.2 at 4. Therefore, no
26 public comments on the NMP changes were required because the changes were minor and
27 did not alter the effectiveness of the system.

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1 Even though the 2007 changes to the NMP were minor, the public still had a chance to
2 review the NMP. They could review it by accessing the Ponderosa Dairy's 2007 NMP on file
3 in Carson City, (see Notice of Decision, response to Comment 1.12 and 5.2) or by reviewing
4 the 2007 Fact Sheet, which was made available to all interested parties.

5 **B. Substantive Permit Inadequacies**

6 **1. Lack of Groundwater Water Quality Monitoring**

7 The Appellants contend that the public is left without any assurance that the State's
8 waters are protected from pollution because of Ponderosa Dairy's "track record of
9 groundwater contamination." Based on Ponderosa's 2007 application for the renewal of
10 permit NV0023027, NDEP found the Dairy in compliance or agreeing to a schedule of
11 compliance, with current state and federal CAFO standards and approved Ponderosa's
12 application for a renewal of their permit.¹

13 Appellants also contend that the State's waters are not protected from pollution by
14 NDEP's refusal to require groundwater monitoring at CAFOs that have process wastewater
15 storage facilities lined to current NDEP standards. However, the discharge of pollutants to the
16 groundwater is properly monitored by NDEP and through the requirements of the permit.

17 NAC 445A.250(1) states:

18 Any discharge authorized by a permit may be subject to such
19 monitoring requirements as may be reasonably required by the
20 Director including the installation, use and maintenance of
monitoring equipment or methods, including, where appropriate,
biological monitoring methods.

21 NDEP reasonably required that discrete groundwater samples be collected to confirm
22 the effective protection of groundwater under the established discharge conditions of the
23 permit. Although NDEP lists a history of compliance issues for Ponderosa due to elevated
24 nitrate concentrations and to exceeding flow limitations NDEP monitored these flow limit
25 violations and required the lining of certain pond systems. After the ponds were properly lined
26 NDEP determined that the environmental threat was greatly minimized and groundwater
27 monitoring could reasonably be modified. Additionally, as of 2007 Ponderosa has applied for

28 ¹ SEC has adopted the federal CAFO regulations for Nevada.

1 has applied for an increase in the total flow effluent discharge limitation to address the issue
2 of flow limit violations. *Id.* Therefore, the groundwater of the State is protected through
3 NDEP's continual monitoring of the Ponderosa's flow limits the installation of liners and all
4 other permit requirements.

5 2. CNMP is Inadequate

6 Appellants claim that Ponderosa's NMP has fundamental problems with numerous
7 sections and should be remanded to the NDEP for further consideration. However, NDEP's
8 decision to approve the NMP should be given deference over the Appellants' opinion. An
9 administrative agency charged with the duty of administering an act, is impliedly clothed with
10 power to construe the relevant laws and set necessary precedent to administrative action. . .
11 the construction placed on a statute by the agency charged with administering it is entitled to
12 deference . . . so long as its interpretations of the laws are "reasonable" and "consistent with
13 legislative intent." *State Indus. Ins. System v. Miller*, 923 P.2d 577, 581 (Nev. 1996). NDEP is
14 charged with administering NPDES permit system and approved Ponderosa's NMP with the
15 2007 amendments. NDEP Fact Sheet NV0023027 at 3. NDEP's standard for review and
16 approval of Ponderosa's NMP is reasonable because it was prepared in accordance with
17 Natural Resource Conservation Service (NRCS) Conservation Practice Standard Code 590
18 Nutrient Management, June 2002 or more recent, and NRCS conservation Practice Standard
19 Code 633 Waste Utilization, October 2003 or more recent. NDEP Permit NV0023027 at 5,
20 I.A.3. Moreover, if the permit were remanded to NDEP for further consideration, as
21 Appellants request, nothing would change because NDEP would still apply these same
22 standards. Therefore, NDEP's decision to approve the NMP should be given deference over
23 the Appellants' requests to remand the permit for further consideration.

24 Appellants further contest that the NMP is inadequate because it does not contain
25 water quality-based effluent limitations and specific pathogen standards. The placement of
26 water quality-based effluent limitations and specific pathogen standards in Ponderosa's permit
27 is not required by the CAFO regulations. In developing the federal CAFO rules, the EPA
28 considered pathogens and water quality-based effluent limitations and decided not to make

1 make them requirements in the CAFO rule. EPA determined that the best available control
2 technology for CAFOs is crop consumption of nutrients. The NMP lays out Ponderosa's plan
3 to accomplish this. This practice, along with the lining of the storage ponds, is intended to
4 prevent pollutants from entering the groundwater. The permit also requires soil testing for
5 pathogens. Therefore, the permit and the NMP meet all the CAFO requirements and are
6 protective of the waters of State, without the use of water quality-based effluent limitations
7 and specific pathogen standards.

8 **3. NDEP Must Treat Animal Waste from Dairies as Sewage**

9 Appellants claim that since the discharge from Ponderosa is "sewage" then NDEP must
10 apply further "regulatory restrictions" to the dairy's wastewater discharge. The State
11 Environmental Commission (SEC) has made a determination that dairy feedlots are already
12 included in the definition of sewage in NAC 445A.107 (see minutes from SEC Hearing June
13 17, 2009). Although dairy feedlots are included in the definition of sewage that does not
14 mean the treatment of dairy wastewater is subject to any different regulatory restrictions.
15 Ponderosa's wastewater, which is being applied to crops as a source of nutrients, is regulated
16 by NDEP consistent with CAFO rules.

17 Appellants state that dairy "effluent" must be treated to secondary standards before it is
18 applied to agricultural land. The definition of "effluent" or "sewage" does not predetermine the
19 treatment method that is required. The management and handling of the wastewater from
20 Ponderosa Dairy is not subject to the requirements for the treatment of municipal wastewater.
21 Ponderosa's wastewater must meet state CAFO regulations. These regulations contain the
22 best available control technology for agricultural wastewater.

23 Appellants imply that the storage of dairy waste violates "reasonable human health
24 protective standards" and should be changed. NDEP requires reasonable protective
25 standards for the storage of waste at Ponderosa Dairy consistent with CAFO regulations.

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1 **III. CONCLUSION**

2 **A. Appellants' Appeal Should be Dismissed Because the Appellants Fail to**
3 **Raise any Grounds that Would Form a Basis of Modifying or Denying the**
4 **Permit**

5 Appellants contend that the application process was flawed because NDEP did not
6 provide the citizens of Amargosa Valley a "meaningful" opportunity to participate in the public
7 hearing or to be informed about the various permit documents. However, NDEP's strict
8 adherence to applicable regulations allowed all citizens the opportunity to participate in the
9 permitting process. When the permit application was completed NDEP notified the public
10 through the mail and newspapers; when the public hearing was scheduled NDEP gave timely
11 notice to the public through the mail and newspapers; and finally NDEP gave the public ample
12 opportunities to review the requirements of the NMP by placing them in the Fact Sheet and
13 draft permit. In addition to these notifications, the NDEP continually informed the public that
14 all documents, including the NMP, were available for review at their Carson City office. Many
15 of the documents were posted online for easier access. NDEP adhered to all the pertinent
16 regulations so as to ensure adequate opportunities for the public to participate in every step of
17 the permitting process.

18 Appellants claim that a renewal of Ponderosa's permit by NDEP will not protect the
19 groundwater resources upon which they rely. However, the remand of the permit for
20 consideration of "substantive inadequacies" will not provide additional protection of
21 groundwater because these inadequacies are already addressed in the current permit by
22 CAFO guidelines.

23 Appellants contend that the permit has substantive inadequacies including the lack of
24 groundwater monitoring, an insufficient NMP, improper treatment of waste and inept
25 standards for waste storage. NDEP has made provisions for all these so-called
26 "inadequacies" by issuing a permit that meets all CAFO regulations. NDEP requires
27 groundwater monitoring for Ponderosa Dairy in their permit. NDEP approved Ponderosa's
28 NMP as sufficient according to national standards recognized by the EPA. NDEP requires

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agricultural waste to be stored and applied according to federal CAFO requirements. NDEP requests that the State Environmental Commission consider that NDEP's permit for Ponderosa Dairy meets or exceeds CAFO regulations.

Therefore, NDEP respectfully requests that the SEC dismiss this appeal.

DATED this 26th day of June, 2009.

CATHERINE CORTEZ MASTO
Attorney General

By:


WILLIAM FREY
Senior Deputy Attorney General
Nevada Bar No. 4266
100 North Carson Street
Carson City, Nevada 89701-4717
(775) 684-1229
*Attorneys for Nevada Division of
Environmental Protection*

Affidavit of Publication

State of Nevada, County of Nye

I, Phyllis Trice, Legal Clerk for the Pahrump Valley Times, a bi-weekly newspaper published in Pahrump, Nye County, Nevada, being duly sworn, hereby certify that the following advertisement appeared in the Pahrump Valley Times:

Notice of Proposed Action

A copy of the above-described advertisement is hereon attached. It was published in the Pahrump Valley Times on this date or dates:

February 09, 2007

Signed before a notary public:

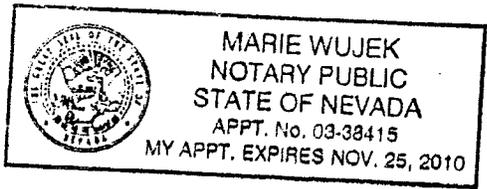
Signature Phyllis Trice

Date February 09, 2007

Subscribed and sworn to before this notary on this date:

Date February 09, 2007

Marie Wujek
Notary Public Signature



NOTICE OF PROPOSED ACTION

The Administrator, Division of Environmental Protection, Carson City, Nevada is issuing the following notice of proposed action under the Nevada Revised Statutes and the Clean Water Act. The Administrator has received a complete application for a National Pollutant Discharge Elimination System Permit, NV0023027, from the following applicant:

Rockview Farms, Inc.
7011 Stewart & Gray Road
Downey, CA 90241-4347

The Permittee proposes to continue to operate Ponderosa Dairy, located at G Ranch and Mecca Roads in Amargosa Valley, Nye County, Nevada 89020 with discharge to waters of the State. The proposed permit will increase the permitted flow from 0.625 million gallons per day (MGD) to 1,000 MGD. With over 9,000 cows, the facility is defined as a concentrated animal feeding operation (CAFO). As a CAFO, the facility is required to contain all manure and process wastewater from the production area except overflow resulting from a storm greater than the 25-year, 24-hour event. The land application of manure and process wastewater must be in compliance with a Division approved nutrient management plan. The receiving waters are groundwater via percolation of irrigation flows and the Amargosa River via stormwater overflow.

On the basis of preliminary review of the requirements of the Nevada Revised Statutes, as amended, and implementing regulations, the Administrator proposes to issue Permit NV0023027 to discharge for a five (5) year period, subject to certain effluent limitations. Persons wishing to comment upon or object to the proposed determinations by the Administrator regarding permit issuance, or request a hearing pursuant to the NAC, Water Pollution Control, should

submit their comments or request, in writing, within thirty (30) days of the date of newspaper publication, hand delivered or postmarked no later than 5:00 P.M. on March 12, 2007, either in person or by mail to:

Department of Conservation and Natural Resources
Division of Environmental Protection
Bureau of Water Pollution Control
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249

The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted. All comments or objections received within the thirty (30) day period will be considered in the formulation of final determination(s) regarding the application. If written comments indicate a significant degree of public interest in the proposed permit, the Administrator shall hold a public hearing. A public notice of such hearing will be issued not less than thirty (30) days prior to the hearing date.

If no hearing is held and the determinations of the Administrator are substantially changed from the tentative determinations, the Administrator will give public notice of the revised determinations. Additional comments and objections will be considered at that time. The application, proposed permit, comments received, and other information are on file and may be copied or copies may be obtained by writing to the above address or by contacting Bruce Holmgren, Bureau of Water Pollution Control, at (775) 687-9423 or at bholmgre@ndep.nv.gov. The office facsimile number is (775) 687-4684. For further information, the fact sheet for this project can be viewed at the following website: <http://ndep.nv.gov/admin/public.htm>. PUBLISH: February 9, 2007.

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

NV ST ENVIRONMENTAL 6874670NV 1504464

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 02/09/2007 to 02/09/2007, on the following days:

02/09/2007

NOTICE OF PROPOSED ACTION

The Administrator, Division of Environmental Protection, Carson City, Nevada, is issuing the following notice of proposed action under the Nevada Revised Statutes and the Clean Water Act. The Administrator has received a complete application for a National Pollutant Discharge Elimination System Permit, NV0023027, from the following applicant:

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On the basis of preliminary review of the requirements of the Nevada Revised Statutes, as amended, and implementing regulations, the Administrator proposes to issue Permit NV0023027 to discharge for a five (5) year period, subject to certain effluent limitations.

Persons wishing to comment upon or object to the proposed determinations by the Administrator regarding permit issuance, or request a hearing pursuant to the NAC, Water Pollution Control, should submit their comments or request in writing, within thirty (30) days of the date of newspaper publication, hand delivered or post marked no later than 5:00 P.M. on March 12, 2007, either in person or by mail to:

Department of Conservation and Natural Resources
Division of Environmental Protection
Bureau of Water Pollution Control
901 South Stewart Street, Suite 4001

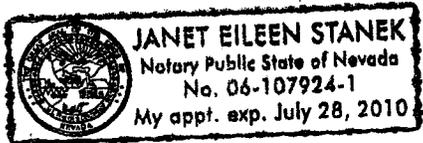
Carson City, Nevada 89701-5249

The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted. All comments or objections received within the thirty (30) day period will be considered in the formulation of final determination(s) regarding the application. If written comments indicate a significant degree of public interest in the proposed permit, the Administrator shall hold a public hearing. A public notice of such hearing will be issued not less than thirty (30) days prior to the hearing date.

If no hearing is held and the determinations of the Administrator are substantially changed from the tentative determinations, the Administrator will give public notice of the revised determinations. Additional comments and objections will be considered at that time.

The application, proposed permit, comments received, and other information are on file and may be copied or copies may be obtained by writing to the above address or by contacting Bruce Hölmgren, Bureau of Water Pollution Control, at (775) 687-9423 or at bholmsgre@ndep.nv.gov. The office facsimile number is (775) 687-4684. For further information, the fact sheet for this project can be viewed at the following website: <http://ndep.nv.gov/admn/public.htm>

PUB: February 9, 2007
LV Review Journal



Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE
15th day of February, 2007.

Janet E. Stanek
Notary Public

Success copy

Affidavit of Publication

State of Nevada, County of Nye

I, Phyllis Trice, Legal Clerk for the Pahrump Valley Times, a bi-weekly newspaper published in Pahrump, Nye County, Nevada, being duly sworn, hereby certify that the following advertisement appeared in the Pahrump Valley Times:

NOTICE OF PUBLIC HEARING

A copy of the above-described advertisement is hereon attached. It was published in the Pahrump Valley Times on this date or dates:

May 11, 2007

Signed before a notary public:

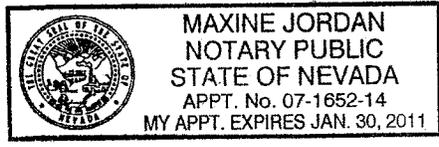
Signature Phyllis Trice

Date May 11, 2007

Subscribed and sworn to before this notary on this date:

Date May 11, 2007

Notary Public Signature Maxine Jordan



Notice of Public Hearing... The Nevada Department of Environmental Protection (NDEP) gives notice that a public hearing regarding the issuance of a permit for the construction of a Concentrated Animal Feeding Operation (CAFO) for a dairy farm is being held on May 11, 2007, at 10:00 AM in the Pahrump Valley Times Building, 321 West Pahrump Avenue, Pahrump, Nevada. Public notice for the permit was given February 2007 in the Las Vegas Review-Journal and the Pahrump Valley Times. The Pahrump Valley Times has determined there is sufficient cause to warrant a public hearing. The Applicant for the permit is NDEP Permit NV0023027 for the Pahrump Valley Times Dairy Farm II, 100 East Warner Drive, Pahrump, NV 89041. The Applicant proposes to construct a CAFO with a capacity of 100 cows. The CAFO will create the potential for runoff from 6.625 acre impervious surfaces. The CAFO will also create a concentrated animal feeding operation (CAFO). As a CAFO, the facility is required to contain all manure and process wastewater from the production area except overflows resulting from a storm greater than the 25-year, 24-hour event. The land application of manure and process wastewater must be in compliance with a Division approved nutrient management plan. The receiving waters are groundwater via percolation of irrigation flows and the Amargosa River via stormwater overflow. On the basis of preliminary review of the requirements of the Nevada Revised Statutes as amended, and implementing regulations, the Administrator proposes to is-

ssue Permit NV0023027 to discharge for a five (5) year period, subject to certain effluent limitations. Members of the public wishing to comment upon the proposed permit may recommend terms and conditions for consideration of incorporation in the permit. Applicants are invited to attend the meeting and provide comments and information that are pertinent to the NDEP Permit. Comments not related to water quality issues cannot be considered. The Division may set a five-minute time limit for oral statements based on the number of people attending who would like to comment. Comments should be submitted in writing to be fully addressed in the Notice of Decision. Comments and information may be submitted by interested persons through the use of e-mail and information submitted to the Division in those to be presented at the hearing, must be received by 5:00 PM on May 11, 2007 at the Pahrump Valley Times Building, 321 West Pahrump Avenue, Pahrump, NV 89041. The application and all documents subsequent thereto are on file at the Division's office in Carson City and are available for public inspection and copying pursuant to NRS 239.010 and NRS 239.020. For additional information, please contact Maxine Jordan, Bureau of Water Pollution Control, at (775) 687-9423, or at mjordan@ndep.nv.gov. The office facsimile number is (775) 687-4684. For further information, the fact sheet for this project can be viewed at the following web site: <http://ndep.nv.gov>

RECEIVED

MAY 14 2007

ENVIRONMENTAL PROTECTION
EXHIBIT C

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

NV ST ENVIRONMENTAL 6874670NV 2052283

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 05/11/2007 to 05/11/2007, on the following days:

05/11/2007

 **JANET EILEEN STANEK**
Notary Public State of Nevada
No. 06-107924-1
My appt. exp. July 28, 2010

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE
14th day of May, 2007.

Janet E. Stanek
Notary Public

**PROPOSED ACTION
BY THE
STATE OF NEVADA**

The Administrator of the Division of Environmental Protection gives notice that a public hearing regarding the proposed re-issuance of National Pollutant Discharge Elimination System (NPDES) Permit NV0023027 for a concentrated animal feeding operation, the Ponderosa Dairy, has been scheduled for 6:00 P.M. June 12, 2007 at the Amargosa Valley Multipurpose Building, 821 E. Amargosa Farm Road, Amargosa Valley, Nevada.

Public notice for the draft permit was given February 9, 2007 in the Las Vegas Review-Journal and the Pahrump Valley Times. The Administrator has determined that there is sufficient public interest in this draft permit to warrant a public hearing.

The Applicant for the renewal of NPDES Permit NV0023027 is:
Rockview Farms, Inc.
7011 Stewart and
Gray Road
Downey, CA 90241-4347

The Applicant proposes to continue to operate Ponderosa Dairy, located at G Ranch and Mecca Roads in Amargosa Valley, Nye County, Nevada 89020 with discharge to waters of the State. The proposed permit will increase the permitted flow from 0.625 million gallons per day (MGD) to 1.000 MGD. With over 9,000 cows, the facility is defined as a concentrated animal feeding operation (CAFO). As a CAFO, the facility is required to contain all manure and process wastewater from the production area except overflow resulting from a storm greater than the 25-year, 24-hour event. The land application of manure and process wastewater must be in compliance with a Division approved nutrient management plan. The receiving waters are groundwater via percolation of irrigation flows and the Amargosa River via stormwater overflow.

On the basis of preliminary review of the requirements of the Nevada Revised Statutes, as amended, and implementing regulations, the Administrator proposes to issue Permit NV0023027 to discharge for a five (5) year period, subject to certain effluent limitations.

Members of the public wishing to comment upon the proposed permit and/or to recommend terms and conditions for consideration of incorporation in the permit are invited to attend the meeting and provide comments and information that are pertinent to the NPDES Permit. Comments not related to water quality issues cannot be considered. The Division may set a five-minute time limit for oral statements based on the number of people in attendance who would like to comment. Comments should also be submitted in writing to be fully addressed in the Notice of Decision. Comments and information may be submitted by interested persons through the close of the hearing.

Comments and information submitted to the Division, other than those to be presented at the hearing, must be received by 5:00 P.M. June 13, 2007, at the following address:

Division of Environmental Protection
Bureau of Water Pollution Control
901 South Stewart Street,
Suite 4001, Carson City,
Nevada 89701

All comments and information received in writing during the public hearing will be considered in the final determination regarding this draft permit.

The application and all documents subsequent thereto are on file at the Division's office in Carson City and are available for public inspection and copying pursuant to NRS 239.010 and NRS 445A.665. For additional information please contact Bruce Holmgren, Bureau of Water Pollution Control, at (775) 687-9423, or at bholmgre@ndep.nv.gov. The office facsimile number is (775) 687-4684. For further information, the fact sheet for this project can be viewed at the following website:

<http://ndep.nv.gov/admin/public.htm>
PUB: May 14, 2007
LV Review-Journal

<p>LAS VEGAS REVIEW-JOURNAL[®] <small>reviewjournal.com</small></p> <p>1111 West Bonanza Road Las Vegas, NV 89106</p> <p>MAILING: P.O. Box 70, Las Vegas, NV 89125</p>	<p>Maggie W, Coordinator Review-Journal Legal Advertising Ph. 702-383-0320 Fax. 702-383-4641</p> <p>legals@reviewjournal.com</p>
--	---

6-09

To: Alex L/ Env Protection 775-687-4684

FROM: Maggie Wimmer -- RJ Classified Legal Advertising

PHONE: 383-0320 (alt. Ana - 383-0417)

FAX: 702-383-4641

RE: Xerox copy from May 11 2007 paper

Alex,

Here is notice from paper. I am also faxing the standard letter of explanation which usually accompanies an affidavit if there is a typo in the publication date. I hope this clarifies all for your records.

We are happy to assist with your legal notices at any time.

Yours truly,

Maggie Wimmer

Legal Advertising Coordinator

Las Vegas Review-Journal

*Your Legal Notice is delivered to both our **RJ & Sun** readers - 200,000+ !
If you need to publish in our **El Tiempo** Spanish paper I can help!*

LAS VEGAS
REVIEW-JOURNAL
reviewjournal.com

FROM THE DESK OF
MAGGIE WIMMER
PH: 702-383-0320
FAX: 702-383-4641
legals@reviewjournal.com

Dear Advertiser:

The legal publication regarding

Rockview Farms Inc.

ran correctly for the required number of publications in the Las Vegas Review-Journal on

May 11, 2007

The publication dates that appeared at the bottom of the legal ad in the newspaper were

May 14, 2007

Your affidavit has been notarized for the actual dates it appeared in the newspaper.

Yours truly,



Maggie Wimmer
Las Vegas Review-Journal
Legal Advertising Coordinator
(702) 383-0320

CASINOS: Sports bettors cash in

MARCH GAMING REVENUE
Based on taxable gaming revenue collected from gaming establishments with restricted and unrestricted gaming licenses.

... because it is the machine over the is counted in the nth's numbers," he slot win was April, Sebastiano 10 companies were long second-qua-

... urage generates ent of its revenue w) from the Las Sebastiano said t started on its t conference call ues in April were we believe that lum continued

... vada casinos he report col- mos won \$709 lot machines in from table

... the issue sur- ng of slot ma- accounting also as Vegas locals Gaming win Vegas casinos percent while nos, which in- erson, were.

... nce of the increase in March, col- tion, an 11.3 \$107.6 mil-

... aining analyst the overall market as drop- n total gaming 3 4 R narrow

City	Revenue	Change	
Clark County	889,674,013	908,890,865	-2.1
Downtown	55,329,848	59,466,729	-7.0
Laughlin	62,158,156	61,773,249	0.6
Mesquite	13,214,038	17,963,005	-26.4
Balmora	29,626,878	30,753,109	-4.2
Washoe County	91,222,375	83,580,552	9.1

million, a 7 percent decrease compared with \$9.5 million a very few special events." Baccarat win, which is a ha-

Legal Notices

NOTICE OF PROPOSED ACTION BY THE STATE OF NEVADA
The Administrator of the Division of Environmental Protection gives notice that a public hearing regarding the proposed re-issuance of National Pollutant Discharge Elimination Act (NPDES) Permits for a contractor's Board of Directors, including the Nevada State Board of Directors, is scheduled for 6:00 P.M. June 11, 2007 at the Amargosa Valley Multipurpose Building, 821 Amargosa Valley Road, Amargosa Valley, Nevada.

Public notice for the draft permit was given February 9, 2007 in the Las Vegas Review-Journal and The Amargosa Valley Times. The contractor has determined that there is sufficient public interest in this draft permit to warrant a public hearing.

The Applicant for the re-issuance of NPDES Permit #W022827 is: Rockwell Farms, Inc. 7011 Stewart and Gray Road Downey, CA 90241-4347

The Applicant proposes to continue Dairy located at the intersection of Stewart and Amargosa Valley, Nye County, Nevada 89020 with discharge to waters of the United States for 2.5 million gallons per year (MGD) to 1,000 MGD. With the proposed increase in production area and from a storm greater than the 2-year 24-hour event, the applicant proposes to increase the size of the wastewater treatment plant to 1.5 MGD. The applicant proposes to increase the size of the wastewater treatment plant to 1.5 MGD. The applicant proposes to increase the size of the wastewater treatment plant to 1.5 MGD.

A mandatory public hearing will be held on May 21, 2007 at 11:00 a.m. at the site. This is a public hearing and all persons who wish to be heard should appear in person. Background information on the draft permit is available at the site. A list of interested parties is available at the site. A list of interested parties is available at the site.

On the basis of preliminary review of the re-issued NPDES permit, the Administrator of the Nevada Department of Environmental Protection, as required by the Clean Water Act, is hereby giving notice of the proposed action.

On the basis of preliminary review of the re-issued NPDES permit, the Administrator of the Nevada Department of Environmental Protection, as required by the Clean Water Act, is hereby giving notice of the proposed action.

Legal Notices

... (The information contained above is considered to be accurate, however, there may be minor variations involved. A complete, detailed legal description is on file in the Planning Commission Department.)

ANNUAL STATEMENT GOOD MUSIC AGENCY INC dba TALENT BUYERS NETWORK
For the Year Ending 2006
Office: 108 32 Nordway So., Bloomington, IN 47403
Las Vegas, NV 89101
Phone: 485.294.04
Fax: 485.294.04
President, do hereby certify that the foregoing statement is a true and accurate statement of the business transacted by said corporation.
7/9 Belmont Spoff
PUB: May 11, 2007
LV Review-Journal

... (The information contained above is considered to be accurate, however, there may be minor variations involved. A complete, detailed legal description is on file in the Planning Commission Department.)

CITY OF LAS VEGAS INVITATION TO BID
RFD No. 07.173811-LED
Rancho Detention Basin
Phase II
PUB: May 11, 2007
LV Review-Journal

CLARK COUNTY NEVADA DISTRICT COURT
In the Matter of the Application of Shaun A. McCracken for Change of Name of Minor Child Kennedy Grace Farrell
Name of Minor Child: Kennedy Grace Farrell
Parent: Shaun A. McCracken
Notice is hereby given that the Petitioner, the natural father of Kennedy Grace Farrell filed a petition on the 8th day of May, 2007, addressed to the Court of the State of Nevada, to enter his Order changing the child's legal name from Kennedy Grace Farrell to Kennedy Grace McCracken.
It is further given that any person objecting to the petition should file written objections with the Court within ten (10) days after date of this Notice.
The date of the hearing is set for the 15th day of May, 2007 at 10:00 a.m. in Courtroom 2015, Clark County District Court, 2015 E. Flamingo Avenue, Las Vegas, NV 89119.
The Clerk of the Court is: Shannon A. McCracken
In Probate
PUB: May 11, 2007
LV Review-Journal

... (The information contained above is considered to be accurate, however, there may be minor variations involved. A complete, detailed legal description is on file in the Planning Commission Department.)

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Legal Notices

PLANNING SUPERVISOR CURRENT PLANNING DIVISION
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PLANNING AND DEVELOPMENT DEPARTMENT
PLANNING SUPERVISOR CURRENT PLANNING DIVISION
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CITY OF LAS VEGAS INVITATION TO BID
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PAMELA & RICHARD EVERETT
HC 70 BOX 537-9
AMARGOSA VALLEY NV 89020

LAURA BOWLER
HCR 69 BOX 427-B
AMARGOSA VALLEY NV 89020

WILLIAM EDDIE
610 SW ALDER ST #910
PORTLAND OR 97205

CURT STENGEL
PRUDENCE STENGEL
HCR 69 BOX 454 - J
AMARGOSA VALLEY NV 89020

CHRISTIE TERRANEO
PO BOX 129
AMARGOSA VALLEY NV 89020

HERBERT & ANNIE BELL
PO BOX 312
AMARGOSA VALLEY NV 890200

SAM EDDINGTON
PO BOX 121
AMARGOSA VALLEY NV 89020

BRUCE CRATER
HCR 69 BOX 450
AMARGOSA VALLEY NV 89020

DAVE MYERS
HR 70 BOX 611
AMARGOSA VALLEY NV 89020

JOHN BOSTA
PO BOX 42
AMARGOSA VALLEY NV 89020

ANTONIO GUERRA
HCR 70 BOX 570
AMARGOSA VALLEY NV 89020

JAMES MILLER
AUDREY MILLER
PO BOX 5
AMARGOSA VALLEY NV 89020

JOHN HARLON JR
PO BOX 206
AMARGOSA VALLEY NV 89020

PAUL BURTON
PO BOX 301
AMARGOSA VALLEY NV 89020

EXHIBIT D-2



WAYNE BROTHERTON
HCR 69 BOX 443-Z
AMARGOSA VALLEY NV 89020

JAMES M ROGER
HCR 69 BOX 449
AMARGOSA VALLEY NV 89020

CLINTON WHITE
HCR 69 BOX 416-A
AMARGOSA VALLEY NV 89020

RON TOMPKINS
PO BOX 315
AMARGOSA VALLEY NV 89020

STEVE ONEAL
PO BOX 33
AMARGOSA VALLEY NV 89020

DENNIS L DOMINA
PO BOX 345
AMARGOSA VALLEY NV 89020

BILL BARRACKMAN
HC 69 BOX 446
AMARGOSA VALLEY NV 89020

DAVID STEELE
HC 69 BOX 498
AMARGOSA VALLEY NV 89020

CHARLES QUILTY
HC 70 BOX 546-E
AMARGOSA VALLEY NV 89020

DAVE DONEGAN
SHERRY DONEGAN
HC 69 BOX 498
AMARGOSA VALLEY NV 89020

JAN CAMERON
PO BOX 129
AMARGOSA VALLEY NV 89020

JAMES GITZLAFF
PO BOX 112
AMARGOSA VALLEY NV 89020

FRED L WHITE
HC 69 BOX 416
AMARGOSA VALLEY NV 89020

TIM BAREUT
KATHY BAREUT
HCR 70 BOX 548-C
AMARGOSA VALLEY NV 89020



DEBBIE HANLON
PO BOX 206
AMARGOSA VALLEY NV 89020

JIM LEONARD
HC 70 BOX 546-G
AMARGOSA VALLEY NV 89020

CHRIS & MISTY HUGHES
HC 69 BOX 424-B
AMARGOSA VALLEY NV 89020

JOSEPH A COHAN
HCR 70 BOX 567
AMARGOSA VALLEY NV 89020

LYNNE BATES
HCR 69 BOX 438-F
AMARGOSA VALLEY NV 89020

ED MUNTON
PO BOX 219
AMARGOSA VALLEY NV 89020

SUSAN SASSO
HCR 70 BOX 547-A
AMARGOSA VALLEY NV 89020

EARL THOMAS
HCR 70 BOX 547-A
AMARGOSA VALLEY NV 89020

ED BOOSS
PO BOX 13
AMARGOSA VALLEY NV 89020

GARY GULLEY
LYLA GULLEY
PO BOX 297
AMARGOSA VALLEY NV 89020

LYLE RECORDS
LOUISE RECORDS
HC 70 BOX 548
AMARGOSA VALLEY NV 89020

KENNA VALLANCE
HCR 69 BOX 456-D
AMARGOSA VALLEY NV 89020



**BUREAU OF WATER POLLUTION CONTROL/HEARING
PUBLIC ATTENDANCE RECORD
NV0023027 Ponderosa Dairy**

Date: June 12, 2007

Location: Amargosa Valley Multi-Purpose Building, Amargosa Valley

PLEASE PRINT CLEARLY

NAME	ADDRESS	CITY/STATE/ZIP	REPRESENTING
Bruce Crater	HCR 69 - Box 450	Amargosa Valley, NV 89020	Self
Dave Myers	HR 70 Box 611	Amargosa NV 89020	Self,
John Bosta	P.O. Box 42	Amargosa NV 89020	Self
Antonio Guerra	HCR 70 Box 570	Amargosa	Self-
Audrey Miller	P.O. Box 5	Amargosa	Self
Jamie Miller	P.O. Box 5	Amargosa	Self
John A. Harbo Jr	P.O. Box 006	Amargosa	Self.
Carl Stengel	HCR 69 Box 454J	AMARGOSA	SELF
Paul Burnett	PO Box 301	AMARGOSA	SELF
Layne Brotherton	HCR 69 Box 443-Z	AMARGOSA	Self

**BUREAU OF WATER POLLUTION CONTROL/HEARING
PUBLIC ATTENDANCE RECORD
NV0023027 Ponderosa Dairy**

Date: June 12, 2007

Location: Amargosa Valley Multi-Purpose Building, Amargosa Valley

PLEASE PRINT CLEARLY

NAME	ADDRESS	CITY/STATE/ZIP	REPRESENTING
JAMES M ROGAN	HCR 69 - Box 449	89020	Self
CLINTON WHITE	HCR 69 Box 416 A	89020	SELF
RON TOMPKINS	P.O. Box 215	89020	SELF
AKATE O'NEAL	PO Box 33	89020	Self
DENNIS C. DOMINIA	PO Box 345	89020	SELF
BILL BARRACLOUGH	HC 69 Box 446	Amargosa County NV	ACE
DAVID STALE	HC 69 Bx 454 B	Amargosa NV 89020	SELF
DAVID J. PUGH	HC 70, Box 546 E	Amargosa Valley NV	self
SHERRY DORRIGAN	HC 69 Box 498	" " 89020	Self + Laura Tucker
DANE DORRIGAN	" "	" " "	Self

**BUREAU OF WATER POLLUTION CONTROL/HEARING
PUBLIC ATTENDANCE RECORD
NV0023027 Ponderosa Dairy**

Date: June 12, 2007

Location: Amargosa Valley Multi-Purpose Building, Amargosa Valley

PLEASE PRINT CLEARLY

NAME	ADDRESS	CITY/STATE/ZIP	REPRESENTING
CHRISTIE TERRAED	P.O. Box 129	Amargosa Valley NV.	Self.
JAN CAMERON	Pobore 99	AU NV	Self
Prudence Stengel	Hc69 Box 454J	Amargosa NV/NV	self
James R. Gitzloff	112	Amargosa Valley	self
FRED L. WHITE	142.69 Box 416	AMARGOSA NV.	
Kathy Barent	HCR 70 Box 548C	Amargosa NV	Self
Tim Barent	HCR 70 Box 548C	K "	self
Dobbie Hanlon	PO Box 206	Amargosa NV	Self
Jim Leonard	HC 70 Box 546C	Amargosa NV	Self

**BUREAU OF WATER POLLUTION CONTROL/HEARING
PUBLIC ATTENDANCE RECORD
NV0023027 Ponderosa Dairy**

Date: June 12, 2007

Location: Amargosa Valley Multi-Purpose Building, Amargosa Valley

PLEASE PRINT CLEARLY

NAME	ADDRESS	CITY/STATE/ZIP	REPRESENTING
# MUNTON	P.O. Box 219	AMARGOSA VALLEY 89020	SELF
Annie Bell	PO BOX	Amargosa Valley NV	Self
Susan Sasso	HC 1270 BOX 547-A	Amargosa Valley NV	Self
Earl Thomas	HC 170 BOX 547-A	Amargosa Valley	Self - Edna
ED BOASS	PO BOX 13	AMARGOSA VALLEY, NV 89020	SELF
GARY GULLEY	PO BOX 297	1111 1111	11
LYLA GULLEY	11 11 11	1111 1111	11
Loise Records	HC 70 Box 548	—	—
lyle Records	HC 70 HC Box 548	—	—
KENNA VALLANCE	HC 69, Box 456-D	Amargosa Vly, NV	Self

**BUREAU OF WATER POLLUTION CONTROL/HEARING
PUBLIC ATTENDANCE RECORD
NV0023027 Ponderosa Dairy**

Date: June 12, 2007 Location: Amargosa Valley Multi-Purpose Building, Amargosa Valley

PLEASE PRINT CLEARLY

NAME	ADDRESS	CITY/STATE/ZIP	REPRESENTING
Chris & Misty Hughes	HCR 69 Box 424 B Amargosa Valley, NV	Amargosa Valley, NV 89020	self
Joseph A. Cohan	HCR 70 Box 567 Amargosa NV.	Amargosa NV	self & wife & children
Lynne Bates	HCR 69 Box 438 F Amargosa, NV 89020	Amargosa, NV.	self & husband

Please post.

Notice of Public Hearing

by the

State of Nevada

The Administrator of the Division of Environmental Protection gives notice that a public hearing regarding the proposed re-issuance of National Pollutant Discharge Elimination System (NPDES) Permit NV0023027 for a concentrated animal feeding operation, the Ponderosa Dairy, has been scheduled for 6:00 P.M. June 12, 2007 at the Amargosa Valley Multipurpose Building, 821 E. Amargosa Farm Road, Amargosa Valley, Nevada.

Public notice for the draft permit was given February 9, 2007 in the Las Vegas Review-Journal and the Pahrump Valley Times. The Administrator has determined that there is sufficient public interest in this draft permit to warrant a public hearing.

The Applicant for the renewal of NPDES Permit NV0023027 is:

Rockview Farms, Inc.
7011 Stewart and Gray Road
Downey, CA 90241-4347

The Applicant proposes to continue to operate Ponderosa Dairy, located at G Ranch and Mecca Roads in Amargosa Valley, Nye County, Nevada 89020 with discharge to waters of the State. The proposed permit will increase the permitted flow from 0.625 million gallons per day (MGD) to 1.000 MGD. With over 9,000 cows, the facility is defined as a concentrated animal feeding operation (CAFO). As a CAFO, the facility is required to contain all manure and process wastewater from the production area except overflow resulting from a storm greater than the 25-year, 24-hour event. The land application of manure and process wastewater must be in compliance with a Division approved nutrient management plan. The receiving waters are groundwater via percolation of irrigation flows and the Amargosa River via stormwater overflow.

On the basis of preliminary review of the requirements of the Nevada Revised Statutes, as amended, and implementing regulations, the Administrator proposes to issue Permit NV0023027 to discharge for a five (5) year period, subject to certain effluent limitations.

Members of the public wishing to comment upon the proposed permit and/or to recommend terms and conditions for consideration of incorporation in the permit are invited to attend the meeting and provide comments and information that are pertinent to the NPDES Permit. Comments not related to water quality issues cannot be considered. The Division may set a five-minute time limit for oral statements based on the number of people in attendance who would like to comment. Comments should also be submitted in writing to be fully addressed in the Notice of Decision. Comments and information may be submitted by interested persons through the close of the hearing.

Comments and information submitted to the Division, other than those to be presented at the hearing, must be received by 5:00 P.M. June 13, 2007, at the following address:

Division of Environmental Protection
Bureau of Water Pollution Control
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701

All comments and information received in writing during the public hearing will be considered in the final determination regarding this draft permit.

The application and all documents subsequent thereto are on file at the Division's office in Carson City and are available for public inspection and copying pursuant to NRS 239:010 and NRS 445A.665. For additional information please contact Bruce Holmgren, Bureau of Water Pollution Control, at (775) 687-9423, or at bholmgre@ndep.nv.gov. The office facsimile number is (775) 687-4684. For further information, the fact sheet for this project can be viewed at the following website: <http://ndep.nv.gov/admin/public.htm>.

EXHIBIT E

Posted
2/9/07

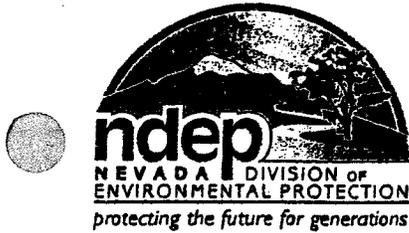
NOTICE OF PROPOSED ACTION The Administrator, Division of Environmental Protection, Carson City, Nevada is issuing the following notice of proposed action under the Nevada Revised Statutes and the Clean Water Act. The Administrator has received a complete application for a National Pollutant Discharge Elimination System Permit, NV0023027, from the following applicant: Rockview Farms, Inc. 7011 Stewart & Gray Road Downey, CA 90241-4347 The Permittee proposes to continue to operate Ponderosa Dairy, located at G Ranch and Mecca Roads in Amargosa Valley, Nye County, Nevada 89020 with discharge to waters of the State. The proposed permit will increase the permitted flow from 0.625 million gallons per day (MGD) to 1.000 MGD. With over 9,000 cows, the facility is defined as a concentrated animal feeding operation (CAFO). As a CAFO, the facility is required to contain all manure and process wastewater from the production area except overflow resulting from a storm greater than the 25-year, 24-hour event. The land application of manure and process wastewater must be in compliance with a Division approved nutrient management plan. The receiving waters are groundwater via percolation of irrigation flows and the Amargosa River via stormwater overflow. On the basis of preliminary review of the requirements of the Nevada Revised Statutes, as amended, and implementing regulations, the Administrator proposes to issue Permit NV0023027 to discharge for a five (5) year period, subject to certain effluent limitations. Persons wishing to comment upon or object to the proposed determinations by the Administrator regarding permit issuance, or request a hearing pursuant to the NAC, Water Pollution Control, should submit their comments or request, in writing, within thirty (30) days of the date of newspaper publication, hand delivered or postmarked no later than 5:00 P.M. on March 12, 2007, either in person or by mail to: Department of Conservation and Natural Resources Division of Environmental Protection Bureau of Water Pollution Control 901 South Stewart Street, Suite 4001 Carson City, Nevada 89701-5249 The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted. All comments or objections received within the thirty (30) day period will be considered in the formulation of final determination(s) regarding the application. If written comments indicate a significant degree of public interest in the proposed permit, the Administrator shall hold a public hearing. A public notice of such hearing will be issued not less than thirty (30) days prior to the hearing date. If no hearing is held and the determinations of the Administrator are substantially changed from the tentative determinations, the Administrator will give public notice of the revised determinations. Additional comments

and objections will be considered at that time. The application, proposed permit, comments received, and other information are on file and may be copied or copies may be obtained by writing to the above address or by contacting Bruce Holmgren, Bureau of Water Pollution Control, at (775) 687-9423 or at bholmgre@ndep.nv.gov The office facsimile number is (775) 687-4684. For further information, the fact sheet for this project can be viewed at the following website: <http://ndep.nv.gov/admin/public.htm> PUB: February 9, 2007 LV Review-Journal

posted
5/11/07
(Fri.)
pub.
5/14/07
(Mon.)

NOTICE OF PROPOSED ACTION BY THE STATE OF NEVADA The Administrator of the Division of Environmental Protection gives notice that a public hearing regarding the proposed re-issuance of National Pollutant Discharge Elimination System (NPDES) Permit NV0023027 for a concentrated animal feeding operation, the Ponderosa Dairy, has been scheduled for 6:00 P.M. June 12, 2007 at the Amargosa Valley Multipurpose Building, 821 E. Amargosa Farm Road, Amargosa Valley, Nevada. Public notice for the draft permit was given February 9, 2007 in the Las Vegas Review-Journal and the Pahrump Valley Times . The Administrator has determined that there is sufficient public interest in this draft permit to warrant a public hearing. The Applicant for the renewal of NPDES Permit NV0023027 is: Rockview Farms, Inc. 7011 Stewart and Gray Road Downey, CA 90241-4347 The Applicant proposes to continue to operate Ponderosa Dairy, located at G Ranch and Mecca Roads in Amargosa Valley, Nye County, Nevada 89020 with discharge to waters of the State. The proposed permit will increase the permitted flow from 0.625 million gallons per day (MGD) to 1.000 MGD. With over 9,000 cows, the facility is defined as a concentrated animal feeding operation (CAFO). As a CAFO, the facility is required to contain all manure and process wastewater from the production area except overflow resulting from a storm greater than the 25-year, 24-hour event. The land application of manure and process wastewater must be in compliance with a Division approved nutrient management plan. The receiving waters are groundwater via percolation of irrigation flows and the Amargosa River via stormwater overflow. On the basis of preliminary review of the requirements of the Nevada Revised Statutes, as amended, and implementing regulations, the Administrator proposes to issue Permit NV0023027 to discharge for a five (5) year period, subject to certain effluent limitations. Members of the public wishing to comment upon the proposed permit and/or to recommend terms and conditions for consideration of incorporation in the permit are invited to attend the meeting and provide comments and information that are pertinent to the NPDES Permit. Comments not related to water quality issues cannot be considered. The Division may set a five-minute time limit for oral statements based on the number of people in attendance who would like to comment. Comments should also be submitted in writing to be fully addressed in the Notice of Decision. Comments and information may be submitted by interested persons through the close of the hearing. Comments and information submitted to the Division, other than those to be presented at the hearing, must be received by 5:00 P.M. June 13, 2007, at the following address: Division of Environmental Protection Bureau of Water Pollution Control 901 South Stewart Street,

Suite 4001 Carson City, Nevada 89701 All comments and information received in writing during the public hearing will be considered in the final determination regarding this draft permit. The application and all documents subsequent thereto are on file at the Division's office in Carson City and are available for public inspection and copying pursuant to NRS 239.010 and NRS 445A.665. For additional information please contact Bruce Holmgren, Bureau of Water Pollution Control, at (775) 687-9423, or at bholmgre@ndep.nv.gov The office facsimile number is (775) 687-4684. For further information, the fact sheet for this project can be viewed at the following website:
<http://ndep.nv.gov/admin/public.htm> PUB: May 14, 2007
LV Review-Journal



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Kenny C. Guinn, Governor

Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

January 11, 2006

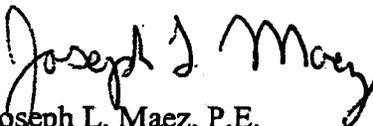
Mr. Reddy Ganta
Glorietta Geoscience, Inc.
P.O. Box 5727
Santa Fe, New Mexico 87502

RE: Comprehensive Nutrient Management Plan – All Ponderosa Dairies
Ponderosa Dairy Permit#: NV0023027

Dear Mr. Ganta:

The Nevada Division of Environmental Protection has completed a review this manual. Based upon our review, this manual is hereby approved. If you have any questions on this review item, please contact me at (775) 687-9431.

Sincerely,


Joseph L. Maez, P.E.
Bureau of Water Pollution Control

CC: Bruce Holmgren, P.E., NDEP
Diana Silsby, NDEP
Ed Goedhart, Ponderosa Dairy, P.O. Box 70, Amargosa, Nevada 89020

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901 S. Stewart Street, Suite 4001 • Carson City, Nevada 89701-5249 • p: 775.687.4670 • f: 775.687.5856 •
ndep.nv.gov

EXHIBIT F