

**FORM FOR PETITIONING THE NEVADA STATE ENVIRONMENTAL
COMMISSION FOR A DECLARATORY ORDER OR ADVISORY OPINION
Form #2**

1. Name, address, telephone number, and signature of petitioner. Also their representative capacity if applicable:

**Amargosa Citizens for the Environment
P.O. Box 235
Amargosa Valley, Nevada 89020
Phone: 775-372-5259**



Bill Barrackman, President

Care of:

**John L. Marshall
Attorney at Law
570 Marsh Avenue
Reno, NV 89509
775.303.4882**

2. Specific type of petitioner (individual, partnership, corporation or other) and the exact business or occupation including a description of the business or occupation if necessary:

Petitioner Amargosa Citizens for the Environment (“ACE”) is a non-profit corporation formed by residents of the Amargosa Valley to protect and improve environmental conditions where they live, work, eat, sleep and breathe.

3. Exact and specific nature of order or opinion sought, including delineation of the regulations, statutory provision, or Commission decision involved.

ACE requests that the Commission issue a declaratory order on each of the issues set forth below:

- A. The Director of the Department of Conservation and Natural Resources should use the powers allocated to the Director in NAC 445A.250(1) to “reasonably require” that all existing wells in close proximity to Ponderosa Dairy, a confined animal feeding operation (“CAFO”) (See *Notice of Decision Permit Number NV 0023027*, Division of Environmental Protection, (Oct. 25, 2007)), be monitored for pollutants and degradation of water quality.**
- B. The Director of the Department of Conservation and Natural Resources should use the powers allocated to the Director in NAC 445A.250(1) to “reasonably require” that a groundwater monitoring program should be**

instituted at Ponderosa Dairy in a manner so as to detect the movement of contaminants from the operation of the dairy.

C. Sewage as defined in NAC 445A.107 includes dairy feedlots.

ACE further requests that the Commission issue an advisory opinion that:

D. In accordance with the duties described in the Nevada Water Pollution Control Act, comprehensive groundwater monitoring is the only way to adequately protect groundwater because it allows regulators to track pollution from the entire facility and assures that “best management practices” are in fact working.

The attached report by the Western Environmental Law Center details the basis for ACE’s Petition.

4. Petitioner's reason for requesting the declaratory order and/or advisory opinion including whether in behalf of self interest, the public interest, or any other legal entity's or individual's interest.

On behalf of the public interest and the interests of its members, ACE requests the above-described actions in order to protect groundwater of the Amargosa Valley from degradation by the operation of CAFO’s in general and the Ponderosa Dairy in particular. Members of ACE rely upon the Amargosa Valley’s groundwater for domestic and commercial uses.

5. An expression of what particular group(s) of people would be most affected, either positively or negatively, by declaratory order, and/or advisory opinion.

The residents of Amargosa Valley, including members of ACE, and the citizens of the State of Nevada may be beneficially affected by the actions requested in this petition. Rockview Farms (owners of the Ponderosa Dairy) and other owners/operators of CAFOs may be marginally adversely affected.

6. Date of petition.

January 8, 2009.

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