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ENVIRONMENTAL PROTECTION

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February 13, 2009

John B. Walker, Executive Secretary
State Environmental Commission
901 S. Stewart Street, Suite 4001
Carson City, NV 89701

Re: Request for Order to Intervene in Appeals of Permit No. NV0023027, Rockview Farms, Inc., Ponderosa Dairy

Dear Mr. Walker:

In light of the recommendations at the hearing on the Amargosa Citizens for the Environment's ("ACE") Form 2 Petition, ACE hereby petitions the SEC to intervene in the two appeals (filed by John F. Bosta and Antonio Guerra Martinez) of Permit No. NV0023027, Rockview Farms, Inc., Ponderosa Dairy. Pursuant to NAC 445B.8915(2), ACE submits the following information in support of its petition for intervention.

a. Identification of the Proceeding

Petitioner seeks to intervene in the appeals filed by John Bosta and Antonio Guerra Martinez of Permit No. NV0023027, Rockview Farms, Inc., Ponderosa Dairy.

b. Name and Address of Petitioner and Representative

Petitioner: Amargosa Citizens for the Environment
P.O. Box 235
Amargosa Valley, Nevada 89020

Representative: John L. Marshall
570 Marsh Ave

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Reno, Nevada 89509
775.322.5668
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c. Petitioner's Interest in the Proceeding

ACE members live, work and recreate in the Amargosa Valley, including areas adversely affected by the Ponderosa Dairy and its operations. ACE members rely upon the groundwater in the Amargosa Valley for domestic and commercial purposes and are vitally interested in activities, such as operation of the Ponderosa Dairy, which threaten their water supply. In addition, ACE members are concerned about the adverse impacts to air quality and the general quality of life in Amargosa Valley caused by operation of the Ponderosa Dairy.

d. The Manner in which Petitioner will be Affected by the Proceeding

The appeal of the Ponderosa Dairy's permit concerns the conditions under which the dairy causes and monitors its impacts to the environment. ACE members, as residents of Amargosa Valley will be directly and substantially affected by the terms and conditions of Permit No. NV0023027. For example, ACE seeks to intervene in these appeals in order to ensure adequate ground water monitoring requirements for the Ponderosa Dairy to protect this vital resource.

e. Whether Petitioner Intends to Present Evidence

Petitioner intends to present evidence during this proceeding, including the information already submitted to the SEC (and the Ponderosa Dairy) in support of its Form 2 petition on groundwater monitoring.

f. Reason for Time of Filing

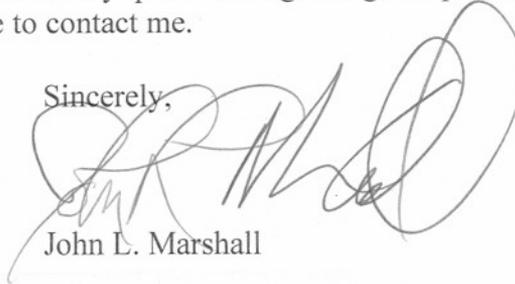
ACE files this petition as a consequence of the SEC's February 11, 2009 denial of its Form 2 petition. The SEC denied ACE's Form 2 petition on the grounds that ACE's concerns regarding groundwater monitoring at Confined Animal Feeding Operations ("CAFOs") such as the Ponderosa Dairy would be more appropriately considered during the appeals of the Ponderosa Dairy's NPDES permit. ACE files this petition immediately thereafter. Moreover, no prejudice occurs to any party by the time of the filing of this petition. The appeals have been delayed such that no hearing has occurred or any procedural or substantive filings have been made. Indeed, the procedural posture of these appeals are as if they had been just recently filed. In addition, the Ponderosa Dairy already possesses the bulk of the information ACE intends to present in this appeal (i.e., its filing and supporting material submitted in the Form 2 process) and is within the scope of the issues raised expressly in the appeals.



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I have contacted counsel for NDEP and he indicates that NDEP does not oppose ACE's intervention in this matter. If you have any questions regarding this petition or desire additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "John L. Marshall", written over a large, stylized circular flourish.

John L. Marshall

cc: Bill Barrackman, ACE
John F. Bosta
Antonio Guerra Martinez
William Frey
Jim Butler

