

FORM # 3
FORM FOR REQUESTING AN APPEAL HEARING
BEFORE THE NEVADA STATE ENVIRONMENTAL COMMISSION

1. Name, address, telephone number, and signature of applicant:

Name: Antonio Guerra Martinez

Address: HCR 70 Box 570 Amargosa Valley, NV 89020

Telephone: (775) 372-1240

Signature: AS

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 NEPD and Bureau approved Nutrient Management Plan gives a description of the business and activities of 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 ground water 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 a bias decision. The information used to make the decision 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 the public safety and health will be protected can not be documented because no monitoring wells are required on the 8 lagoons, 10 ponds, 12 fields and the three containment yards. The June 12, 2007 Public Hearing in Amargosa Valley violated the Open Meeting 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: 30 minutes

Date of Request 11/3/2007