

STATE OF NEVADA

Department of Conservation & Natural Resources
DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor
Leo M. Drozdoff, P.E., Director
Colleen Cripps, Ph.D., Administrator

December 31, 2014

Dirk Vlot
P.O. Box 497
Wellington, NV 89444

Certified Mail#
9171 9690 0935 0012 6937 30

Site Name: Smith Valley Dairy

Re: CEASE and DESIST for NO DISCHARGE PERMIT

Dear Mr. Vlot:

The Nevada Division of Environmental Protection (NDEP) has not issued a Ground Water Discharge permit for the Smith Valley Dairy for the facility located at 40 Hunewill Lane Wellington, NV. In an email discussion dated March 19, 2014, NDEP told Smith Valley Dairy that "construction may not be initiated until there is a permit in place" to be compliant with state regulations. Per Nevada Administrative Code (NAC) 445A.283, a permit must be obtained before commencing construction. NDEP confirmed on December 29, 2014 that Smith Valley Dairy had begun construction on the dairy wastewater ponds.

Therefore, effective immediately, Smith Valley Dairy Operations must cease any further construction activities on all dairy wastewater ponds and associated discharge structures (e.g. milking barns and manure separators) at this location. Also, in order to address this cease and desist action letter, Smith Valley Dairy must fulfill the following requirements:

1. Contact Joe Maez at 775-687-9435 or Katrina Pascual at 775-687-3915 to set up a meeting to discuss this non-compliance issue and why formal enforcement actions should not be initiated with civil penalties of up to \$25,000 per day of non-compliance.
2. Verify that the unauthorized construction of the ponds and associated discharge structures prior to this cease and desist letter was done in accordance with the plans submitted to NDEP. Note that the failure to construct the pond in accordance to the plans that were submitted to NDEP may result in the inability of Smith Valley Dairy to use the ponds for dairy water discharge.

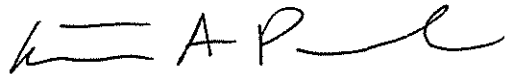
Page 1 of 2



This letter serves as your only warning notice to comply with the two items listed above.

If there are any questions, please contact me at (775) 687-9315.

Sincerely,

A handwritten signature in black ink, appearing to read 'K A P' followed by a stylized flourish.

Katrina A. Pascual, E.I.,
Technical, Compliance and Enforcement
Bureau of Water Pollution Control

CC:

Joe Maez, P.E., Supervisor, Compliance & Enforcement Branch, NDEP
Patricia Spaine, AGPROfessionals, 3050 67th Avenue, Greeley, CO 80634
Mickie Reid, BWPC Permitting
Compliance Reader File (Blue)