



# STATE OF NEVADA

Department of Conservation & Natural Resources

*Jim Gibbons, Governor*

*Allen Biaggi, Director*

DIVISION OF ENVIRONMENTAL PROTECTION

*Leo M. Drozdoff, P.E., Administrator*

October 25, 2007

## NOTICE OF DECISION

**PERMIT NUMBER NV0023027**

**ROCKVIEW FARMS, INC.**

**PONDEROSA DAIRY**

The Nevada Division of Environmental Protection, Bureau of Water Pollution Control (Bureau) has decided to issue National Pollutant Discharge Elimination System (NPDES) Permit NV0023027 authorizing the increased discharge of manure and process wastewater to groundwater and surface water via land application, irrigation, and stormwater runoff in accordance with a Bureau approved Nutrient Management Plan (NMP) at the Ponderosa Dairy in Amargosa Valley. The discharge is limited to the nitrogen agronomic rates of the crops to be grown and production area overflow resulting from a storm greater than the 25-year, 24-hour storm event. Runoff from land application areas where manure and/or process wastewater have been applied in accordance with an NMP is not regulated. Sufficient information has been provided, in accordance with Nevada Administrative Code (NAC) 445A.228 through NAC 445A.263, to assure the Bureau that the waters of the State will not be degraded from this operation and that public safety and health will be protected.

This permit will become effective November 4, 2007. The final determination may be appealed to the State Environmental Commission pursuant to Nevada Revised Statutes 445A.605 and NAC 445A.407. The appeal must be requested within ten (10) days of the date of this notice of decision and in accordance with the administrative rules of the Commission.

### **RESPONSE TO COMMENTS RECEIVED DURING THE PUBLIC COMMENT PERIOD**

#### **Letter from Curt Stengel of Amargosa Valley, NV received March 7, 2007.**

1.1

Comment: "What specific field sites are to receive the application of manure and/or waste water?"

Response: As stated in the NV0023027 fact sheet and draft permit, manure and process wastewater may be applied to Ponderosa Dairy fields 1, 2, 3, 4, 5, 6, 18, and 21 and process wastewater may be applied to fields 12, 15, and 17. Maps identifying the location of these fields are contained in the NMP.

1.2

Comment: "What proximity to these fields do people reside?"

Response: The closest residence to any of the land application fields is approximately 0.5 mile.

1.3

Comment: "Does NDEP ever contact the residents near the fields for their comments?"

Response: Per NAC 445A.234, public notice of every complete application for a discharge permit is circulated in a manner designed to inform interested and potentially interested persons of the proposed discharge and of the proposed determination to issue or deny a permit for the discharge.

1.4

Comment: "What water tests of wells nearby the fields receiving manure and/or waste water does NDEP make?"

Response: The Bureau does not analyze or require the analysis of water from wells near land application sites.

1.5

Comment: "What range of distances are considered unhealthful from the fields receiving manure and/or waste water?"

Response: There are no statutes or regulations limiting the distance between a concentrated animal feeding operation (CAFO) land application field and a residence.

1.6

Comment: "Air Pollution Division. Are they going to be involved in this proposed permit? If they are not, why not?"

Response: The Bureaus of Air Pollution Control and Air Quality Planning are not involved with NPDES permits issued by the Bureau.

1.7

Comment: "Allow the Pollution Division to contact residents that reside near the fields receiving manure and/or waste water for their comments."

Response: See response to comment 1.3.

1.8

Comment: "Allow the Air Pollution Division to take air samples for testing."

Response: See response to comment 1.6.

1.9

Comment: "Publish the results of air samples."

Response: See response to comment 1.6.

1.10

Comment: "Publish the results of well water samples."

Response: All water quality data received by the Bureau is classified as public information and is available upon request.

1.11

Comment: "Hold public hearings together with Nye Counties' Health Officer."

Response: The Bureau will work with the Nye County Health Officer within its statutory and administrative code authority.

1.12

Comment: "Publish the approved nutrient management plan before the permit is issued."

Response: The NMP is public information and is available for public review at the Bureau's Carson City office.

1.13

Comment: "Bring the facts to a local Amargosa Valley hearing."

Response: Based on the level of public interest in the proposed permit, the Bureau determined that a public hearing should be held. A public hearing was conducted in Amargosa Valley at 6:00 pm June 12, 2007.

1.14

Comment: “As a resident of Amargosa Valley and a member of the Advisory Town Board I am very interested for the health of the valley and it’s residents.”

Response: Comment noted.

**Letter from Annie Bell dated March 11, 2007.**

2.1

Comment: “I would like to respectfully request a public hearing on the proposed permit #0023027 allowing Ponderosa Dairy a higher rate of pollutant discharge in to our state waterways.”

Response: See response to comment 1.13.

2.2

Comment: “We all need water to live and in the desert it is not an abundant resource. How can we, in good conscience, allow what we have to be contaminated?”

Response: The permit, as issued, is protective of the beneficial uses of the waters of the State.

2.3

Comment: “Elevated levels of nitrates have already been found in test wells at the dairy at their present rate of discharge. What will happen if they are allowed to increase that rate?”

Response: As stated in the Fact Sheet, “Due to increasing nitrate concentrations in the groundwater at monitoring well MW-2, the three Dairy 2 compacted soil lagoons, 14.5 MG total capacity, were replaced in 2005 by a 10.0 MG, with a 2.75-foot freeboard, 60-mil HDPE lined pond.” The source of the elevated groundwater nitrate concentration was eliminated.

**Letter from Herbert Bell dated March 11, 2007.**

3.1

Comment: “I would like to request a public hearing for permit #0023027 that would allow Ponderosa Dairy to dump more pollution into our ground water.”

Response: See response to comment 1.13.

3.2

Comment: “They have already violated the existing permit once and were fined for it.”

Response: The Permittee has not been fined for any violation of permit NV0023027.

3.3

Comment: “The dairy manager Ed Goedhart called that fine ‘a cost of doing business.’ This tells us he doesn’t take the environmental laws seriously. This type of flippant disregard shouldn’t be rewarded by giving them permission to exceed the limits set by their original permit.”

Response: The Permittee has not been given permission to exceed the limits set by permit NV0023027.

**Letter from Christie Terraneo received March 14, 2007.**

4.1

Comment: “It has been brought to my attention that the Ponderosa Dairy located in Amargosa Valley is requesting a permit it increase from a total of 9,000 cows.”

Response: As stated in the Fact Sheet “CAFOs are regulated based primarily on nutrient application rates, NMP compliance, not the number of animals at the facility.” However, the Permittee has not requested an increase of the number of cows at this facility.

4.2

Comment: “It has also been brought to my attention that the monitoring wells also indicate there is already an increase in the nitrates in the water. If the new permit is granted then logic should follow that the nitrates will also increase.”

Response: See response to comment 2.3.

4.3

Comment: “Due to the volatile relationship the dairy has with the existing community, and all the ongoing issues, I would request there be a hearing in the Amargosa Valley.”

Response: See response to comment 1.13.

4.4

Comment: “I would also like information on the actual number of cows they currently are disposing waste from as well as what waste permits they are currently obligated to working under.”

Response: See response to comment 4.1.

The Bureau is not aware of any waste disposal permits for this facility.

4.4

Comment: “I would also like to review any reports on the monitoring wells that the dairy is responsible for reporting to the State Department of Environmental Protection Agency.”

Response: All the information submitted to the Bureau is public information, unless there is a proprietary reason for it not to be. The monitoring well information may be reviewed during business hours at the Bureau’s Carson City office.

**Letter from William Eddie on behalf of Bill Barrackman and Amargosa Citizens for the Environment dated March 12, 2007.**

5.1

Comment: “Pursuant to NAC 445A.238, we request a public hearing. Due to the acknowledged increases in groundwater pollution below the Ponderosa Dairy, and the same operator’s proposal for an additional large dairy in Amargosa Valley, we submit there is substantial public interest in this permit renewal proceeding and NDEP should hold a public hearing. In addition, Mr. Barrackman and numerous persons in the Valley draw water from the same aquifer that Ponderosa Dairy pollutes through its operations.”

Response: See response to comment 1.13.

The permit for this facility is not related to permit NEV2006504 for the Beverly Hills Dairy; Nevada has no statutes or regulations that control dairy density.  
See response to comment 2.3.

5.2

Comment: “NDEP is required to provide the public with the opportunity to review the complete and updated nutrient management plan for Ponderosa Dairy prior to permit issuance. The schedule of compliance for the proposed permit only requires Ponderosa Dairy to submit its updated NMP 30 days *after* the permit’s effective date. *Waterkeeper Alliance v. EPA*, 399 F.3d 486, 497 (2005). Any procedure that allows post-permit approval review of an NMP not only runs afoul of federal law as reflected in the *Waterkeeper* decision, but also violates NAC 445A.233(1)(b)(1) and NAC 445A.234(3). The Fact Sheet for this permit itself notes (at page 1) that ‘CAFOs are regulated based primarily on nutrient application rates, NMP compliance, not the number of animals at the facility.’ In recognition of that fact, the updated NMP must be available for public review during the comment period.

Response: “Mr. Barrackman requests NDEP revise the draft permit to reflect these requirements, and restart the public comment period with the updated NMP available for public review.”

Per the *Waterkeeper* decision, the terms of the NMP have been incorporated into the permit and the fact sheet. The draft permit and the fact sheet included required NMP items such as a five-year crop rotation including fallow periods, each field available for land application was identified, the source and form of nutrients applied, the rate of nutrients to be applied, the timing of nutrient application, and the method of nutrient application.

The NMP is basically complete except for minor revisions such as correcting typographical errors, incorporating a copy of the renewed permit, and adjusting process wastewater sampling locations.

The NMP was available for review in the Bureau's Carson City office during the public comment period.

5.3

Comment: "The Fact Sheet discloses that nitrate levels in the Ponderosa Dairy's monitoring wells have increased sharply.

"The approximate baseline nitrate level in groundwater below the dairy is 1.29 to 1.59 mg/L. We request NDEP identify the wells that were tested to identify these baseline nitrate values.

"Monitoring results in both MW-1 and MW-2 show a troubling increase in nitrate. In MW-1, the average nitrate level is now 2.3 mg/L; and in MW-2 the average is now 7.0 mg/L (with a maximum of 11.0 mg/L). (Total nitrogen, total dissolved solids, and chloride levels all have increased as well.)"

Response: The increasing nitrate concentration in the MW-2 groundwater triggered the replacement of the Dairy 2 pond system in 2005. A review of the MW-1 groundwater quality data from the third quarter of 2002 through the fourth quarter of 2006 has not identified an increasing trend in the nitrate concentration with a maximum concentration of 2.3 mg/L on April 1, 2004.

The Bureau has no groundwater quality data prior to the start of dairy operations, 1993, at this location. The 1.29 mg/L nitrate concentration was from the Gilligan Pivot Well, sampled September 7, 2001. The 1.57 mg/L nitrate concentration, incorrectly listed as 1.59 mg/L in the fact sheet, was from Barn 1, Well 1, also sampled September 7, 2001.

The most recent MW-1 groundwater nitrate concentration was 1.8 mg/L. The 2006 Ponderosa Dairy Annual Report does not identify increasing nitrate, total nitrogen, total dissolved solids, or chloride concentrations in MW-1. (This report was not available at the time of fact sheet preparation.) Recent MW-2 data is not available due to well abandonment.

5.4

Comment: "The Fact Sheet seems to indicate that the previously unlined ponds at Dairy 2 are to blame for the very high (11.0 mg/l) nitrate levels in MW-2, noting that nitrate levels in October 2003 were 6.7 mg/l. However, that elevated October 2003 level reflects a substantial degradation of water quality from baseline levels. We request NDEP identify all nitrate levels recorded for MW-2 from October 2003 to the present."

Response: The MW-2 nitrate concentrations after October 2003 were:

<u>Date</u>	<u>Nitrate</u>	<u>Date</u>	<u>Nitrate</u>
01/19/04	5.7 mg/L	12/22/04	6.4 mg/L
04/01/04	9.0 mg/L	04/05/05	6.5 mg/L
06/24/04	8.5 mg/L	06/06/05	7.6 mg/L
3 <sup>rd</sup> Q 2004	Not sampled		

MW-2 was not monitored after the second quarter of 2005 because the Dairy 2 pond system had been taken out of service. Further monitoring was not required by the permit.

5.5

Comment: "More broadly, we request NDEP identify and fully discuss the cause of the increased nitrate levels in both MW-1 and MW-2. While water quality in both wells appears to be within the water quality standard for nitrate, it is very troubling that both wells have seen such sharp increases over the baseline nitrate levels. If Ponderosa Dairy's lagoons systems were properly lined, and if

it was complying with an adequate NMP, there should be zero discharge of ammonia or other nitrate-forming compounds to groundwater, especially groundwater that is some 80 to 100 feet below the surface. But Ponderosa Dairy wastes obviously are reaching groundwater from

sources that NDEP has not identified.

“We request NDEP identify the source of this contamination. NDEP should also discuss any trends in the data, such as whether there is an overall trend up or down in average nitrate concentrations in both wells, and whether the high levels of nitrate correlate to a specific time of year.”

Response: The nitrate level in MW-1 has been relatively stable in recent years with concentrations ranging from 1.56 mg/L to 2.3 mg/L. These concentrations are well below the 10 mg/L nitrate drinking water standard.

The Bureau has determined that groundwater monitoring is not necessary at CAFOs that have process wastewater and manure storage facilities lined to current State standards and land apply these material in accordance with an NMP. Therefore, the Permittee was allowed to discontinue monitoring MW-2 after the old Dairy 2 pond system had been replaced with lined ponds.

5.6

Comment: “Renewal of this permit and the continued operation of this violates Nevada’s antidegradation requirements. For example, NRS 445A.090 prohibits issuance of a permit which will result in the degradation of existing or potential sources of drinking water. The aquifer underlying Amargosa Valley is a source of drinking water.”

Response: The permit is protective of waters of the State. The permit includes standard groundwater discharge permit language requiring:

- i. the selection of an alternate method of process wastewater and/or manure storage, if the total nitrogen-N concentration in the downgradient monitoring well, MW-1, increases to 7.0 mg/L;
- ii. the start of construction of the approved alternate process wastewater and/or manure storage facility, if the total nitrogen-N concentration increases to 9.0 mg/L; and
- iii. the termination of discharge to groundwater, if the total nitrogen-N concentration increases to 10.0 mg/L.

This requirement is more conservative than the 10 mg/L nitrate drinking water standard.

5.7

Comment: “The monitoring plan reflected in Table I.2 is inadequate. We request NDEP clearly confirm the Ponderosa Dairy will be required to establish monitoring wells to ensure that the impact of each component of Ponderosa Dairy is quantifiable, including thorough continued monitoring of MW-2, and establishment of a monitoring well at Dairy 3.

“NDEP must not authorize Ponderosa Dairy to abandon monitoring wells after simply lining its ponds and lagoons. Lagoons leak and groundwater contamination can also arise from excessive land application of waste, as well as from other sources. Moreover, continued use of monitoring wells provides an inexpensive way to ensure that groundwater is protected.”

Response: The monitoring plan of Table I.2. is adequate to protect groundwaters of the State. As stated in the fact sheet, the Dairy 1 pond system is the only process wastewater or manure storage facility that cannot be demonstrated to be constructed in accordance with current State liner standards. Therefore, downgradient groundwater monitoring is required. See response to comment 5.5.

The Bureau does not require groundwater monitoring of lined CAFO process components and does not require groundwater monitoring at effluent reuse sites, biosolids beneficial use sites, or at CAFOs that land apply in accordance with an NMP.

MW-2 has reportedly been abandoned. Part I.A.34.k., Schedule of Compliance, requires the submittal of documentation of the abandonment of MW-2 within five days of the permit effective date.

### **WRITTEN COMMENTS RECEIVED AT THE JUNE 12, 2007 PUBLIC HEARING**

#### **Letter from Curt Stengel of Amargosa Valley, NV.**

6.1

Mr. Stengel's comment letter submitted at the June 12, 2007 public hearing was the same as the comment letter received March 7, 2007. See comments and responses 1.1 through 1.14.

#### **Letter from Sam Eddington**

7.1

Comment: "I would like to express my opinions in opposition to the proposed discharge increase permit for Ponderosa Dairy."

Response: Comment noted.

7.2

Comment: "I am not interested even in the possibility of groundwater contamination, and I am not convinced that this plan makes adequate precautions against this occurrence. We are entirely dependent on groundwater here in the Valley – we have no reservoirs or municipal water filtering systems to provide backup. Once the groundwater is contaminated, it is extremely hard, if not impossible, to clean. I am upset enough about the wastewater currently being discharged to ground; I certainly have no desire to see any more wastewater vomited into our aquifer."

Response: See response to comment 2.2.

7.3

Comment: "Furthermore, the Dairy has a poor 'good neighbor' track record. They have been known in the past to be lax on fly control, for instance, and I have serious reservations about their regulatory compliance in the event a permit is issued."

Response: See response to comments 3.2 and 3.3.

#### **Letter from Pamela and Richard Everett of Amargosa Valley, NV.**

8.1

Comment: "We strongly object to the approval of a permit allowing an increase in the discharge of manure water and processing wastewater to groundwater that the Ponderosa Dairy is applying for."

Response: Comment noted.

8.2

Comment: "Our groundwater is already being polluted and the residents in Amargosa are entitled to have clean fresh water from our wells."

Response: See response to comment 2.2.

8.3

Comment: "Another issue troubling us is the large amount of water being used by the dairy for the animals and their fields. The water table has dropped so much that we have had to drop the depth of our well 40", and probably need to do it again very soon."

Response: Water quantity issues are beyond the regulatory authority of the Bureau.

#### **Letter from Laura Bowler of Amargosa Valley, NV.**

9.1

Comment: "The Ponderosa Dairy has already violated enough of our rights here in the valley. What more do they want? We have had enough of their cow manure, why we would possibly consider

more of their waste dumped on us? We have the right to clear pure water. That's a humane law of the desert. I say no to your permit. Does the dairy personally drink this water? Go get your permit somewhere else."

Response: Comment noted.

### **COMMENTS MADE AT THE JUNE 12, 2007 PUBLIC HEARING**

Some of the comments and responses made at the June 12, 2007 public hearing were unintelligible by the court reporter who prepared the transcript of the audio-recorded proceedings. The Bureau has provided clarification and enhancement to the hearing responses; hearing information is in quotation marks, additional information is bracketed or after the quote. Complete responses to all comments were not available at the hearing.

#### **Jan Cameron**

10.1

Comment: "I respectfully request, however, that the Nevada Department of Environmental Protection take a serious look at the way that it monitors the use of our national resources and the effect of businesses such as the dairy upon our national resources.

"I do not feel, personally -- and I'm speaking personally rather than as the anything -- in any official capacity. I do not think, personally, that our environment is, in fact, being protected as it should be at this point in time."

Response: Comment noted.

10.2

Comment: "I think that is evidenced by the -- the -- again profusious lies, by the open irrigation on some fields. I have great concerns about the water quality in this valley over time due to the large numbers of cattle that are living in this valley with us. And as I said, while I realize you're following your regs as they are currently written, I would certainly appreciate it if I would -- if the Department would look at revising its regs to consider more seriously the protection of our environment in our behalf, those of us who live here and the generations that will follow."

Response: Comment noted.  
See response to comment 2.2.

#### **Unidentified Speaker**

11.1

Comment: "Would you tell me where this well is in relation to the (unintelligible)?"

Response: "Dairies 2 and 3 have synthetically-lined lagoon systems. Dairy 1 has the --the large number of ponds.  
"And it's [the Dairy 1 pond system is] soil-lined"

11.2

Comment: "-- unlined facility is where their monitoring well is actually (unintelligible)."

Response: "Yes, it's [the monitoring well] located down gradient. So if there is any leakage in that -- if leakage is detected in there [the monitoring well], then they're [the Permittee] required to go back and line that pond system [the Dairy 1 pond system]."

11.3

Comment: "But that monitoring well is down gradient from the unlined part?"

Response: "That's correct." from the Permittee's consultant.

#### **Dave Meyers**

12.1

Comment: "What is the depth of the aquifer there?"

Response: "It was in the fact sheet. I think it's -- it's usually around a hundred feet. I'd have to go back, but there were different depths of the various wells."



From the NV0023027 Fact Sheet, the April 2002 through June 2004 average depths to groundwater were 85.4 feet and 89.1 feet in monitoring wells MW-1 and MW-2, respectively

12.2

Comment: "At one of the neighbors of the dairy, the aquifer is 70-foot".

Response: "That might be, say, the lower elevation or be the --"

"There's a lot of drawdown because of the irrigation wells."

### **Antonio Guerra**

13.1

Comment: "It reminds of regulated -- to neutralize water when they use it, why the dairies not? When they can do it, when they got some chemicals that, phosphates to get in our water source?"

Response: "Well, this is the way that the state has elected to regulate concentrated animal feeding operations."

The permit does not limit the pH of the irrigation water.

Based on the phosphorus hazard class, as determined from soil analyses of each field, this facility is regulated based on nitrogen application rates, not phosphorus.

### **Unidentified Speaker**

14.1

Comment: "Can you repeat his question, please, Bruce?"

Response: "I do not have a good answer to the question. It was basically, that's the way the state has elected to regulate these types of facilities. We are following, pretty much what -- basically, the federal guidelines, and if the nutrients are applied according to the nutrient management plan, that's adequate for the current regulatory requirements."

The permit complies with effluent limitation guidelines and requirements of 40 CFR Parts 9, 122, 123, and 412.

See response to comment 2.2.

### **Christie Terraneo**

15.1

Comment: "The nutrient management report, is it submitted annually?"

"And in Fallon, Carson City, is it on file down here?"

Response: "No. It's not on file down here [Amargosa Valley]. All of our records are -- for these types of operation would be in the Carson City office."

The Permittee is required to have a copy of the NMP/CNMP at the permitted facility but is not required to make this document available to the public.

15.2

Comment: "And how can we get access to them? Do we have to go to Carson City to get access?"

Response: "There are ways you can get copies of things [information submitted to the Bureau]. If you were specific -- and it's a very small number, what you wanted, you could call and ask for copies of it. If you wanted large documents, or whole files, things like that, the procedure is usually that you would contract with one of the local copying services in Carson City. They send a courier over to pick up our files, copy it, and then give you the copies that are, you know, electronic, or paper copies, so whatever (unintelligible)."

The public may also copy information from the Bureau's files in the Carson City office.

15.3

Comment: "And then -- what is the reporting period? Do you do January to February --"

Response: "We [the Bureau] require quarterly reports. Now, a lot of these things are not analyzed with a -- on a -- some of them are done annually, some semi-annually."

“There are other things that are done [monitored] quarterly.

“So, I mean, it would vary which quarter you asked for, how much material would be available, how much new information would be available. Of course, all the old information is in the file.” The monitoring frequency varies from parameter to parameter. For details, please refer to the fact sheet or the permit.

15.4

Comment: “And with the monitoring files, is there evaluated annually?”

Response: “The monitoring well is monitored quarterly.”  
Data submitted to the Bureau quarterly is evaluated quarterly.

15.5

Comment: “Quarterly? And that gives us up to Carson City, the report?”

Response: “Yes. But if you ask for something like the most recent monitoring well date [data], we -- that -- we can basically give that to you. If you wanted the whole report, I'd have to look at it -- our administrative staff would look at it to decide how much is there, and whether they would just go ahead and copy it or --“  
See response to comment 15.2.

15.6

Comment: “So a quarterly report. So that would be January to April and then (unintelligible) May, that quarterly (unintelligible) --

Response: “January through March, and then -- that is required to be submitted by the 28th of the month following the quarter. So the first quarter would be submitted -- the first quarterly report would be submitted by April 28th.”

### **Bruce Crater**

16.1

Comment: “Who does the monitoring these for (unintelligible)? Who does the monitoring on this monitoring well?”

Response: “The company's [the Permittee is] responsible for taking the sample and having it analyzed by a State certified lab.”

16.2

Comment: “Who does the analysis for this quarterly report, on -- for the report where (unintelligible)?

Response: “The analyses are done by a State certified lab.” as required by Part I.B.1.c.iii. of the permit.

### **John Bosta**

17.1

Comment: “Is this pond regulated the same as a sewer pond?”

Response: “It is regulated the same, but the design requirements are not the same.”

17.2

Comment: “What is it difference of the design?”

Response: “A modern sewer pond is most likely designed with a double liner. There are places where facilities do not have double-lined ponds, but that's -- that's our typical standard of performance.”

WTS-5 Guidance Document for Design of Wastewater Treatment Ponds requires a liner with a leak detection plan for all wastewater treatment ponds. ‘Acceptable leak detection plans include double liners with leak collection or downgradient monitoring wells. Other innovative plans for leak detection will be reviewed by NDEP prior to acceptance.’

17.3

Comment: “Is -- is the ponds -- one, they're regulated by the Federal Clean Water Act, and then the State

Response: can have its own act which could be more -- can be more strict than the federal; is that correct?"  
"We can could be more strict, yes, but I don't think the -- I -- we don't work with federal requirements on the pond liners of the sewage treatment plant."  
The Clean Water Act does not regulate wastewater treatment plant or CAFO pond liners.

17.4

Comment: "Why not?"  
Response: "Those are state requirements."  
See response to comment 17.3.

17.5

Comment: "Why not?"  
Response: "Because we [the Bureau] feel our requirements are adequate."  
See response to comment 17.3.

17.6

Comment: "But do they meet federal requirements (unintelligible)?"  
Response: "I don't know what the federal requirements are, because we don't --  
"-- work with the federal requirements in ponds, on that -- on a sewer pond. So I -- I don't know what their requirements would be."  
See response to comment 17.3.

### **Ed Munton**

18.1

Comment: "Historically, on dairies the main pollutant that causes problems is nitrogen. They had a problem in San Joaquin Valley many years ago, in Central America [Valley or California], a number of them old dairies. That was the nitrogen.

Response: "Do you know what the base is, the last inspection you had, with the nitrogen?"  
"The last -- okay.

"When we're doing an inspection, we don't go out, necessarily, and monitor the nitrogen. No. We're talking about the monitoring wells.

"The permitting [Permittee] takes a sample each quarter, has it analyzed, submits that data to us [the Bureau]."  
There is no record of the Bureau obtaining a sample of the groundwater at the facility and having the sample analyzed.

18.2

Comment: "Oh. You don't specifically check for nitrogen?"  
Response: "On an inspection, no, but we [the Bureau] do get that information on a quarterly basis."  
See response to comment 18.1.

18.3

Comment: "On a quarterly basis. Do you know what that is, offhand, by chance?"  
Response: "No, I don't."

Based on the NV0023027 Fact Sheet, from April 2002 through June 2004, the groundwater total nitrogen as nitrogen concentration averaged 3.1 mg/L and 7.8 mg/L in monitoring wells MW-1 and MW-2, respectively. Using the same source over the same time period, the nitrate nitrogen concentration averaged 2.3 mg/L and 7.0 mg/L in monitoring wells MW-1 and MW-2, respectively.

From the 1<sup>st</sup> Quarter 2007 Discharge Monitoring Report, the nitrate as nitrogen concentration in the groundwater at MW-1 was 1.9 mg/L and the total nitrogen as nitrogen concentration was

2.26 mg/L. This is the most recent reviewed and accepted NV0023027 data and was not available when the fact sheet was prepared.

18.4

Comment: "Is it half -- is that -- is that expressed as nitrogen, nitrites, nitrates?"

Response: "It's [the data] expressed in a variety of ways. The current permit would require total nitrogen and nitrate."

18.5

Comment: "As nitrate?"

Response: "Nitrate as nitrogen."  
See response to comment 18.3.

18.6

Comment: "Right. Understood. And, you know, we have three graduate newer -- geologists that reside here. Any chance for them doing some monitoring?"

Response: "They're motivated."  
"Our program [the Bureau] is not set up to have volunteer monitoring. Our regulations at this point allow for the Permittee to do the sampling, and if individuals wanted to, they'd have to work that out with the dairy."

### **Leslie Eastman**

19.1

Comment: "You use the words, "most likely" -- that the design would be most likely. What is the design exactly going to be?"

Response: "What -- what design are we talking about?"  
A review of the Hearing transcript revealed that 'most likely' referred to the design of a modern double-lined sewer pond, as initially discussed by Mr. Bosta.

19.2

Comment: "The one that you were talking about, the design (unintelligible). When you said --"

Response: "The pond?"

19.3

Comment: "You said it would be most likely."

Response: "We're not -- the pond -- all the pond systems at that facility have been constructed. There are two ponds that are synthetically lined, two pond systems that are synthetically lined, and then there is a soil-lined pond [system]. So the ponds have been designed [and constructed]."

"So they're really is not a most likely involved with pond construction. This facility --"

19.4

Comment: "Those words were your words, not mine."

Response: "All right. Well --"

19.5

Comment: "So --"

Response: "I'm just correcting that, then"

19.6

Comment: "All right."

Response: "The ponds have been constructed, and no new ponds are proposed at this time."  
This comment did not apply to the permitted facility. See response to comment 19.1.

**Robert Eastman**

20.1

Comment: "Why can't you send the notice to the library so (unintelligible) access? Because only one copy (unintelligible).

Response: "Well, it sounds like you've made that suggestion now. I mean, that's not the way we set things up, but we can consider it."

The Amargosa Community Library, HCR 69, Box 401T, Amargosa Valley, Nevada 89020 has been added to the Bureau mailing list for permit NV0023027.

**Susan Sasso**

21.1

Comment: "How come -- and I know probably -- We probably would have had more of a turnout, but why was it we got last-minute notice of this meeting this evening in the mail?"

Response: "And the -- the notice that you received in the mail, probably it was not re - it was not from the Division. We followed our notification procedures. We sent out the notice to people requested to be on the mailing list. It should have been -- gone to people who had commented on the dairy, on this permit renewal.

"And then there were notices published in the paper, as is required, that included the Pahrump Valley Times, the Las Vegas Review Journal. A copy was sent to the town office, and they were asked to post it. But if you do not ask to be on mailing list, then we did not know to send it to you."

21.2

Comment: "Well, see a lot of people don't know out here. The local paper out here --  
"-- and the Mirror. So the Mirror wasn't notified of this --"

Response: "The Mirror and the Pahrump Valley Times do not meet our public notice requirements. It has to be a daily paper, and we felt that we were -- well, we went beyond the requirement. We could have just published it in the Las Vegas Review Journal, and that would have met the regulatory requirements."

The Mirror (?) is not on the Bureau's list of Nevada newspapers. This list was updated most recently December 11, 2006. On August 15, 2007, there was no listing of the Mirror or any other Amargosa Valley newspaper, daily or non-daily, on the Nevada Press Association website.

**John Bosta**

22.1

Comment: "I would like to know what -- you're saying is that you have one pond that's lined, bed [bentonite] lined, and then you have two ponds that are lined with some type of plastic material.

"What is the allowed leakage in the groundwater in the bed [bentonite]-lined pond, and the amount of leakage into the groundwater by the lined pond -- synthetic-lined ponds?"

Response: "Well, the -- a soil liner which -- which is what you're referring to as a bed [bentonite]-lined pond, has a requirement of -- a one-time standard of (unintelligible)  $[1 \times 10^{-7}]$  centimeters per second."

The allowable liner leakage shall be equivalent to 12 inches of material with an in-place hydraulic conductivity of  $1.0 \times 10^{-7}$  cm/sec.

22.2

Comment: "And that's --"

Response: "So that's one material. Now, the -- the two synthetically lined ponds, such as the (unintelligible) HDP [60-mil HDPE], and they're going to have a lower coefficient permeability, but it's also going to be a much thinner material."

22.3

Comment: "Are they not rated the same as that bed [bentonite]line[d]?"

Response: "They're -- they're both going to be -- they both meet the standard [liner] requirements."

22.4

Comment: "And is that requirement -- like, for example, if I'm covering one acre of land, I'm allowed one-acre foot of leakage per year?"

Response: "There is going to be leakage through those liners, yes."

Per Recommended Standards for Wastewater Facilities, 2004 edition, Wastewater Committee of the Great Lakes – Upper Mississippi River "To achieve an adequate seal in systems using soil, bentonite, or other seal materials, the hydraulic conductivity (k) in centimeters per second specified for the seal shall not exceed the value derived from the following expression where L equals the thickness of the seal in centimeters:

$$k = 2.6 \times 10^{-9}L$$

The k obtained by the above expression corresponds to a percolation rate of pond water of less than 500 gallons per day per acre at a water depth of 6 feet and a liner thickness of 1 foot, using the Darcy's law equation.'

22.5

Comment: "So you -- you agree that the lined pond and the synthetic lined ponds do not prevent leakage to the groundwater -- leakage is still going to go through to the groundwater?"

Response: "It will leak through. Will it get to groundwater (unintelligible). It's going to depend on the [leakage] rate."

Soil permeability, depth to groundwater, and other factors.

22.6

Comment: "I know that in court cases the experts have agreed that the synthetic liners will not prevent the leaking into the ground. It's only when."

Response: "These -- these facilities need --"

See response to comment 22.4.

22.7

Comment: "(Unintelligible) manure."

Response: "There is no perfect liner, but these [liners] meet the state [liner] requirements."

22.8

Comment: "Then why is there no liner barrier with monitoring underneath the sealed ponds, such that if there's a leak in the pond, we will know it?"

Response: "Because we [the bureau] did not feel that that [it] was necessary [to regulate CAFOs the same as wastewater treatment plants]for a dairy facility."

See response to comment 2.2.

22.9

Comment: "Me to tell me that our health is not necessary for protection?"

Response: "No, that's not what I was saying."

22.10

Comment: "Well, that's the way it sounds."

Response: "Okay. Well, I think we should move on. I -- I don't think that we can get anywhere with this discussion."

The liners at this facility comply with the State's regulatory requirements.

The Dairy 2 and Dairy 3 pond systems meet the State standards for lined ponds.

**Bill Barrackman**

23.1

Comment: "There was several of us here in this room that filed a written request for this hearing.  
Response: "Yes."  
See response to comment 1.13.

23.2

Comment: "Part of them did get it in time for the deadline. So far as I know none of them were ever contacted to tell us about --"  
Response: "There's not a requirement for that. You should have been --"  
See response to comment 21.1.

### **Robert Eastman**

24.1

Comment: "(Unintelligible) the problem releasing the sewage out here. The State of Nevada (unintelligible) \$25,000 (unintelligible). And we're going to tell them (unintelligible) 300,000. Why is this that Nevada doesn't do anything, California does, and then you come up saying they meet all the requirements? What requirements did you have in California?"  
Response: "They did [not] have a permit for that discharge"  
The Bureau has no record of a sewage release from this facility.  
See response to comment 3.2. The Commenter may be referring to a process wastewater release from this facility prior to the June 2000 issuance of NV0023027. This matter has been resolved. The Bureau has no record of California attempting to impose California requirements, standards, or fines on this facility.

24.2

Comment: "It's the same thing."  
Response: "I knew nothing of what California did here, because I was not aware that California even -- even thought (unintelligible)."  
See response to comment 24.1.

24.3

Comment: "Yeah. They did. I'll guarantee that."  
Response: "That's the first I've heard."  
"That's the first I've heard of it. I mean, I --"  
See response to comment 24.1.

### **Dave Meyers**

25.1

Comment: "Please correct me if I'm wrong. If I understand this, the nature of this application is to allow an increase -- is that correct?"  
Response: "There is -- yes, there is an increase up to --"

25.2

Comment: "Up -- you may have gone over there and if you did I missed it. I apologize. Will you give us an idea of the nature of what the increase will be?"  
Response: "The increase is going -- from I think, it was .6 -- .6 MGE [MGD-million gallons per day] up to 1 MGE [MGD]."  
The permit renewal includes a flow increase from 0.625 MGD to 1.000 MGD.

### **Robert Eastman**

26.1

Comment: "What does that mean?"  
Response: "Oh, billion [million] gallons a day. Excuse me."

**Leslie Eastman**

27.1

Comment: "I just want to make the statement that the way they have performed new tasks does not make us feel, in Amargosa, that they have the community's interests at heart.

"That's why a lot of --

"All of the State of Nevada perhaps also."

Response: "Okay."

Comment noted.

**Susan Sasso**

28.1

Comment: "Is this going to be the only meeting on this or is there going to be more meetings?"

Response: "This is the only meeting that I know of on this matter, yes."

There are no other meetings regarding the renewal of permit NV0023027 scheduled.

**Unidentified Speaker**

29.1

Comment: "Is there a website or anything where we can have (unintelligible)?"

Response: "Yes. Yes, it's [notice of decision, fact sheet, and notice of public hearing] available on the Division's web page. You'd want to go to the Public -- the Division of Environment Protection -- from the Permittee's consultant.

"Under public notices."

**Bruce Crater**

30.1

Comment: "Again, I'm glad to see that they introduced such high quality composting materials. I have a couple questions concerning the effluent which is the milking facility waste water that was spoke of.

"Does it carry any pathogens at any time?"

Response: "Pathogens in the green water?" from the Permittee's consultant.

30.2

Comment: "In the green water or the waste water at any time?"

Response: "No. (Unintelligible) microbes -- from the Permittee's consultant.

The permit requires annual fecal coliform characterization of the process wastewater and of each discharge to surface waters.

30.3

Comment: "Yes, sir. Tell me: Is this something that you would like to have spread in your front yard?"

Response: "With all due respect, Mr. Crater, this wasn't part off of our presentation. It wasn't part of the permit." from the Permittee's consultant.

The permit only authorizes process wastewater to be applied to agricultural fields identified in the permit and CNMP.

30.4

Comment: "Well, you just brought up -- you were talking about this green water and so forth, and the fact that they are following all of the NDEP regulations."

Response: "Our front yard is not a part of this permit." from the Permittee's consultant.

See response to comment 30.3.



30.5

Comment: "Ours is."

Response: "No, your -- it's not. With all due respect people, the part of the permit is the 835 [865] acres where green water is applied, but the dairy has not asked to apply green water off their facility." from the Permittee's consultant.  
See response to comment 30.3.

30.6

Comment: "I understand. But this is on our yard that you're spreading it in, right here. Would you enjoy having this green water at your table?"

Response: "It's only being applied on agricultural land."  
See response to comment 30.3.

30.6

Comment: "I understand that."

Response: "But many times (unintelligible) when I eat, because I can smell it."  
"Okay. That would be odors. That would not be water."  
Odors are not directly regulated by the Bureau. Odors are more of a nuisance/air quality issue. Microbes will be added to the process wastewater in all three pond systems to reduce odors. If necessary, aerators will be used in the ponds to further reduce anaerobic conditions.

30.7

Comment: "That is called green water."

Response: "Okay. I think we'll move on from there."  
The State does not use the term green water.

30.8

Comment: "When -- when they're doing irrigating."

Response: "I have water (unintelligible)."  
The transcript did not include a response to this comment and from the transcript it is not clear what the comment was.

### **Robert Eastman**

31.1

Comment: "You said that the dairy contains. But when I was on the town board they didn't -- that's why they have to confine, because they couldn't contain it, and that was on a hundred-year floodplain that they're on now. What --"

Response: "(Unintelligible) they've upgraded the facilities at that time."  
The facility exceeds the minimum containment design requirement.

31.2

Comment: "I know they have. That doesn't mean it's going to work. Nobody knows what it's going to work, because we haven't had the 24-year flood."

Response: "They've passed [The Permittee has met the] regulatory requirements."

31.3

Comment: "That doesn't mean anything to me, because they did -- they did then, too, but it didn't work."

Response: "That's much as we can require of them [the Permittee]."  
See response to comment 24.1.

### **Ed Munton**

32.1

Comment: "I wanted to put a few people at ease. I used to think, a few years back, it was one big aquifer."

They're not. There are a number of them. Fortunately ours is different than the dairy's, the ones that we have, ourselves.”

Response: See response to comment 2.2.

32.2

Comment: “One thing that your -- your colleague [the Permittee’s consultant] said before you, that the bacteria on the green water -- and I just (unintelligible) bacteria. I can see that. But also the nitrogen. I don't see that. Then you break down the urea, and you talk about the fecal (unintelligible), the urea, but the urine is big time as far as volume. And the bacteria breaks the urea down into two different nitrogen things, and doesn't that just (unintelligible).

Response: “(Unintelligible) do is basically (unintelligible) to all nitrogen. So we're –

“-- talking about K-K, E-E, A-H-A-L. (Unintelligible) T-K[TKN], and -- I don't mean for using acronyms, but that's what it is. And it's a combination of ammonia and organic nitrogen. Okay? Once it receives -- once it comes into contact with oxygen in the soil, then it trans forms into nitrate.

“So what you see in the lagoon is the organic portion -- organic (unintelligible), of nitrogen.” from the Permittee’s consultant.

32.3

Comment: “And your ammonia you just mentioned is nothing but NH<sub>3</sub> or NH<sub>3</sub>. That's nitrogen again.”

Response: “That's right.” from the Permittee’s consultant.

32.4

Comment: “It's all nitrogen.”

Response: “That -- that's all relative.” from the Permittee’s consultant.  
See response to comments 2.2.

### **Leslie Eastman**

33.1

Comment: “I just want to talk about the statement. One is we're all on well water. So, yes, it's not in our backyard, but it's coming up in our water.

“And the other thing is that I -- I work years for an airlines, and you're talking about all these agencies that are meeting their requirements. Well, the FAA's requirements for safety on airlines is not nearly as high as the pilot that is flying the plane. And that's what -- the point that we want to make is. This is going to affect us directly in (unintelligible) say they're meeting requirement -- meeting their requirements to accommodate is not nearly as tight as what we would like to see to know that the dairy is concerned about our health and welfare.”

Response: “We cannot require them to go beyond what the regulation requires.”  
See response to comment 2.2.

33.2

Comment: “That's our problem.”

Response: “And as Mr. Reddy explained, the lagoons are sized larger than in our requirements.

So they have gone beyond what's -- what's in the regulations.”

### **Dave Meyers**

34.1

Comment: “Gentleman and lady, I'd like to thank you all for the time we have spent to come for this. And I'd like to invite each and every one of you to come to my house, about one mile downwind

Response: from the dairy, any time of your leisure, and we'll have a barbecue. Thanks again.”  
Comment noted.

**Christie Terraneo**

35.1

Comment: (Unintelligible). “I think we've gotten off target with the discussion. We're talking about the lagoons. I want to talk about the discharge, which is what this permit is about. Correct?”

Response: “They want to increase their discharge from .6 MDD [MGD] to 1 MDD [MGD], correct?”  
“.625 [MGD].”from the Permittee’s consultant.

35.2

Comment: “.625. And they want to increase to what? To a total of .375?”

Response: “Three hundred – point three-seven-nine is –“ from the Permittee’s consultant.

35.3

Comment: “Right. But we're going to use the same 865 acres of land?”

Response: “Increase the –“  
“The number of cows are increasing.” from the Permittee’s consultant.  
See response to comment 4.1.

35.4

Comment: “That's not my point. The point is we're going to discharge more effluent on the same 865 acres, correct? So you're going to increase concentration --

Response: “No.”  
With a similar number of cows and more process wastewater, the nitrogen concentration will be reduced.

35.5

Comment: “-- and you're going to increase the effluent in the discharge.”

Response: “It's the same number of cows, and it's the same amount of nitrogen that's being generated.”  
See response to comment 35.4.

35.6

Comment: “Well then why --“

Response: “The concentration will go down.”  
See response to comment 35.4.

35.7

Comment: “Why is that they need to increase from .65 to 1?”

Response: “Because -- because they're [the Permittee] having difficulties meeting the current permit limitation.

“They're -- they're [the Permittee] not having problems with the nitrogen application rate, but the amount of water that's used for cleaning the cows before they're milked, things like that.”

35.8

Comment: “Is that because they've increased the number of cows in the current permit?”

Response: “No. It's because -- it's because they now have better -- more accurate records of how much water is being used.

“The previous permit was based on (unintelligible) [estimated water usage]. Now they have more years. [of data, water meter readings]”

35.9

Comment: "The Water Resource Board is very important to us in this valley, because they're the ones that actually (unintelligible) our water right.

Response: "Okay? Do they therefore have enough water rights to make --  
"We're not here to discuss water rights. I don't know what the water rights are.

"That would be the --

"-- division of Water Resources."

Water rights are regulated by the Division of Water Resources.

35.10

Comment: "So an increase -- it would be the same number of acres, but we haven't increased our cows, and we just have a better recordkeeping mechanism to monitor this, so that's why we need the permit?"

Response: "The increased flow is in the groundwater [discharge], yes."

Comment 35.10 is correct; that is the reason for the flow increase. Also, the current permit has expired.

Per NAC 445A.228, a permit is required because the facility contains more than 700 milking cows.

35.11

Comment: "So we're only increasing this because got better records?"

Response: "We have -- we have better data than what we had when the permit was last modified."

35.12

Comment: "When that was permit last modified again?"

Response: "2000 (unintelligible)." from identified source.

"2000, was when it [permit NV0023027] was originally issued, but there was a major modification after that. And that's what -- and that's when the number -- it went up to the .625 [MGD], when the third dairy was added."

35.13

Comment: "That was 2004."

Response: "Thank you."

The major modification that increased the permitted flow to 0.625 MGD was issued February 13, 2002.

"Christie, let me just address this (unintelligible) for a second. You know, we -- we work in probably -- maybe 30 different dairies in Nevada, New Mexico, west Texas. We also are responsible for the sampling of approximately a hundred different monitoring wells in every quarter.

"The dairy industry, as a whole -- okay -- is starting to come to grips with its water use inside the milking parlor. When this -- when the original permit came along, it was based on estimates, because most dairies -- the dairies we work on, too, in other states -- weren't required to have meters on their green water discharge. Okay?

"They were required to have meters on their production wells. All right? And at that point, based on the metering situations, people were estimating what was going into the barn and what was coming out of the barn.

"Since then regulators like (unintelligible) [Bruce] and a lot of other agencies became a lot

better equipped to regulate the industry. So industry-wide there is a huge requirement now for metering that might not have occurred five year ago. And for sure it didn't occur ten years ago.

"I've been asked to review a proposal by Texas A and M to specifically look at water uses inside their dairy barns. And a bunch of guys are getting us together to do this, and we've been requested to review their proposal. So, you know, I'm trying to explain that, industry-wide, in total time (unintelligible), it's the dairy industry's turn at the environmental trough.

"Okay? We have the mines. We have the chemical industries. We have the leaky gas tanks, and now the dairy industry is coming up to modern day standards, thanks to folks like Bruce and other regulatory agencies, as people got more educated and they're putting more requirements on the dairies.

"So the original -- what you saw before was based on an estimate. Now we have hard numbers, and that's why we're modifying this permit. We've also worked with the dairy very intensively to reduce water waste inside the milking parlors, and we do this at all our dairies. We've gone to milking parlors all over at midnight, after we left the barns (unintelligible) to make sure that these guys aren't wasting water inside the barns.

"So this is in an evolutionary process industry-wide, and (unintelligible) [Reddy and I] we're working every single day to try and reduce the discharges or accurately report the discharges that are coming from these milking parlors." from the Permittee's consultant.

35.14

Comment: "So there's a rate of probability that before these green water meters went in, they were actually discharging 1 versus .64, because there was no real knowledge base there?"

Response: "No. We weren't discharging that amount. Once we started to get our meters in line and calibrated, we were having a tough time getting the .625. Because of that -- and I think you should give the dairy credit -- when they realized this, based on the estimates, that the estimates weren't working for (unintelligible), what the dairy did was really tune down and turn down, wherever they could, the amounts of green water being generated inside of milking parlors.

"So this is something that when the dairy learned what was going on, based on the actual meter readings, they took steps to reduce that discharge, but there are certain times -- and I realize it hasn't rained here much in the last year and a half -- but if we get a normal monsoon, things like that, it's flood year times, well, there might be a need for more water to wash down the cows, because the mud might be on the utters prior to milking.

"So the dairy needs that flexibility based on whatever the type of rainfall we're going to get. If the state's dry, we can stay pretty low. If it gets wet, we're going to need to use more water." from the Permittee's consultant.

35.15

Comment: "So -- but we're still discharging on the eight -- on the 865 acres of land?"

Response: "The -- right. The same amount of water. It would be same acreage, but --

"-- the regular amount of water which then dilutes that amount. Okay? It's not that you're using less water so it's going to concentrate it more. If you're using more water for the same volume of manure solids and urine, and you decrease that amount, that volume -- it will reduce that conservation.[concentration]" from the Permittee's consultant.

35.16

Comment: "Okay. I want to make take one step further then. Because we're going to say, okay, we're going to two meters on the one-point (unintelligible), with a herd of 10,000 cows. This does not give them permission then to increase the cows, to be able to have more discharge for that,

because you're giving them permission to discharge more. That does not necessarily give them permission to increase the cows, though?"

Response: "We [the Bureau] don't regulate the number of cows. We regulate the nitrogen application rates."

"Yeah, we can put 20,000 cows on this (unintelligible) the total nitrogen going onto the fields staying the same as it is now. And I'm not trying to be snide or flippant about it, but that's truly what it is. It's all in the management. Okay? It's not in the number of cows. You know, it's not related to the whole number of cows. It's related to our – the manure -- the manure and green water resources being recycled and managed." from the Permittee's consultant.

35.17

Comment: "I guess there's just no trust and relationship that's been established between us and the dairy. I've only been in this house since 1998, and my friend's here today. He's been in this valley since forever.

"And the relationship the dairy has with us does not necessarily establish this special relationship that they just do things, and I appreciate the fact that they're trying to, you know, put a meter on it and doing all these things. But we've got to come to some kind of (unintelligible) here as to the (unintelligible) so we trust them.

"This is (unintelligible). In Washington, D.C. right now, you know, you're not (unintelligible), and I so greatly appreciate that. And I'm not being factitious or sarcastic. I truly appreciate that. I think it is the first time we have ever actually had a dialogue like there, and I -- it's wonderful, but I wish I'd had it with the dairy. Not just you."

Response: "Hold on. Thank you." from the Permittee's consultant.  
Comment noted.

### **Antonio Guerra**

36.1

Comment: "On the first picture you got over there, with the dairy in the field, my question is: Where does wells to check for the testing of the -- of the underground water (unintelligible)?"

Response: "It's approximately -- there's one monitoring well located south of the --" from the Permittee's consultant.

36.2

Comment: "Of the big field where it's going to be --"

Response: "Not a big field. It's located south of the lagoons for Dairy 1." from the Permittee's consultant.

36.3

Comment: "Will you show me, just kind of in a -- in a picture, please?"

Response: "I turned this off. I'm sorry about that."

36.4

Comment: "That's not excuse for me."

Response: "Why don't you go on with another subject?"

"You know, can we go on to another question?"

36.5

Comment: "Sure. Why don't you give me the answer I give need?"

Response: "We'll show you exactly where it is (unintelligible) where it's located." from the Permittee's consultant.

### **Robert Eastman**

37.1

Comment: “Yes. I heard (unintelligible) in Nevada, in New Mexico, and Texas.

“And I don't know what is all in there. (Unintelligible).”

Response: “New Mexico is the seventh largest (unintelligible) [dairy producing state] in the country. Texas is the sixth largest. Okay? So we're -- we're not” from the Permittee’s consultant.

37.2

Comment: “It's not how large it is. It's how they're regulating it.”

Response: “That's -- that's the reg -- they're regulating the same way -- they're regulating the same way here in Nevada.” from the Permittee’s consultant.

37.3

Comment: “California does not regulate (unintelligible).”

Response: “I don't have knowledge of California.” from the Permittee’s consultant.  
This hearing was not the appropriate forum to discuss the California CAFO program.

37.4

Comment: “California does monitor a lot more than the State of (unintelligible).”

Response: “California is just starting to (unintelligible) in the Central Valley. The order came out last week.” from the Permittee’s consultant.  
See response to comment 37.3.

### **Unidentified Speaker**

38.1

Comment: “Yes. You mentioned that you were working with some (unintelligible) --

(Overlapping conversations in the background)

“How many of these areas have you approved (unintelligible) of these areas?”

Response: The transcript did not contain a response to this comment/question and it is not clear what the question was.

### **Jim Leonard**

39.1

Comment: “Does the state take samples (unintelligible) or do they (unintelligible) [trust you guys to tell them what’s going on]?”

Response: “The (unintelligible) [Permittee takes] soil samples, the state does not take the samples at any of our permanent facilities.”

“(Unintelligible) sent a certified lab that sends the results to NDEP as well as (unintelligible).

“They have (unintelligible) a certified lab.” from an employee of the Permittee.

The Permittee is responsible for the collection and transport of compliance samples to a State certified laboratory and for the submittal of all required data to the Bureau.

### **Kathy Barent**

40.1

Comment: “(Unintelligible). Who does that?”

Response: “The state certifies the laboratories.”

### **Jim Leonard [Bruce Crater?]**

41.1

Comment: “Ladies and gentlemen of the Department of Environmental Protection, many times we are --

you know, a lot of us are busy -- so busy that we become so involved with our task that we forget our primary purpose and objectives. The mission statements of the Nevada Division of Environmental Protection says,

'Our missions is to preserve and enhance the environment of the state in order to protect public health, sustain healthy ecosystems, and contribute to a vibrant economy.'

"My goodness. The -- I have to go over notes here, so I have to go back to where I started here. But the corporation that is involved with these dairies is primarily owned by private stake investors. And I'm getting to a point here -- of the protection of Nevada citizens. Not only is it owned by out-of-state investors, but they did their primary purposes, and they're primarily delivering most of their product out of state.

"Who are we most interested in? The benefits of the out-of-state corporations or the concerns of the health and welfare and our continued lifestyle of the citizens of Nevada for which you work for? Thank you."

Response: Comment noted.

### **Bill Barrackman**

42.1

Comment: "I understand that, you know, that you don't have anything to do about -- to say about or regulate as far as the amount of water that's being pumped from the ground, but many people in this valley are very concerned that the fact that their wells are going down, and they're having to deepen their wells, and any permit that is issued by your department, that allows for increased pumpage, increased waste water disposal or applications to the land directly affects how much water's going to be pumped at that dairy."

Response: See response to comment 8.3.

42.2

Comment: The Commenter read a letter from Pamela and Richard Everett into the record. A copy of the letter was also given to the Hearing Officer.

Response: See responses to comments 8.1 through 8.3.

42.3

Comment: "Another thing I find interesting is that when this dairy applies for a permit they do it under one name, you know, either Rockview Farms or Ponderosa Dairies. However when it comes time to apply for federal subsidies, they use three names. They have three separate dairies over there.

Response: The CAFO regulations require that two or more animal feeding operations under common ownership or management be considered a single animal feeding operation, if the facilities adjoin each other or if the facilities use a common area or system for disposal of wastes.

42.4

Comment: "Now, you know, the last time I checked they were getting only 10,000 a month from federal subsidies."

Response: Federal subsidies are beyond the regulatory authority of the Bureau.

42.5

Comment: "In addition that, our county taxes subsidize the repair of the roads. I know this doesn't have anything to do with your department except the fact that your department issues the permits that allows them to continue to operate here.

Response: "So I think you should keep some of these things in mind when you issue these permits."  
Comment noted.

42.6



Comment: “The other fact is that -- you know, anything that increases this material is going to increase all the other issues that you've heard about which you are flies. We're not even going to talk about air pollution here, but you're going to hear about it.”

Response: Comment noted.

42.7

Comment: “Another thing that's happening in this valley, people become infected with pathogens from effluent. The technology exists now to do molecular DNA profiling, and to identify the source of these infections. And there are certain individuals, I think that are going to be held responsibility if people in this valley are getting sick. I think you should know that.”

Response: Comment noted.

42.8

Comment: “Now, the other thing that comes up -- it's not clear to me -- maybe you can clarify for us. Are monitoring wells required to lined ponds?”

Response: “For concentrated applicating indicating [CAFO] applications?”  
See response to comment 5.5.

42.9

Comment: “It's pretty well -- at least the information I have -- established in the industry that these liners do leak, and it would seem to me that it would be prudent to continue to monitor in the area of these lagoons.”

Response: See responses to comments 5.3 and 5.5.

42.10

Comment: “Now, when we not only talked about leakage from the lagoons to be concerned about, but let's -- let's -- let's give you that the lagoon is not in a leak. But you're taking out material and you're applying it to the land. And in addition to that, you're putting more water on top of that that's going to push that into the ground.

“I think it's certainly called for, for -- to have monitoring wells on these dairy properties, not just necessarily next to the lagoons, but down gradient, whatever that is, from -- from the fields where this material is applied, to see what's happening to the groundwater -- not ground water. That would be a strong recommendation.”

Response: The Bureau does not require groundwater monitoring at sites that receive process wastewater and/or manure in accordance with an NMP/CNMP.

42.11

Comment: “I also think that these dairies should be bonded. You know, markets being what they are, prices fluctuate, apparently they're doing well now and I hope they continue to do well but if they go out of business and they have to move off this land or they decide to take advantage of - - you know land prices, water values and so ongoing up and they sell out and move out, they've left quite a mess over there as they did in Pahrump.

“Now, I understand that that's being cleaned up and so on. But I certainly feel that a bond should be in place to cover these operations.

“And I think that should be a part of your -- your permitting procession. It may not be in the law but you should certainly consider it.”

Response: The bonding of CAFOs is beyond the regulatory authority of the Bureau.  
Comment noted.

42.12

Comment: “Now, I -- I have a little difficulty understanding these permits in terms of cow numbers. You

Response: know, it seems the me like the permit was for somewhere around 5,000 cows. Is that correct?"  
“(Unintelligible)”  
See response to comment 4.1.

42.13

Comment: “Okay. And now it's somewhere around seven or 9,000, saying in excess of 9,000. What is the limit? Or are there any limits?”

Response: “There are no limits if they have enough area to satisfy the manure for the --

“We [the Bureau] do not limit the number of cows that are concentrated in the feeding go operation, as long as they have enough area, of land, to apply the nutrients generated by those cows.”

See response to comment 4.1.

42.14

Comment: “Now due [do you] or Mr. Greddy, Genny (phonetic) [Reddy Ganta], recommend that people in this valley begin to consider filtering their water to take out some of these nitrates and so on we're seeing an increase of in our groundwater?”

“And the second question would be: How long does NDEP or do you anticipate that it will take before the aquifer violates the drinking water standards for new trite [nitrate] which is 10 milligrams per liter which has already occurred at the dairy.”

Response: See response to comment 2.2.

### **Curt Stengel**

43.1

Comment: “I mailed my questions that I just give to you, Jim, March 5th, and I've been waiting for a reply. I was not notified of this meeting, but I found the ad in the May 11th Pahrump Daily Times for the meeting this evening.”

Response: See response to comments 1.1 through 1.14 and 21.1.

43.2

Comment: “My questions are related to the water, and manure, and air, and I know that you won't address air.

“I would like to know what specific field sites are to receive the application of manure and/or waste water. I know -- I've see the layout of your farm.”

Response: See response to comment 1.1.

43.3

Comment: “Is this strictly limited to that facility or is it the leach fields and so forth that receive this waste water?”

Response: “Only the fields that are on the dairy property receive the green water.” from the Permittee's consultant.

43.4

Comment: “Well, what proximity to these fields do people reside? Residents, how close are they to these fields?”

Response: “I don't know the exact distance.”  
See response to comment 1.2.

43.5

Comment: “Does NDEP ever contact the residents near these fields for their comments other than meetings like tonight?”

Response: “We are required by statute to publicly notice all of the permits in a daily newspaper, and in this

case we chose the Las Vegas Review Journal.

“We also were -- we're if the required to, but we also posted notice in the Pahrump Valley Times, and anybody that was on our mailing list should have received a notice that -- that this was -- that the permit was being considered.”

See response to comment 1.3.

43.6

Comment: “I mailed in my questions that I just gave you on March 5th, and I did not receive anything, nor did I ask for them. But according to the notification I received I could have asked these questions, and you would respond. No response.”

Response: “Umm, I'm going to let the permit writer [Bruce Holmgren] first answer that when he gets -- I'm not sure where he is, but if you could bring that back.”

See response to comments 1.1 through 1.14.

43.7

Comment: “Then I know that you do have wells -- a well that you're making tests from. That was one of my questions, and one other question is: What range of distances are considered unhealthful from the fields receiving manure and/or waste water?”

“I'm specifically referring to previous questions where it involves human occupation, human residents. Where does the become unhealthful to be next to these fields?”

Response: “Again I'm going to refer -- defer that to Bruce, and I'm sure he will respond to your question (unintelligible) [in the notice of] decision.”

See response to comment 1.2.

43.8

Comment: “I asked for air pollution -- whether or not those -- and I know it's not your job. Will any of the results of the testing and monitoring -- will they ever be published for the public to read?”

Response: “All those records are public information and are available (unintelligible) press [upon request].”

See response to comment 1.6.

43.9

Comment: “Will the approved nutrient management plan be published before the permit is issued?”

Response: “Bruce can answer that when he gets back.”

See response to comment 1.12.

“The CMV (unintelligible) [CNMP] was published well before the product -- (unintelligible), and it is available for review, and it is at available at Carson City office.” from the Permittee's consultant.

43.10

Comment: “I'm going to get the picture of why we don't get the information, because we don't have -- know where to get it. We've got to go through Carson City. We don't know what address, or phone number, or name, or entity to (unintelligible) other than going through our computer (unintelligible).”

Response: “The information is all in the notice of proposed action, contact information.”

From the Notice of Proposed Action (NPA) published February 9, 2007 in the Las Vegas Review Journal and the Pahrump Valley Times and mailed to interested parties on the Bureau's mailing list: ‘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](mailto: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>.’

This information was also included in the Notice of Public Hearing that was published May 11, 2007 in the same two newspapers and mailed to interested parties on the Bureau's mailing list and those that had responded to the February 9, 2007 NPA.

43.11

Comment: "(Unintelligible) to get that information, where would I go?"

Response: "Well, it was published in the two newspapers. We sent the people on our mailing list, and it's also posted on our website."

**John Bosta**

44.1

Comment: "I protest the enlarging of the ponds for the distribution of the nitrogen. I think that you -- you said that the number of cows does not matter. It is my understanding that one cow contributes as much nitrogen as 25 human beings. If you have 8,000 cows on the property now, that would be equivalent to 200,000 people in that concentrated area.

"If you had 10,000 cows on the dairy at present, that would constitute 250,000 people, and if you have 15,000 cows, that would be 375,000 people in that concentrated area.

"The reason that the nitrogen in these lagoons is going up is because the number of animals have been increased. It has been reported that (unintelligible) [they are milking] between 11,000, 15,000 cows. Is that true? "yes" or "no"?"

Response: "No." from the Permittee's consultant.

No pond enlargement is authorized by this permit renewal.  
See response to comment 4.1.

44.2

Comment: "And what is the number they are milking?"

Response: "8,200" from the Permittee's consultant.

44.3

Comment: "Well then why do the people that work at the dairy report they're milking 11,000 cows?"

Response: "(Unintelligible)" from the Permittee's consultant.

See response to comment 4.1.

44.4

Comment: "I know they record it, but if you have 11,000 cows, then the amount of nitrogen in the ponds isn't going to go up, and it's not necessary to increase the size of the ponds."

Response: "The size of the ponds are not being increased."

44.5

Comment: "What is being increased?"

Response: "The flow -- the permitted flow limitation [effluent discharge limitation]."

44.6

Comment: "And what does that mean?"

Response: "It's just one of the permit limitations that's being increased. They are still required to apply the manure according to a nutrient management plan."

44.7

Comment: "(Unintelligible) so then you're saying that the nitrogen is not increasing?"

Response: "The nitrogen should not be increasing if they're not increasing the number of cows.

"And the nitrogen up take of the crops to be -- I mean, you could vary your crops if you wanted add -- you'd add crops that would consume more nitrogen (unintelligible --

-- if you add additional animals.

"That would be allowable under the permit."

44.8

Comment: "If you have a monitoring well, and you have a nitrogen level of, say, 11, that is above drinking water standard of 10."

Response: "Nitrogen -- okay. Go on."

It is assumed that the Commenter is referring to the nitrate as nitrogen drinking water standard of 10 mg/L.

44.9

Comment: "It's been reported that they have levels the nitrogen in the well tests -- I don't know. That's about ten -- ten's the drink -- the national standard for drinking water level."

Response: See response to comment 2.3.

44.10

Comment: "Now, if that was on the private residence, that would be shut down. I live in a community where one well, one test was above ten and the entire probation inch [basin] was put on stop, and it had to take and put in sewage systems. And people had to get rid of their septic tank because of that one report.

"Now, if you have a monitoring well that gives you a report you have violated the drinking water standard, what was done?"

Response: "They're [were] required to upgrade the pond liner system."

See response to comment 2.3.

44.11

Comment: "But we know, and it has been in cases before appellate court that a liner will not guarantee that that will -- that the leakage will occur. And -- and putting in a liner is not the solution."

Response: "The source was eliminated?"

44.12

Comment: "Temporarily, but it will eventually leak, and then it is not eliminated. It's a temporary fix, like a band-aid. And the precedent cases in -- in the courts that this is not a solution and is not a viable reason on permitting."

Response: "Well, I don't think this is the proper forum for a legal discussion."

See response to comment 2.2.

44.13

Comment: "Well, this is a public hearing, and it seems like --

-- we should be able to talk about these things. And the thing is that it's amazing to me that the State sits here and wants to take the Fifth Amendment on a permit that you're going to take a -- say "yes" or "no" on."

Response: "I'm not an attorney. I haven't reviewed the cases that you're talking about, either. So --"

44.14

Comment: "Well, then, should you not look into it?"

Response: "Well, we -- we will respond in the notice of decision."

See response to comment 2.2.

44.15

Comment: "I just wanted to point out that here in this case, the amount of manure that cows excrete is 25

times one human. And I think that the amount of nitrogen is being increased, and finally the land becomes saturated.

“And the nitrogen can go into the soil, and it can lock into the soil, and then after it can no longer lock into the soil then it takes and filters in and goes into the groundwater. And at has been pointed out here that we are all, in this valley, dependent upon well water, and we need well water that is safe to drink.”

Response: As with all CAFOs, the Permittee is required to comply with an NMP or a CNMP.

44.16

Comment: “And I think anything that would cause or pollute our groundwater should be prohibited.”

Response: Comment noted.

### **Bruce Crater**

45.1

Comment: “John, before you leave the floor, I think that (unintelligible) [Ed Goedhart] made a statement at a meeting where we were milking 11,000 cows.

“That was in November.

“That was Mister (unintelligible) [Ed Goedhart]. Now, I don't know whether he had the authority to (unintelligible) cows were being milked.”

Response: See response to comment 4.1.

### **Antonia Guerra**

46.1

Comment: “Hi, (unintelligible) be here and (unintelligible) know where those test on those wells are located is what I was asking.”

Response: “There's one monitoring well. I've got it on the screen [computer monitor] now, but I've kind of disconnected the projector. So if you'd like to see it, it's here on the screen of this laptop computer.”

The Commenter requested that a slide from the Bureau PowerPoint presentation be put back on the screen, but the projector had been disconnected from the laptop computer and the projector was in the process of shutting down. After discussion, all interested attendees were shown the location of the monitoring well on a site plan on the computer monitor. Portions of multiple conversations were recorded while the public viewed the monitor.

### **Curt Stengel**

47.1

Comment: “Okay. And I don't remember exactly what order they occurred, but (unintelligible) [does NDEP] contact residents near the field for their comments. Now this would be the fields that are receiving the waste water applications.”

Response: “All of our permit actions are put out to public notice. They're published in a daily nubbed [newspaper]. When the daily newspaper is not really a local paper, we try to get it -- have it published in the more of a local newspaper that doesn't meet our public notice requirements, and we send the notice out to everybody who's on our mailing list.

“In this case we also send it [the NPA] to the town office and ask[ed] that it be posted.”

47.2

Comment: “What range of distance are considered unhealthful from the fields receiving manure and/or waste water?”

Response: “We have no required buffer zone for CAFOs.”  
See response to comment 1.5.

### **John Bosta**

48.1

Comment: "Can I take the water from my septic tank and apply ammonia to it and then spread it out on my land?"

Response: "I don't think you could do it, just, but it could be permitted. We [the Bureau] do have septic [septage] land application permits. I believe that to pump the sep -- pump the material from the septic tank you have to be a licensed pumper."

"That's [the pumping of septic tanks is] regulated by the health division."

48.2

Comment: "In other words, you're saying that -- can our septic systems do the same thing as is happening with this politically correct green water?"

Response: "It could be permitted, yes."

48.3

Comment: "Because I know in -- in septic systems you have gray water, which comes off of the washing machine and the dishwasher and that and then you have black water --"

Response: "None of it is considered gray water in aseptic [a septic] system. The domestic system has all of the waste mixed.

"makes it -- that doesn't allow for gray water."

48.4

Comment: "That's what you would call the black water, right? But could I take black water and put in a permit and -- and put that on the land?"

Response: "It could be permitted, yes."  
With disinfection.

48.5

Comment: "Does somebody need the same regulations as (Unintelligible)."

Response: "That would be regulated"

"The only thing we're talking about here is just concentrated animal feeding operations.

"What he's [Mr. Bosta] talking about would be under our bio-solid septic [biosolids/septage] permits."

There was more to this discussion than is repeated in this NOD, but the discussion is not fully repeated because it did not pertain to the hearing topic, draft permit NV0023027.

### **Unidentified Speaker**

49.1

Comment: "Talking about standards of health."

Response: "We're talking about different regulatory programs, too."  
The CAFO and biosolids programs are governed by different sections of the regulations.

### **Sherry Donegan**

50.1

Comment: The Commenter read a letter from Laura Bowler into the record. A copy of the letter was also given to the Bureau Hearing Officer.

Response: See response to comment 9.1.

50.2

Comment: "And I just wanted to say that you said that you do not address the air issue, and the smell issue, and the fly issue. I don't know if anybody was in here -- I think it was last week and all the dirt

that was the ground at the dairy now is here. Flies for graduation were so thick here, because the wind blew the day before.

“There was a gentleman right there that had a baby that -- it was all night long it was covered. It does affect the rest of the valley, because the wind blows, and it carries that, and it carries everything that's in it. And then when we water, it's going to go down also. So it's going to affect all over.”

Response: Comment noted.

### **Kathy Barent**

51.1

Comment: “I just want to know why everybody is so against the dairy. My husband and myself have three kids. We have all work on the dairy. We came here from Nebraska, a farming community. We have cows and crops, ourselves. I am very concerned about my children's health, as well as my family's. I just don't have any worries at all.

“I am one of the people that monitors these -- this problem -- wells (unintelligible). We work with Reddy and Jay on a weekly basis. Everything is monitored on a monthly basis. We turn it in on a quarterly basis.

“I just honestly want to tell you that I, myself, don't have any problem about what you're concerned with. And -- and I'm the one that's right in it. I know what's (unintelligible), and as far as the nitrate problem and the nitrogen that you're talking about, no matter how -- how much water we're allowed to have, we still have to follow a level of what we can put in the ground on those -- on the nitrates.

“It doesn't matter if we can pump 3 million gallons of water. It's the nitrate level that matters.

“That's what we monitor, not the amount, the nitrate that goes into the water.”

Response: Comment noted.

### **Antonia Guerra**

52.1

Comment: “When you put the water on the ground, you going to stop putting that (unintelligible)?” asked of Ms. Barent.

Response: “Absolutely.” by Ms. Barent an employee of the Permittee.

52.2

Comment: “I don't know how. How you going to separate --” asked of Ms. Barent.

Response: “That we can't put that much water on it at that time. If we're at that level, that's where we have to stop.” by Ms. Barent an employee of the Permittee.

52.3

Comment: “Why are they asking for more water to put on there? How you going to stop it if you keep it from (unintelligible).” asked of Ms. Barent.

Response: “We're asking for more water, not more nitrate.” by Ms. Barent an employee of the Permittee.

52.4

Comment: “But if the extra nitrate is there, it -- then it's going to go in the (unintelligible) and nobody can separate it from the -- put it on the ground.” asked of Ms. Barent.

Response: “But it's not going to concentrate the nitrate level further with more water. Actually, it's just the opposite.” by Ms. Barent an employee of the Permittee.

Mr. Guerra then asked Ms. Barent a series of questions that did not apply to the renewal of permit NV0023027; these questions and the responses will not be repeated in this NOD.



**Chairman Jim Hogan**

53.1

Comment: “Do you drink the well water?” asked of Ms. Barent.

Response: “Yes, I do.”

“And in fact my husband tests test the water every month, and we have 99.9 percent pure water coming from our well. We live a mile west of the dairy and the aquifer.” by Ms. Barent an employee of the Permittee.

**Antonia Guerra**

54.1

Comment: “(Unintelligible).”

Response: “And you know I'm really sad that you're upset with the dairy, but I consider it more of a personal view rather than a factual view.” by Ms. Barent an employee of the Permittee.

54.2

Comment: “We -- we personal view is our interest in our life hood here.”

Response: “But, Tony, I'm so interested in the --“ by Ms. Barent an employee of the Permittee.

54.3

Comment: “Yes, that what I (unintelligible) is all these things put on top of my water. And that's (unintelligible) of the day – maybe next month or next year, but then eventually switching it down to go to my (unintelligible).”

Response: “To me you're missing a point here.”

“But we're not going to be putting more pollutants into the water, we're just asking for a little more water to dilute those pollutants.” by Ms. Barent an employee of the Permittee.

Mr. Guerra and Ms. Barent then discussed matters that were not related to the renewal of permit NV0023027.

**Bruce Crater**

55.1

Comment: “Does the dairy permit independent group to come in and inspect the dairy or inspect the facility (unintelligible) to test the ground (unintelligible).” asked of Ms. Barent.

Response: “For what reason?” by Ms. Barent an employee of the Permittee.

55.2

Comment: “(Unintelligible).” asked of Ms. Barent.

Response: “To see if we're right?” by Ms. Barent an employee of the Permittee.

55.3

Comment: “Yes.” to Ms. Barent.

Response: “Reddy, Jay, please help me on this. Are our records open for public view?” by Ms. Barent an employee of the Permittee.

“The information that's been submitted to NDEP --“ by the Permittee's consultant.

**Kathy Barent**

56.1

Comment: “But our monthly records are not open for public view?”

Response: “They -- anything that you [the Permittee] submit to us [the Bureau] is [public information]. Now, if you're [the Permittee] keeping other records on site or with Glorieta, that would (unintelligible), you're submitting to us what's required by the permits.”

**Bruce Crater**

57.1

Comment: “Kathy, that was not the question. The question is: Would you allow an independent investigation, not whether your records are correct or not. But would an independent company to come in for an investigation?”

Response: “I think (unintelligible).” by an unidentified speaker.

“That's what I was going to say. That would be up to the management. I can't say that. If you want to call --and ask.” by Ms. Barent an employee of the Permittee.

**Unidentified Speaker**

58.1

Comment: “(Unintelligible).”

Response: “You sure can. Thank you.” by Ms. Barent an employee of the Permittee.

**Robert Eastman**

59.1

Comment: “I was just going to turn and answer her question and hopefully bring everybody (unintelligible due to background conversations).

“I've been here 30 years. I was on the town board when (unintelligible) [Ed Goedhart] and his brother took a loader, knocked the dam down. That's when all the water (unintelligible) in California, and I have all the paperwork from (unintelligible) [Ed Goedhart]. And it's at my house.

“If anybody wants to see it, they're more than welcome to.

“But (unintelligible) [Ed Goedhart] told us that we were a bunch of red necks that didn't know what we were talking about, and (unintelligible) and finally --“

Response: “It was a disgruntled employee who did that” by an unidentified speaker.

59.2

Comment: “(Unintelligible). He was just (unintelligible), him and his brother. I can't remember his name, and I don't remember the dates. But I had a whole bunch of team over (unintelligible) that I don't remember a whole bunch of things, but I do have all the paperwork to backup anything the dairy has to say, and their damn flies are a nuisance.”

Response: See response to comment 24.1.

59.3

Comment: “Also, what happened to the records from the Clean Water Act -- we had the EPA put on. All that land around the dairy was investigated back in -- when all of this took place. The State of Nevada come down and monitored the wells.

“They had a (unintelligible) doing this, and a (unintelligible) doing that. What happened to those records?”

Response: “I'm not familiar with those records, but --“

The Bureau has no record of monitoring the water quality of wells adjacent to the permitted facility.

After the 1998 release, the Nye County Health Officer directed the Dairy to sample three wells downgradient of the Dairy three times each. This data was not located in the Bureau's files.

59.4

Comment: “Well, you don't look for them. That's why. They're in your department.”

Response: “Okay. The records were --“

“If samples were taken, we should have that information.”  
See response to comment 59.3.

59.5

Comment: “You should. That way you'd have a base to go on (unintelligible) the dairies.”  
Response: “But we're not monitoring the groundwater other than at –[the permitted facility].  
See response to comment 59.3.

59.6

Comment: “It's not the groundwater that they're monitoring. It's the same water -- it's the same damn thing you're trying to monitor. And you're telling us you don't have the records of it? Well, look in your department.

Response: “You're not the doing your job, evidently. I hate to say it, but that's my -- my opinion. Nobody else's. It's mine. I'm sorry, but that's the way it is.”  
The Bureau has extensive data on the quality of the process wastewater. Quarterly monitoring of the total nitrogen concentration in the process wastewater began in June 2000 with the initial issuance of NV0023027.

#### **ADDITIONAL PERMIT CHANGE**

Due to the length of time, from the February 8, 2007 publication of the draft permit notice of proposed action to the October 25, 2007 permit issuance, it was necessary to add the year 2012 crop rotations to the table in Part I.A.3.d. to allow the Permittee five years of operation under this permit. Since these are the same crops and nutrient application rates as were proposed in the draft permit for 2011, public notice of this adjustment is not required. The revised Ponderosa Dairy Comprehensive Nutrient Management Plan is available in the Bureau's Carson City office for public review.