

July 23, 2007

Mr. Jack Lohman  
Director, Nye County Department of Planning  
250 N. Hwy. 160, Suite 1  
Pahrump, NV 89060



Dear Mr. Lohman,

I am writing to you in response to the Field Corrective Action/Stop Order #07-02 written by your department and faxed to our offices on June 15, 2007, and the Notice of Alleged Air Quality Violation (including cover letter and enclosures) delivered to our offices on July 12, 2007. The alleged violations referenced in these documents are claimed to have occurred on the dates of June 5<sup>th</sup> and June 8<sup>th</sup> of 2007, with regard to our agricultural operations on the Pahrump Dairy located at Blagg and Irene in Pahrump, Nevada.

In response to your Field Corrective Action/Stop Order, I am informing you that all activities that were the subject of your inquiry were halted prior to receipt of your order. Your further instructions to “employ best management practices for dust control” and to “provide and maintain adequate resources to prevent fugitive dust by maintaining all project soils in a visibly damp, crusted or otherwise stabilized condition” fit within the purview of our voluntarily created and maintained Pahrump Dairy Dust Control Program Handbook dated February of 2005 (attached for your convenience). As you can see, we strive as a good community member to lessen the actual or potential impact that that our operations have on our surrounding neighbors. This is why it is our understanding that we have never been the subject of a community-derived complaint for dust control issues.

In response to your Notice of Alleged Air Quality Violation (NOAV 07-11) cover letter, I would like to accept your offer of an “enforcement conference to discuss alleged violations of the Nye County Dust Control regulation.” However, having received an official NOAV from your office, I am concerned about preserving my right to challenge the order and wish at this time to officially appeal the Notice of Alleged Air Quality Violation #07-11 and request a hearing before the Compliance Review Committee of the Nye County Department of Planning. Again, if a cooperative enforcement conference is still an option for resolving this issue, then that is my preferred course of action.

I look forward to hearing from you in the near future and to working together to keep our community safe and beautiful.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Kwiatkowski". The signature is fluid and cursive, with a large, prominent initial "M".

Mike Kwiatkowski  
Manager, Pahrump Dairy

Cc: Mr. George Bernath

Enclosures

# **Pahrump Dairy**

**DUST CONTROL PROGRAM  
Pahrump PLAN  
2005**

## **Statement on fugitive dust**

It is the voluntary policy of Pahrump Dairy, on a cost-effective basis, to control as much fugitive dust as is possible. We understand that, throughout our properties, there may be small particles of dust, and in some cases small rocks, caused by high winds. Airborne dust is a natural process, particularly in arid environments such as Nevada, where dry, windy conditions and sparse vegetation can result in substantial dust production. Pahrump Dairy is committed to a voluntary policy of reducing fugitive dust on our agricultural holdings.

## **Purpose of Fugitive Dust Plan**

- I. To act as planning criteria for fugitive dust
- II. To prevent excess movement of soil or other materials caused by wind and to reduce on-site and off-site damage.
- III. Proper scheduling of agricultural work
- IV. Planning and installation of erosion control measures
- V. Planning the development of irrigation water supplies, so that water is available for fugitive dust, particulate matter and establishing crops and/or cover crops.

## Methods and Materials

- I. Stone and gravel may be used for stabilization of surface disturbances.
- II. Apply mulch, manure or other suitable materials to the soil prior to disturbing the land.
- III. For new agricultural lands, or surface disturbances, the irrigation water supply should be developed before the land is opened.
- IV. Irrigate as needed to keep the surface moist, but not saturated, for temporary dust control.
- V. Establish vegetative crop cover.
- VI. Establish temporary and permanent barriers, such as hedges, tall grasses, shrubs or trees.
- VII. In agricultural land development work, schedule work to open the least amount of land as is possible at any one time.
- VIII. When possible, schedule agricultural development operations during months with the least wind.
- IX. When possible, schedule agricultural land disturbances in the early morning to mid-afternoon, when wind speeds are lower in Nevada.
- X. Install temporary erosion control measures during agricultural development operations.
- XI. Install permanent erosion control measures as soon as the agricultural development work is completed.

## **Maintenance**

- I. Regular maintenance is critical to effective dust control, whether temporary or permanent measures are being utilized.
- II. Regular water applications are necessary given the specific site conditions.
- III. Mulches and manure should be replaced or reapplied as necessary.
- IV. Vegetative cover should be established on the surface disturbance areas.
- V. Keep windbreaks and barriers in good condition by repairing or replanting any openings.

## **Future Goals**

- I. To control windblown soil or other materials, and to reduce dust.
- II. To work with the Nevada Department of Agriculture and the Nevada Division of Environmental Protection.