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Smith Valley Community Group Appeals 'Clearly Erroneous' Approval of Mega-Dairy Water Pollution Permit

BWPC decision sets Lyon County on path to groundwater contamination; Dairy animal waste discharge puts drinking water, animal welfare and public health at-risk

SMITH VALLEY, NV—MARCH 19, 2015—Today, the citizen's group Save Our Smith Valley (SOS) filed an appeal with the Nevada State Environmental Commission (NSEC) to challenge the Nevada Bureau of Water Pollution Control's (BWPC) 'clearly erroneous' and unlawful approval of a wastewater discharge permit for the industrial-sized dairy concentrated animal feeding operation (CAFO) currently under-construction in Smith Valley. Owned by California-based CAFO operator, Dirk Vlot, the CAFO dairy is planned for more than 7,200 animals, risking the safety of resident drinking water and the health of the local environment and surrounding properties.

"It's astonishing to see the state agency created to protect us from water pollution recklessly approve of our community's contamination," said Kim Gattuso, a SOS member who lives 50 yards from the proposed dairy site. "The fact that we're now forced to appeal a government decision to preserve our water and public health tells you exactly what's wrong in Smith Valley."

According to the SOS appeal documents filed with the NSEC, the BWPC final decision was found to be:

- in violation of statutory provisions;
- made upon unlawful procedure and affected by other error of law;
- clearly erroneous in view of reliable, probative and substantial evidence on the whole record; and
- arbitrary or capricious or characterized by an abuse of discretion.

The SOS appeal was filed by Danielle Holt, a Nevada attorney providing pro bono assistance for the nonprofit, Animal Legal Defense Fund. Scientific and engineering support for SOS is also being provided by the national organization, Socially Responsible Agricultural Project (SRAP).

"As a lifelong resident of Nevada, I take pride in Nevada's natural beauty, for which water is a precious resource," said Ms. Holt. "Concentrated animal feeding operations that discharge pollutants in community water sources are not only harmful to the environment and nearby residents, but are an extremely inhumane way to raise animals."

SRAP Executive Director, Danielle Diamond, says the failure of state government to rigorously enforce laws meant to protect community water from CAFO-related damage needs to be confronted. "This is a problem we see nationally when it comes to proper monitoring and regulating CAFOs," said Diamond. "Smith Valley has joined a long list of communities needing better protection from regulators."

A copy of the Notice of Appeal is available upon request.

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Save Our Smith Valley was formed by a group of concerned local residents of Smith Valley, Nevada to share and communicate concerns related to a proposed concentrated animal feeding operation (CAFO) dairy in Smith Valley. To learn more about SOSV, please visit <https://www.facebook.com/sosmithvalley>.

Socially Responsible Agricultural Project provides free, professional assistance to communities working to protect themselves from factory farms and their impact on local communities and populations, and to those who are trying to reclaim agriculture by producing and marketing sustainable agricultural goods. More information can be found at www.sraproject.org.

Animal Legal Defense Fund was founded in 1979 with the unique mission of protecting the lives and advancing the interests of animals through the legal system. For more information, please visit aldf.org.