

1 **BEFORE THE STATE ENVIRONMENTAL COMMISSION**

2 **STATE OF NEVADA**

3
4 In Re:)
5 Appeal of the Water Pollution Control Permit)
6 No. NEV0070005, issued to Silver Peak)
7 Lithium Project (Chemetall Foote Corporation))
by Silver Peak Ad Hoc Advisory Committee.)

**NEVADA DIVISION OF
ENVIRONMENTAL PROTECTION'S
RENEWED MOTION TO DISMISS
APPEAL**

8 Nevada Division of Environmental Protection, Bureau of Mining Regulation and
9 Reclamation ("NDEP"), by and through counsel, Catherine Cortez Masto, Attorney General for
10 the State of Nevada, Cassandra Joseph, Senior Deputy Attorney General, hereby renews its
11 Motion to Dismiss the appeal of the renewal of the Water Pollution Control Permit No.
12 NEV0070005 (the "Permit"), to Silver Peak Lithium Project (Chemetall Foote) (the
13 "Permittee"). NDEP filed its Motion to Dismiss on September 20, 2012. The State
14 Environmental Commission has not yet ruled on that motion.

15 In addition, NDEP hereby moves to dismiss this appeal on the additional grounds that
16 Appellant has failed to prosecute the appeal. Appellant Silver Peak Ad Hoc Advisory
17 Committee filed its appeal more than nine months ago on August 18, 2012. On March 22,
18 2013, the SEC entered an order setting a hearing date and a briefing schedule. Upon
19 request by Appellant for an extension of time, on May 1, 2013, the SEC amended the briefing
20 schedule and ordered Appellant to file a brief with the SEC by May 17, 2013. Appellant failed
21 to file a brief and provided no explanation for not filing a brief.

22 For the reasons stated in its Motion to Dismiss filed on September 20, 2013, and
23 because Appellant has not complied with the SEC's May 1, 2013 Order regarding briefing,

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NDEP respectfully requests that this appeal be dismissed.

DATED this 29th day of May, 2013.

CATHERINE CORTEZ MASTO
Attorney General

By: 

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CERTIFICATE OF SERVICE


I, Rosiland M. Hooper, certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 29th day of May, 2013, I sent via electronic mail to the email addresses below and by depositing for mailing a true and correct copy of the foregoing **NEVADA DIVISION OF ENVIRONMENTAL PROTECTION'S RENEWED MOTION TO DISMISS APPEAL**, via United States Postal Service in Carson City, Nevada, by first class mail, postage prepaid, to the following:

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