

JIM. GIBBONS
Governor



STATE OF NEVADA
STATE ENVIRONMENTAL COMMISSION

901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249
Telephone (775) 687-9308
Fax (775) 687-5856
www.sec.nv.gov

ALLEN BIAGGI
Director



CHAIRMAN:
Lew Dodgion
Carson City, NV

VICE CHAIRMAN:
Alan Coyner
Administrator
Division of Minerals
Commission on Mineral
Resources

MEMBERS
Pete Anderson
State Forester
Division of Forestry

Donna Rise, Director
Department of
Agriculture

Eugene Gans
Las Vegas, NV

Kenneth Mayer - Director
Department of Wildlife

Ira Rackley
Las Vegas, NV

Tracy Taylor
State Engineer
Division of Water
Resources

Harry Shull
Las Vegas, NV

Frances Barron
State Board of Health
Las Vegas, NV

Stephanne Zimmerman
Las Vegas, NV

COUNSEL
Rosemarie Reynolds

STAFF
John B. Walker
Executive Secretary

Robert Pearson
Recording Secretary

SEC Appeal Hearing -- Public Notice & Agenda

Date: October 08, 2007

To: Appellants:
Stephen L. Bennett
John N. Nottle
Carl & Debora Larsen

Interveners:
Kara M. Hayes - DA Douglas County
Robert Morris - DA Douglas County

Counsel:
Rose Marie Reynolds - DAG, State Environmental Commission
William Frey - SDAG - Nevada Division of Environmental
Protection

SEC Commissioners:
Lew Dodgion - SEC Commissioner (Panel Chair)
Ira Rackley - SEC Commissioner
Donna Rise - SEC Commissioner

Subject: Consolidated Appeal - North Valley Waste Water Treatment
Facility Permit NEV60025

A three-member panel of the State Environmental Commission (SEC) has scheduled a hearing on the above referenced appeal filed by appellants Stephen L. Bennett, John N. Nottle, and Carl & Debora Larsen. This is a "Consolidated Appeal" per the SEC's Rules of Practice as defined under NAC 445B.8957 (see attached).

A hearing to consider these appeals will be held at 9:30 am on October 15th 2007 in Carson City Nevada. The hearing will be held at the Office of the Attorney General, 100 North Carson Street, Carson City, Nevada - second floor conference room.

This appeal hearing was requested under the authority of the SEC's Rules of Practice (NAC 445B.890) and Nevada's water pollution control laws (NRS 445A.610).

In the appeal the appellants assert the permit for the expansion of the North Valley Waste Water Treatment facility in Douglas County issued by the Nevada Division of Environmental Protection (NDEP) on August 28, 2007 is "insufficiently detailed." The appellants allege NDEP's permit fails to properly handle odors and pests from the expansion of the waste water treatment facility.

The appellants contend the permit is also deficient because it depends on issuance of a separate amended permit to an adjacent private party. This "second" amended permit would revise an existing effluent management plan by allowing transfer of additional treated effluent from the North Valley Waste Water Treatment facility for agricultural uses. The appellants further argue this second amended permit is "vaguely described" and could lead to "misinterpretations during compliance reviews."

Finally, the appeal raised a purported conflict between Nevada's Administrative Procedures Act (NRS 233B.174) and Nevada's water control laws (NRS 445A.610). This purported conflict was made moot by enactment of AB 94 by the 2007 session of the Nevada Legislature. See:
<http://www.leg.state.nv.us/74th/reports/history.cfm?ID=230>

Appeal Hearing Agenda

- 1) Introduction of Parties to the Appeal
- 2) Appeal - North Valley Waste Water Treatment Facility *ACTION
- 3) Public Comments

Related Information:

The above referenced hearing will be held in accordance with NRS 233B.121 to 150 inclusive and NRS 445A.605 to NRS 445A.610 and Nevada Administrative Code (NAC) 445B.875 to 445B.899. The Commission shall affirm, modify, or reverse any action which is appealed to it.

This notice has been posted in Carson City, Nevada at the office of the Nevada Division of Environmental Protection, at the State Library and Archives, and at the Office of the Attorney General. Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the SEC Executive Secretary in writing at the following address:

Nevada State Environmental Commission
901 South Stewart St. Ste. 4001
Carson City, Nevada, 89701-5249

Notification can be made by facsimile to (775) 687-5856; or by calling (775)687-9308 no later than 5:00 p.m., on October 12, 2007

For everyone's convenience the SEC Rules of Practice (NAC 445B.875), which address procedures involving contested cases are attached. The online version is located at: <http://www.leg.state.nv.us/NAC/NAC-445B.html#NAC445BSec875>

cc: Leo Drozdoff, Administrator, NDEP
Tom Porta, Deputy Admin., NDEP
Jon Palm, BWPO
Al Tinney, BWPO
Jim Hogan, BWPO