

John Walker

From: Daniel Galpern <galpern@westernlaw.org>
Sent: Monday, June 06, 2011 5:04 PM
To: John Walker
Cc: Annette Bradley; Stephen Minagil
Subject: Re: NV Energy Permit to Expand Coal Ash Landfill at Reid Gardner

6/5/2011

John B Walker, Executive Secretary
State Environmental Commission
901 South Stewart Street, Suite 400
Carson City, NV 89701-5249

Dear John,

On behalf of the Sierra Club and the Moapa Band of Paiutes, this is to request the SEC to move forward with our appeal of the Southern Nevada Health District's decision to grant a permit to NV Energy to expand the coal ash landfill at its Reid Gardner facility in Moapa, Nevada.

On Oct. 28, 2010, the Board approved NV Energy's application to expand its landfill, and directed staff to return within six months with binding and sufficient permit terms for the Board to consider.

The Sierra Club and the Moapa Band of Paiutes sought this appeal of the Oct. 2010 interim decision by filing Form 3 on Nov. 6, 2010, with an amendment on Nov. 8, 2010.

By letters prior to the Board hearing on April 28, 2011, testimony — including expert testimony on that date -- and follow-up letters, including one of May 5, 2011, among several others, we sought reconsideration of the SNHD's Oct. 28, 2010 decision and challenged the adequacy of newly-developed draft permit terms and conditions.

After we apprised you of Sierra Club's requests, you acted on 5/9/2011 to hold the appeal to the SEC in abeyance.

Now, however, in light of a recent conversation with SNHD attorney Annette Bradley, whom I have copied here, I do not believe that the chair of the SNHD Board of Health will place on the agenda an action item such as Sierra Club requested seeking reconsideration of the Board's Oct. 28, 2010 decision and seeking even stronger permit terms that will protect the environment, including waters of the state, from unlawful contamination.

I understand, as we discussed, that the SEC has a regularly-scheduled full hearing set for June 16, 2011. I would like to recommend scheduling a time to discuss a briefing and contested case hearing schedule soon thereafter, and suggest talking on June 20. My calendar, right now, is open any time that day.

Please note, as well, that I have copied Stephen Minagil. Stephen represents the SNHD on this matter.

Thank you very much for your consideration of this request.

Yours,

Dan

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[Dan Galpern, Attorney](#)