



State of Nevada

Dept. of Conservation & Natural Resources

State Environmental Commission SEC.nv.gov

901 South Stewart Street, Suite 4001, Carson City, Nevada 89701

APPEAL HEARING NOTICE

SEC Appeal Hearing

Notice Pursuant to NRS 233B.121 and NAC 445B.891

Date: August 26, 2013

To: Appellant:
Paul and Ana C. Rupp
Dehnert Queen

Respondent:
Nevada Division of Environmental Protection
Represented by Cassandra Joseph, Esq.
Office of the Attorney General

Intervener:
Rockwood Lithium. Inc.
Represented by Jim B. Butler, Esq. & John R. Zimmerman, Esq.
Parsons Behle & Latimer

From: John B. Walker, Executive Secretary

Subject: Notice of Appeal Hearing: Water Pollution Control Permit
No. NEV0070005

A three-member panel of the State Environmental Commission (SEC) has scheduled an appeal hearing on the above referenced permit. The hearing will be held on September 25, 2013 at 10:00 a.m. in Carson City, Nevada at the Bryan Building, 901 S. Stewart St., 2nd floor Tahoe Conference Room. The hearing date was selected after consultation with the parties. The SEC has jurisdiction to hear this appeal pursuant to NRS 445A.605 and NAC 445A.388. The Nevada Revised Statutes and Nevada Administrative Code regulations involved in this appeal hearing are: NRS 445A.565, NRS 445A.665, NRS 445A.300 to 445A.730, NAC 445A.407, NAC 445A.424, NAC 445A.417, NAC 445A.433, and NAC 445A.390 to 445A.447.

About the Appeal: The Nevada Division of Environmental Protection (NDEP) issued Water Pollution Control Permit No. NEV2008106 on June 7, 2012, with an effective date of June 22, 2012, to Chemetall Foote Corporation, now known as as Rockwood Lithium, Inc. On June 19, 2012, Paul and Ana C. Rupp and

Dehnert Queen (Appellants) filed their appeal. At the SEC's request, Appellants then submitted their appeal on a revised form 3 on August 18, 2012.

Appellants argue that the permit violates Section 1 and 2 of the Nevada Constitution because it grants authority allowing the tainting of water that residents drink, cook and bathe in, and land that residents live and grow food on and children play on and in. Appellants also argue that NDEP failed to provide timely information to them regarding soil sample testing results and test monitoring well results of and for contaminated earth through scheduled and unscheduled saturations of lithium process water discharges/releases since 1966 of suspected pollution including lithium hydroxide anhydrous solution. According to Appellants, spills over and above 500 gallons of lithium hydroxide anhydrous/lithium carbonate solutions continue to occur, flowing into the park/playground and within 150 feet of the Rupp's home. Appellants want basic soil/water test results and for due process to be followed.

Appellants contend that the final decision to issue the permit was in violation of constitutional and statutory provision, was made upon unlawful procedure; was affected by other error of law; was clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; and was arbitrary, capricious or characterized by abuse of discretion.

Hearing Procedure: Practice before the SEC is governed by the attached regulations found at NAC 445B.875 et seq. The online version is located at: <http://www.leg.state.nv.us/NAC/NAC-445B.html#NAC445BSec875> NRS 233B.121 to 233B.150 are also applicable. See: <http://www.leg.state.nv.us/NRS/NRS-233B.html#NRS233BSec121>

Related Information: Additional information about this appeal is available on the SEC website at the following location: http://www.sec.nv.gov/main/silver_peak_lithium.html

ecc: NDEP Staff
SEC Appeals Panel
SEC/DAG