

BRIAN SANDOVAL
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

Leo Drozdoff, P.E.
Director



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Las Vegas, NV

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Agriculture

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Department of Wildlife

Tom Porta
Reno, NV

Mark Turner
Carson City, NV

Cary Richardson
Carson City, NV

COUNSEL
Rose Marie Reynolds

STAFF
John B. Walker
Executive Secretary

Electronic Memorandum

Date: June 25, 2012

To: Paul Rupp & Ana C. Rupp - dehnertqueen@desertamerica.com

From: John B. Walker, Executive Secretary

Subject: Appeal of Nevada Division of Environmental Protection's Water
Pollution Control Permit for the Silver Peak Lithium Project -
NEV00070005

On June 19, 2012 I received a faxed copy of the above referenced appeal, see attached. For the reasons discussed below and as in reference to our recent phone conversation, I am returning your appeal and requesting that you re-file the appeal on the newly revised State Environmental Commission (SEC) Form 3.

Effective May 30, 2012, the SEC revised its "Rules of Practice" and these new rules impart redefined and expanded SEC Form 3. Accordingly, please complete the new form and return it within 10 days to:

Executive Secretary
State Environmental Commission
901 South Stewart Street, Suite 4001
Carson City, NV 89701

If you prefer you can fax the form (775) 687-5856 or you can email to:
jbwalker@ndep.nv.gov

ecc: Bruce Holmgren NDEP/Bureau Chief BMRR
Dave Gaskin NDEP/Deputy Administrator
SEC/DAG

Mr Walker re Appeal, Chemetall Foot WPC Permit No. NEV0070005

From: **Dehnert Queen** (dehnertqueen@desertamerican.com)

Sent: Mon 6/18/12 5:04 PM

To: JB Walker - NV Envir Comm (???jwalker@ndep.nv.gov)

1 attachment

Mr Walker re Appeal, Chemetall Foot WPC Permit No. NEV0070005-u1-Sent.pdf (74.6 KB)

NOTICE

June 18, 2012

VIA E-Mail and USPS Certified Mail #

Nevada Environmental Commission
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249

jwalker@ndep.nv.gov

jboomhower@ndep.nv.gov

rkuczyns@ndep.nv.gov

RECEIVED**JUN 21 2012****ENVIRONMENTAL PROTECTION**

- Re: 1. Notice and Objection, Proposed Adoption of
Silver Peak Lithium Project (Chemetall Foote)
WPC Permit No. NEV0070005
2. NV Environmental Commission Appeal Form # 3

Dear Commissioners,

Please find ATTACHED our NV Environmental Commission Appeal Form # 3.

Our intention was to attach our supporting evidence today that includes photographs, excerpts from NDEP documents, NRS, NAC codes, etc., along with copies of evidentiary documents delivered to Mr. Rob Kuczynski, P.E. at NDEP on June 3, 2012, but TODAY we are experiencing Windows XP preventing us from "copy" and "paste" due to no "permission" regarding OUR OWN FILES!

We will deliver said evidence documents as soon as we can.

Sincerely,


Paul Rupp, Ana C. Rupp
Box 125
Silver Peak Nevada 89047
silverpeakitis@msn.com

Dehnert Queen
10500 Christenson Rd
Lucerne Valley, CA 92356
dehnertqueen@desertamerican.com

cc: Arthur Wehrmeister, Esmeralda County District Attorney
Esmeralda County Highway Commission
Esmeralda County Land Use Advisory Committee
Distribution List

NOTICE

June 18, 2012

VIA E-Mail and USPS Certified Mail # 7007 0710 0001 5249 3080

Nevada Environmental Commission
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249

jbwalker@ndep.nv.gov

jboomhower@ndep.nv.gov

rkuczyns@ndep.nv.gov

- Re: 1. **Notice and Objection, Proposed Adoption of
Silver Peak Lithium Project (Chemetall Foote)
WPC Permit No. NEV0070005**
2. **NV Environmental Commission Appeal Form # 3**

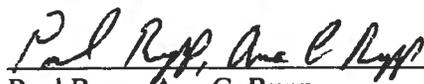
Dear Commissioners,

Please find FOLLOWING our NV Environmental Commission Appeal Form # 3.

Our intention was to attach our supporting evidence today that includes photographs, excerpts from NDEP documents, NRS, NAC codes, etc., along with copies of evidentiary documents delivered to Mr. Rob Kuczynski, P.E. at NDEP on June 3, 2012, but TODAY we are experiencing Windows XP preventing us from "copy" and "paste" due to no "permission" regarding OUR OWN FILES!

We will deliver said evidence documents as soon as we can.

Sincerely,



Paul Rupp, Ana C. Rupp
Box 125
Silver Peak Nevada 89047
silverpeakitis@msn.com

Dehnert Queen
10500 Christenson Rd
Lucerne Valley, CA 92356
dehnertqueen@desertamerican.com

cc: Arthur Wehrmeister, Esmeralda County District Attorney
Esmeralda County Highway Commission
Esmeralda County Land Use Advisory Committee
Distribution List

FORM # 3

FORM FOR REQUESTING AN APPEAL HEARING
BEFORE THE NEVADA STATE ENVIRONMENTAL COMMISSION

1. Name, address, telephone number, and signature of applicant:

Name:	Paul Rupp	Dehnert Queen
Address:	P.O. Box 125	10500 Christenson Rd.
	Silver Peak, NV	Lucerne Valley, CA 92356
Telephone:	775-770-4245 Cell	214-500-6544 Cell
	741 1890	
Signature:	See following attachments	

Representative Capacity (if applicable):

Paul Rupp, Founder Silver Peak Ad Hoc Advisory Committee

2. Specify type of applicant: Individual, Partnership, Corporation, or Other:

As individuals and Members of the Silver Peak Ad Hoc Committee

3. Other person or persons authorized to receive service of notice: n/a

4. Complete description of the business or activity and the location of the activity involved in the request:

Paul and Ana Rupp, Parcel Owners, Residents, live within about 1,000 feet from the Chematall Foote Lithium Plant, and about 100 feet from the Play Ground

5. Nature of the appeal and grounds thereof:

Objection to adoption of:

- A. The two Environmental Assessment Documents
- B. No Full EIS/EIR Report performed though we presented a substantial body of evidence Justifying that a Full EIS/EIR Report MUST be produced per NEPA

1. The EA's improperly COMBINED Chematall Foote's Silver Peak, Nevada and Kings Mountain, South Carolina projects.

2. The evidence that follows and the Notice-Demand documents deliverer to Rob Kuczynski, P.E., State Environmental Commission, Esmeralda County Board of Commissioners, et al

6. Section or sections of the State Air Quality Regulations, Water Pollution Control Regulations, Hazardous Waste Regulations, Solid Waste Management Regulations, or NRS section involved in the appeal:

7. Approximate time in hours and minutes necessary for delivery of oral testimony and reading of prepared statements as admissible evidence to be entered in the record:

As the hearing may be in Carson City, NV, and Paul Rupp has to likely work, we therefore can deliver our timely testimony for consideration AND DISCUSSION at the scheduled Public hearing conducted by the Nevada Environment Commission.

Date of Request: June 17, 2012

Send Form To: John B. Walker, State Environmental Commission, 901 South Stewart Street,
Suite 4001, Carson City, NV 89701-5249

Paul Rupp

Paul Rupp

JUNE 18, 2012