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Las Vegas, NV

COUNSEL  
Rose Marie Reynolds

STAFF  
[John B. Walker](#)  
Executive Secretary

[Kathy Rebert](#)  
Recording Secretary

**Memorandum**

Date: September 22, 2010

To: Thomas C. Woodworth Esq.  
Assistant General Counsel  
Attorney for Intervener NV Energy

Dan Galpern, Staff Attorney  
Western Environmental Law Center  
Attorney for Appellant Sierra Club

Megan Anderson, Staff Attorney  
Western Environmental Law Center  
Attorney for Appellant Sierra Club

Carolyn E. Tanner  
Deputy Attorney General  
Office of Attorney General  
Attorney for Respondent NDEP

From: John B. Walker, Executive Secretary

Subject: Order Regarding Briefing Schedule: Appeal of Water Pollution  
Control Groundwater Permit NEV91022 - Reid Gardner  
Station

Please find attached an Order from the State Environmental Commission describing the Briefing Schedule for the above referenced appeal of permit (# NEV91022) issued by the Nevada Division of Environmental Protection (NDEP) to NV Energy on June 24, 2010.

The appeal of the above referenced permit was filed on July 2<sup>nd</sup> 2010 by the Western Environmental Law Center on behalf of the Sierra Club.

Please note the date for the appeal is set for November 4<sup>th</sup> and 5<sup>th</sup> 2010 at the Nevada Department of Wildlife, Conference Room A, 1100 Valley Road, Reno, Nevada. Additional information about the is appeal is posted on the SEC website at: [http://sec.nv.gov/main/reid\\_gardner.htm](http://sec.nv.gov/main/reid_gardner.htm)

Attachments  
JBW/jbw

cc: SEC Appeals Panel  
Rose Marie Reynolds - DAG/SEC  
NDEP Staff

1 BEFORE THE STATE OF NEVADA, STATE ENVIRONMENTAL COMMISSION

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In Re: )  
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Appeal of Water Pollution Control )  
Groundwater Permit No. NEV91022 )  
Reid Gardner Station )  
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ORDER REGARDING BRIEFING  
SCHEDULE

On July 2, 2010, appellant Sierra Club filed an appeal of a renewal with modifications of Permit No. NEV91022 issued on June 24, 2010 by the Nevada Division of Environmental Protection (“NDEP”) to NV Energy, Inc. (“NV Energy”) to discharge process and other wastewater to evaporation ponds located at Reid Gardner station.

On July 12, 2010, NV Energy filed a Petition for Leave to Intervene with the State Environmental Commission (“SEC”), which was granted on September 21, 2010. On September 10, 2010, NDEP requested that the SEC order pre-hearing briefs concerning the issues to be presented. Neither NV Energy nor Sierra Club has objected.

Based on the foregoing and pursuant to NAC 445B.8925, it is hereby ORDERED that Sierra Club file a brief with the SEC on or before October 7, 2010 and serve a copy of the brief on all parties to the appeal as listed in the attached certificate of service. The brief should contain a detailed statement of the issue(s) to be raised during the hearing, including legal authorities that Sierra Club alleges NDEP violated in renewing Permit No. NEV91022 and supporting facts. A list of proposed witnesses should also be included. It is also ORDERED that NDEP and NV Energy shall each file responsive briefs on or before October 21, 2010. Sierra Club’s reply brief in response to NDEP’s and NV Energy’s briefs, which is optional, is due on or before November 1, 2010. It is further ORDERED that the appeal hearing in this matter is scheduled for November 4 and 5, 2010.

Dated this \_\_\_\_ day of September, 2010.

\_\_\_\_\_  
Alan Coyner, Vice Chairman  
State Environmental Commission

1 CERTIFICATE OF SERVICE

2 The undersigned, an employee of the State of Nevada, State Environmental  
3 Commission, does hereby certify that on the date shown below, a true and correct copy of the  
4 foregoing ORDER REGARDING BRIEFING SCHEDULE was duly mailed, postage prepaid, to  
5 the following:

6 Thomas C. Woodworth Esq.  
7 Assistant General Counsel  
8 NV Energy, Inc.\6226 West Sahara Ave, MS 03A  
9 Las Vegas, NV 89146  
10 CERTIFIED MAIL 7007 0220 0003 5226 0330

11 Attorneys for Intervener NV Energy

12 Dan Galpern, Staff Attorney  
13 Western Environmental Law Center  
14 1216 Lincoln Street  
15 Eugene, OR 97401  
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17 Attorneys for Appellant Sierra Club

18 Megan Anderson, Staff Attorney  
19 Western Environmental Law Center  
20 208 Paseo del Pueblo Sur, Unit 602  
21 Taos, NM 87571  
22 CERTIFIED MAIL 7007 0220 0003 5226 0354

23 Attorneys for Appellant Sierra Club

24 Carolyn E. Tanner  
25 Deputy Attorney General  
26 Office of Attorney General  
27 100 North Carson Street  
28 Carson City, NV 89701

Attorneys for Respondent NDEP

\_\_\_\_\_  
Kathy Rebert, Recording Secretary

DATED: September \_\_\_\_, 2010