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Leo Drozdoff, P.E.
Director



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Las Vegas, NV

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

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

Date: November 4, 2011

To: Appellants:
Sierra Club and Moapa Band of Paiutes
Represented by Dan Galpern, Western Environmental Law Center

MEMBERS

Pete Anderson
State Forester
Division of Forestry

Respondent:
Southern Nevada Health District and its governing body, the Southern Nevada District Board of Health
Represented by Terry Coffing, Esq.

Frances Barron
State Board of Health
Las Vegas, NV

Intervener:
NV Energy, Inc.
Represented by Thomas C. Woodworth, Esq.

Jason King
State Engineer
Division of Water
Resources

From: John B. Walker, Executive Secretary

Subject: Appeal Hearing: Reid Gardner Class III Disposal Site Permit LF006-CMF-01

Kathryn Landreth
Reno, NV

A three-member panel of the State Environmental Commission (SEC) has scheduled an appeal hearing regarding the above referenced permit. The hearing will begin on January 31, 2012 at 10:30 a.m. in Las Vegas and continue through February 2, 2012, if warranted. The appeal hearing will be conducted at the Nevada Division of Forestry's office in Las Vegas (4747 West Vegas Drive 89108).

Jim Barbee
Director, Department of
Agriculture

Appellants cite NAC 444.748(2) as the basis for the SEC's jurisdiction. According to Appellants' More Definite and Detailed Statement of Matters Asserted dated October 20, 2011, the statutes and regulations involved in this appeal are: NRS 444.440, NRS 241.020, NAC 444.333, NAC 444.644, NAC 444.737, NAC 444.739, and NAC 444.7481-7499. In appeal form 3, Appellants cite the following statutes and regulations: NRS 233B, NRS 239.010, NRS 439.366, NRS 444.556(3), NRS 444.560(4), NAC 444.643(5), NAC 444.644, NAC 444.737(2) and NAC 444.739.

Ken Mayer, Director
Department of Wildlife

Tom Porta
Reno, NV

Mark Turner
Carson City, NV

Cary Richardson
Carson City, NV

About the Appeal: On October 28, 2010, the Southern Nevada District Board of Health (SNDBH) approved NV Energy, Inc.'s application to modify and expand its Class III landfill at the Reid Gardner Station. Appellants filed their appeal on November 6 and November 8, 2010. Because Appellants asked SNDBH for reconsideration of its decision, the appeal was placed on hold pending final action by SNDBH. On September 9, 2011, the Southern Nevada Health District (SNHD) issued Class III disposal site permit LF006-CMF-01 to NV Energy, Inc., and on October 9, 2011, Appellants informed the SEC that the SNDBH had made a final decision and issued the permit.

COUNSEL
Rose Marie Reynolds

STAFF
John B. Walker
Executive Secretary

Appellants present six issues in appeal form 3: (1) NV Energy's application failed to establish a need for the expanded landfill; (2) NV Energy failed to establish that its proposal to modify and expand its landfill will neither create a health hazard or public nuisance or impairment of the environment nor cause or contribute to air pollution or pollution of surface or groundwater; (3) NV Energy failed in its application to provide an adequate characterization of the wastes it proposes to dump in the expanded landfill; (4) NV Energy failed in its application to provide required landfill leachate analysis; (5) it is difficult to ascertain the extent of additional contamination that would result from proposed expansion; and (6) SNHD violated Nevada law because its decision was in part based on materials supplied by NV Energy which were withheld from public review and the possibility of meaningful public comment. Appellants' More Definite and Detailed Statement of Matters Asserted describes the legal issues in more detail.

Related Information: Additional information about this appeal, including all of the documents referenced herein, is available on the SEC website at the following location: http://sec.nv.gov/main/reid_gardner_landfill.htm

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.

Enclosed

Attachments: SEC Rules of Practice (NAC 445B.875)
Certified Mail # 7007 0220 0003 5226 1269