

1 BEFORE THE STATE OF NEVADA, STATE ENVIRONMENTAL COMMISSION

2
3 In Re:)
4 Appeal of Class I Air Quality Operating Permit to)
5 Construct: Permit No. AP4953-2525)
6 Jungo Land & Investments, Inc.)

ORDER REGARDING BRIEFING
SCHEDULE

7 On March 15, 2010, Appellants Philip Jacka, Robert E. Dolan and Massey K. Mayo
8 each filed an appeal of Permit No. AP4953-2525 issued on March 5, 2010 by the Nevada
9 Division of Environmental Protection to Jungo Land & Investments, Inc. for an operating
10 permit to construct a Class I facility. On April 12, 2010, Robert E. Dolan and Massey K. Mayo
11 clarified that they were acting as one appellant in this case.

12 On March 23, 2010, Jungo Land & Investments, Inc. ("Jungo") filed a Petition for Leave
13 to Intervene with the State Environmental Commission ("SEC"), which was granted on April 1,
14 2010. In its Petition for Leave to Intervene, Jungo referred to participating in pre-hearing
15 motion practice and/or briefing. Then on April 6, 2010, the Nevada Division of Environmental
16 Protection ("NDEP") requested that the SEC order pre-hearing briefs concerning the issues to
17 be presented. Neither Jungo nor Appellants have objected.

18 Based on the foregoing and pursuant to NAC 445B.8925, it is hereby ORDERED that
19 each appellant file a brief with the SEC on or before April 28, 2010 and serve a copy of the
20 brief on all parties to the appeal as listed in the attached certificate of service. The brief
21 should contain a detailed statement of the issue(s) to be raised during the hearing, including
22 facts and legal authorities that the appellant alleges NDEP violated in granting Permit No.
23 AP4953-2525, and changes to the facts and circumstances, if any, since the appeal was filed
24 that may be relevant to Permit No. AP4953-2525. A list of proposed witnesses should also be
25 included. It is also ORDERED that Jungo and NDEP shall each file responsive briefs on or
26 before May 12, 2010. Appellant's reply brief in response to Jungo's and NDEP's briefs, which

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1 is optional, is due on or before May 19, 2010. It is further ORDERED that the appeal hearing
2 in this matter is scheduled for May 21, 2010.

3 Dated this 13th day of April, 2010.

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Low Dodgion, Panel Chair
State Environmental Commission

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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 Philip Jacka
7 P.O. Box 851
8 Winnemucca NV 89446
9 CERTIFIED MAIL

10 Appellant

11 Robert E. Dolan
12 Massey K. Mayo
13 311 S. Bridge St., Ste. E
14 Winnemucca NV 89445
15 CERTIFIED MAIL

16 Appellant

17 John Frankovich, Esq.
18 Debbie Leonard, Esq.
19 McDonald Carano Wilson LLP
20 100 W. Liberty St., 10th Floor
21 Reno NV 89501
22 CERTIFIED MAIL

23 Attorneys for Intervener Jungo Land & Investments, Inc.

24 Nhu Nguyen, Esq.
25 Office of the Attorney General
26 100 North Carson Street
27 Carson City, NV 89701

28 Attorneys for Nevada Division of Environmental Protection

An employee of the State Environmental Commission

DATED: April _____, 2010