

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



March 28, 2012

CHAIRMAN:
Eugene Gans
Las Vegas, NV

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

MEMBERS

Pete Anderson
State Forester
Division of Forestry

Frances Barron
State Board of Health
Las Vegas, NV

Jason King
State Engineer
Division of Water
Resources

Kathryn Landreth
Reno, NV

Jim Barbee
Director, Department of
Agriculture

Ken Mayer, Director
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

Robert E. Dolan, Esq.
Dolan Law LLC
311 S. Bridge Street, Suite E
Winnemucca, NV 89445

RE: Appeal of Issuance of Permit No. SW495REV00
Request for issuance of subpoenas under NAC 445B.892

Dear Mr. Dolan:

On March 26, 2012, you requested that the State Environmental Commission (Commission) issue subpoenas for documents and/or attendance at the hearing to the following:

- o Nevada Geothermal Power Inc.;
- o Ormat Technologies, Inc. and/or Ormat Inc.;
- o Union Pacific Corporation and /or Union Pacific Railroad, and
- o Mr. David L. Berger of the United State Geological Survey.

A copy of your request is attached.

Unfortunately, your March 26 request does not meet the requirements of NAC 445B.892(2). That regulation requires that persons requesting the Commission to issue subpoenas set forth the reason and the necessity for the subpoenas. The regulation also states that subpoenas are issued upon good cause shown. In addition, NAC 445B.892(3) requires that all costs associated with the subpoenas, including witness fees and service costs, be paid by appellants. Please resubmit your request, stating the reason and necessity for issuance of each subpoena. As a practical matter, subpoenas will not be issued before the hearing date is scheduled.

In addition, in all future correspondence to the Commission concerning the Jungo Landfill appeal, please copy each party as noted below.

Sincerely,

John B. Walker
Executive Secretary

Enclosure

cc: Richard Cook, Individual Appellant
John Frankovich, Esq., for Intervenor Recology
Deborah Leonard, Esq., for Intervenor Recology
Cassandra Joseph, NDEP/DAG

March 26, 2012

John B. Walker
State Environmental Commission
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249

Sent via USPS First Class Mail and
email to: jbwalker@ndep.nv.gov

RE: Appeal of Issuance of Permit No. SW495REV00
Request for issuance of subpoenas under NAC 445B.892

Dear Mr. Walker:

Pursuant to NAC 445B.892, the Clean Desert Foundation, Inc., and Robert Hannum ("appellants") hereby request that subpoena duces tecum(s) be issued to the below referenced persons/entities.

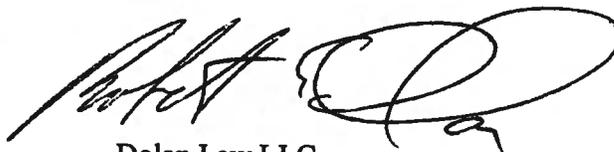
- 1) Nevada Geothermal Power Inc. – To the person most knowledgeable, and to bring to hearing records reflecting any and all information or data about 1) drilling activity at the Blue Mountain Site by company or agents thereof, and 2) seismic activity at Blue Mountain power site and within 10 miles of said power generation site; 3) Soil composition reports and/or other reports concerning character or quality of the soil at or near Blue Mountain; 4) the aquifer under Blue Mountain and/or the landfill site.
- 2) Ormat Technologies, Inc. and/or Ormat Inc.- To the person most knowledgeable, and to bring to hearing books and records reflecting any and all information or data about 1) drilling activity at the Blue Mountain Site by company or agents thereof, and 2) seismic activity at Blue Mountain power site, and within 10 miles of said power generation site; 3) Soil composition reports and/or other reports concerning character or quality of the soil at or near Blue Mountain; 4) the aquifer under the landfill site.
- 3) Union Pacific Corporation and/or Union Pacific Railroad- To the person most knowledgeable, and to bring to hearing books and records or other information or data about 1) Ponding or flooding or precipitation at or near the landfill site or on/near same and/or on the right of way from the railroad line to the landfill site; 2) How said ponding or flooding or precipitation have played a role in any erosion of the railroad track bed, and/or maintenance of same in and near the landfill in question.
- 4) David L. Berger, USGS- To explain the nature of the aquifer under Desert Valley, its composition and capacity as described in the USGS publication, Water Resources Investigation Report WRIR 95-4119, 1995.

Letter to John Walker
Dated March 26, 2012
Page two of two

Based on information and belief, the aforesaid Ormat, Inc. (or a related company to same) was a prime contractor of Nevada Geothermal Power Company, or was otherwise substantially involved in the development of the power plant located near Blue Mountain, Nevada.

If you have any questions or wish to discuss this matter, don't hesitate to call my office at the number listed below.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Dolan', with a large, stylized flourish at the end.

Dolan Law LLC
By: Bob Dolan, Esq.
Counsel for Clean Desert Foundation, Inc.
Counsel for Robert Hannum

RED/tmb

Enclosures