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COUNSEL
Rose Marie Reynolds

STAFF
John B. Walker
Executive Secretary

Memorandum

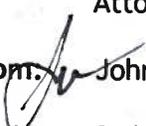
Date: July 11, 2011

To: Andrew M. Kenefick
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Western Group Legal Department

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Office of Attorney General
Attorneys for Respondent NDEP

From:  John B. Walker, Executive Secretary

Subject: Order Regarding Briefing Schedule & Subpoena of Documents for
Appeal Filed by Refuse, Inc. Regarding a Revised Class I (Title V) Air
Operating Permit Decision (Permit # AP4953-1148.01)

Please find attached an Order from the State Environmental Commission (SEC) addressing the briefing schedule and request for subpoena of documents for the above referenced appeal. This appeal concerns a revised permit (# AP4953-1148.01) issued by the Nevada Division of Environmental Protection (NDEP) to Refuse, Inc. NDEP's decision on this permit was issued on May 12, 2011 and the appeal was filed by Refuse Inc. on May 23, 2011.

Please note that all supporting documents submitted by the parties to the appeal are now posted on the SEC website at:
http://www.sec.nv.gov/main/refuse_appeal.htm

Attachments
JBW/jbw

ec: SEC Chairman
Rose Marie Reynolds -DAG/SEC
NDEP staff

1 BEFORE THE STATE OF NEVADA, STATE ENVIRONMENTAL COMMISSION

2 In Re:

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Appeal of Revised Class I (Title V) Air
Operating Permit No. AP 4953-1148.01
Refuse, Inc.

ORDER REGARDING ISSUANCE OF
SUBPOENA, BRIEFING SCHEDULE
AND HEARING DATE

On May 23, 2011, appellant Refuse, Inc. ("Refuse") appealed a May 12, 2011 decision issued by respondent Nevada Division of Environmental Protection ("NDEP") regarding Permit No. AP 4953-1148.01 for the Lockwood Landfill in Storey County.

On May 31, 2011, NDEP filed a motion requesting a briefing schedule, Refuse filed its response on June 16, and NDEP filed its reply on June 20. On June 24, Refuse requested the State Environmental Commission ("SEC") issue subpoenas for various documents, and on June 30, NDEP filed its opposition.

After considering the written motions, oppositions, and response, the SEC decides as follows:

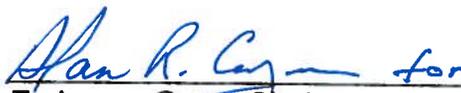
Pursuant to NAC 445B.892, Refuse's request that a subpoena be issued is GRANTED IN PART to three categories of documents. First, NDEP is ordered to provide all documents created and/or held by NDEP regarding Permit No. AP4953-1148.01 except for any documents it considers privileged. NDEP shall provide a privilege log for any documents withheld which states the document title or description, date, number of pages and authority for withholding. Second, NDEP is further ordered to provide the following documents regarding permits with continuous emissions monitoring systems ("CEMS") issued since January 1, 2001 in PSD-triggered air basins: (1) NDEP's technical review document of the permit application; (2) draft permit that is noticed for public comment; (3) public comments and responses to comments; and (4) final permit. Third, NDEP is further ordered to provide a list of sources in the Truckee River Corridor subject to an air quality permit issued by NDEP and a copy of the relevant permit for each source which NDEP has issued since January 1, 2001. NDEP is further ordered to provide documents in these three categories to Refuse no later

1 than July 25, 2011. Except for the three categories of documents described herein, Refuse's
2 request for a subpoena is hereby DENIED.

3 Pursuant to NAC 445B.8925, it is hereby ORDERED that Refuse file a brief with the
4 SEC on or before August 12, 2011. The brief should contain a detailed statement of the
5 issue(s) to be raised during the hearing, including legal authorities that Refuse alleges NDEP
6 violated in issuing Permit No. AP 4953-1148.01 with a CEMS requirement. A list of proposed
7 witnesses should also be included. It is also ORDERED that NDEP shall file its responsive
8 brief on or before September 2, 2011. Refuse's reply brief, which is optional, is due on or
9 before September 19, 2011.

10 It is further ORDERED that by July 22, 2011, NDEP and Refuse shall confer and jointly
11 file with the SEC a list of three dates between September 26 and October 14, 2011, from
12 which the SEC will select one date on which to schedule the hearing in this matter.

13 Dated this 11th day of July, 2011.

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16  for
17 E. James Gans, Chairman
18 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 ISSUANCE OF SUBPOENA, BRIEFING SCHEDULE AND
5 HEARING DATE was duly mailed, postage prepaid, to the following:

6
7 Andrew M. Kenefick
8 Senior Legal Counsel
9 Waste Management
10 Western Group Legal Department
11 801 2nd Avenue, Suite 614
12 Seattle, WA 98104

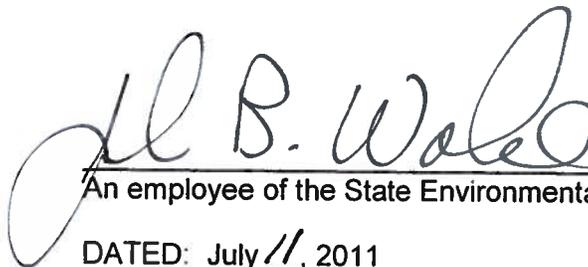
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14 Richard J. Angell
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An employee of the State Environmental Commission

DATED: July 11, 2011