

1 BEFORE THE STATE OF NEVADA, STATE ENVIRONMENTAL COMMISSION

2 In Re:

3)
4)
5)
6)
Appeal of Revised Class I (Title V) Air
Operating Permit No. AP 4953-1148.01
Refuse, Inc.

ORDER REGARDING
RECONSIDERATION OF SEC ORDER
REGARDING ISSUANCE OF
SUBPOENA

7 On July 13, 2011, appellant Refuse, Inc. ("Refuse") requested limited reconsideration of
8 the subpoena order issued July 11, 2011 regarding the second category of documents to be
9 produced by the Nevada Division of Environmental Protection ("NDEP"). NDEP filed its
10 opposition on July 20, 2011. Neither party objected to the proposed briefing schedule or
11 hearing date.

12 After considering the written motion and opposition, the SEC decides as follows:

13 Refuse's request for reconsideration is GRANTED as to the second category of
14 documents. NDEP is ordered to provide the following documents regarding permits with
15 continuous emissions monitoring systems ("CEMS") issued since January 1, 2001: (1)
16 NDEP's technical review document of the permit application; (2) draft permit that is noticed for
17 public comment; (3) public comments and responses to comments; and (4) final permit.
18 NDEP is further ordered to provide these documents to Refuse no later than August 12, 2011.
19 The July 25, 2011 production date for the first and third category of documents is unchanged.

20 The briefing schedule is modified as follows: Refuse's opening brief is due on or before
21 August 22, 2011; NDEP's responsive brief is due on or before September 8, 2011; and
22 Refuse's reply brief, which is optional, is due on or before September 21, 2011.

23 Dated this 21th day of July, 2011.

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27 E. James Gans, Chairman
28 State Environmental Commission

