

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



CHAIRMAN:
Eugene Gans
Las Vegas, NV

April 26, 2011

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

Dan Galpern, Staff Attorney
Western Environmental Law Center
1216 Lincoln Street
Eugene OR 97401

MEMBERS

Pete Anderson
State Forester
Division of Forestry

Re: Request for Determination on Jurisdiction and Request to Hold
Appeal in Abeyance for the Southern Nevada Health District's
Permit Number LF006-CMF-01 for the Reid Gardner Power Station

Frances Barron
State Board of Health
Las Vegas, NV

Dear Mr. Galpern:

Jason King
State Engineer
Division of Water Resources

The State Environmental Commission (SEC) has received your request regarding a ruling on its jurisdiction concerning an appeal you filed on behalf of the Sierra Club and the Moapa Band of Paiutes. Your appeal to the SEC (see attached) addressed the above referenced final permit issued by the Southern Nevada Health District to NV Energy for a coal ash landfill located at the Reid Gardner Power Station in Southern Nevada.

Kathryn Landreth
Reno, NV

In your letter of April 21, 2011, you advised the SEC that your clients have recently asked the Southern Nevada Health District (Board of Health) to reconsider and rescind its October 28, 2010 decision.

Vacant
Director, Department of
Agriculture

Given that the October 28, 2010 decision does not appear to be final, the SEC will not proceed with disposition of your appeal or consider any jurisdictional issues until the Board of Health acts on your request for reconsideration.

Ken Mayer, Acting Director
Department of Wildlife

Sincerely,

Tom Porta
Reno, NV

John B. Walker
Executive Secretary

Mark Turner
Carson City, NV

Stephanne Zimmerman
Las Vegas, NV

COUNSEL
Rose Marie Reynolds

STAFF
John B. Walker
Executive Secretary

Attachment

Kathy Rebert
Recording Secretary

cc: Lawrence Sands D.O., M.P.H Board of Health
Linda Strickland, Chair Board of Health
Glen Savage, SNHD
Thomas C. Woodworth, Counsel NV Energy
Rose Marie Reynolds, SEC/DAG