



State of Nevada

Dept. of Conservation & Natural Resources

State Environmental Commission SEC.nv.gov

901 South Stewart Street, Suite 4001, Carson City, Nevada 89701

Silver Peak Appeal Hearing - AMENDED ORDER REGARDING BRIEFING SCHEDULE

Date: June 6, 2013

To: Appellant:
Paul and Ana C. Rupp
Dehnert Queen

Respondent:
Nevada Division of Environmental Protection
Represented by Cassandra Joseph, Esq.
Office of the Attorney General

Intervener:
Rockwood Lithium. Inc.
Represented by Jim B. Butler, Esq. & John R. Zimmerman, Esq.
Parsons Behle & Latimer

From: John B. Walker, Executive Secretary

Subject: Second Amended Order Regarding Briefing Schedule, Appeal of Water Pollution Control Permit No. NEV0070005

Please find attached a "third" Amended Order Regarding Briefing Schedule for the above referenced appeal hearing which is scheduled for July 12, 2013 in Carson City. A formal hearing notice for this appeal will be issued soon.

As way of Background, and since Appellants are representing themselves in this case, it may be helpful to explain why the State Environmental Commission (SEC) is requiring briefs. **A brief is a party's written description of the facts in the case, the law that applies and the party's argument about the issues on appeal.** There is no minimum page length for briefs, although NAC 445B.8925 contains a maximum page length of 20 pages.

The briefs help the SEC prepare for the hearing and ensure that all parties know what the issues are so they can present the appropriate witnesses and evidence. Appellants have identified several issues in revised form 3 as the basis for the appeal, and NDEP has argued in its September 2012 motion to dismiss that those issues do not give the SEC a valid basis to deny or modify Water Pollution Control Permit No. NEV0070005.

While the Appellants could address NDEP's arguments in its brief, it is nevertheless important to note that the permit is the focus of this hearing and not actions subsequent to the issuance of the permit.

As customary, the attached order along with other support documentation for this appeal is now posted on the SEC website at:

http://www.sec.nv.gov/main/silver_peak_lithium.html

ecc: NDEP Staff
SEC Appeals Panel
SEC/DAG

1 BEFORE THE STATE OF NEVADA, STATE ENVIRONMENTAL COMMISSION

2 In Re:

3)
4 Appeal of Water Pollution Control Permit No.)
5 NEV0070005)
6 Permittee: Rockwood Lithium Inc.)

ORDER EXTENDING BRIEFING
SCHEDULE

7 On March 21, 2013, the State Environment Commission ("SEC") issued its order
8 establishing a briefing schedule based on a hearing date of May 14, 2013. Following a
9 request from Appellant Paul Rupp and after consultation with the parties, the SEC issued an
10 order on May 1, 2013 rescheduling the hearing for July 12, 2013 and requiring Appellants to
11 file briefs on or before May 17, 2013. Appellants did not file briefs by May 17, 2013 and
12 Intervener Rockwood Lithium and the Nevada Division of Environmental Protection ("NDEP")
13 each filed motions to dismiss Appellants' appeals on May 24 and May 29, 2013, respectively.

14 In an e-mail sent on or about May 29, 2013, Appellant Rupp states "Is it the position of
15 NV AG OFFICE and NV SEC that I, Paul Rupp can not [sic] show up at hearing and talk
16 without a brief And [sic] continue only to enforce NRS and NAC as per their choosing?" This
17 e-mail suggests that Appellant Rupp may have thought filing a brief was optional. To clarify,
18 the SEC orders required briefs to be filed by all parties. The SEC will revise the briefing
19 schedule for a third time as follows:

20 It is hereby ORDERED that Appellants Paul and Ana C. Rupp and Dehnert Queen shall
21 file a brief with the SEC on or before June 17, 2013. It is also ORDERED that Intervener
22 Rockwood Lithium, Inc. and NDEP shall each file a responsive brief on or before July 1, 2013.
23 It is further ORDERED that on or before July 8, 2013, each party shall exchange with each
24 other party notice of the identity of each person who will offer direct oral testimony at the
25 hearing and each party shall exchange copies of each exhibit the party intends to offer as
26 evidence at the hearing. The parties are encouraged to submit exhibits jointly where possible

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1 to avoid duplicate exhibits. The appeal hearing is scheduled for July 12, 2013 beginning at
2 10:30 a.m. Failure to file a brief may result in dismissal of the appeal.

3 Dated this ~~FIFTH~~ day of June, 2013.

4
5  P.E.
6 _____
7 State Environmental Commission
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CERTIFICATE OF SERVICE

The undersigned, an employee of the State of Nevada, State Environmental Commission, does hereby certify that on the date shown below, a true and correct copy of the foregoing ORDER EXTENDING BRIEFING SCHEDULE was duly mailed, postage prepaid, to the following:

Paul and Ana C. Rupp
Box 125
Silver Peak, NV 89047

Appellant

Dehnert Queen
10500 Christenson Road
Lucerne Valley, CA 92356

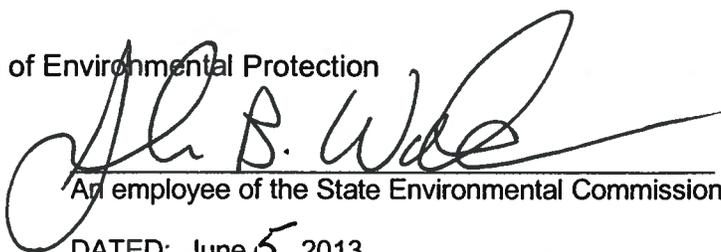
Appellant

Jim B. Butler, Esq.
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50 West Liberty Street, Suite 750
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Attorneys for Intervener Rockwood Lithium, Inc.

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Attorney for Nevada Division of Environmental Protection



An employee of the State Environmental Commission

DATED: June 5, 2013