

BRIAN SANDOVAL
Governor



STATE OF NEVADA
STATE ENVIRONMENTAL COMMISSION

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COUNSEL
Rose Marie Reynolds

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Valerie King
Executive Secretary

September 9, 2013

Ed Ringle
El Sueno Resort & Casino
P.O. Box 836
Beatty, Nevada 89003

Re: Motion to Dismiss Appeal of NOAV Nos. 2165

Dear Mr. Ringle:

The State Environmental Commission (SEC) is in receipt of a letter from Ms. Katie S. Armstrong of the Nevada Attorney Generals office dated June 4, 2013; the letter requests that the appeal of the above referenced Notice of Alleged Air Quality Violation and Order (NOAV) Nos. 2165 be dismissed.

As you may recall, the Nevada Division of Environmental Protection (NDEP) issued NOAV Nos. 2165 to El Sueno Resort & Casino on March 17, 2009 (see attached). On April 1, 2009 the SEC received an appeal from El Sueno Resort regarding the referenced NOAV.

Subsequently, and on April 14, 2009 and upon your request, the SEC advised you that the appeal would be held in abeyance until after the end of May 2009. Of note, all parties concurred with your request and the SEC held your appeal in abeyance pending notification from either yourself or the Nevada Division of Environmental Protection.

Since you have failed to bring the appeal to a hearing and pursuant to NAC 445B.894(4), the Commission may, after providing notice to each party, dismiss an appeal for want of prosecution if the party filing the appeal has failed to bring the appeal to hearing within one year of filing the appeal.

Accordingly, this letter is to notify you that the SEC will consider NDEP's request to dismiss the appeal of NOAV Nos. 2165 at its meeting on October 9, 2013. The meeting will be held on October 9, 2013, at 10:00 a.m., at 901 S. Stewart Street, Tahoe Room (2nd Floor), Carson City, NV 89701.

The SEC's rules of practice, NAC 445B.875 to NAC 445B.899, can be found at:
<http://leg.state.nv.us/NAC/NAC-445B.html#NAC445B875>

If you have any questions regarding this notice, please contact me at (775) 687-9374.

Sincerely,

Valerie King, CPM
Executive Secretary

VK:jbw

Certified Mail # 9171 9690 0935 0012 2752 19

ec: Katie S. Armstrong, NDEP/DAG
Rose Marie Reynolds, SEC/DAG