



State of Nevada

Dept. of Conservation & Natural Resources

State Environmental Commission SEC.nv.gov

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

**SEC Appeal Hearing
Notice Pursuant to NRS 233B.121 and NAC 445B.891**

Date: January 28, 2019

To: Appellant:
Avis Budget Car Rental, LLC
Represented by Linda Bullen, Esq.
Bullen Law, LLC

Respondent:
Nevada Division of Environmental Protection (NDEP)
Represented by Dan Nubel, Esq.
Office of the Attorney General

From: Valerie King, CPM, Executive Secretary

Subject: Notice of Appeal Hearing: Nevada Division of Environmental Protection's (NDEP) Rejection of the document *Proposed Addendum to Offsite Corrective Action Plan* submitted by Avis Budget Car Rental, LLC (ABCR), Facility ID 8-000217

A three-member panel of the State Environmental Commission (SEC) has scheduled an appeal hearing regarding the above referenced permit. The hearing will be held on March 14, 2019, beginning at 9:30 a.m. in the Laxalt Building, located at 401 North Carson Street, Carson City, Nevada 89701. The hearing date was selected after consultation with the parties.

The SEC has jurisdiction to hear this appeal pursuant to NRS 445A.605. The statutes and regulations allegedly violated, as cited in the request for an appeal form submitted by ABCR are: NRS 233B.050, NAC 445A.890.2, NAC 445A.22725.2, NAC 445A.22735(1)(d)(2), NAC 445A.22735(4), NAC 445B.890.2(e), and NAC 445B.890.2(f).

About the Appeal: On October 24, 2018, ABCR filed its appeal.

In summary, ABCR stipulates the grounds for the appeal regarding the rejection of the *Addendum to Offsite Corrective Action Plan* issued by NDEP's Bureau of Corrective Actions are:

- (1) The final decision was clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; and
- (2) The final decision was arbitrary or capricious or characterized by abuse of discretion.

Complaints include but are not limited to, NDEP's rejection of the *Addendum to Offsite Corrective Action Plan* that proposed active remediation of groundwater in the offsite plume to reduce concentrations of the contaminant, MTBE, contradicts state guidance and eliminates ABCR's opportunity to receive funding from the Petroleum Fund for further cleanup.

The issues for this appeal are, or will be, further clarified in the pre-hearing briefs ordered by the SEC on January 4, 2019.

Hearing Procedure: Practice before the SEC is governed by the attached regulations found at NAC 445B.875 et seq. The online version is located at:

<http://www.leg.state.nv.us/NAC/NAC-445B.html#NAC445BSec875>

NRS 233B.121 to 233B.150 are also applicable. See:

<http://www.leg.state.nv.us/NRS/NRS-233B.html#NRS233BSec121>

Related Information: Additional information about this appeal is available on the SEC website at the following location:

http://sec.nv.gov/main/appeal_0319.htm

ecc: Appellant
NDEP Staff
SEC Appeal Panel
SEC/DAG

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