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BEFORE THE STATE OF NEVADA, STATE ENVIRONMENTAL COMMISSION

In Re:

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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

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

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

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

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

Dated this 21th day of July, 2011.

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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 REGARDING RECONSIDERATION OF SEC ORDER REGARDING ISSUANCE OF SUBPOENA was duly mailed, postage prepaid, to the following:

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An employee of the State Environmental Commission

DATED: July 3/, 2011