

1 **BEFORE THE STATE ENVIRONMENTAL COMMISSION**

2 **STATE OF NEVADA**

3 In Re:

4 Appeal of Nevada State Environmental
5 Commission Penalty to Tahoe Western
6 Asphalt, LLC

NEVADA DIVISION OF
ENVIRONMENTAL PROTECTION'S
PETITION FOR LEAVE TO INTERVENE
AND MOTION TO DISMISS APPEAL
FILED BY TAHOE WESTERN
ASPHALT, LLC.

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8 The Nevada Division of Environmental Protection, Bureau of Air Pollution Control
9 ("NDEP"), by and through counsel, Adam Paul Laxalt, Attorney General for the State of
10 Nevada, and Belinda A. Suwe, Deputy Attorney General, hereby petitions for leave to
11 intervene in the above captioned matter. NDEP also moves to dismiss the appeal filed by
12 Tahoe Western Asphalt, LLC (TWA) of the State Environmental Commission's (SEC)
13 issuance of penalties for Notice of Alleged Violation Numbers 2619, 2620, 2621, 2622, and
14 2623 (the NOAVs).

15 **I. The NDEP Petitions for Leave to Intervene as an Interested Party.**

16 Pursuant to NAC 445B.8915, a person, other than a party to the proceeding, who
17 believes that he or she may be directly and substantially affected by the proceeding may
18 request an order to intervene by filing a written petition for leave to intervene with the
19 Commission. Because the NDEP is responsible for enforcement of NRS and NAC Chapter
20 445B, NDEP has a direct and substantial interest in upholding the penalties levied by the
21 SEC, which sanction TWA for violations identified by the NDEP in the aforementioned NOAVs
22 and in defending its penalty recommendations to the SEC. For this reason, NDEP's petition
23 to intervene should be granted.

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1 CERTIFICATE OF SERVICE

2 I, Sandra Geyer, certify that I am an employee of the Office of the Attorney General,
3 State of Nevada, and that on this 9th day of October, 2017 I transmitted a true and correct
4 copy of the foregoing **NEVADA DIVISION OF ENVIRONMENTAL PROTECTION'S PETITION**
5 **FOR LEAVE TO INTERVENE AND MOTION TO DISMISS APPEAL FILED BY TAHOE**
6 **WESTERN ASPHALT, LLC.**, via email to the following:

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11 Mark Simons
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13 
14 SANDRA L. GEYER