

1 BEFORE THE STATE OF NEVADA, STATE ENVIRONMENTAL COMMISSION

2
3 In Re:

4 Motion to Dismiss Appeal of Nevada State
5 Environmental Commission's Penalties
6 Issued to Tahoe Western Asphalt, LLC

**ORDER GRANTING
PETITION FOR LEAVE TO INTERVENE
AND BRIEFING SCHEDULE**

7 On October 2, 2017, Tahoe Western Asphalt, LLC (TWA) filed an appeal of decisions
8 made by the Nevada State Environmental Commission (SEC) to issue penalties for Notice of
9 Alleged Violation Numbers 2619, 2620, 2621, 2622 and 2623. On October 11, 2017, the
10 Nevada Division of Environmental Protection (NDEP) filed a Petition for Leave to Intervene
11 and a concurrent Motion to Dismiss the Appeal filed by TWA.

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13 As Indicated in the Petition for Leave to Intervene, NDEP has a direct and substantial interest
14 in the appeal because NDEP is responsible for enforcement of and ensuring compliance with
15 the Nevada air pollution control laws, which include penalties associated with air violations.
16 NDEP will therefore be directly affected by a decision made by the SEC.

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18 Based upon the foregoing, it is hereby ordered that the Petition for Leave to Intervene filed by
19 NDEP is GRANTED pursuant to NAC 445B.8915.

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21 The NDEP motion to dismiss the Appeal filed by TWA must first be considered. Pursuant to
22 NAC 445B.8925, it is hereby ORDERED that TWA shall file a reply brief to the Motion to
23 Dismiss Appeal filed by Tahoe Western Asphalt, LLC with the SEC on or before November 6,
24 2017. It is also ORDERED that NDEP may file a reply brief on or before November 20, 2017.

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26 Lastly, the motion to dismiss hearing is scheduled for December 5, 2017.

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28 DATED this 23RD day of OCTOBER, 2017.

Member
State Environmental Commission

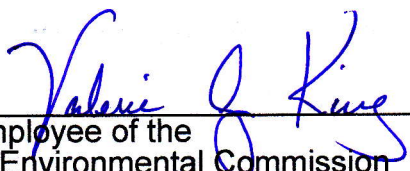
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3 **CERTIFICATE OF SERVICE**

4 I certify that I am an employee of the State of Nevada, State Environmental Commission, and
5 that on this 23rd day of October, 2017, I served a true and correct copy
6 of the foregoing ORDER REGARDING PETITION FOR LEAVE TO INTERVENE, MOTION
7 TO DISMISS AND BRIEFING SCHEDULE, via email, to the following:

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9 Mark Simons
msimons@rssblaw.com

10 Belinda Suwe
bsuwe@ag.nv.gov

11 Dawn Buoncristiani
dbuoncristiani@ag.nv.gov

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16 An employee of the
17 State Environmental Commission
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