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Governor



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COUNSEL
Rose Marie Reynolds

STAFF
John B. Walker
Executive Secretary

Electronic Memorandum

Date: March 30, 2012

To: Appellant:
Refuse, Inc.
Represented by Andrew M. Kenefick Senior Legal Counsel, Waste
Management Western Group & Richard J. Angell & Michael Tomko,
Attorney at Law, Parsons Behle & Latimer

Respondent:
Nevada Division of Environmental Protection
Represented by Jasmine Mehta
Office of the Attorney General

From: John B. Walker, Executive Secretary

Subject: Acknowledgement of Appellant Withdrawal of Refuse, Inc. Appeal of Air
Pollution Control Permit# AP4953-1148.01

On November 22, 2011, counsel for the Nevada Division of Environmental Protection (NDEP) informed the State Environmental Commission (SEC) that the parties to the Refuse Inc. Appeal had initiated a process for settling the appeal.

On November 30, 2011, the Commission continued the hearing date for the appeal to February 16, 2012. The Commission was subsequently informed that the parties were still working on modifying the above-referenced permit which, if successful, could make the appeal moot. Therefore, on February 9, 2012 the Commission vacated the February 16, 2012 hearing date and advised the parties that it would not reschedule a new date for the appeal until requested to do so by the parties in writing.

On March 27, 2012 the Commission was informed by the counsel for Refuse Inc. that matters subject to the appeal had been resolved and requested withdrawal of the appeal. Accordingly, this memorandum acknowledges that the above referenced appeal is now moot.

ecc: Rose Marie Reynolds
SEC Appeal Panel
NDEP Staff