

JIM. GIBBONS
Governor



STATE OF NEVADA
STATE ENVIRONMENTAL COMMISSION

901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249
Telephone (775) 687-9308
Fax (775) 687-5856
www.sec.nv.gov

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COUNSEL
Rose Marie Reynolds

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

Date: October 8, 2010

To: Appellants:
Sierra Club
Represented by Dan Galpern, Western Environmental Law Center

Respondent:
Nevada Division of Environmental Protection, Bureau of Water
Pollution Control
Represented by Carolyn Tanner, Office of the Attorney General

Intervener:
NV Energy
Represented by Thomas C. Woodworth, Esq.

From: John B. Walker, Executive Secretary

Subject: Preliminary Hearing: Reid Gardner #NEV91022

A three-member panel of the State Environmental Commission (SEC) has scheduled a preliminary hearing on the above referenced appeal filed by appellant Sierra Club. This preliminary hearing will be held as a teleconference beginning at **1:30 p.m.** on October 21, 2010. SEC staff will contact the parties with the appropriate call in number at a later date.

The SEC has jurisdiction to hear this appeal pursuant to NRS 445A.605, NRS 445A.610, and NAC 445B.875 through NAC 445B.899. The statutes and regulations involved in the preliminary hearing are NRS 445A.605, NRS 445A.610, NAC 445B.892 and NAC 445B.894(1).

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.

Matters for Consideration: On July 2, 2010, appellant Sierra Club filed an appeal of a renewal with modifications of Permit No. NEV 91022 issued on June 24, 2010 by the Nevada Division of Environmental Protection ("NDEP") to NV Energy, Inc. ("NV Energy") to discharge process and other wastewater to evaporation ponds located at Reid Gardner station. On

September 22, 2010, the SEC issued an order establishing a briefing schedule and scheduling the hearing for November 4 and 5, 2010.

On October 7, 2010, Sierra Club filed a motion seeking: (1) issuance of subpoenas to compel production of documents; (2) vacatur and continuance of the November hearing; and (3) a preliminary injunction to suspend the effectiveness of the permit and halt construction of new wastewater ponds. A copy of Sierra Club's motion is attached.

This Preliminary Hearing will be confined to the following issues: (1) whether to issue the requested subpoenas pursuant to NAC 445B.892; (2) whether the November hearing should be continued pursuant to NAC 445B.894(1); and (3) whether to issue a preliminary injunction as requested.

Please note that written oppositions, if any, to Sierra Club's motion must be filed by 5 p.m. on October 15, 2010. Any written response to an opposition(s) must be filed by 5 p.m. on October 19, 2010.

Related Information: Additional information about this appeal, including all of the documents listed herein, is available on the SEC website at the following location: <http://sec.nv.gov>.

Attachments: October 7, 2010 Motion filed by Sierra Club
SEC Rules of Practice