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STATE OF NEVADA
Department of Conservation and Natural Resources
OFFICE OF THE DIRECTOR

February 11, 2011

Mr. Tom Fransway.
Humboldt County Board of Commissioners
Courthouse Room 205
50 W. Fifth Street
Winnemucca, NV 89445

Dear Commissioner Fransway:

This letter is in response to your recent letter to Governor Sandoval regarding the proposed Jungo landfill. Your letter expresses concern that the Nevada Division of Environmental Protection (NDEP) is proceeding with action on the permit application for the proposed landfill site while a challenge in federal court is still pending. You specifically expressed concern that Humboldt County will not have adequate time to review the permit application.

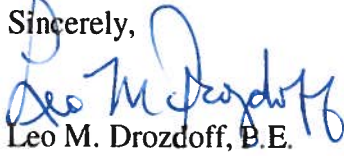
While I find that NDEP is obligated to continue with the permit review process, including accepting public comment, let me assure you that NDEP will not issue a permit until the legal challenges related to the Conditional Use Permit are resolved. Upon completion of our technical review, NDEP will, in accordance with the applicable regulations prepare and issue a notice of intent to either issue or deny the permit application as required by NAC 444.641. After the notice of intent is issued, the regulations require a minimum 30-day public comment period. I would note that NDEP routinely approves reasonable extensions of the public comment period if requested.

The actual timeline for completing our review is, to a large degree, dependent on the responsiveness of the applicant, however NDEP estimates that it will complete its technical review in the spring and that a public comment period may open in May or June of 2011. NDEP will also schedule a public hearing in Winnemucca during this same time frame, as allowed by NAC 444.6415. Again, if the court has not yet ruled on the matter of the Conditional Use Permit, NDEP would hold any proposed issuance of the permit in abeyance until the matter is resolved.

I believe this estimated review timeframe, along with the provision to request an extension of the public comment period, will ensure that Humboldt County has sufficient time to perform its own review of the permit application. NDEP has an extensive website devoted to the proposed Jungo landfill permit application (see <http://ndep.nv.gov/bwm/jungo.htm>). All of the permit application documents and associated correspondence are posted on the website and available to the County and your constituents.

I hope this clarifies NDEP's process in regard to the proposed Jungo landfill. Should you have any questions or if I can be of any assistance, please do not hesitate to contact me at 775-684-2710.

Sincerely,



Leo M. Drozdoff, B.E.

Director

cc: Dale Erquiaga, Senior Advisor to the Governor, Governor's Office
Chairman Humboldt County Commissioners
Colleen Cripps, Ph.D., Administrator, NDEP
