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# The Humboldt Sun

Winnemucca, Nevada Your Source for Community News VOLUME 40, ISSUE 77

**WEEKEND EDITION**



**HIGH DESERT HUNTING**  
This special section features the latest tips and equipment along with photos of area residents' outdoor adventures.

## City, county officials clash over landfill

By Heather Gula and Jen Anderson  
The Humboldt Sun

WINNEMUCCA — A long history of professional cooperation was put to the test Monday during a joint meeting with the Humboldt County Commission and Winnemucca City Council.

Officials met to discuss their joint response to a letter received from the community organization Nevadans Against Garbage. NAG sent a letter to both boards earlier this month, requesting a town hall forum to address questions and concerns regarding the proposed Jungo Landfill project.



HEATHER GULA • The Humboldt Sun  
Humboldt County Commission Chairman Tom Fransway (left) and Winnemucca Mayor Di An Putnam (right) confer with District Attorney Russell Smith (center) during Monday's joint meeting at the courthouse.

In response, Mayor Di An Putnam drafted a letter asking that NAG submit a detailed list of questions prior to the proposed town hall forum in order to allow local officials to prepare informed responses. She also suggested that the meeting be facilitated by a third party and that Recology representatives be present.

that the purpose of the questions was not to get Recology's input, it was to make sure that we have all the pertinent facts," she said.

"I know that the community would like to have a public hearing and get together to discuss the issues of the landfill and I feel that it's very, very important to have a meeting like that," she said. "I also feel the meeting should have an agenda to it and should be conducted in a way that when we walk away we all have some insight."

Commissioner Mike Bell noted that he had had a discussion with NAG members and they indicated they were in favor of pre-submitting questions and retaining a third-party facilitator.

County Chairman Tom Fransway noted that he would have liked to have had the drafted letter in advance so he could review it before signing. Putnam responded that the letter was included in his commission packet he received a week prior to the joint meeting.

The citizens in attendance were assured that the city and county officials would present the questions to various experts based on the nature of the question, and they may give others a chance to rebut the information presented in their answer.

Fransway said he would refuse to sign the letter if it meant Recology would have prior review of the questions.

Some in the audience remained unconvinced. Jim French stated that some members of both boards have taken positions in favor of the landfill from the very beginning. He did not see how those same officials could still be gathering information and felt that their efforts were disingenuous.

Putnam responded that the city's intent in suggesting prepared questions was to allow local officials ample time to collect information and present facts to the public.

Martha Dolan, speaking as a citizen, told the boards that a concerned member of a community that has faced similar issues. Haynes lives within 3½ miles of the entrance to the Lockwood Landfill, and said there are occasional odors, rodents and concerns about possible future earthquakes rupturing the protective liner underneath the landfill. He encouraged officials to look into

Councilman Patty Herzog agreed.

Fransway responded, saying, "It seems that the people in the community do not want a dump



HEATHER GULA • The Humboldt Sun  
In an act of protest against the approval of permits that allowed a California waste company to look at Humboldt County as its future home, Nevadans Against Garbage parked an installation piece in front of the Humboldt County Courthouse on Monday.

Commission the green light to issue the Conditional Use Permit was approved by county commissioners in 2007. Although Bell was not on the board at the time, he pointed out that public record reflects unanimous approval with votes cast by Fransway, Cassinelli, Giordano, Garley Amos and John Milton.

Fransway said he did not know the timetable and therefore would not confirm those statements.

"I can tell you one thing, you are right, you weren't on the commission at the time. I'll tell you some other things, when we approved that ordinance, it had several things in that ordinance that pertained to the future of this county; it did not open the door for 4,000 tons of trash per day. It made it possible, but it didn't make it happen," Fransway said. "Can I just put this to bed right now? The county commission has not approved anything, the Regional Planning Commission has."

At a separate city council meeting the following day, City Attorney Kent Maher also gave a brief rundown of Jungo Landfill's history thus far, which reinforced the information Bell provided at the joint meeting.

Maier said that Jungo Land Investments' first contact with Humboldt County took place in February 2007, when the county received a letter from the company. That letter was later made available to city and county officials at a joint meeting between the boards. The recommendation of the boards was to refer the company to the Humboldt County Landfill Committee, which occurred in the spring of that year. After further review, the landfill committee came back to both the city and county with the recommendation to change the existing ordinance to allow out of district waste if they wished to consider the project.

Maier's review of the events indicated that although the commission did not vote directly on the Jungo Landfill issue, the vote they took in 2007 to change the ordinance was in response to the letter of interest received from the company.

— See **LANDFILL**, Page Two —

Inside



**NEWMONT NOTES**  
Newmont supported a team for this year's Winnemucca Relay for Life event. Team Newmont, which was the top fundraiser in the community, is receiving an award at a Relay wrap-up party for its efforts.

**SPORTS**  
The Lowry High School cross country teams hosted a four-way conference meet on Wednesday at the high school.

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**Local Weather**

**Fri 9/25** 94/41   
Mainly sunny. Near record high temperatures. High 94F.

**Sat 9/26** 93/44   
Sunny. Highs in the low 90s and lows in the mid 40s.

**Sun 9/27** 90/44   
Sunny. Highs in the low 90s and lows in the mid 40s.

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## City reacts to joint meeting

**Councilmen agree that county should take lead on landfill issue**

By Jen Anderson  
The Humboldt Sun

WINNEMUCCA — Some Winnemucca City Council members lamented the potential loss of the good working relationship with the Humboldt County Commissioners following the joint meeting Sept. 21.

During the city council and staff comment period the following day, some councilmen worried that the cooperative relationship had been damaged during the joint city-county meeting where the boards met

to discuss issues related to the proposed Jungo Landfill project.

"I think it was a step backwards," said Mayor Di An Putnam. "I think it was a difficult meeting and I truly respect the support that all of you guys (gave). We worked as a body and we worked together and that was great."

Councilman Rich Stone, who was present at the joint meeting the previous day, said comments made by commissioners and councilmen alike were repeatedly cut short and interrupted by the county's chairman, Tom Fransway.

"I really feel the way that Chairman Fransway conducted the meeting was very inappropriate and very unprofessional," he said.

"... and disrespectful, from what I heard," interjected Joyce Sheen, who was not present at the joint meeting.

Stone continued, "The attacks on Patty (Herzog), and shutting people down who had a different opinion than him — I was just shocked at how unprofessional that meeting was conducted. A couple of the commissioners did try to intervene when he was saying, 'We've made the decision,' they did try to clarify that no decision had been made by anybody. It was probably the most unprofessional meeting I've ever seen."

City Manager/Engineer Steve West pointed out that the city had not taken action on one of the agenda items from the previous day, which was to respond to the letter the city received from Nevadans Against Garbage.

"At yesterday's meeting, we really didn't decide to send a formal response to Nevadans Against Garbage," he said. "I still think it's appropriate for us

— See **CITY**, Page Two —

**NEWMONT**  
The Gold Company

**Spot metal prices**  
New York Mercantile Exchange closing metals prices:

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# Reid weighs in on waste proposal

## Nevada senator introduces amendment for USGS study

By Heather Gula  
The Humboldt Sun



Sen. Harry Reid

WINNEMUCCA — Just one day after local officials met to discuss hosting a community discussion on the possible impact of the proposed Jungo Landfill, the issue received national recognition.

On Tuesday Sen. Harry Reid, D-Nev., introduced an amendment to the Interior Department Appropriations Bill that would fund a study by the U.S. Geological Survey to evaluate the impact of seepage from the proposed disposal site. The amendment passed the Senate that same day, however it still needs to be considered by the House of Representatives before it will become law, a task Reid does not feel he will have a problem accomplishing.

If Reid is right, evaluation by the USGS could hit the ground here in Humboldt County within the next few months.

According to statements released by Reid's office Tuesday, if it comes to fruition, the investigation will evaluate the amount of time it will take waste seepage from the proposed disposal site to contaminate local water resources. Additionally it will look at how far the contamination will travel over the next 95 and 190 years. It will look at the potential impact of seepage on the Rye Patch Reservoir and the Humboldt River and will determine the size and elevation of the aquifers and study any impact that waste seepage from the proposed Jungo Disposal Site could have on Winnemucca's municipal water supply.

Reid told the Humboldt Sun in an interview Wednesday that he opposes the project's very foundation.

"I wouldn't support it if it was bringing in 10 pounds of garbage a day," he said. "I think it does not make Humboldt County look good and I think it does not make the state of Nevada look good."

More specifically he cited the volume of refuse that the proposed site would house and the contents of the waste that pose health risks to surrounding communities.

"To bring 4,000 tons a day, (40 tons) of which consists of asbestos and other horrible things is beyond my ability to comprehend why we would even consider that," he said. "This is horrible. I can't imagine that the Humboldt County planning commission would approve the extension of that permit."

He feels the planning commission has an opportunity to put a stop to the project when Recology's Conditional Use Permit expires in April 2010.

He went on to state that the Nevada Department of Environmental Protection has the authority to stop the project and called for them to do so.

"This should be the responsibility of the state, but I am willing to see if we can get the federal folks to help," he said. "I am doing everything I can as I've indicated (Tuesday), but the best way to do it is to have the state not approve the program and to have the planning commission not approve the Conditional Use Permit."

In contrast to his assertion, Mike Elges, chief of air quality

planning for the NDEP, explained that the agency's process is strictly dictated by the Code of Federal Regulations. If Recology's permit applications conforms with the necessary regulations, NDEP is obligated to approve their permit.

In reaction to comments made by Humboldt County Commission Chairman Tom Fransway during the Aug. 19 NDEP public hearing, Elges questioned the responsibility of the state to prohibit the landfill.

"I don't understand how they can square up by saying NDEP ought to disapprove it," Elges said. "At the end of the day I understand the mechanics but (the county) has had, and does have to this day, the ability to make a call on a Conditional Use Permit. They made a change in the ordinance to specifically allow this to happen to begin with."

Reid concurred, saying that the county commission has the ability to revoke the changes to the ordinance made in 2007 which allowed for consideration of out of area refuse by the RPC.

Humboldt County's legal advisors seemingly disagree with Reid's conclusion that Humboldt County can revoke the ordinance without consequence and that the RPC has the ability to revoke the Conditional Use Permit without just cause.

The commission has repeatedly voiced concerns that such actions could leave the county vulnerable to a lawsuit based on the 2007 approval of both the commission and RPC that led to extensive engineering endeavors by Recology.

Those fears were reinforced by an Aug. 12 letter to the RPC from Recology's attorney, John Frankovich. In that letter Frankovich states that a petition calling for the revocation of the CUP lacks standing to challenge the permit. He notes that Humboldt County Code only allows for a challenge of the permit in accordance with the appeal process, which expired in 2007.

Further, he asserts that Nevada

Revised Statutes place strict regulations on who may appeal the permit and claims that no aggrieved party came forward as part of the petition for revocation.

His findings indicate that the permit may now only be revoked for non-compliance with conditions set forth in the permit.

Reid sees the current predicament of the county as a result of questionable decisions by the permitting agencies.

"I blame the Regional Planning Commission and whoever appointed them and the state of Nevada," Reid said. "I don't know how it works in Humboldt County but in most counties the planning commission is appointed by elected officials. They don't run for office they are appointed, and I would bet any one of these planning officials that have been appointed can be removed by the county commissioners."

For Reid, the bottom line appears to be that he will not support the approval of an agreement between Humboldt County and Recology under any circumstances.

"The proposal to dump mountains of California trash in our state — one full train load, five days a week for the next 95 years — is a clear environmental and public health hazard," Reid said in a statement issued by his office. "What's more, it is a threat to Nevada's sovereignty and dignity. This study by the U.S. Geological Survey will carefully examine the risks of this proposal and protect the residents of Humboldt County now and in the future."

He said that even if that evaluation came back with a recommendation to allow the operation to go into production, he would argue that the social and environmental costs outweigh the benefits.

If the evaluations came back with a clean bill of health for the project Reid said;

"I would laugh real hard. Common sense still exists in the world."

## CITY

(Cont. from Page One)  
to respond in some manner."

Putnam agreed, saying that the feeling she got from the previous day's joint meeting was that the county was prepared to take the reins of the landfill issue, and said Fransway was ready to take a vote from commissioners on whether or not to support the project.

"We are not the lead agency on this," Putnam said. "The county is the lead agency, and perhaps maybe we should step back and let them take the lead. If

they desire a public forum and if they want our participation we can consider it. I think at this point we should back off and let them be the lead agency that they are."

Councilman Doug Cain was not present at the joint meeting, but said descriptions of the previous day's events would lead him to agree with the mayor.

Herzog also lent her support to the mayor's suggestion.

"I fully agree. I think you're right on," she said. "Your leader-

ship to this council is respected and appreciated. Following your recommendation is fully supported by this side, as a council member."

Stone said he was in favor of letting the county take the lead in trying to stop the landfill project if that's the position they ultimately decided to take.

"Let them fight their fight," he said. "(Fransway) seems to think they have all the legal right to stop this, and I don't know where he's getting his information, but I question his judgment based on

the way he operated his meeting yesterday."

Sheen said she was also supportive of taking a step back, but wanted the proposed letter to note that the city was doing so in response to the county's wishes.

"We're not just backing out because it's a tough deal, but the county wishes to be the lead agency and we're going to let them," she said. "I don't want it to be seen that we're too afraid to talk about it, it's just that they do call the shots; it is in the county."

## LANDFILL

(Cont. from Page One)

Giordano added that the county followed proper procedure in changing the ordinance and conducted multiple public meetings and hearings. He noted that the ordinance was changed without one person making public comment.

Concerned audience member Cheryl Robinson said that she did not feel that county and city officials should make decisions that impact the community without more direct involvement from citizens.

"You should not be qualified to make a decision of that magnitude for all of us," she said.

Herzog pointed out that elected officials are tasked with that exact responsibility.

"You elect us to do the legwork, to be fair and balanced and to research the issues," he said. "(We have) the best interest of this town at our hearts. It's our home."

Annie Drake, whose name was attached to the letter sent to the city and county from NAG, said she is in support of holding an organized meeting but would

like to be certain that the meeting isn't so structured that people are turned away from making spontaneous comment.

Stone reinforced that, saying the city is certainly not implying that the written questions submitted ahead of time would be the only questions answered at the meeting.

Drake also stated that NAG is in favor of securing a facilitator with a neutral voice to conduct the meeting.

Giordano agreed, saying that having a facilitator will ensure that the meeting stays productive. "Without the proper person running this thing, it could get out of control," he said.

Fransway objected to the use of a third-party facilitator.

"You pay the mayor and the county commission chair to facilitate these meetings," he said, arguing that those roles are standard across the state.

Stone questioned Fransway's ability to remain impartial while performing in that role.

"I think we absolutely need to have a facilitator," he said. "Mr. Fransway has definitely come

out and voiced his opinion and I am not sure if he wouldn't direct (the meeting) towards his opinion. I think a facilitator can be more neutral and get to the point and have a better meeting with more fact-finding."

With that comment, Stone made a motion for the city to hold a joint public meeting, discussion only, accepting both pre-registered and spontaneous questions. The motion passed unanimously by the city council, with Doug Cain and Joyce Sheen absent.

Giordano followed suit, moving to mirror the city's motion but with the added provision that a facilitator be used to set guidelines and conduct the meeting.

However, before a vote could be taken, one more public comment was accepted from Cara Odom. She asked that an independent consultant be hired to review any answers provided by Recology. Mayor Putnam responded, explaining that industry professionals who are not directly related to the project would be approached for answers to the questions.

Cassinelli asked Odom that if the data collected by an independent consultant came back favorable toward Recology's project, if she could be persuaded to support the Jungo Landfill.

"Or would we simply be wasting our time because you don't want it?" he asked.

She replied, "We don't want it, no. I know that I don't want it because I've already done a lot of that research."

Cassinelli said if she was not open to favorable results, that there was no purpose in holding a meeting. He said the only result he could foresee would be more fighting amongst community members.

"We are even fighting up here among ourselves, which we never did before," he said.

County Administrator Bill Deist reminded Fransway of the motion on the floor. Commissioners voted 4-1 in favor of holding a facilitated meeting, as stated in Giordano's motion. Cassinelli cast the only dissenting vote.

Neither the city nor county voted on whether or not to send the letter of response to NAG.

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