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## Anti-landfill forces lose appeal on air quality permit

Written by Dee Holzel

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CARSON CITY — An effort by local anti-landfill forces to quash the air quality permit issued by the Nevada Department of Environmental Protection to Jungo Land & Investments was unsuccessful.

An appeal of the decision to issue the permit was filed by Robert Dolan, Massey Mayo, and Phil Jacko. The appeal was heard by a three-member panel of the State Environmental Commission on Friday (May 21) in Carson City.

Jungo Land & Investments was represented at the appeal by John Frankovich, of McDonald, Carano, Wilson, who argued the three failed to show NDEP's representatives violated state statutes in issuing the permit. After several hours of testimony, Frankovich made a motion to dismiss the appeal, which was granted.

The permit was issued in March and was a necessary component of Jungo Land & Investment's ability to develop a class 1 landfill on Jungo Rd. The permitting process has become bogged down in court by anti-landfill activists who are attempting to block the proposed construction of the landfill.

At the hearing on Friday, Dolan repeatedly attempted to introduce evidence to show data submitted by Jungo Land & Investments on wind speeds was faulty; however, NDEP representatives testified the data was not considered as part of the air quality permitting process.

In fact, evidence was introduced that showed the wind speed data was prepared in May 2009 – four months after the paperwork for the air quality permit was submitted.

Dolan argued the information on wind speeds was relevant because particulate matter from the landfill could potentially be blown the 25 miles into Winnemucca where it could potentially impact the health and safety of the residents. Therefore, the wind speeds should have been considered as part of the air quality permitting process because state law requires the NDEP to consider the health and safety of the residents.

Dolan expressed his concern the landfill operators may not follow the state statutes governing the control of fugitive dust.

"We have rules in the criminal area that people shall not rob banks, but they do it," he noted. "There are all sorts of things people shouldn't do but it happens and it will happen here. There will be blowing particulate matter."

However, in granting the motion to dismiss following a unanimous vote, Pete Anderson, the chairman of the three-panel committee, noted the law requires the landfill operators to control fugitive dust – it just doesn't tell them how to go about it.

Board member Jim Gans reiterated no evidence was introduced that showed the NDEP didn't do their job in advance of issuing the permit.

After the hearing *SP*Jasked Dolan if a better use of the considerable resources put towards blocking the landfill permits wouldn't be better used towards lobbying the Nevada Legislature to craft more stringent environmental laws.

It has been noted throughout the process that California's laws, where the trash for the proposed Jungo Rd. landfill will be coming from, has much stricter environmental laws for landfills.

Dolan responded he hoped the Legislature was paying attention to the issue and commented, "The Legislature and the governor have not effectively addressed this issue yet. One would hope this effort of ours sparks interest by the people's representatives to address the obvious gaping holes in Nevada law."

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Dolan said he and Mayo would discuss whether or not to move forward with an appeal to the 1st Judicial District Court.

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