

## Three appeals filed against final Jungo permit



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WINNEMUCCA — Three appeals were filed with the State Environmental Commission (SEC) that suggest the Nevada Division of Environmental Protection erred in issuing a final permit to Nevada Land & Resources for the construction of a class 1 landfill on Jungo Rd.

The appeals were filed on Friday (March 9) by Richard Cook, Robert Hannum, and the Clean Desert Foundation, who are represented by local attorney Robert Dolan.

NDEP issued the final permit on February 29 and those who objected could appeal within ten days in order to have a hearing before the SEC. All three appeals were brought for environmental reasons and primarily over concern for the water table.

Cook alleged in his appeal the NDEP relied too much on information submitted by the company proposing to construct the landfill. He added the state agency ignored evidence the landfill site is subjected to pooling waters and the soil inadequate for construction and "borrowing".

The operating plans indicate soils would be used for such activities as creating berms to control pooling waters and also for daily cover.

Cook further argued against allowing the reduction in distance from landfill-to-ground water by 70 percent.

Cook asked for two hours to present information to the SEC.

In his appeal, Hannum alleged the NDEP violated the Clean Water Act, Section 402, which concerns a Pollution Discharge System to prevent the discharge of pollution into the groundwater. Hannum indicated he would need 90 minutes to present his case.

Dolan filed a lengthy appeal and indicated he would need two days to comment and present evidence.

In his appeal, Dolan argued the final permit violates five policies of the State of Nevada: to protect health and welfare; prevent water or air pollution, prevent the spread of disease and creation of nuisances; conserve natural resources; and enhance the beauty and quality of life.

The appeal is based primarily on the argument the water table would not be protected and faced eventual contamination from the landfill.

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*While in the process of obtaining permits for the construction of a class 1 landfill, Jungo Land & Investments has also been involved in a federal lawsuit to defend its conditional use permit extension, which was issued by the Regional Planning Commission and revoked by the Humboldt County Commission. The Federal District Court for the State of Nevada ruled the commissioners exceeded their authority and restored the CUP; the county appealed the decision to the 9th Circuit Court of Appeals; the whole matter was referred to the court's remediation program in the hopes the matter can be settled.*

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