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Bureau of Waste Management – Solid Waste Branch
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Mr. Taylor:

RE: Jungo Landfill Public Comment

My name is Tracy Austin. I spent my last two years of high school in Winnemucca, am semi-retired after 25 years as a Chief Information Officer and Vice President of Information Technology for two large multi-location gaming companies, Caesars Entertainment and Mandalay Resort Group. I have several family members and friends in Winnemucca with land holdings and businesses. I have followed all news and meetings on this project; as well as news of Recology in California, Oregon and other parts of Nevada. I also maintain the Nevadans Against Garbage Facebook Group and Page, as well as tweet about the landfill.

I have several questions on the project. They are laid out by category. Thank you in advance for responding to these questions.

Financial Assurance for Landfill/Clarity on Who is Responsible

- In a February 7, 2011 letter [\[i\]](#) from the NDEP to Recology, the NDEP noted that “*Prior to issuance of the Permit Nevada Land and Resources (NLRC) must either transfer the property to Jungo Land and Investments (JLII), or Nevada Land and Resources (NLRC) would be identified as the owner and Jungo Land and Investments (JLII) will be identified as the operator. In this event, Nevada Land and Resources (NLRC) would be the responsible financial party and necessitate submission of Financial Assurance for the Closure and Post Closure for the Site*”. [\[ii\]](#)

- In the April 2011 Application for a Permit to Construct and Operate a Class I Landfill Facility, Jungo Disposal Site, Revision 4, it is noted that ...”*The land is currently owned by Nevada Land and Resources, Inc. but will be acquired by Jungo Land and Investments (JLII) prior to development. JLII currently has a leasehold interest with an option to purchase the property, which JLII plans to exercise once the necessary State permits have been obtained.*” [\[iii\]](#) It seems logical enough that Jungo, or Recology, would not buy this land until all State permits have been obtained.

- o However, interestingly, given that logic and the February 7, 2011 letter, and the above statement on land ownership, this same application specifies Jungo Land & Investments as the landfill owner and operator [\[iv\]](#).

- Given the land is still not owned by Jungo/Recology, the NDEP draft permit published on October 26, 2011 specifies Nevada Land and Resource **LLC** is the owner and Recology is the operator. [\[v\]](#) Just as it was spelled out in the February 7 letter to Recology. The public notice and fact sheet actually specify Jungo Land and Investments **Inc** as the ‘applicant’, ‘permittee’ and ‘operator’. [\[vi\]](#)

- o Also, as is common with many land leases, it is important to note that Nevada Land and Resources **LLC** has an amended notice of non-responsibility with Jungo Land and Investments, Inc. as part of the lease and option to purchase. This notice specifies they are “...*not responsible for any claims arising from any work of improvement in, upon or over said real property, including but not limited to, mineral exploration, mineral development, mineral processing, the construction, alteration, addition to, repair,*

demolition or removal of any building or structure whatsoever, or the seeding sodding or planting for landscape purposes, or filling, leveling or grading of said property”. I’m betting this covers landfills, too. Notice on file and dated 2/5/07. Also, it applies to all four sections of land Jungo Land and Investment Inc has a lease/purchase option on.

- On 11/30/2011, Nevada Land and Resources, LLC, sold the parcel of land designated for the Jungo Landfill to New Nevada Resources [vii]

- The current Trust agreement available to the public is filed with Jungo Land and Investments. Not Nevada Land and Resources Inc or LLC, or New Nevada Resources.

To summarize, then, it appears the draft permit was going to a company, Nevada Land and Resources, LLC or INC, that has a filed notice of non-responsibility on the landfill site, and who’s name is not on any trust agreements or financial accountability *at this time*. Meaning, they were not currently on point for closure and post closure of the site at the time of the draft permit publication. Then, they sold this land to someone else even though they had a lease/purchase agreement with Recology Jungo Landfill. The new owner of the land, New Nevada Resources is clearly was not mentioned in the draft permit, or brought up in the December 1 public meeting where this issue of confusing company responsibility or ownership was first brought up.

Questions re Financial Assurance for Landfill/Clarity on Who is Responsible

1. Was it indeed accurate for us to understand that Nevada Land and Resources was the owner as specified in the draft permit?

a. If yes, given Nevada Land and Resources was the owner as specified in the draft permit, is New Nevada Resources now the owner?

i. Has Nevada Resources become “...*the responsible financial party and necessitate submission of Financial Assurance for the Closure and Post Closure for the Site...*” As specified in the February 7, 2011 letter from NDEP to Recology when speaking to Nevada Land and Resources?

b. If yes, is New Nevada Resources aware of this responsibility?

i. Who is responsible for ensuring they receive communications affecting them from the NDEP?

ii. Is New Nevada Resources willing to accept this responsibility?

c. If yes, is New Nevada Resource’s submission of Financial Assurance of Closure and Post Closure part of the conditions of issuing them an operating permit for a solid waste disposal site?

i. Or, is requiring Jungo Land and Investments to execute their purchase option part of the conditions of issuing this permit?

1. Does the purchase agreement between New Nevada Resource’s and Nevada Land and Resources honor the lease/purchase agreement between Recology/Jungo Land and Investments and Nevada Land and Resources?

2. Does New Nevada Resources have the same non-accountability close as Nevada Land and Resources?

ii. There were three items identified in the Compliance Schedule for this permit spelled out in the Technical Completeness review letter sent to Recology on October 17, 2011 [viii] . These items, requiring whoever the owner of the land is and their financial responsibility, are not mentioned. Should they be? Or are they legally covered in the February 7, 2011 letter?

d. If no, then what needs to be clarified in the draft permit and any other pertinent documents?

2. Nevada Land and Resources INC and LLC or used in various places of the draft permit, public notice and fact sheet. Which is it? Does it matter? (A search for Nevada Land and Resources LLC [ix] and

Nevada Land and Resources **INC** results in information for Nevada Land and Resources **INC/x** on the Nevada Secretary of State business search site.)

a. It doesn't matter now given the sale of the land to New Nevada Resources. I leave this comment in because the level of accuracy in the names on the permit is key to financial, taxable and operational accountability. What else may be inaccurate in the operating permit given this simple issue?

3. I've double checked the air quality permit and the conditional use permit (CUP) and noted it is made out to Jungo Land and Investments Inc. **[xi]** Nevada Land and Resources INC or LLC, and **New Nevada Resources** do not appear to have an air quality permit or a conditional use permit. How will that work?

Politics/Economics of the Landfill

While the economics of the landfill are not of concern to the NDEP and the operating permit, I would like to ensure there is no funding or political motivation behind the NDEP intent to permit this landfill. Some believe there is incredible revenue or job potential from this landfill. That is clearly not true. In fact, many may be very misinformed on this issue. Especially at the state level where they may think a large percent of the landfill revenue will go to state coffers.

- The economics proposed by Recology for this landfill are shaky and of little consequence based on the environmental risk (see <http://bit.ly/cm4YkA> for a pretty good write up from a UNR Journalism student on the numbers).
- The number of jobs quoted for the project have ranged from 20-30, along with the caveat that Recology 'hopes' those jobs would be filled locally. Given Winnemucca is in gold country, the jobs that may be there with this project aren't significant.
- California has established stricter goals to divert 75% of their solid waste away from landfills by 2020 (see: <http://www.calrecycle.ca.gov/stateagency/requirements/>). Depending on potential contract terms (% of revenue or fixed fee) between Humboldt County and Recology, the proposed local revenues from this landfill could be severely underestimated given these landfill diversion goals. I am sure Recology could respond to that by offering to bring in waste from Oregon or higher risk waste from California such as sludge and asbestos (the NDEP draft permit still sources the waste as being from California). Even Recology has said landfills will lose their significance (see: <http://www.newsreview.com/chico/trash-evolution/content?oid=1388523>).

Questions on Political/Economic Implications of the Landfill

1. How is the NDEP funded? Your press person, Vincent Guthreau, had told me it was via permit fees; but that would be a clear conflict for the NDEP given the mission to protect the environment, so, this would be a good clarification for the public.

2. Has the NDEP been pressured by any elected official or organization or permit to approve this permit?

a. If yes, who?

3. Has the NDEP accepted any funding from Recology, Golder, or any Recology contractors, subsidiaries or associates at any time for any reason?

a. If yes, from who, when and amounts

NDEP Confidence in the Landfill Design

- The NDEP is creating an exception to Nevada statute allowing the landfill to be built closer to an active aquifer than state law allows, after you, Mr. Taylor, and the EPA have said all landfill liners leak. We need to protect our water in Nevada. NDEP regulations specify a landfill shall not pollute groundwater at any location. You, Mr. Taylor, even stated in the public meeting in Winnemucca on 12/1/2011 that you had to '...reach deep into your bag of tricks...' to make this (exception to the Nevada statute) work. Your

permitting of this landfill will guarantee contamination of this aquifer, and therefore, wells and water nearby. Water is the new Nevada gold. We cannot afford to contaminate this water for current and future generations.

- You have stated the site design is built to address community concerns but noted in the 12/1 meeting that there is no plan yet for managing leachate, and stated 'at least that's the way it's supposed to work' after describing the plan for managing methane gas. Also, see the first bullet above re the exception to the Nevada statute on building closer to an aquifer.

- You noted in the 12/1 meeting, Mr. Taylor, that you'd never been out to the site, or read the soil report. The soil report from the USDA NRCS 2009 report clearly states this is the wrong site for a landfill.

I believe, given your comments, Mr. Taylor, you truly believe, as I do, that this is the wrong site for a landfill, regardless of the technology.

Questions on NDEP Confidence in the Landfill Design

1. Has the NDEP now read the soil report?

a. If yes, is there a different view on the stability of this site from the NDEP?

2. How can you publish intent to issue a permit with unclear direction on the leachate plan?

3. Are you confident or not in the methane plan?

a. If yes, given your comment, 'at least that's how it is supposed to work', how can you be confident?

4. Has the NDEP been out to the site yet?

a. Why didn't they go out there as part of the permit process?

5. Has the NDEP looked at community pictures/documentation of this area under water in the spring?

There are clearly periods of time where this area behaves as a flood plain. Why weren't you out there last spring, 2010?

6. What did you mean by having to look 'deep into your bag of tricks' for approving an exception to Nevada statute allowing Recology to build closer to an active aquifer?

7. Your mission is to protect the environment.

a. The process you've gone thru with Recology appears to be that you've coached or helped them design something that may or may not meet the basic NDEP requirements.

i. Who stood up for the environment?

b. Your measures of the operations of the landfill will only glean damages to the environment after they have occurred. So, clearly you are not protecting the environment. You are reporting on damage after the fact. That does not fulfill your mission.

i. How are you proactively protecting the environment (include water in your answer) in this 'design'?

8. Mr. Taylor, given your comments, are you really confident in the design of this landfill, or have you somehow been pressured in to it?

Changes in the Future Operations of the Landfill

The current permit states all waste will come from Northern California, and that there will be no asbestos or waste sludge. As I understand it, the operator can petition the NDEP for changes at any time. The NDEP will review the changes, and then there will be a public comment period. THE PEOPLE OF HUMBOLDT COUNTY WILL HAVE NO SAY EXCEPT FOR ANOTHER IMPOTENT PUBLIC COMMENT PERIOD.

I am sure you are aware of the fact that the entire state of California recently set required goals to reduce all waste going to a landfill by 75%. See: http://www.calrecycle.ca.gov/s_tateagency/requirements/ So, clearly, Recology will be looking to change or augment the waste stream to the proposed Jungo Landfill which is currently set at waste from various northern California communities in the draft permit.

Questions on Changes in the Future Operations of the Landfill

1. Would you allow/recommend asbestos and/or sludge in the waste stream as a future request from Recology given the design and exceptions to Nevada statute that you've allowed?
2. Would you allow/recommend waste from Oregon as a future request from Recology given the design and exceptions to Nevada statute that you've allowed?
3. Would you allow/recommend expansion of this landfill to the other 3 sections Recology has a lease/purchase option on (assuming they hold true with New Nevada Resources) given the design and exceptions to Nevada statute that you've allowed?

Thanks again for your attention to my questions. I look forward to your reply.

Sincerely,

Tracy Austin