

July 24, 2009

Humboldt County Regional Planning Commission HAND DELIVERED
c/o Ms. Betty Lawrence
Staff Director
Humboldt County Courthouse
Winnemucca, NV 89445

Re: Petition for Review & Revocation
of Conditional or Special Use Permit
for Jungo Land & Investment, Inc.
CASE NO. UH-07-05

Dear Members of the Humboldt County Regional Planning Commission:

Please take note that enclosed herewith is a Petition for the Review and Revocation of the Conditional or Special Use Permit issued to Jungo Land and Investment, Inc. in the above referenced case.

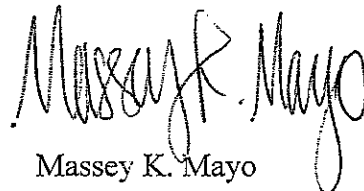
It is respectfully urged that good cause exists for you to review and revoke the conditional or special use permit previously granted in the above stated matter. Additionally, the undersigned respectfully request that this Petition be placed on the agenda for the next Regional Planning Commission meeting.

Thank you for your attention to this matter.

Sincerely,



Bob Dolan



Massey K. Mayo

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REGIONAL PLANNING
DEPARTMENT

Betty Lawrence

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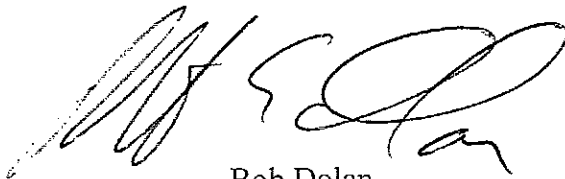
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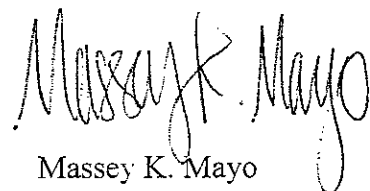
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Sincerely,



Bob Dolan



Massey K. Mayo

1 BEFORE THE HUMBOLDT COUNTY REGIONAL PLANNING COMMISSION
2 STATE OF NEVADA
3
4

5
6
7 IN THE MATTER OF THE
8 CONDITIONAL USE PERMIT FOR
9 JUNGO LAND AND INVESTMENT, INC.

CASE NO. UH-07-05

10 *****

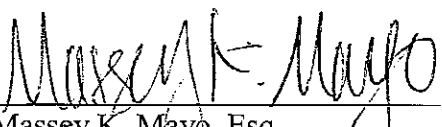
11 PETITION FOR THE REVOCATION OF THE CONDITIONAL OR SPECIAL USE PERMIT
12

13 COMES NOW, ROBERT E. DOLAN, MASSEY K. MAYO, and the undersigned
14 citizens of Humboldt County whose names are found on the list attached hereto, and hereby
15 petition this honorable Humboldt County Regional Planning Commission, and the members
16 thereof, to revoke the Conditional or Special Use permit granted to Jungo Land and Investment,
17 Inc. to operate a landfill in Humboldt County, Nevada, pursuant to the above stated conditional
18 and/or special use permit or case number.

19 In support of this petition are the Statement of Facts, and Points and Authorities in
20 Support, and the attached petition of concerned citizens of the community, and any evidence and
21 argument heard hereon.

22 Respectfully submitted this 27th day of July, 2009.

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STATEMENT OF FACTS

1) That, on or about March 20, 2007, Jungo Land and Investments, Inc. (hereinafter referred to as "Jungo") applied for a "Conditional or Special Use" permit from the Humboldt County Regional Planning Commission (hereinafter referred to as the "Commission") to operate a solid waste disposal site (herein after referred to as a "landfill") in Humboldt County, State of Nevada.

2) That the location of the aforesaid proposed landfill is approximately 25 miles west of Winnemucca on Jungo Road, APN 05-411-07.

3) That Jungo submitted an application to the Commission and made various factual assertions to the Commission in connection with the application. That said factual assertions were materially false and/or materially misleading.

4) That when Jungo submitted its application there were material omissions of fact from the aforesaid application which was designed to and which did materially mislead the Commission.

5) That, subsequent to the receipt of aforesaid application, the Commission met and considered the aforementioned application for a conditional and/or special use permit, and granted same with conditions.

6) That subsequent to the action by the Commission, Jungo, through Don Gambelin, on or about April 23, 2007, executed an "Acceptance Form" which contained conditions.

7) That it has been represented to Robert E. Dolan, the movant herein, by the Secretary of the Humboldt County Regional Planning Commission, that there is not a single document which is and constitutes the "Conditional or Special Use" permit for Jungo, as such, but that said

1 “Conditional or Special Use” permit for Jungo consists of, among other things, Jungo’s
2 application to the Commission and the “Acceptance Form” by Jungo.

3
4 8) That the aforesaid application for the “Condition or Special Use” permit, and
5 “Acceptance Form” for said “Conditional or Special Use” permit, contains materially false
6 and/or materially misleading promises and/or factual statements, and/or materially false and
7 materially misleading misrepresentations, by Jungo.

8 9) That the false promises, statements or misleading statements or representations found
9 in the application are, without limitation, the following:

10
11 A) **Question 1.** Please explain in sufficient detail the nature of your project and
12 how it will operate. **Ans.** The nature of the development is to receive and
13 dispose of solid waste in appropriately construct waste disposal cells. Waste
14 is transported from outside of Humboldt County to the site via the Union
15 Pacific Railroad

16
17 B) **Question 6.** Will the use affect abutting properties or the uses permitted
18 thereon? Describe: **Ans:** No affect on abutting properties.

19 C) **Question 7.** Will any materials or goods be stored as part of this use?
20 **Ans.** Yes; Question: If yes, what kind(s) of materials or goods? **Ans.** Site
21 is for long term management of disposal solid wastes.
22 **question:** How much materials or goods? **Ans.** Approx. 200 million cubic
23 yards

24 10) That the false promises, statement or misleading statements or representations found
25 in the “Acceptance Form” are, without limitation, the following:

26 A) **Condition 9:** There shall be no interference with the peace, contentment or
27 general welfare of the area.

28 11) That Jungo submitted an application to the State of Nevada for a class I operating
permit and represented to the State of Nevada that the maximum design capacity for the landfill

1 site is 106 million cubic yards, and not the 200 million cubic yards figure as used by Jungo in
2 their conditional use application. (A copy of said document is attached hereto as exhibit "A").
3

4 12) That Jungo submitted an application to the State of Nevada for a class I operating
5 permit and represented to the State of Nevada that not just "solid waste" would be disposed of at
6 the landfill site as represented in the application to the Commission, but that "C&D debris, tires,
7 sludge, and asbestos-containing materials" would be disposed of at the landfill site.
8

9 13) That the "Acceptance Form" acknowledges and states, in paragraph 6, that "the
10 "Conditional Use Permit approval for a long-term solid waste disposal site is based upon the
11 facts as found within the application."
12

13 14) That the "Acceptance Form" acknowledges and states, in paragraph 7, that the
14 Regional Planning Commission, on its own motion at a public hearing, may revoke a Use Permit
15 for non-compliance with the conditions as set forth in granting the permit".
16

17 **POINTS AND AUTHORITIES**

18 15) Jungo submitted materially false information and data to the Commission to
19 obtain the conditional and/or special use permit. Jungo has materially misled the Commission
20 through omission in its successful effort to obtain the conditional or special use permit. It failed
21 to include in its application the fact that it is seeking to dispose of such things as "tires" and
22 "sludge" and "asbestos-containing materials". Asbestos! How many of the 4,000 tons per day
23 will have asbestos? No member on the Commission discussed the possibility of asbestos, or the
24 amount of asbestos, or the possible affect on the health and safety of citizens or water users or
25 anything because it was not a part of the application, nor were the members of the Commission
26 made aware of the asbestos issue for proper discussion! That is misleading and constitutes sound
27 grounds for the Commission to revoke the conditional permit herein.
28

1 16) In Question 6 of the application, when Jungo answered that there would be “n(o)
2 affect on abutting properties” if provided materially false information to the Commission. Jungo
3 lied.

4 Had Jungo simply represented that there would be an “affect” on abutting properties but
5 that in their opinion said “affect” would not violate the law, then maybe (just maybe) Jungo
6 would not have provided false or misleading representations to the Commission on this point.
7 But, mislead it did. (However, anecdotal evidence suggests that the proposed landfill will, at
8 least, be a common law nuisance.)

9 17) In its “acceptance form” Jungo represented that there would be no interference
10 with the peace, contentment or general welfare of the area. This representation is false and/or
11 misleading. There would be, among other things, odor, noxious odor. There will also be
12 “blowing” junk in the wind.

13 18) The citizens of Humboldt County have traditionally used the abutting property to
14 the landfill site for camping, recreation, meditation, star gazing, hunting and the list goes on. It
15 is just a bald face lie, and/or a false statement, by Jungo that the use of the abutting property to
16 the landfill site will be **unaffected** by the permit to use its land as represented in the application.

17 19) When Jungo, by and through Don Gambelin, submitted its “Acceptance Form”
18 and stated or promised that “(t)here shall be no interference with the peace, contentment or
19 general welfare of the area”, it made a false promise, and a false or materially misleading
20 statement or representation.

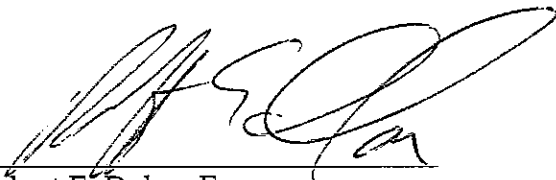
21 20) When Jungo stated in its application that there would be “200 million cubic
22 yards” of materials or goods disposed in the landfill (as found in question 7 of the application) it
23 misled the Commission. Perhaps the members of the Commission or other governmental
24 officials used this figure to calculate the quantum of fees Humboldt County would earn via “host
25 fees” when in fact Jungo, in a separate governmental filing, represented that the design capacity
26 of the landfill site was for only 106 million cubic yards of solid waste.

27 21) The conditional or special use permit itself provides that if any of the “facts” “as
28 found within the application” change, then review and revocation of the permit may occur. This

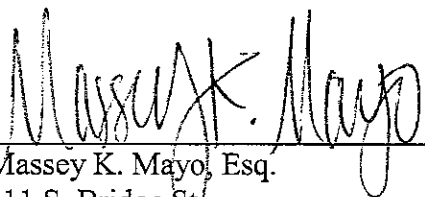
1 is a power reserved by the Commission as stated in the aforesaid paragraph 7 of the "Acceptance
2 Form". Logic dictates that, of course, the "Conditional or Special Use" permit allowed by the
3 Commission herein would be and is based on the material facts represented to it by Jungo. That
4 is the case herein.

5 22) The failure to review and revoke the permit of Jungo would be an abuse of discretion
6 by this Commission.

7 WHEREFORE it is respectfully submitted by the undersigned (and by the individuals
8 whose names are attached hereto) that good cause exists for the Humboldt County Regional
9 Planning Commission to review and revoke the conditional or special use permit granted to
10 Jungo Land and Investment, Inc.

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**INDUSTRIAL PROCESS
APPLICATION FORM
CLASS I OPERATING PERMIT TO CONSTRUCT**

Check here if this is an
alternative operating scenario

Section 1 - Equipment Description

a.	Type of equipment <u>Municipal Solid Waste Landfill</u>
b.	Standard Industrial Classification (SIC) Code <u>4953</u>
c.	Manufacturer of equipment <u>NA</u>
d.	Model number <u>NA</u> Serial number <u>NA</u> *Equip. number <u>NA</u>
e.	Date equipment manufactured: <u>NA</u>
f.	Please check one: <input type="checkbox"/> Temporary (At the same location for less than 12 months) <input checked="" type="checkbox"/> Stationary (At the same location for more than 12 months)
g.	For crushers: size output setting, check one: <input type="checkbox"/> Primary (< 4") <input type="checkbox"/> Secondary (< 4" but > 1") <input type="checkbox"/> Tertiary (< 1")
h.	Please check if portable: <input type="checkbox"/> Portable (transportable or movable within the confines of the stationary source)
i.	UTM Coordinates <u>4,318,248</u> meters N: <u>379,550</u> meters E; Zone <u>11</u> (Please specify NAD 27 <input type="checkbox"/> or NAD 83 <input checked="" type="checkbox"/>)
j.	Basic equipment dimensions (feet): L _____ W _____ H _____

*The equipment number is the facility's own numbering system for this piece of equipment.

Section 2 - Design Rate/Operating Parameters

a.	Maximum design capacity (tons) <u>58.5 million tons (106 million cubic yards)</u>
b.	Requested operating rate (tons per day)* <u>4,000</u>
c.	Requested operating time: (time of day)* <u>12:00 a.m.</u> to <u>12:00 a.m.</u> Hours per day <u>24</u> Days per year <u>365</u>
d.	Batch load or charge weight (tons) (if applicable) <u>NA</u>
e.	Total hours required to process batch or charge (if applicable) <u>NA</u>
f.	Maximum operating rate (tons per year) <u>1,460,000 tpy</u>
g.	Requested operating rate (tons per year)* <u>1,460,000 tpy</u>
h.	Type of material processed <u>municipal solid waste, C & D debris, tires, sludge, asbestos-containing materials</u>
i.	Minimum moisture content <u>N/A</u>

*Note: Please complete if other than the maximum design capacity (tons per hour and tons per year) and/or the maximum hours of operation (24 hours per day, 8760 hours per year) are being requested. The permit will be limited to these values.

