

July 3, 2009

Jonathan McRae, P.E.
Nevada Division of Environmental Protection
Bureau of Air Pollution Control
901 South Stewart St., Suite 4001
Carson City, NV 89701

Sent via fax 775 687 6396 and first class mail

Re: Jungo Land and Investments, Inc.
Request for Operating Permit for Class I
facility
REQUEST FOR HEARING PURSUANT
TO NRS 445B AND NAC 445B

Dear Mr. McRae:

Please take note that the undersigned citizens and attorneys from Humboldt County, State of Nevada, hereby request that a public hearing be held regarding the above matter pursuant to NRS Chapter 445B and NAC 445B.

Also please take note that the below signed requests that the above referenced hearing must address, without limitation, the following points and/or objections:

- 1) Failure to adequately consider the adverse consequences to the surrounding community and/or adjoining land regarding the foul smelling odor which will emanate from the landfill site and/or from the point of unloading of the train while said point is in or near Winnemucca, Nevada.
- 2) Failure to adequately and/or correctly determine the amount and kind of emissions from the facility.
- 3) Failure to adequately consider the adverse consequences to the ambient air quality to the surrounding community and/or adjoining land from the landfill site and/or from the point of unloading of the train while said point is in or near Winnemucca, Nevada.
- 4) Failure to adequately apply the legal and factual standards as established by the Clean Air Act as regards granting a Class I air quality operating permit.
- 5) Failure to use proper procedures consistent with current scientific and/or testing standards and methods to determine or ensure that the landfill has a nonmethane organic compound emission rate of less than 50 mega grams per year.
- 6) Failure to use proper standards, and/or to require that the applicant will create and maintain appropriate procedure, to ensure that the applicant will not deposit hazardous wastes into said landfill.

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- 7) The failure to rely on, or use, accurate data as regards the ability of applicant to control fugitive dust in accordance with appropriate federal, state and local law and standards.
- 8) The failure to ensure that applicant has a proper plan or procedure to not cause or permit the discharge into the atmosphere from any stationary source any hazardous air pollutant or toxic regulated air pollutant that threatens the health and safety of the general public.
- 9) The failure of applicant to comply with NRS 445B.470 in that in its special use permit application in connection with the instant and/or related matter the applicant provided false and misleading information to the Humboldt County Planning Commission and/or Humboldt County Commission on or about March 20, 2007. Said false or misleading information was material and related to the following:
Question 6: Will the use affect abutting properties or the uses permitted thereon?
Describe: Answer: "No effect on abutting properties." This answer was a false and misleading factual assertion by applicant, and indeed, violated NRS 445B.470 (2). Frankly, at the rate of \$10,000 per day the possible fine at this point is in the multiple millions of dollars.
- 10) The failure of the applicant to comply with NAC 445B.3365 (2) (j), which requires that a responsible official of the stationary source (the applicant) shall certify that, based on information and belief formed after reasonable inquiry, the statements made in **any document** required to be submitted by any condition of the operating permit to construct are true, accurate and complete. Given the false and misleading statement as discussed in number 9 herein, to the extent any official so certified, said certification was false and misleading.
- 11) The failure of applicant and administrator to ensure that the public policy of the State of Nevada as stated in NRS 445B.100 is served and met by the proposed operating permit. Indeed the applicants plan and proposed permit fails to ensure that the quality of air to maintain or protect human health and safety, prevent injury to plant and animal life and to preserve visibility and scenic, esthetic and historic values of the State, are not adversely affected.
- 12) The failure to adequately consider the design features of the landfill site to protect health and safety and to ensure compliance with Federal and State requirements.
- 13) Failure to require an appropriate set back of only 30 feet as opposed to industry best practices which are consistent with Nevada State Policy of not less than 100 feet.
- 14) Failure to adequately consider the adverse consequences to health and safety of the citizens of Humboldt and Pershing Counties based on seismic stability and related issues.
- 15) Failure to adequately consider and protect Native American historical land usage rights and/or cultural preservation needs.
- 16) Failure of applicant to present a plan that can adequately protect the water table and/or aquifer.

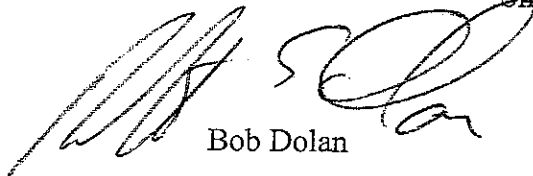
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- 17) The failure of applicant's plan to ensure that it shall not cause or permit particulate matter to become airborne.
- 18) The failure of applicant's plan to protect the overall ecology of the area and surrounding areas, which includes, without limitation, plants and animals.
- 19) Failure of applicant's plan to ensure that wildlife that consume the garbage from the landfill won't become part of the food chain and/or otherwise damage local animals and cattle and/or farmland.
- 20) The failure of applicant's plan to protect the beautiful Nevada desert landscape.

The below signed believe that the stated public policy of the State of Nevada will not be served by the granting of the permit in question. Indeed, the quality of life of the citizens from Northern Nevada will be substantially adversely affected, and the health and safety of said citizens will be put at risk if this landfill application is granted.

Thank you for your attention to this matter. We await your response to the foregoing.

Sincerely,



Bob Dolan



Massey K. Mayo