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# The Humboldt Sun

Winnemucca, Nevada

Your Source for Community News

VOLUME 40, ISSUE 72

**WEEKDAY EDITION**



**SPORTS**

The Lowry High School girls soccer team lost to Incline at home last Saturday in a rematch of last year's playoff game.

Pages 8-11



**SNAPSHOTS**

The Tea Party Express national anti-tax tour made a stop in Winnemucca on Saturday, Aug. 29.

Page 12

**IN FOCUS**

A funeral procession from Elko to Fernley was held last month to lay the cremated remains of five veterans to rest at the Northern Nevada Veterans Memorial Cemetery.

Page 13

**Index —**

- Opinion ..... Page 3
- Announcements ..... Page 4
- Arts & Entertainment .... Page 5
- Community Calendar .... Page 6
- No. Nevada Events ..... Page 7
- Community News .. Pages 14-18
- Classifieds ..... Pages 22-23

**Local Weather**

**Tue 9/8** 88/45 Sunny skies. High 88F. Winds NE at 5 to 13 mph.

**Wed 9/9** 93/48 Mostly sunny. Highs in the low 90s and lows in the upper 40s.

**Thu 9/10** 95/50 Times of sun and clouds. Highs in the mid 90s and lows in the low 50s.

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## NDEP fields public comment on proposed landfill

**Air quality permit only one piece of the puzzle to obtaining approval for Jungo site**

By Heather Gula  
The Humboldt Sun

WINNEMUCCA — The Nevada Department of Environmental Protection (NDEP) held a public hearing on the tentative approval of the air quality permit for the proposed Jungo landfill on Aug. 19.

The applicant, Recology, has been tentatively awarded an air quality permit that will cover the construction and one year of operation for the 634-acre landfill site. The application will allow for a 560-acre landfill waste footprint with a maximum design capacity of 58.5 million tons.

With all seats in the Humboldt County Courthouse meeting room filled, Jonathan McRae, P.E., a professional engineer for NDEP, gave a presentation outlining the proposal.

He explained that the NDEP must govern the issuance of all permits based on the Code of Federal Regulations (CFR). The CFRs dictate what aspects of a site must be evaluated, what parameters the site must fit within and what must be done before a permit can be issued. He stated that if the applicant's proposal fits within the parameters of the CFR and meets all state regulations — which the Jungo landfill air quality application appears to have done based on Bureau of Air Pollution Control (BAPC) review — the permit must be issued.

NDEP Chief of Air Quality Planning Mike Elges explained that there are still aspects of the



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A public hearing regarding the proposed Jungo landfill was held in a packed meeting room at the Humboldt County Courthouse on Aug. 19. Greg Remer (standing, left), the chief of air pollution control for the Nevada Department of Environmental Protection, explains the process of public comment and how the information gathered is used in the permitting process. Jonathan McRae, P.E., an NDEP professional engineer, is seated next to Remer.

environmental impact that need to be reviewed, so the issuance of the air quality permit does not indicate ultimate environmental approval for the site. In addition to continual renewals of the air quality permit every five years, the landfill will still need to receive permits for water use and waste storage.

"I mean, this is one piece in a series of permits that have to be issued," he said. "I think the challenges both on the waste and the water side are certainly more than any air problems. If you and I were talking about, say a coal-fired power plant, it would be exactly the opposite. But this is one where, I don't want to understate the air side of it, but there is really not that much to it for this particular type of project, where the solid waste and/or water permits, there is intrinsically just more to them."

"Generally my experience has

been that landfills — from strictly an air quality standpoint — have a very low emissions compared to a power plant, which are some of the biggest, if not the biggest, air pollution sources in the state," he added. The same process that brought the air quality permit in front of Humboldt County residents for comment will occur for the water and waste permits as well. Each application will undergo technical review by the NDEP and that review will then be open for public comment.

During the public comment period NDEP is looking for any feedback on their technical review that suggest areas where they may need to do further evaluation or that they missed a specific air quality requirement.

As of press time, Elges was not aware of any specific items that came out of the public hearing that will be added to the

review. "Right now our process is to go through and compile all of the comments that were made," he said. "Any of those that specifically relate to air quality we have to look at real closely to determine if there is further evaluation we need to do. Once we are done we take all of the comments and we actually write up a response to all of them. So that takes us a long time."

Although there is no definite timeline for completion of the NDEP's response, he states it generally takes a number of months to complete that process.

BAPC Chief Greg Remer fielded public comments during the meeting, with dozens of residents taking the opportunity to ask questions and voice concerns. Elges was contacted later to offer further clarification on some issues.

While the comments covered

a broad array of technicalities, the majority seemed to center around three major aspects of landfill regulation: emissions, compliance and enforcement.

**Emissions**

Lewis Trout of Winnemucca asked a number of questions about the methods used to make sure the emissions coming from the landfill remain in compliance with the permit. One of his major concerns was the verification system used to ensure compliance relied wholly on information provided by the operator. He suggested the use of mechanical systems placed at the perimeter of the site to continually evaluate the pollutant levels. In response to those questions, Remer indicated that the compliance checks are a periodic verification of the site log books. No instrumentation is used to read the emissions year round, however the site would be visited at least once annually by inspectors and compliance staff.

Assemblyman Don Gustavson, R-Sparks, was among those to voice concern for those who live near the site. He asked what guarantee could be given of public safety. He suggested that without the use of automated monitoring systems there would be no evidence of violation or alert system if dangerous toxins were being released into the area.

Remer stated that there simply are no guarantees of safety, even with an automated system in place. He indicated that the NDEP uses self compliance with verification to ensure the safety of all Nevadans.

There were also numerous questions about the prevailing winds carrying fugitive dust and particulate matter into the Winnemucca area. Remer explained that the NDEP permitting process does not allow for consideration of location, such as a town site being located downwind or an

— See HEARING, Page Two —



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## AmeriCorps welcomes new members

Six new members of the northern Nevada AmeriCorps team were sworn in on Sept. 3 in Vesco Park. Following a training session and "community quest" scavenger hunt, Winnemucca Mayor Di An Putnam (far right) administered the oath of office to the new inductees. They include (left to right), Brandy Bell, Tammy Lowe, Robin Baker, Megan Allen, Karen Lee and Jessica Saman. Bell will be stationed at Mary S. Black Elementary School and Lowe at Eliza Pierce Elementary School, both in Battle Mountain. Baker, Allen and Saman will all be assigned to the Nevada Outdoor School and Lee to the Wells Family Resource Center.

## School rallies around local boy battling cancer

By Trina Kleintjes-Hathaway  
The Humboldt Sun

WINNEMUCCA — A 9-year-old Sonoma Heights Elementary School student is facing a second diagnosis of cancer in his short life and the school is rallying behind him 100 percent.

Jackson Aberasturi was diagnosed in kindergarten with Hodgkin's lymphoma and went through treatment before going into remission. He is now in the fourth grade and has been diagnosed with non-Hodgkin's lymphoma.

A committee has been formed to start a fundraiser to help Aberasturi know that he is still a part of the school and that they support him — and not just with money donations.

The two cancers are different, according to the American Cancer Society Web site: Non-Hodgkin lymphoma (also called non-Hodgkin's lymphoma, NHL or just lymphoma) is cancer that starts in cells called lymphocytes, which are part of the body's immune system. Lymphocytes are in the lymph nodes and other lymphoid tissues (such as the spleen and bone marrow). Other types of cancer (lung or

colon cancers, for example), can start in other organs and then spread to lymphoid tissue. But these cancers are not lymphomas. Lymphomas start in the lymphoid tissue and can then spread to other organs. The following are the 2009 estimates from the American Cancer Society for non-Hodgkin lymphoma (NHL) in the United States:

- 65,980 new cases (including adults and children) of non-Hodgkin lymphoma.
- About 500 of these will be in children younger than 15 years of age.

• Non-Hodgkin lymphoma is about two to three times more common in boys than in girls, and it is more common in white children than black children. The reasons for these gender and racial differences are not known.

Sonoma Heights Elementary School is having a blue shirt fundraiser. The committee at the school who is organizing this fundraiser found some businesses in town to sponsor the T-shirt so that all the money raised from the sale of the blue shirts can go to Aberasturi and his family. Each child at Sonoma and all of the staff are purchasing these

— See RALLY, Page Two —

**NEWMONT**  
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## Nevada GOP chief to step down, consider Senate run

LAS VEGAS (AP) — The chairwoman of the Nevada Republican Party plans to leave the post at the end of the month as she considers running for U.S. Senate in 2010. Sue Lowden told the party's executive committee Sept. 2 that she was resigning Sept. 30 to avoid a perception of a conflict with any other GOP candidates. Republicans are looking to unseat Harry Reid, the Senate's majority leader and top-ranking Democrat, who is seeking a fifth straight term in office.

"Doing your due diligence to find out if you are a viable candidate requires an enormous amount of time," Lowden said. "I can't think of a more important time in our nation's history for folks to step up and become candidates for what we believe in."

The August poll conducted by Washington, D.C.-based firm Mason-Dixon Polling & Research favored Tarkanian over Lowden and two other potential candidates in a primary.

Tarkanian lost elections for two different posts in 2004 and 2006. He lost to Democrat Mike Schneider for a state Senate seat from Las Vegas, and lost to Ross Miller, another Democrat, for secretary of state.

The poll shows Reid lagging by as many as 11 percentage points against Tarkanian. He had 49 percent to Reid's 38 percent. A separate matchup gave Lowden 45 percent to Reid's 40 percent. The poll's margin of error is plus or minus five percentage points.

## RALLY

(Cont. from Page One)

blue shirts so that on Jackson's birthday, Sept. 14, they can all wear them and have a school picture taken in them. This photo will have a mat that the students and faculty can sign so it can hang in his home.

"This is to let him feel our support," said Nikki Bengochea, the chair of the Jackson Aberasturi relief fund.

Jackson at this point is starting a long two years of treatment and is homebound because of it. The faculty at Sonoma has put a Webcam in his classroom so that he can still participate and interact with his fellow classmates.

"This boy is such an amazing child. He is enduring so much and doing it all with a smile on his face," Bengochea said.

The shirts will be available to the community beginning today (Sept. 8). If anyone in the community is interested in making a donation, an account has been set up at U.S. Bank called the Jackson Aberasturi relief fund.

## HEARING

(Cont. from Page One)

area having potential for high volumes of fugitive dust. However, he stated that the permit does not allow any fugitive dust or particulate matter to be released from the site.

Jim French voiced his concern over the ability of the company to control such emissions in the area. He indicated that factoring in the amount of water needed for dust control there is no way Recology could get the water rights to effectively abate fugitive dust. He said that even if they were able to obtain water rights, pulling that much water out of the area would have a serious impact on the watershed.

LeAnn Iroz voiced concern over the use of dried sludge as daily cover and the use of recycled water runoff for dust control, stating that both of these processes have the potential to produce particulate matter that would blow a powerful stench into Winnemucca.

Remer said that would likely be addressed during the waste permit process but reiterated that Recology is prohibited by their permit from emitting particulate matter or fugitive dust.

### Compliance

Bob Dolan asked about baseline modeling data and whether the NDEP would gather any of its own data or if verification of the company's logs was the only factor in determining if a violation had occurred.

Elges explained that gathering baseline data for the site is not feasible. He stated that when the NDEP does the air quality environmental evaluation they factor default values into their analysis that compensate for background conditions. From a technical and engineering perspective, he believes those are very sound criteria. He also indicated that obtaining background information for a site is extremely difficult and unreliable and that the use of default factors gives a very accurate picture of the conditions at the site.

Massey Mayo asked if the NDEP has an obligation to ensure that the statements made in an application were true, correct and accurate. Remer stated that the applicant must attest to the fact that the information they



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Bob Dolan (right) asks a question about the air quality permit as Greg Remer (standing, left), the chief of air pollution control for the Nevada Department of Environmental Protection, listens.

are providing is factual. Mayo then asked why no questions were raised regarding the fact that the information Recology had provided on the county's Conditional Use Permit application was completely different than that provided to the state.

Elges said that if they were to conduct business other than what is listed on their permit the NDEP would take the violation very seriously.

"What I can tell you is that what they provided to us, we take as Gospel and they have to conform with construction and operation of their landfill based on our permit, which is based on the information that they provided to us," he said. "If there is any deviation from that we definitely take enforcement action for an action like that. We take it real seriously. Constructing differently or operating differently than what your permit allows, that is where our enforcement arm again comes in and we don't let people do that, bottom line."

### Enforcement

Judy Meagher asked at what point the NDEP steps in with fines, restrictions and closures and at what point they do their

own monitoring to ensure that the levels provided by the company are accurate. She asked if there has to be a major environmental catastrophe before the NDEP will come out and take actual readings of the site.

"When does it get to that point that you start monitoring them?" she asked, "Do we have to wait until we are saying 'Winnemucca used to be a nice place to live?'"

Elges said that although the agency works on a compliance-based system, they do take aggressive steps when violations become chronic. "We don't think that just going out and levying a huge penalty necessarily gets us into compliance, but at the same level, penalties are realistic deterrents and they are a huge component of the air program specifically," he said.

He stated that the NDEP can issue a violation of \$10,000 per day for each violation that occurs. With multiple violations on a daily basis that penalty can add up very rapidly, Elges added.

If a site is so far out of compliance or penalties don't seem to have the desired effect, NDEP can cease operation until compliance is achieved or even revoke a

permit completely.

"Companies don't stay in business if they are continually out of compliance," Elges said. "So at the end of the day what I have found over the years is that it doesn't pay, it doesn't pencil out, to be out of compliance."

When NDEP exercises their authority to issue a violation, there are two parts to the violation: a corrected action, or what needs to be done to reach compliance, and a recommended penalty. Under state statute, the NDEP has the authority to issue violations, but what they don't have is the authority to assess a monetary penalty. That action stays with the state environmental commission, who must ratify all penalties. Elges described them as a quasi-legislative body that gets very active in non-compliance and specifically the monetary penalty portion.

A Junco "portal" Web site is posted at: <http://ndep.nv.gov/jungo/index.htm>. The site is linked from NDEP's homepage at <http://ndep.nv.gov/index.htm>. The link is under the "What's New" heading as "Proposed Junco Landfill."

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