

Nevada
Environmental Protection

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ENVIRONMENTAL PROTECTION

Randy Phillips
Division of Environmental Protection
Nevada Bureau of Air Pollution Control
901 South Stewart Street, Suite 4001
Carson City, NV 89701

This letter shall serve as a request for the withdrawal of the Class II Air Quality Operating Permit AO2992-1473 from Bango Oil, LLC, and/or a hearing pursuant to NRS 445B Air Pollution and NAC 445B Air controls in regards to the application for a revision to Class II Air Quality Operating Permit AO2992-1473 from Bango Oil, LLC.

Neither Bango Oil, LLC, nor NDEP-BAPC have complied with NRS 445B and NAC 445B Air controls as follows:

"NAC 445B.22087 Odors. (NRS 445B.210)

- 1. No person may discharge or cause to be discharged, from any stationary source, any material or regulated air pollutant which is or tends to be offensive to the senses, injurious or detrimental to health and safety, or which in any way interferes with or prevents the comfortable enjoyment of life or property."**

At Bango Oil's present permissible emission levels, they have made the surround area uninhabitable with their offensive odors, and have interfered with and prevented the comfortable enjoyment of life and property in the surrounding areas of the plant, stretching for over two miles from the facility. The homes and people in this area have been in the area for generations, long before Bango Oil started its operations. Now the residents have been saddled with the burden of proof that Bango Oil, LLC is the source of the odor. Establishing proof is a near impossible feat, as I am sure both Bango Oil, LLC and NDEP-BAPC are aware of.

- 2. "The Director shall investigate an odor when 30 percent or more of a sample of the people exposed to it believe it to be objectionable in usual places of occupancy. The sample must be at least 20 people or 75 percent of those exposed if fewer than 20 people are exposed."**

There has not been a sampling of the population surrounding the plant. Neither I, nor my neighbors have been sampled. In fact, we were instructed to contact NDEP at 775-687-9349** to report any "odors, smoke or unusual activities". I have personally reported, to date, 32 incidents of offensive odors, and we do not live in the direction of the prevailing winds.

Plus, the secondary (welfare-based) policy-relevant science and the National Ambient Air Quality Standards (NAAQS) for both oxides of nitrogen and sulfur oxides have not even been addressed in the permit. These types of emissions are known and regulated toxins.

ATTACHMENT 2

Has NDEP-BAPC considered the federal Prevention of Significant Deterioration (PSD) regulations contained in 40 CFR 52.21, which have been adopted by NDEP-BAPC, which allows for the comparison of the emissions resulting from a change at a Major Stationary Source with the actual emissions prior to the change? Bango Oil, LLC may be under the threshold for a major source designation on an annual basis, but they need to be looked at on a 24-hour average, 8-hour average, 3-hour average, and a 1-hour average. Due to the fact that their emissions vary during their process, which is evidenced by the variability of the odors released, and the unbearable odor which travels for miles, I predict at times they are surpassing the legal emissions limits.

The revised permit would allow Bango Oil, LLC to release 32.3 tons per year of nitrogen oxides and 71.89 tons per year of sulfur dioxide. Nitrogen oxides and sulfur dioxide emissions cause severe respiratory problems and contribute to childhood asthma. I have an eight year old daughter that requires daily medication for respiratory problems. This medication was not necessary prior to Bango Oil's releasing of these pollutants into the area. These pollutants are also significant contributors to acid rain, smog, and haze which impair visibility. This type of air pollution can travel significant distances downwind, crossing state/county lines and creating region-wide health problems.

I live over two miles away. These toxic emissions permeate my home and they remain inside long after the external stench has move on down wind. When the odor is strong, I get an instant headache, which is a symptom of carbon dioxide poisoning, of which, the revised permit would allow 12.23 tons per year to be spewed into air.

In summary, there appears to be no legal justification for NDEP-BAPC present plan for a revision to Class II Air Quality Operating Permit AO2992-1473 for Bango Oil, LLC. I trust, therefore, that the application will be denied until the legality concerning the current complaints against Bango Oil, LLC be fully addressed according to the NRS 445B Air Pollution and NAC 445B NRS for the existing permit.

I look forward to your prompt attention, response, and action to this important matter.

Sincerely,



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***[Environmental Comm'n, Air Quality Reg. §§ 10.1.1-10.1.3, eff. 11-7-75]—(NAC A 10-30-95)—(Substituted in revision for NAC 445B.393)*

*** (See attached copy of letter)*