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ENVIR. APPEALS BOARD

Sue MacKie

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<i>Reno, NV</i>	<i>Reno, NV</i>
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To: *Clerk of the Board*
 Company: *U.S. EPA*
 Fax: *202 233 0121*
 Number of pages, Including this cover sheet: *23*
 Date: *11/20/08*

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

Notes/Comments:

I will be sending the original via FedEx.
Thank you for your consideration.
[Signature]

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November 20, 2008

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ENVIR. APPEALS BOARD

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board (MC 1103B)
Airel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

RE: In the Matter of Bango Oil, LLC
PSD Appeal No. 08-10

Dear Sirs,

Please consider this letter as a complaint regarding odors and particulates we believe emanate from the Bango Oil refinery in Churchill County, Nevada. This issue has been present for about the last 18 months.

We have a geothermal lease of 489 acres and are very concerned that due to this on-going problem, our lease obligations may be impacted. Our lease is located north of Bango Oil and when a wind blows in the direction of our leased property, a very strong odor is present. Where there is odor, there must be particulates present. The required water table level for Bango Oil is 150 feet. The water table under the refinery is at 70 feet. Not only particulates from the air being washed into the ground presents a problem, the washing of the incoming oil containers in an uncontrolled area threatens our water tables. The used oil is being unloaded from the rail onto truck and bringing it to the refinery to be off loaded.

Our neighbors to the east of us suffer as well. Many of them cannot stay in their homes at times and find the inside of the home retains the odors. Some have become ill or have animals that have become ill as well as trees turning brown overnight on the side of the prevailing wind from the direction of Bango Oil.

Churchill County has done nothing apparent to enforce the special use permit or taken an active role in upholding the commitment from Bango Oil that there would be NO ODORS connected with that refinery other than to take the complaints and ask the ordinance enforcement officer to investigate (which was done while the plant was off line). The citizens have met with Bango Oil and indicated their issues and Bango Oil is only interested in the citizens withdrawing their complaints so they do not have to have a hearing on 11/24/08 with NDEP regarding the complaints filed. We can send to you the recording (video tape) of that meeting if you request it as well as any other minutes or notes or other communications available to us.

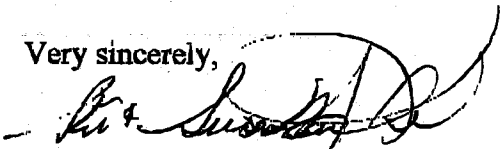
The County states there are no regulations or laws that would cause the odor and particulates to be looked into. In other words, they cannot (or will not) analyze the air quality, especially at a time when many residents call in a new complaint regarding the odors around and in their homes.

Inclusions:

1. A 6 page letter to the County Commissioners regarding our (the citizen's) complaints.
2. Class II Air Quality Operating Permit.

We look to you for some protection for our air quality and our quality of life and thank you for your consideration in this matter.

Very sincerely,



Stuart and Susan MacKie
577 Mason Road
Hazen, Nevada 89408
775-830-1854

cc: Allen Biaggi
BLM
BOR

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We are a small group (40-50 people) of farmers, medium to low income workers, retirees, property owners and renters who live in a rural desert community west of Fallon, Nevada.

We are experiencing what we consider a devastating change to our environment and our life style due to a Waste Oil Recovery Plant, known as Best Energy, Bango Oil or Encore Energy. All of these names for the same plant have been used at one time or another in their permitting process and ongoing operations. This plant is processing waste oil in what they call a re-refining process to produce several recycled saleable products.

We agree that this is a great idea but not near residences and we find ourselves helpless against the noxious odors that are apparently inherent in the process. We are looking for some recourse through the law to protect us from possible health hazards, loss of property values, impact on our agricultural products and our beef industry, but most importantly from the way that these noxious odorous fumes have made our lives miserable.

We are no longer able to enjoy our fresh desert air. Our homes are filled with odors from the plant and the recreational value of our river corridor is diminished. We have appealed to the county, the NDEP, the governor's office and our state representatives but no one seems willing to help our cause. We are few, we are small and we are without financial backing. We are up against "BIG MONEY". From their history the company will no doubt be aided by aggressive lawyers. They know how to manipulate the county and state statutes and officials. We are asking for your help.

A brief overview of the history of our problem:

1) First came an application by Best Energy for a change of zoning on 86 acres of land owned by Newmont Mining: (See Exhibit A County Commissioners Meeting dated April 10, 2002).

a. 30 people were notified of the meeting-10 local residents-the rest government agencies or absentee owners (See Exhibit B mailing list).

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b. It was spot zoning. The existing Master Plan was later changed to accommodate the decision.

c. Most of the area was already zoned residential.

d. Public input was limited to the zoning issue at this time.

e. The public was promised they could bring up other issues at the Special Use Permit hearing.

f. Mr Solaro (one of the owners of Best Energy) stated that there were no residences within a one mile radius of the proposed plant. (See Federal Law 1976) We are trying to get this but have been successful up to this point. When in fact there are two residences plus several residential parcels all ready approved. The zoning change was approved to accomodate this plant despite this law.

2) Next The Special Use Permit hearing May 1, 2002. (See Exhibit C). This time the application was made for processing RFOs' (recycled fuel oils) only.

a. Only properties within 300 feet were notified.

b. The mailing list of 30 people were not notified.

c. There was only one public input.

d. There were statements made that later proved to be untrue and very misleading. ie. Mr Solaro said the only emmissions would be water and Co2. There would be no odor.

e. There were statements made that imply a lack of due dillgence on the part of ie. Mr Sims the Chairman of the Planning Commisssion. The packet did not contain adequate information for the board to make an informed decision. But they approved it anyway.

f. Mr Delongs statement that "the materials brought in could contain high volumes of metals which could cause them to be Hazardous Materials." The board did not subsequently follow the County Code 17.76.010 Waste Control (See Exhibit D).

g. An environmental assessment study was not done to evaluate the impact on the River Corridor and agricultural lands.

h. There was no investigation into the role that Mr Fabian (a 30% to 50% owner of Best Energy) played in the violations at Americlean located in Silver Springs, Nevada just west of rural Fallon.

i. No bond was required.

j. NO call for an investigation of the National Resource Conservation

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Act of 1976 regarding the legality of a Waste Oil Plant within a one mile radius of residences.

k. No provision by the County to provide counseling for the two residents located within the one mile radius to help them make an informed decision as to their rights under this Federal Law.

The SUP was approved and there was no appeal filed because the local residents were not notified nor aware of the hearing.

3) Best Energy applied for a Certificate of Designation from the Bureau of Waste Management.

a. They were denied for four variances. (See Minutes of Nevada Environmental Commission pg 56 Exhibit E).

b. One variance was the existence of two residences within one mile. The Best Energy representative said it was ok with them. No written proof. One of the residents Mary Duggins is on record in the County Commissioners meeting dated April 10, 2002 as being opposed to the plant and is one of the complainants now.

c. The other resident was not informed of the Federal Law but does not want to be involved because when he complained of odors and open Haz Mat barrels at Best Energy he was notified of violations at his salvage yard. (hearsay) That cost him \$40,000 to bring his business up to code. He has since moved his family to Las Vegas.

d. Others in the area have stated their fear of possible county retaliation if they complain of the odors.

4) There was no activity from Best Energy from September 2002 to mid summer 2004. Their SUP lapsed due to time limits so they reapplied. This time they applied as a "Recycled Fuel Oil (RFO) re-refining facility" (See Exhibit F).

a. Again only properties within 300 feet were notified.

b. The mailing list of 30 were not notified nor any of the rest of us.

c. There was no public comment as no one knew about the hearing.

d. The residents within the one mile area were considered to be "not affected" at this hearing in item 6.

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e. Item 7 alludes to higher use in the future.

f. Item 14 claims there are no Federal Permits Required.

g. Figure 1 Project Location Map shows none of the existing parcels. It is either a very old map or all of the current existing parcels were deleted.

h. Mr Solaro again stated (pg 5) "There would be nothing emitted from this plant but water and perhaps some Co2. The SUP was approved. There was no appeal as no one was aware of the hearing.

5) The building began sometime in January 2007. The start up date was sometime in February 2007. The company is now known as Bango Oil, Best Energy or Encore Energy.

a. By March 2007 people in the area as far away as 2 1/2 miles from the plant began to notice foul odors.

b. By April the county began to receive complaints.

c. As the weather warmed the odors intensified.

d. NDEP became involved.

e. Motorists on the Carson Hwy noticed sulfurous odors.

f. Odors were noticed on the Carson River and on the adjacent farm lands.

g. At least two trees in the corridor appeared to be chemically burned.

h. Farmers grew concerned that our agricultural products (mostly alfalfa) could be affected.

i. Physical complaints began to become apparent. Our eyes were burning, our stomachs nauseated, inflamed eye lids documented by eye Dr., rashes documented by physicians and dermatologist and people with breathing problems found that this only aggravated their pre existing condition documented by pulmonary specialist and are now on oxygen. Our homes were filled with odorous fumes. We could not use our swamp coolers or AC because it only pulled the fumes in. We couldn't open the windows on summer nights to cool off. It is making our lives miserable.

j. The County and NDEP finally started keeping logs of our distress but nothing was done.

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6) The county finally arranged a hearing for us in August 2007. NDEP was to attend.

- a. It was a packed room. (See Exhibit G)
- b. NDEP didn't show up.
- c. Bango Oil owner and plant manager and plant engineer answered questions.
- d. Public input was intense and sometimes emotional reflecting our distress.

7) September 6, 2007 the Churchill County Commissioners held a meeting that NDEP attended. (See Exhibit H)

- a. NDEP still couldn't figure out where the odors were coming from.
- b. The public was allowed to ask questions but were told that no testimony would be allowed even though the NDEP said they were there to investigate.
- c. The NDEP assured us there was nothing that would impact our health coming out of the plant but they couldn't identify the odors.
- d. After the meeting they did call for additional testing and issued Stop Order #2008.
- e. Bango Oil agreed burner #1 was malfunctioning and that new parts were on the way along with a new thermal oxidizer.

8) Bango Oil has apparently implemented all required changes in Stop Order 2008. (SEE Exhibit I) and is back in operation.

- a. The smell is still there with noxious heavy fumes at times.
- b. Black smoke can be seen coming from their stacks at different times lasting longer than they say.
- c. When asked about their permit the NDEP (Ron Pacheco) reports that their permit allows them to process RFOs and Waste Oil Products.
- d. Their SUP with the county was only for RFOs so at this time they are in violation of their permit. The county also stipulated that they must have a HAZ MAT permit.
- e. The county claims that the SUP was not treated under the code 17.76 (since reworded) Waste Control because the facility was only

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processing recycled materials when in fact they are re-refining.

f. The NDEP reports that they are processing waste oil products and that is why they need a thermal oxidizer.

g. The plant is proceeding ahead with phase II which will double their size and double our existing problems with odors thereby making our lives even more stressful.

Our state and county have put us in this situation. They did not use due diligence in allowing a waste oil re-refining plant in an area where the citizens have now lost their quality of life due to this ill informed decision. To us this was a violation of public trust by all involved in the decision making process.

Bottom Line: What can we do?

Can you help us?

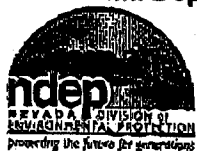
If you can't, can you tell us who might?

We certainly do appreciate your time and consideration of this matter. At this time we are still trying to obtain the application for the permits that Best Energy (Phil Solaro) applied for from the NDEP and the subsequent permit approvals.

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Nevada Department of Conservation and Natural Resources • Division of Environmental Protection

**BUREAU OF AIR POLLUTION CONTROL**

901 SOUTH STEWART STREET SUITE 4001

CARSON CITY, NEVADA 89701-5249

p: 775-687-9350 • www.ndep.nv.gov/bapc • f: 775-687-6396**Facility ID No. A0511****Permit No. AP2992-1473****CLASS II AIR QUALITY OPERATING PERMIT****Issued to:** BANGO OIL, LLC (BANGO FACILITY) (hereinafter referred to as Permittee)**Mailing Address:** 16640 WEDGE PARKWAY, RENO, NEVADA 89511**Physical Address:** 22211 BANGO ROAD, FALLON, NEVADA 89406**General Facility Location:** 22211 BANGO ROAD, FALLON, NEVADA 89406NW1/4 OF SECTION 23, T19N, R26E MDB&M (HA 101, CHURCHILL COUNTY)
NORTH 4,374.18 KM, EAST 324.50 KM, UTM (NAD 83, ZONE 11)**Emission Unit List (8 Emission Units):****A. System 1 – Process Heater #1**

S 2.001 8.9 MMBtu/hr Process Heater (mfd by Phoenix, mdl# 8.9, s/n 90603)

B. System 2 – Recycled Fuel Oil Recovery

S 2.002 Fractionating Tower – Dehydrator – Naptha & Diesel Separator

S 2.003 Wiped Film Evaporator #1 100 wt

S 2.004 Wiped Film Evaporator #2 300 wt

S 2.005 Filtration System (Regeneration)

S 2.006 Liquid Knock Down Tank

C. System 3 – Cooling Tower

S 2.007 Water Cooling Tower CT-1 (mfd by Baltimore Air Coll., mdl# 3000)

D. System 4 – Process Heater #2

S 2.008 4.7 MMBtu/hr Process Heater (mfd by Phoenix, mdl# 4.7, s/n 80502)

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Nevada Department of Conservation and Natural Resources • Division of Environmental Protection

BUREAU OF AIR POLLUTION CONTROL

Facility ID No. A0511

Permit No. AP2992-1473

CLASS II AIR QUALITY OPERATING PERMIT

Issued to: BANGO OIL, LLC

Section I. General Conditions

- A. **Severability** (Nevada Administrative Code (NAC) 445B.315.3(c))
Each of the conditions and requirements of this Operating Permit is severable and, if any are held invalid, the remaining conditions and requirements continue in effect.
- B. **Prohibited Acts** (Nevada Revised Statute (NRS) 445B.470)
Permittee shall not knowingly:
1. Violate any applicable provision, the terms or conditions of any permit or any provision for the filing of Information;
 2. Fail to pay any fee;
 3. Falsify any material statement, representation or certification in any notice or report; or
 4. Render inaccurate any monitoring device or method, required pursuant to the provisions of NRS 445B.100 to 445B.450, inclusive, or 445B.470 to 445B.640, inclusive, or any regulation adopted pursuant to those provisions.
- C. **Prohibited Conduct: Concealment of Emissions** (NAC 445B.225)
Permittee shall not install, construct, or use any device which conceals any emission without reducing the total release of regulated air pollutants to the atmosphere.
- D. **Compliance/Noncompliance** (NAC 445B.315.3(d))
Permittee shall comply with all conditions of this Operating Permit. Any noncompliance constitutes a violation and is grounds for:
1. An action for noncompliance;
 2. Revising, revoking, reopening and revising, or terminating the Operating Permit; or
 3. Denial of an application for a renewal of the Operating Permit.
- E. NAC 445B.315.3(e)
The need to halt or reduce activity to maintain compliance with the conditions of this Operating Permit is not a defense to noncompliance with any conditions of this Operating Permit.
- F. NAC 445B.315.3(f)
The director may revise, revoke and reissue, reopen and revise, or terminate the operating permit for cause.
- G. NAC 445B.315.3(g)
This Operating Permit does not convey any property rights or any exclusive privilege.
- H. NAC 445B.315.3(h)
Permittee shall provide the Bureau of Air Pollution Control, within a reasonable time, with any information that the Bureau of Air Pollution Control requests in writing to determine whether cause exists for revising, revoking and reissuing, reopening and revising or terminating this Operating Permit or to determine compliance with the conditions of this Operating Permit.
- I. **Fees** (NAC 445B.315.3(i))
Permittee shall pay fees to the Bureau of Air Pollution Control in accordance with the provisions set forth in NAC 445B.327 and 445B.331.
- J. **Right to Entry** (NAC 445B.315.3(j))
Permittee shall allow the Bureau of Air Pollution Control personnel, upon the presentation of credentials, to:
1. Enter upon the premises of Permittee where:
 - a. The stationary source is located;
 - b. Activity related to emissions is conducted; or
 - c. Records are kept pursuant to the conditions of this Operating Permit;
 2. Have access to and copy, during normal business hours, any records that are kept pursuant to the conditions of this Operating Permit;
 3. Inspect, at reasonable times, any facilities, practices, operations, or equipment, including any equipment for monitoring or controlling air pollution, that are regulated or required pursuant to this Operating Permit; and
 4. Sample or monitor, at reasonable times, substances or parameters to determine compliance with the conditions of this Operating Permit or applicable requirements.
- K. **Certification** (NAC 445B.315.3(k))
A responsible official of Permittee 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 this Operating Permit are true, accurate and complete.

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Nevada Department of Conservation and Natural Resources • Division of Environmental Protection

BUREAU OF AIR POLLUTION CONTROL**Facility ID No. A0511****Permit No. AP2992-1473****CLASS II AIR QUALITY OPERATING PERMIT**

Issued to: BANGO OIL, LLC

Section I. General Conditions (continued)**O. Odors (NAC 445B.22087)**

Permittee may not 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 comfortable enjoyment of life or property.

P. Assertion of Emergency as Affirmative Defense to Action for Noncompliance (NAC 445B.326.1)

Permittee may assert an affirmative defense to an action brought for noncompliance with a technology-based emission limitation contained in the Operating Permit if the holder of the Operating Permit demonstrates through signed, contemporaneous operating logs or other relevant evidence that:

1. An emergency (as defined in NAC 445B.056) occurred and the holder of the Operating Permit can identify the cause of the emergency;
2. The facility was being properly operated at the time of the emergency;
3. During the emergency, the holder of the Operating Permit took all reasonable steps to minimize excess emissions; and
4. Permittee submitted notice of the emergency to the director within 2 working days after the emergency. The notice must contain a description of the emergency, any steps taken to mitigate emissions, and any corrective actions taken to restore the normal operation of the facility.
5. In any action for noncompliance, Permittee, by asserting the affirmative defense of any emergency, has the burden of proof.

Q. Revocation and Reissuance (NAC 445B.3265)

1. This Operating Permit may be revoked if the control equipment is not operating. (NAC 445B.3265.1)
2. This Operating Permit may be revoked by the director upon determination that there has been a violation of NAC 445B.001 to 445B.3689, inclusive, or the provisions of 40 CFR § 52.21, or 40 C.F.R. Part 80 or 81, Prevention of Significant Deterioration, New Source Performance Standards, and National Emission Standards for Hazardous Air Pollutants adopted by reference in NAC 445B.221. (NAC 445B.3265.2)
3. The revocation is effective 10 days after the service of a written notice, unless a hearing is requested. (NAC 445B.3265.3)

*****End of General Conditions*****

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Nevada Department of Conservation and Natural Resources • Division of Environmental Protection

BUREAU OF AIR POLLUTION CONTROL**Facility ID No. A0511****Permit No. AP2992-1473****CLASS II AIR QUALITY OPERATING PERMIT**

Issued to: BANGO OIL, LLC

Section II. General Construction Conditions

The following provisions apply to S2.001 through S2.008:

A. NAC 445B.250 (State Only Requirement)**Notification**

The Director will be notified in writing of the following:

1. The date construction (or reconstruction as defined under NAC 445B.247) of the affected facility is commenced, postmarked no later than 30 days after such date.
2. The anticipated date of initial startup of an affected facility, postmarked no more than 60 days and no less than 30 days prior to such date.
3. The actual date of initial startup of the affected facility, postmarked within 15 days after such date.

*******End of General Construction Conditions*******

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nevada Department of Conservation and Natural Resources • Division of Environmental Protection
BUREAU OF AIR POLLUTION CONTROL
Facility ID No. A0511 **Permit No. AP2992-1473**
CLASS II AIR QUALITY OPERATING PERMIT

Issued to: BANGO OIL, LLC

Section IIA. Specific Construction Requirements

A. Emission Unit S2.001 Location North 4,374.17 km. East 324.60 km, UTM (Zone 11, NAD 83)
 System 1 - Process Heater #1

S 2.001 8.9 MMBtu/hr Process Heater (mfd by Phoenix, mdl# 8.9, s/n 90803)

1. **Air Pollution Equipment** (NAC 445B.308.7, NAC 445B.346.1)
 Emissions from S2.001 shall be uncontrolled, discharging through the exhaust stack to the outside atmosphere.
2. **Test Methods and Procedures** (NAC 445B.252, NAC 445B.22017, NAC 445B.346.2)
 Within 60 days after achieving the maximum production rate at which S2.001 will be operated, but no later than 180 days after initial startup of the facility, Permittee shall determine compliance with the emission limits established in Section V.A.2 by conducting performance tests on the exhaust stack of S2.001 as follows:
 - a. Method 5 in Appendix A of 40 CFR Part 60 shall be used to determine the particulate matter concentration. The sample volume for each test run shall be at least 1.70 dscm (60 dscf). The sampling probe and filter holder of Method 5 may be operated without heaters if the gas stream being sampled is at ambient temperature. For gas streams above ambient temperature, the Method 5 sampling train shall be operated with a probe and filter temperature slightly above the effluent temperature (up to a maximum filter temperature of 121°C (250°F)) in order to prevent water condensation on the filter.
 - b. A Method 201A test in accordance with 40 CFR Part 51, Appendix M (or an alternative EPA reference method approved by the director for PM₁₀).
 - c. The Method 201A test required in this section may be replaced by a Method 5 test that includes the back-half catch. All particulate captured in the Method 5 tests with back-half catch performed under this provision shall be considered PM₁₀ emissions for determination of compliance with the emission limitations established in Section V.A.2.b of this operating permit.
 - d. Method 7 or 7A in Appendix A of 40 CFR Part 60 shall be used to determine the nitrogen oxide concentration.
 - e. Method 6 in Appendix A of 40 CFR Part 60 shall be used to determine the sulfur dioxide concentration.
 - f. The Method 6 test required in this section for determining the sulfur dioxide concentration may be replaced by an analysis of the sulfur content in the #2 diesel fuel. The analysis will be performed by a certified laboratory using an appropriate test method for analyzing sulfur content of #2 diesel fuel. The #2 diesel fuel sample will be taken from the diesel generator fuel tank when the Method 7 compliance testing is being performed. The sulfur dioxide emission rate in lbs/hr may be calculated from the sulfur analysis of the #2 diesel fuel and a gallon/hr usage rate of #2 diesel fuel. The gallon/hr usage rate of #2 diesel fuel shall be determined based on the number of gallons consumed during the Method 7 compliance test period. The lbs/hr emission rate for sulfur dioxide will determine compliance with the emission limits established in Section V.A.2.c of this operating permit.
 - g. Method 25 or Method 25A in Appendix A of 40 CFR Part 60 shall be used to determine the volatile organic carbon emission rate.
 - h. For the purposes of demonstrating compliance with the opacity standard established in Section V.A.2.g of this operating permit, opacity observations shall be conducted concurrently with the performance test and in accordance with Reference Method 9 in Appendix A of 40 CFR Part 60. The minimum total time of observations shall be six minutes (24 consecutive observations recorded at 15-second intervals).
 - i. Performance tests required under this section that are conducted below the maximum allowable fuel combustion rate, as established in Section V.A.3.a of this operating permit, shall be subject to the director's review to determine if the fuel combustion rates during the performance tests were sufficient to provide adequate compliance demonstration. Should the director determine that the performance tests do not provide adequate compliance demonstration, the director may require additional performance testing.
 - j. Permittee shall comply with the requirements of Section I.L.3 through I.L.8 for all performance testing.

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Nevada Department of Conservation and Natural Resources • Division of Environmental Protection

BUREAU OF AIR POLLUTION CONTROL**Facility ID No. A0511****Permit No. AP2992-1473****CLASS II AIR QUALITY OPERATING PERMIT**

Issued to: BANGO OIL, LLC

Section IIA. Specific Construction Requirements (continued)B. **Emission Units S2.002 through S2.006** Location North 4,374.19 km, East 324.49 km, UTM (Zone 11, NAD 83)**System 2 - Recycled Fuel Oil Recovery**

S	2.002	Fractionating Tower - Dehydrator - Naptha & Diesel Separator
S	2.003	Wiped Film Evaporator #1 100 wt
S	2.004	Wiped Film Evaporator #2 300 wt
S	2.005	Filtration System (Regeneration)
S	2.006	Liquid Knock Down Tank

1. **Air Pollution Equipment** (NAC 445B.308.7; NAC 445B.346.1)

VOC emissions from S2.002 through S2.005 shall be controlled by a vacuum recovery system, discharging into S2.006. VOC emissions from S2.006 shall be considered uncontrolled, but may (1) discharge through a waste gas recovery and energy conservation system for thermal destruction as fuel in S2.001, or (2) may discharge into an odor control device that consists of a carbon canister.

2. **Test Methods and Procedures** (NAC 445B.252, NAC 445B.22017, NAC 446B.346.2)

Within 60 days after achieving the maximum production rate at which S2.002 through S2.006 will be operated, but no later than 180 days after initial startup of the facility, Permittee shall determine compliance with the emission limits established in Section V.B.2 by conducting performance tests on the exit port of S2.006 as follows:

- a. Method 25A in Appendix A of 40 CFR Part 60 shall be used to determine the VOC concentration. Alternative USEPA approved test methods may be used with prior approval from the Nevada Division of Environmental Protection. The test(s) shall be conducted while the emissions unit is operating at the maximum capacity.
- b. Conduct and record a Method 9 visible emissions reading on the exit port for S2.006 concurrently with one of the three required Method 25A test runs. Visible emissions readings will use the procedures contained in 40 CFR Part 60 Appendix A, Method 9. The visible emissions readings must be conducted by a certified visible emissions reader for a minimum period of 6 minutes (24 consecutive observations recorded at 15-second intervals).
- c. Establish a VOC emission factor in pounds of VOC per 1,000 gallons of processed recycled fuel oil. The VOC emission factor will be based on the single highest one hour run of the most recent performance tests established in (a) above.
- d. Performance tests required under this section that are conducted below the maximum allowable throughput limits, as established in Section V.B.3.a of this operating permit for S2.002 through S2.006, shall be subject to the director's review to determine if the processed recycled fuel oil volumes during the performance tests were sufficient to provide adequate compliance demonstration. Should the director determine that the performance tests do not provide adequate compliance demonstration, the director may require additional performance testing.
- e. Permittee shall comply with the requirements of Section I.L.3 through I.L.6 for all performance testing.

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Nevada Department of Conservation and Natural Resources • Division of Environmental Protection
BUREAU OF AIR POLLUTION CONTROL
Facility ID No. A0511 **Permit No. AP2992-1473**
CLASS II AIR QUALITY OPERATING PERMIT

Issued to: BANGO OIL, LLC

Section IIA. Specific Construction Requirements (continued)

D. **Emission Unit S2.008** Location North 4,374.16 km, East 324.50 km, UTM (Zone 11, NAD 83)
System 4 - Process Heater #2

S 2.008 4.7 MMBtu/hr Process Heater (mfd by Phoenix, mdl# 4.7, s/n 80502)

1. **Air Pollution Equipment** (NAC 445B.308.7, NAC 445B.348.1)
Emissions from S2.008 shall be uncontrolled, discharging through the exhaust stack to the outside atmosphere.
2. **Test Methods and Procedures** (NAC 445B.262, NAC 445B.22017, NAC 445B.348.2)
Within 60 days after achieving the maximum production rate at which S2.008 will be operated, but no later than 180 days after initial startup of the facility, Permittee shall determine compliance with the emission limits established in Section V.D.2 by conducting performance tests on the exhaust stack of S2.008 as follows:
 - a. Method 5 in Appendix A of 40 CFR Part 60 shall be used to determine the particulate matter concentration. The sample volume for each test run shall be at least 1.70 dscm (60 dscf). The sampling probe and filter holder of Method 5 may be operated without heaters if the gas stream being sampled is at ambient temperature. For gas streams above ambient temperature, the Method 5 sampling train shall be operated with a probe and filter temperature slightly above the effluent temperature (up to a maximum filter temperature of 121°C (250°F)) in order to prevent water condensation on the filter.
 - b. A Method 201A test in accordance with 40 CFR Part 51, Appendix M (or an alternative EPA reference method approved by the director for PM₁₀).
 - c. The Method 201A test required in this section may be replaced by a Method 5 test that includes the back-half catch. All particulate captured in the Method 5 tests with back-half catch performed under this provision shall be considered PM₁₀ emissions for determination of compliance with the emission limitations established in Section V.D.2.b. of this operating permit.
 - d. Method 7 or 7A in Appendix A of 40 CFR Part 60 shall be used to determine the nitrogen oxide concentration.
 - e. Method 6 in Appendix A of 40 CFR Part 60 shall be used to determine the sulfur dioxide concentration.
 - f. The Method 6 test required in this section for determining the sulfur dioxide concentration may be replaced by an analysis of the sulfur content in the #2 diesel fuel. The analysis will be performed by a certified laboratory using an appropriate test method for analyzing sulfur content of #2 diesel fuel. The #2 diesel fuel sample will be taken from the diesel generator fuel tank when the Method 7 compliance testing is being performed. The sulfur dioxide emission rate in lbs/hr may be calculated from the sulfur analysis of the #2 diesel fuel and a gallon/hr usage rate of #2 diesel fuel. The gallon/hr usage rate of #2 diesel fuel shall be determined based on the number of gallons consumed during the Method 7 compliance test period. The lbs/hr emission rate for sulfur dioxide will determine compliance with the emission limits established in Section V.D.2.c. of this operating permit.
 - g. For the purposes of demonstrating compliance with the opacity standard established in Section V.D.2.g. of this operating permit, opacity observations shall be conducted concurrently with the performance test and in accordance with Reference Method 9 in Appendix A of 40 CFR Part 60. The minimum total time of observations shall be six minutes (24 consecutive observations recorded at 15-second intervals).
 - h. Performance tests required under this section that are conducted below the maximum allowable fuel combustion rate, as established in Section V.D.3.a of this operating permit, shall be subject to the director's review to determine if the fuel combustion rates during the performance tests were sufficient to provide adequate compliance demonstration. Should the director determine that the performance tests do not provide adequate compliance demonstration, the director may require additional performance testing.
 - i. Permittee shall comply with the requirements of Section I.L.3 through I.L.6 for all performance testing.

*****End of Specific Construction Requirements*****

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Nevada Department of Conservation and Natural Resources • Division of Environmental Protection

BUREAU OF AIR POLLUTION CONTROL**Facility ID No. A0511****Permit No. AP2992-1473****CLASS II AIR QUALITY OPERATING PERMIT**

Issued to: BANGO OIL, LLC

Section III. General Operating Conditions**A. Facilities Operation (NAC 445B.227)**

Permittee may not:

1. Operate a stationary source of air pollution unless the control equipment for air pollution which is required by applicable requirements or conditions of this Operating Permit is installed and operating.
2. Disconnect, alter, modify or remove any of the control equipment for air pollution or modify any procedure required by an applicable requirement or condition of this Operating Permit.

B. Excess Emissions (NAC 445B.232; NAC 445B.346.2)

1. Scheduled maintenance or testing or scheduled repairs which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.3689, inclusive, must be approved by the director and performed during a time designated by the director as being favorable for atmospheric ventilation.
2. The director must be notified in writing of the time and expected duration at least 24 hours in advance of any scheduled maintenance which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.3689, inclusive.
3. The director must be notified in writing or by telephone of the time and expected duration at least 24 hours in advance of any scheduled repairs which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.3689, inclusive.
4. The director must be notified of any excess emissions within 24 hours after any malfunction or upset of the process equipment or equipment for controlling pollution or during startup or shutdown of such equipment. The telephone number for the notification is (775) 687-4670.
5. Permittee, as the owner or operator of an affected facility, shall provide the director, within 15 days after any malfunction, upset, startup, shutdown, or human error which results in excess emissions, sufficient information to enable the director to determine the seriousness of the excess emissions. The information must include at least the following:
 - a. The identity of the stack or other point of emission, or both, where the excess emissions occurred.
 - b. The estimated magnitude of the excess emissions expressed in opacity or in units of the applicable limitation on emission and the operating data and methods used in estimating the magnitude of the excess emissions.
 - c. The time and duration of the excess emissions.
 - d. The identity of the equipment causing the excess emissions.
 - e. If the excess emissions were the result of a malfunction, the steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunction.
 - f. The steps taken to limit the excess emissions.
 - g. Documentation that the equipment for controlling air pollution, process equipment, or processes were at all times maintained and operated, to a maximum extent practicable, in a manner consistent with good practice for minimizing emissions.

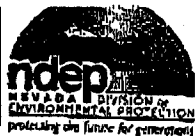
C. Permit Revision (NAC 445B.287.1.b)

A revision of this operating permit is required pursuant to the requirements of NAC 445B.3465 before the stationary source may be modified.

*****End of General Operating Conditions*****

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BUREAU OF AIR POLLUTION CONTROL**Facility ID No. A0511****Permit No. AP2992-1473****CLASS II AIR QUALITY OPERATING PERMIT**

Issued to: BANGO OIL, LLC

Section IV. General Monitoring and Recordkeeping

- A. **Records Retention** (NAC 445B.315.3(b))
Permittee shall retain records of all required monitoring data and supporting information for 5 years from the date of the sample collection, measurement, report or analysis. Supporting information includes, but is not limited to, all records regarding calibration and maintenance of the monitoring equipment and all original strip-chart recordings for continuous monitoring instrumentation.
- B. **Reporting** (NAC 445B.346.3)
Permittee will promptly report to the director any deviations from the requirements of this Operating Permit. The report to the director will include the probable cause of all deviations and any action taken to correct the deviations. For this Operating Permit, prompt is defined as submittal of a report within 15 days of the deviation. This definition does not alter any reporting requirements as established for reporting of excess emissions as required under NAC 445B.232 and under condition III.B of this permit.
- C. **Yearly Reports** (NAC 445B.315.3(h), NAC 445B.346.2)
Permittee will submit yearly reports including, but not limited to, throughput, production, fuel consumption, hours of operation, and emissions. These reports will be submitted on the form provided by the Bureau of Air Pollution Control for all emission units/systems specified on the form. The completed form must be submitted to the Bureau of Air Pollution Control no later than March 1 annually for the preceding calendar year.

*******End of General Monitoring and Recordkeeping Conditions*******

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Nevada Department of Conservation and Natural Resources • Division of Environmental Protection

BUREAU OF AIR POLLUTION CONTROL**Facility ID No. A0511****Permit No. AP2992-1473****CLASS II AIR QUALITY OPERATING PERMIT**

Issued to: BANGO OIL, LLC

Section V. Specific Operating ConditionsA. **Emission Unit S2.001** Location North 4,374.17 km, East 324.50 km, UTM (Zone 11, NAD 83)**System 1 - Process Heater #1**

S 2.001 8.9 MMBtu/hr Process Heater (mfd by Phoenix, mdl# 8.9, s/n 90603)

1. **Air Pollution Equipment** (NAC 445B.308.7, NAC 445B.346.1)
Emissions from S2.001 shall be uncontrolled, discharging through the exhaust stack to the outside atmosphere.
2. **Emission Limits** (NAC 445B.308.7, NAC 445B.346.1)
On and after the date of startup of S2.001, Permittee will not discharge or cause the discharge into the atmosphere from the exhaust stack of S2.001, the following pollutants in excess of the following specified limits:
 - a. The discharge of PM to the atmosphere will not exceed 0.13 pound per hour, nor more than 0.56 ton per year.
 - b. The discharge of PM₁₀ to the atmosphere will not exceed 0.13 pound per hour, nor more than 0.56 ton per year.
 - c. The discharge of sulfur dioxide to the atmosphere will not exceed 4.56 pound per hour, nor more than 20.00 ton per year.
 - d. The discharge of nitrogen oxides to the atmosphere will not exceed 1.29 pounds per hour, nor more than 5.63 ton per year.
 - e. The discharge of carbon monoxide to the atmosphere will not exceed 0.32 pounds per hour, nor more than 1.41 tons per year.
 - f. The discharge of volatile organic compounds to the atmosphere will not exceed 0.071 pound per hour, nor more than 0.31 ton per year.
 - g. The opacity from the stack discharge of S2.001 will not equal or exceed 20 percent in accordance with NAC 445B.22017.
3. **Operating Parameters** (NAC 445B.308.7; NAC 445B.346.1)
 - a. The maximum allowable heat input rate for S2.001 will not exceed 8.9 MMBtu per any one-hour period, combusting a maximum of 63.6 gallons per hour of #2 distillate fuel.
 - b. VOC emissions from the liquid knockdown tank (S2.008, System 2) may be ducted into the process heater burner for thermal destruction as fuel.
 - c. The sulfur content of the #2 distillate fuel combusted in S2.001 will not exceed 0.5% by weight.
 - d. **Hours**
 - (1) S2.001 may operate 24 hours per day and 8,760 hours per calendar year.
4. **Monitoring, Testing and Reporting** (NAC 445B.308.7; NAC 445B.346.2)
 - a. **Monitoring and Recordkeeping** (NAC 445B.308.5; NAC 445B.346.2)
Permittee, upon the issuance date of this permit will:
 - (1) Monitor and record the heat input rate in MMBtu for S2.001 on a daily basis.
 - (2) Monitor and record the #2 distillate fuel consumption rate in gallons for S2.001 on a daily basis.
 - (3) Monitor and record the hours of operation for S2.001 on a daily basis.
 - (4) Monitor the sulfur content of the #2 distillate fuel combusted in S2.001
 - (5) The required Monitoring and Recordkeeping NAC 445B.308.5, NAC 445B.346.2 established in (1) through (4) above, will be maintained in a contemporaneous log containing, at a minimum, the following recordkeeping:
 - (a) The calendar date of any required monitoring.
 - (b) The total daily heat input rate in MMBtu for S2.001, for the corresponding date.
 - (c) The total daily #2 distillate fuel consumption in gallons for S2.001, for the corresponding date.
 - (d) The total daily hours of operation for S2.001, for the corresponding date.
 - (e) The corresponding average hourly heat input rate in MMBtu per hour for S2.001. The average hourly heat input rate will be determined from the total daily heat input rate and the total daily hours of operation recorded in (b) and (d) above.
 - (f) The corresponding average hourly #2 distillate fuel consumption in gallons per hour for S2.001. The average hourly #2 distillate fuel consumption rate will be determined from the total daily consumption rate and the total daily hours of operation recorded in (c) and (d) above.
 - (g) Fuel supplier certification consisting of the name of the #2 distillate fuel supplier, and a statement from the #2 distillate fuel supplier that the #2 distillate fuel complies with the sulfur limit as specified in 3.c of this section for each #2 distillate fuel batch.

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Nevada Department of Conservation and Natural Resources • Division of Environmental Protection

BUREAU OF AIR POLLUTION CONTROL**Facility ID No. A0511****Permit No. AP2992-1473****CLASS II AIR QUALITY OPERATING PERMIT**

Issued to: BANGO OIL, LLC

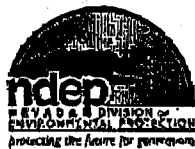
Section V. Specific Operating Conditions (continued)B. **Emission Units S2.002 through S2.006** Location North 4,374.19 km, East 324.49 km, UTM (Zone 11, NAD 83)**System 2 - Recycled Fuel Oil Recovery**

S	2.002	Fractionating Tower - Dehydrator - Naptha & Diesel Separator
S	2.003	Wiped Film Evaporator #1 100 wt
S	2.004	Wiped Film Evaporator #2 300 wt
S	2.005	Filtration System (Regeneration)
S	2.006	Liquid Knock Down Tank

1. **Air Pollution Equipment** (NAC 445B.308.7, NAC 445B.346.1)
VOC emissions from S2.002 through S2.005 shall be controlled by a vacuum recovery system, discharging into S2.006. VOC emissions from S2.006 shall be considered uncontrolled, but may (1) discharge through a waste gas recovery and energy conservation system for thermal destruction as fuel in S2.001, or (2) may discharge into an odor control device that consists of a carbon canister.
2. **Emission Limits** (NAC 445B.308.7, NAC 445B.346.1)
On and after the date of startup of S2.002 through S2.006, Permittee will not discharge or cause the discharge into the atmosphere the following pollutants in excess of the following specified limits:
 - a. See Section VI, Emission Caps of this operating permit.
 - b. The opacity from S2.002 through S2.006 each will not equal or exceed 20 percent in accordance with NAC 445B.22017.
3. **Operating Parameters** (NAC 445B.308.7; NAC 445B.346.1)
 - a. The maximum allowable volume of recycled fuel oil for System 2 is 825 gallons per hour (22 barrels per hour), nor more than 8,030,000 gallons per 12-month rolling period (191,190 barrels per 12-month rolling period).
 - b. **Hours**
(1) S2.002 through S2.006 each may operate 24 hours per day and 8,760 hours per calendar year.
 - c. System 2 is limited to the re-refining of used oil and recycled fuel oil that may be designated as hazardous waste in their state of origin, but are not regulated as hazardous waste as defined in 40 CFR 261.
4. **Monitoring, Testing and Reporting** (NAC 445B.308.7; NAC 445B.346.2)
 - a. **Monitoring, Testing, and Reporting**
(1) See Section VI, Emission Caps of this operating permit.

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BUREAU OF AIR POLLUTION CONTROL**Facility ID No. A0511****Permit No. AP2992-1473****CLASS II AIR QUALITY OPERATING PERMIT**

Issued to: BANGO OIL, LLC

Section V. Specific Operating Conditions (continued)

C. Emission Unit S2.007 Location North 4,374.16 km, East 324.48 km. UTM (Zone 11, NAD 83)

System 3 - Cooling Tower

S 2.007 Water Cooling Tower CT-1 (mfd by Baltimore Air Coil, mdl# 3000)

1. Air Pollution Equipment (NAC 445B.308.7; NAC 445B.346.1)
Emissions from S2.007 shall be controlled by drift eliminators.

Stack Height: 11.0 ft
Stack Diameter: 9.0 ft
Stack Velocity: 29.5 ft/sec
Stack Temperature: Ambient

2. Emission Limits (NAC 445B.308.7; NAC 445B.346.1)

On and after the date of startup of S2.007, Permittee will not discharge or cause the discharge into the atmosphere from the cooling tower stack of S2.007, the following pollutants in excess of the following specified limits:

- The discharge of PM to the atmosphere will not exceed 3.15 pounds per hour, nor more than 13.80 tons per year.
- The discharge of PM₁₀ to the atmosphere will not exceed 3.15 pounds per hour, nor more than 13.80 tons per year.
- The opacity from the cooling tower stack discharge of S2.007 will not equal or exceed 20 percent in accordance with NAC 445B.22017.

3. Operating Parameters (NAC 445B.308.7; NAC 445B.346.1)

- The maximum circulating water flow rate for S2.007 will not exceed 1,500 gallons per minute.
- The maximum total dissolved solids (TDS) content for S2.007 will not exceed 20,600 milligrams per liter (20,600 ppm).
- The use of chromium-based water treatment chemicals is prohibited.
- Hours
 - S2.007 may operate 8,760 hours per calendar year.

4. Monitoring, Testing and Reporting (NAC 445B.308.7; NAC 445B.346.2)

a. Monitoring and Recordkeeping

Permittee, upon the issuance date of this permit will:

- Monitor and record the circulation water flow rate in gallons for S2.007 on a daily basis.
- Monitor and record the hours of operation for S2.007 on a daily basis.
- The required monitoring established in (1) and (2) above, will be maintained in a contemporaneous log containing, at a minimum, the following recordkeeping:
 - The calendar date of any required monitoring.
 - The total daily circulating water flow rate in gallons, for the corresponding date.
 - The total daily hours of operation for the corresponding date.
 - The average volume flow rate, in gallons per minute, of the circulating water on a daily basis.

b. Performance/Compliance Testing (NAC 445B.252.1)

Permittee will:

- Sample and analyze the circulating water for Total Dissolved Solids (TDS) at six-month intervals.
- Record the TDS value from the sampling in 4.b.(1).

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BUREAU OF AIR POLLUTION CONTROL
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Issued to: BANGO OIL, LLC

Section V. Specific Operating Conditions (continued)

- D. **Emission Unit S2.008** Location North 4,374.16 km, East 324.50 km. UTM (Zone 11, NAD 83)
- System 4 - Process Heater #2**
- S 2.008 4.7 MMBtu/hr Process Heater (mfd by Phoenix, mdl# 4.7, s/n 80502)
1. **Air Pollution Equipment** (NAC 445B.308.7, NAC 445B.346.1)
Emissions from S2.008 shall be uncontrolled, discharging through the exhaust stack to the outside atmosphere.
 2. **Emission Limits** (NAC 445B.308.7, NAC 445B.346.1)
On and after the date of startup of S2.008, Permittee will not discharge or cause the discharge into the atmosphere from the exhaust stack of S2.008, the following pollutants in excess of the following specified limits:
 - a. The discharge of PM to the atmosphere will not exceed 0.067 pound per hour, nor more than 0.28 ton per year.
 - b. The discharge of PM₁₀ to the atmosphere will not exceed 0.067 pound per hour, nor more than 0.29 ton per year.
 - c. The discharge of sulfur dioxide to the atmosphere will not exceed 2.38 pound per hour, nor more than 10.45 ton per year.
 - d. The discharge of nitrogen oxides to the atmosphere will not exceed 0.87 pounds per hour, nor more than 2.94 ton per year.
 - e. The discharge of carbon monoxide to the atmosphere will not exceed 0.17 pounds per hour, nor more than 0.74 tons per year.
 - f. The discharge of volatile organic compounds to the atmosphere will not exceed 0.030 pound per hour, nor more than 0.13 ton per year.
 - g. The opacity from the stack discharge of S2.008 will not equal or exceed 20 percent in accordance with NAC 445B.22017.
 3. **Operating Parameters** (NAC 445B.308.7; NAC 445B.346.1)
 - a. The maximum allowable heat input rate for S2.008 will not exceed 4.7 MMBtu per any one-hour period, combusting a maximum of 33.6 gallons per hour of #2 distillate fuel.
 - b. The sulfur content of the #2 distillate fuel combusted in S2.008 will not exceed 0.5% by weight.
 - c. **Hours**
 - (1) S2.008 may operate 24 hours per day and 8,760 hours per calendar year.
 4. **Monitoring, Testing and Reporting** (NAC 445B.308.7; NAC 445B.346.2)
 - a. **Monitoring and Recordkeeping** (NAC 445B.308.5; NAC 445B.346.2)
Permittee, upon the issuance date of this permit will:
 - (1) Monitor and record the heat input rate in MMBtu for S2.008 on a daily basis.
 - (2) Monitor and record the #2 distillate fuel consumption rate in gallons for S2.008 on a daily basis.
 - (3) Monitor and record the hours of operation for S2.008 on a daily basis.
 - (4) Monitor the sulfur content of the #2 distillate fuel combusted in S2.008.
 - (5) The required Monitoring and Recordkeeping NAC 445B.308.5, NAC 445B.346.2 established in (1) through (4) above, will be maintained in a contemporaneous log containing, at a minimum, the following recordkeeping:
 - (a) The calendar date of any required monitoring.
 - (b) The total daily heat input rate in MMBtu for S2.008, for the corresponding date.
 - (c) The total daily #2 distillate fuel consumption in gallons for S2.008, for the corresponding date.
 - (d) The total daily hours of operation for S2.008, for the corresponding date.
 - (e) The corresponding average hourly heat input rate in MMBtu per hour for S2.008. The average hourly heat input rate will be determined from the total daily heat input rate and the total daily hours of operation recorded in (b) and (d) above.
 - (f) The corresponding average hourly #2 distillate fuel consumption in gallons per hour for S2.008. The average hourly #2 distillate fuel consumption rate will be determined from the total daily consumption rate and the total daily hours of operation recorded in (c) and (d) above.
 - (g) Fuel supplier certification consisting of the name of the #2 distillate fuel supplier, and a statement from the #2 distillate fuel supplier that the #2 distillate fuel complies with the sulfur limit as specified in 3.b of this section for each #2 distillate fuel batch.

*****End of Specific Operating Conditions*****

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BUREAU OF AIR POLLUTION CONTROL
Facility ID No. A0511 **Permit No. AP2992-1473**
CLASS II AIR QUALITY OPERATING PERMIT

Issued to: BANGO OIL, LLC

Section VI. Emission Caps

A. Cap for System 2, Emission Units S2.002 through S2.006

1. Emission Limits (NAC 445B.305, NAC 445B.346.1)

Permittee will not discharge or cause the discharge into the atmosphere from S2.002 through S2.006 the following pollutants in excess of the following specified limits:

- a. The discharge of VOCs (Volatile Organic Compounds) to the atmosphere from S2.002 through S2.006 combined, shall not exceed 44.0 tons per year (based on a 12-month rolling period).

2. Monitoring, Recordkeeping, and Reporting (NAC 445B.308.5; NAC 445B.346.2)

a. Monitoring and Recordkeeping

Permittee, upon issuance of this permit, will:

- (1) Monitor the volume of processed recycled fuel oil for S2.002 through S2.006 each on a monthly basis in gallons.
- (2) Monitor the hours of operation for S2.002 through S2.006 each on a monthly basis.
- (3) Monitor the VOC emissions for S2.002 through S2.006 combined, on a monthly basis in tons.
- (4) The required monitoring established in (1) through (3) above, will be maintained in a contemporaneous log containing, at a minimum, the following recording:
 - (a) The calendar date of any required monitoring.
 - (b) The monthly hours of operation for S2.002 through S2.006 each.
 - (c) The monthly volume of processed recycled fuel oil for S2.002 through S2.006 each, in gallons.
 - (d) The monthly VOC emission rate in tons per calendar month, and the corresponding annual VOC emission rate in tons per 12-month rolling period for S2.002 through S2.006 combined. The monthly VOC emission rate will be determined at the end of each calendar month and shall be calculated using NDEP-BAPC approved emission factors and monthly processed recycled fuel oil volumes, as determined in (3) above. The annual VOC emission rate will be determined at the end of each calendar month as the sum of the monthly VOC emission rates for the 12 immediately preceding calendar months.
- (5) Maintain records from the recycled fuel oil supplier(s) that certifies the recycled fuel oil feedstock complies with 40 CFR 279.

b. Performance/Compliance Testing (NAC 445B.252.1)

- (1) At least 90 days prior to the date of expiration of this permit, but no earlier than 365 days from the date of expiration of this permit, Permittee will conduct and record the following performance tests on the exit port for S2.006:
 - (a) Method 25A in Appendix A of 40 CFR Part 60 shall be used to determine the VOC concentration. Alternative USEPA approved test methods may be used with prior approval from the Nevada Division of Environmental Protection. The test(s) shall be conducted while the emissions unit is operating at the maximum capacity.
 - (b) Conduct and record a Method 9 visible emissions reading on the exit port for S2.006 concurrently with one of the three required Method 25A test runs. Visible emissions readings will use the procedures contained in 40 CFR Part 60 Appendix A, Method 9. The visible emissions readings must be conducted by a certified visible emissions reader for a minimum period of 8 minutes (24 consecutive observations recorded at 15-second intervals).
 - (c) Establish a VOC emission factor in pounds of VOC per 1,000 gallons of processed recycled fuel oil. The VOC emission factor will be based on the single highest one hour run of the most recent performance tests established in (a) above.
 - (d) Performance tests required under this section that are conducted below the maximum allowable fuel combustion rate, as established in Section V.D.3.a of this operating permit, shall be subject to the director's review to determine if the fuel combustion rates during the performance tests were sufficient to provide adequate compliance demonstration. Should the director determine that the performance tests do not provide adequate compliance demonstration, the director may require additional performance testing.
 - (e) Permittee shall comply with the requirements of Section I.L.3 through I.L.8 for all performance testing.
- (2) Permittee will conduct and record the following performance tests on the exit port for S2.006:
 - (a) A method approved by Nevada Division of Environmental Protection shall be used to determine the VOC concentration whenever there is a significant change to the recycled fuel oil feedstock. A significant change shall be defined as a deviation from a standard recycled fuel oil feedstock that may increase the VOC concentrations as measured in the initial performance test conducted in Section II.A.B.2.a. of this operating permit. The performance test will be conducted within 60 days of changing the recycled fuel oil feedstock. The performance test will ensure that a significant change to the recycled fuel oil feedstock will not result in an exceedance of the emissions as established in Section II.A.B.2.a. of this operating permit.

*****End of Emission Caps*****