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FORM # 3

FEB 27 2009

FORM FOR REQUESTING AN APPEAL HEARING

ENVIRONMENTAL PROTECTION

BEFORE THE NEVADA STATE ENVIRONMENTAL COMMISSION

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ENVIRONMENTAL PROTECTION

1. Name, address, telephone number, and signature of applicant:

Name: Donald Mello

Address: 13999 Cadet Rd. Fallon, NV 89406

Telephone: (775) 867-2424

Signature: Donald Mello

Representative Capacity (if applicable): Informal spokesperson for 50-60 residents of Churchill County

2. Specify type of applicant: Individual, Partnership, Corporation, or Other: Individual

3. Other person or persons authorized to receive service of notice: N/A

4. Complete description of the business or activity and the location of the activity involved in the request: Bango Oil, LLC 22211 Bango Rd. Fallon, NV 89406 Waste Oil re-refiner located in Churchill County, NV. Waste Oil recycling facility that processes used oil from many sources, including manifested oil from CA, which is designated by NAC 444 as hazardous waste due to hazardous waste designation in the state of it's origin. The location of Bango Oil is one and 4 tenths of a mile of the Carson River and adjacent agricultural lands. This facility is in close proximity to Lake Lahontan State Park. This facility is also located within 1800 feet of the Truckee Canal and 400 ft from the TCID lateral that serves the agricultural community of Swingle Bench.

5. Nature of the appeal and grounds thereof: Although residents concur that NDEP has spent time and resources trying to resolve the problem of odor, the number of complaints from residents show that the odor continues to be a nuisance and that NDEP has not resolved the problem.

The number of people that were present at the January 28, 2009 hearing and the great number of people that testified to nuisance, perceived health issues, and quality of life issues shows that these concerns have not been adequately addressed by NDEP. The ambient air studies that the Director references as basis for decision may have been done when the facility was at it's lowest production or not operating and would not be sufficient data for granting this permit. NDEP, by granting this permit, has allowed the plant to almost triple their emission without effectively addressing the problems of residents. Lack of mitigation of nuisance and odor could result in significant loss of property value, marketability of property or obtaining financing for neighboring landowners.

6. Section or sections of the State Air Quality Regulations, Water Pollution Control Regulations, Hazardous Waste Regulations, Solid Waste Management Regulations, or NRS section involved in the appeal: NAC 445B.22087 Odors(NRS 445B.210) Section 1, item O. of the Air Quality permit # AP2992-1473 re: Odors NRS 445B.115 "Air Pollution defined" item 3. Interfere with enjoyment of life or property. NRS 445 B.100 Declaration of

public policy

7. Approximate time in hours and minutes necessary for delivery of oral testimony and reading of prepared statements as admissible evidence to be entered in the record: 45 minutes

Date of Request _____

Send Form To: John B. Walker, State Environmental Commission, 901 South Stewart Street, Suite 4001
Carson City, NV 89701-5249