

STATE OF NEVADA
Department of Conservation & Natural Resources
DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor
Leo M. Drozdoff, P.E., Director
Colleen Cripps, Ph.D., Administrator

October 22, 2014

Ron Bell
Facility Manager
Bango Refining NV, LLC.
P.O. Box 5129
Fallon, NV 89407

**Re: Notice of Alleged Air Quality Violation and Order Nos. 2516 through 2521
Class II Air Quality Operating Permit AP2992-1473.01 (FIN A0511)**

Dear Mr. Bell:

The Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) alleges that Bango Refining NV, LLC. (Bango) has violated conditions of Class II Air Quality Operating Permit AP2992-1473.01.

On September 16, 2014, the NDEP-BAPC held an enforcement conference with Bango to discuss the Notice of Alleged Air Quality Violation (NOAV) Nos. 2516 through 2521. Based on the information provided during the conference, NDEP-BAPC has determined issuance of NOAV Nos. 2516 through 2521 are warranted. Failure to comply with operating parameters and failure to report deviations are violations of **NAC 445B.275 Violations: Acts constituting; notice** (see below).

The attached NOAV Nos. 2516 through 2521 allege that Bango is in violation of **NAC 445B.275 Violations: Acts constituting; notice** states in part, that: "1. Failure to comply with any requirement of NAC 445B.001 to 445B.3791, inclusive, any applicable requirement or any condition of an operating permit constitutes a violation. As required by NRS 445B.450, the Director shall issue a written notice of an alleged violation to any owner or operator for any violation, including, but not limited to:

- (c) Failure to construct or operate a stationary source in accordance with any condition of an operating permit.
- (e) Failure to comply with any requirement for recordkeeping, monitoring, reporting or compliance certification contained in an operating permit.

NOAV Nos. 2516 through 2521 constitutes major violations under **NAC 445B.281 Violations: Classification; administrative fines**. NOAV Nos. 2516 through 2521 are the first NOAV's issued to Bango in the past 60 months.



Bango Refining NV, LLC.

October 22, 2014

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As discussed during the enforcement conference, the NDEP-BAPC makes recommendations to the Nevada State Environmental Commission (SEC) as to what an appropriate penalty may be for a major air quality violation. All penalty recommendations are based on the approved penalty matrix. Based on the penalty matrix and as described during October 21, 2014 conference call the NDEP-BAPC will be recommending a penalty of \$31,800 for NOAV Nos. 2516 through 2521.

An appeal of NOAV Nos. 2516 through 2521 may be requested pursuant to **Nevada Revised Statutes (NRS) 455B.360** and SEC administrative rules. A copy of SEC Appeal Form #3 is enclosed. Appeals must be received within 10 days of receipt of this notice, pursuant to **NRS 455B.340**. Appeals are processed through Valerie King, the Executive Secretary for the SEC, at 901 South Stewart St, Suite 4001, Carson City, Nevada, 89701-5249. Ms. King can be reached at 775-687-9374, or by fax at 775-687-5856. Please provide me with a copy of any correspondence your company may have with the SEC.

If you have any questions regarding the alleged violations please call Scott Cunningham at (775) 687-9353 or, myself at (775) 687-9343.

Sincerely,



Francisco Vega, P.E.
Supervisor, Compliance and Enforcement Branch
Bureau of Air Pollution Control

FV/sc

enc.: Notice of Alleged Air Quality Violation and Order (6)

cc (w/enc): Valerie King, SEC
Churchill County Board of Commissioners
Francisco Vega, NDEP
FIN A0511 (Certified Copy)

E-Copy: Ron Bell, Bango Refining NV, LLC

Certified Mail No.: 9171 9690 0935 0012 2447 89

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
901 SOUTH STEWART ST., SUITE 4001
CARSON CITY, NEVADA 89701-5249

NO. 2516

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Ron Bell, Plant General Manager

Company Name: Bango Refining NV, LLC

Address: P.O. Box 5129 Fallon, NV, 89407

Permit Number: AP2992-1473.01

FIN: A0511

Site of Alleged Violation: Bango Refining

Date of Observation: 08/07/2014 **Arrival:** 4:00pm **Departure:** 4:30pm

Ambient Temperature: N/A °F **Clear:** X **Cloudy:** **Rain:** **Snow:**

Wind Speed: N/A mph **Wind Direction:** N/A

It is alleged that the following regulation was violated by the person named in this notice:

NAC 445B.275 Violations: Acts constituting; notice. 1. Failure to comply with any requirement of NAC 445B.001 to 445B.3791, inclusive, any applicable requirement or any condition of an operating permit constitutes a violation. As required by NRS 445B.450, the Director shall issue a written notice of an alleged violation to any owner or operator for any violation, including, but not limited to:

(e) Failure to comply with any requirement for recordkeeping, monitoring, reporting or compliance certification contained in an operating permit;

It is alleged that the following act or practice constitutes the violation:

Failing to report permit deviations within 15 days.

Evidence:

Bango Refining NV, LLC. (Bango) operates a used motor oil re-refining facility in Fallon, Churchill County, Nevada under Class II Air Quality Operating Permit AP2992-1473.01, issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on January 25, 2010.

NDEP-BAPC conducted a compliance inspection of Bango on July 31, 2014. NDEP reviewed records from January 2013 through December 2013 and discovered 98 days where Bango exceeded the 65,000 gallons per day limit set in Class II Air Quality Operating Permit AP2992-1473.01 for System 1A (S2.002A) and System 5A (S2.008A). Bango failed to report that a permit deviation had occurred within 15 days as required by regulation.

On September 16, 2014 NDEP-BAPC held an enforcement conference with Bango representatives Ron Bell, David Yohey, Jeffery Bard and Jeff Baxter to discuss Notice of Alleged Violation (NOAV) No. 2516. The enforcement conference represented Bango's opportunity to provide evidence showing NOAV No. 2516 was not warranted. Bango was unable to provide evidence NOAV No. 2516 was not warranted. Bango stated a new record monitoring and reviewing policy was being designed currently and would be implemented when finalized to prevent future incidents. Bango understood NOAV No. 2516 would be formally issued.

In accordance with NAC 445B.281 Violations: Classification; administrative fines, failing to comply with operating requirements established in Class II Air Quality Operating Permit AP2992-1473.01 constitutes a major violation. NOAV No. 2516 represents Bango's first air quality violation in the past 60 months.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2516

ORDER

Under the authority of NRS 445B.100 to 445B.640, inclusive, the person named in this notice is ordered:

_____ To pay the following administrative fine in accordance with 445B.281.1: \$ _____

_____ To take corrective action: _____

_____ To appear for a hearing before the Environmental Commission at:
Date: _____ Time: _____

_____ To appear for an enforcement conference at: 901 S. Stewart St., Suite 4001, Carson City, Nevada 89701
Date: _____

_____ To conduct a Supplemental Environmental Project specified by the NDEP-BAPC

This notice is a warning.

Signature Francisco Vega
Issued by: Francisco Vega, P.E.
Supervisor, Compliance and Enforcement Branch
Bureau of Air Pollution Control

Phone: 775-687-9343 Date: October 22, 2014

Certified Mail No.: 9171 9690 0935 0012 2447 89

This order becomes final unless appealed within ten (10) days after receipt of this notice or ten (10) days after a required enforcement conference. The person named in this order may appeal this notice by submitting a written request for a hearing to the Chairman of the Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. An administrative fine may be levied by the Environmental Commission of not more than \$10,000 per day of violation.

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
901 SOUTH STEWART ST., SUITE 4001
CARSON CITY, NEVADA 89701-5249

NO. 2517

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Ron Bell, Plant General Manager

Company Name: Bango Refining NV, LLC.

Address: P.O. Box 5129

Permit Number: AP2992-1473.01

FIN: A0511

Site of Alleged Violation: Bango Refining

Date of Observation: N/A **Arrival:** N/A **Departure:** N/A

Ambient Temperature: N/A °F **Clear:** N/A **Cloudy:** N/A **Rain:** N/A **Snow:** N/A

Wind Speed: N/A mph **Wind Direction:** N/A

It is alleged that the following regulation was violated by the person named in this notice:

NAC 445B.275 Violations: Acts constituting; notice. 1. Failure to comply with any requirement of NAC 445B.001 to 445B.3791, inclusive, any applicable requirement or any condition of an operating permit constitutes a violation. As required by NRS 445B.450, the Director shall issue a written notice of an alleged violation to any owner or operator for any violation, including, but not limited to:

(c) Failure to construct or operate a stationary source in accordance with any condition of an operating permit;

It is alleged that the following act or practice constitutes the violation:

Failing to comply with operating limitations established in the air quality operating permit.

Evidence:

Bango Refining NV, LLC. (Bango) operates an oil re-refining facility in Fallon, Churchill County, Nevada under Class II Air Quality Operating Permit AP2992-1473.01, issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on January 25, 2010.

NDEP-BAPC conducted a compliance inspection of Bango on July 31, 2014. NDEP reviewed records from January 2013 through December 2013 and discovered 29 weeks where Bango exceeded the 65,000 gallons per day limit (GPD) set in Class II Air Quality Operating Permit AP2992-1473.01 for System 1A (S2.002A) and System 5A (S2.008A).

On September 16, 2014 NDEP-BAPC held an enforcement conference with Bango representatives Ron Bell, David Yohey, Jeffery Bard and Jeff Baxter to discuss Notice of Alleged Violation (NOAV) No. 2517. The enforcement conference represented Bango's opportunity to provide evidence showing NOAV No. 2517 was not warranted. Bango was unable to provide evidence NOAV No. 2517 was not warranted. Bango stated that Churchill County had increased the 65,000 GPD limit in the Special Use Permit, but the limit remained the same in Class II Air Quality Operating Permit AP2992-1473.01. Bango has since modified the permit to remove the 65,000 GPD limit. Bango understood that NOAV No. 2517 would be formally issued.

In accordance with NAC 445B.281 Violations: Classification; administrative fines, failing to comply with operating requirements established in Class II Air Quality Operating Permit AP2992-1473.01 constitutes a major violation. NOAV No. 2517 represents Bango's first air quality violation in the past 60 months.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2517

ORDER

Under the authority of NRS 445B.100 to 445B.640, inclusive, the person named in this notice is ordered:

_____ To pay the following administrative fine in accordance with 445B.281.1: _____ \$ _____

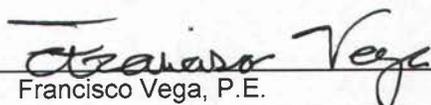
_____ To take corrective action: _____

_____ To appear for a hearing before the Environmental Commission at:
Date: _____ Time: _____

_____ To appear for an enforcement conference at: 901 S. Stewart St., Suite 4001, Carson City, Nevada 89701
Date: _____

_____ To conduct a Supplemental Environmental Project specified by the NDEP-BAPC

_____ This notice is a warning.

Signature 
Issued by: Francisco Vega, P.E.
Supervisor, Compliance and Enforcement Branch
Bureau of Air Pollution Control

Phone: 775-687-9343 Date: October 22, 2014

Certified Mail No.: 9171 9690 0935 0012 2447 89

This order becomes final unless appealed within ten (10) days after receipt of this notice or ten (10) days after a required enforcement conference. The person named in this order may appeal this notice by submitting a written request for a hearing to the Chairman of the Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. An administrative fine may be levied by the Environmental Commission of not more than \$10,000 per day of violation.

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
901 SOUTH STEWART ST., SUITE 4001
CARSON CITY, NEVADA 89701-5249

NO. 2518

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Ron Bell, Plant General Manager

Company Name: Bango Refining NV, LLC.

Address: P.O. Box 5129

Permit Number: AP2992-1473.01

FIN: A0511

Site of Alleged Violation: Bango Refining

Date of Observation: N/A **Arrival:** N/A **Departure:** N/A

Ambient Temperature: N/A °F **Clear:** N/A **Cloudy:** N/A **Rain:** N/A **Snow:** N/A

Wind Speed: N/A mph **Wind Direction:** N/A

It is alleged that the following regulation was violated by the person named in this notice:

NAC 445B.275 Violations: Acts constituting; notice. 1. Failure to comply with any requirement of NAC 445B.001 to 445B.3791, inclusive, any applicable requirement or any condition of an operating permit constitutes a violation. As required by NRS 445B.450, the Director shall issue a written notice of an alleged violation to any owner or operator for any violation, including, but not limited to:

(c) Failure to construct or operate a stationary source in accordance with any condition of an operating permit;

It is alleged that the following act or practice constitutes the violation:

Failing to comply with operating limitations established in the air quality operating permit.

Evidence:

Bango Refining NV, LLC. (Bango) operates an oil re-refining facility in Fallon, Churchill County, Nevada under Class II Air Quality Operating Permit AP2992-1473.01, issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on January 25, 2010.

NDEP-BAPC conducted a compliance inspection of Bango on July 31, 2014. NDEP reviewed records from January 2013 through December 2013 and discovered 6 days where Bango exceeded the 7,843.0 standard cubic feet of natural gas per hour limit set in Class II Air Quality Operating Permit AP2992-1473.01 for System 1A (S 2.001A), 8.0MMBtu/hr Hot Oil Heater #1.

On September 16, 2014, NDEP-BAPC held an enforcement conference with Bango representatives Ron Bell, David Yohey, Jeffery Bard and Jeff Baxter to discuss Notice of Alleged Violation (NOAV) No. 2518. The enforcement conference represented Bango's opportunity to provide evidence showing NOAV No. 2518 was not warranted. Bango was unable to provide evidence NOAV No. 2518 was not warranted. Bango stated the current permitted limit is acceptable to their daily operations and is a limit they are able to comply with. Bango understood NOAV No. 2518 would be formally issued.

In accordance with NAC 445B.281 Violations: Classification; administrative fines, failing to comply with operating requirements established in Class II Air Quality Operating Permit AP2992-1473.01 constitutes a major violation. NOAV No. 2518 represents Bango's first air quality violation in the past 60 months.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2518

ORDER

Under the authority of NRS 445B.100 to 445B.640, inclusive, the person named in this notice is ordered:

_____ To pay the following administrative fine in accordance with 445B.281.1: _____ \$ _____

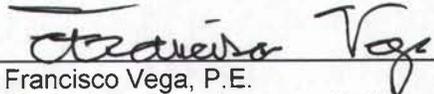
_____ To take corrective action: _____

_____ To appear for a hearing before the Environmental Commission at:
Date: _____ Time: _____

_____ To appear for an enforcement conference at: 901 S. Stewart St., Suite 4001, Carson City, Nevada 89701
Date: _____

_____ To conduct a Supplemental Environmental Project specified by the NDEP-BAPC

_____ This notice is a warning.

Signature 
Issued by: Francisco Vega, P.E.
Supervisor, Compliance and Enforcement Branch
Bureau of Air Pollution Control

Phone: 775-687-9343 Date: October 22, 2014

Certified Mail No.: 9171 9690 0935 0012 2447 89

This order becomes final unless appealed within ten (10) days after receipt of this notice or ten (10) days after a required enforcement conference. The person named in this order may appeal this notice by submitting a written request for a hearing to the Chairman of the Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. An administrative fine may be levied by the Environmental Commission of not more than \$10,000 per day of violation.

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
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901 SOUTH STEWART ST., SUITE 4001
CARSON CITY, NEVADA 89701-5249

NO. 2519

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Ron Bell, Plant General Manager

Company Name: Bango Refining NV, LLC

Address: P.O. Box 5129 Fallon, NV, 89407

Permit Number: AP2992-1473.01

FIN: A0511

Site of Alleged Violation: Bango Refining

Date of Observation: 08/07/2014

Arrival: 4:00pm

Departure: 4:30pm

Ambient Temperature: N/A

°F

Clear: X

Cloudy:

Rain:

Snow:

Wind Speed: N/A

mph

Wind Direction:

N/A

It is alleged that the following regulation was violated by the person named in this notice:

NAC 445B.275 Violations: Acts constituting; notice. 1. Failure to comply with any requirement of NAC 445B.001 to 445B.3791, inclusive, any applicable requirement or any condition of an operating permit constitutes a violation. As required by NRS 445B.450, the Director shall issue a written notice of an alleged violation to any owner or operator for any violation, including, but not limited to:

- (e) Failure to comply with any requirement for recordkeeping, monitoring, reporting or compliance certification contained in an operating permit;

It is alleged that the following act or practice constitutes the violation:

Failing to report a permit deviation within 15 days.

Evidence:

Bango Refining NV, LLC. (Bango) operates a used motor oil re-refining facility in Fallon, Churchill County, Nevada under Class II Air Quality Operating Permit AP2992-1473.01, issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on January 25, 2010.

NDEP-BAPC conducted a compliance inspection of Bango on July 31, 2014. NDEP reviewed records from January 2013 through December 2013 and discovered 6 days where Bango exceeded the 65,000 gallons per day limit set in Class II Air Quality Operating Permit AP2992-1473.01 for Systems 1A and 5A. Bango failed to report that a permit deviation had occurred within 15 days as required by regulation.

On September 16, 2014 NDEP-BAPC held an enforcement conference with Bango representatives Ron Bell, David Yohey, Jeffery Bard and Jeff Baxter to discuss the Notice of Alleged Violation (NOAV) No. 2519. The enforcement conference represented Bango's opportunity to provide evidence showing the NOAV No. 2519 was not warranted. Bango was unable to provide evidence NOAV No. 2519 was not warranted. Bango stated a new record monitoring and reviewing policy was being designed currently and would be implemented when finalized to prevent future incidents. Bango understood NOAV No. 2519 would be formally issued.

In accordance with NAC 445B.281 Violations: Classification; administrative fines, failing to comply with operating requirements established in Class II Air Quality Operating Permit AP2992-1473.01 constitutes a major violation. NOAV No. 2519 represents Bango's first air quality violation in the past 60 months.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2519

ORDER

Under the authority of NRS 445B.100 to 445B.640, inclusive, the person named in this notice is ordered:

_____ To pay the following administrative fine in accordance with 445B.281.1: _____ \$ _____

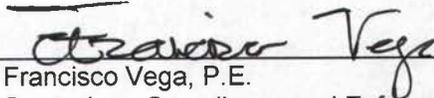
_____ To take corrective action: _____

_____ To appear for a hearing before the Environmental Commission at:
Date: _____ Time: _____

_____ To appear for an enforcement conference at: 901 S. Stewart St., Suite 4001, Carson City, Nevada 89701
Date: _____

_____ To conduct a Supplemental Environmental Project specified by the NDEP-BAPC

This notice is a warning.

Signature: 
Issued by: Francisco Vega, P.E.
Supervisor, Compliance and Enforcement Branch
Bureau of Air Pollution Control

Phone: 775-687-9343 Date: October 22, 2014

Certified Mail No.: 9171 9690 0935 0012 2447 89

This order becomes final unless appealed within ten (10) days after receipt of this notice or ten (10) days after a required enforcement conference. The person named in this order may appeal this notice by submitting a written request for a hearing to the Chairman of the Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. An administrative fine may be levied by the Environmental Commission of not more than \$10,000 per day of violation.

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
901 SOUTH STEWART ST., SUITE 4001
CARSON CITY, NEVADA 89701-5249

NO. 2520

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Ron Bell, Plant General Manager

Company Name: Bango Refining NV, LLC.

Address: P.B. Box 5129 Fallon, NV, 89407

Permit Number: AP2992-1473.01

FIN: A0511

Site of Alleged Violation: Bango Refining

Date of Observation: N/A **Arrival:** N/A **Departure:** N/A

Ambient Temperature: N/A °F **Clear:** N/A **Cloudy:** N/A **Rain:** N/A **Snow:** N/A

Wind Speed: N/A Mph **Wind Direction:** N/A

It is alleged that the following regulation was violated by the person named in this notice:

NAC 445B.275 Violations: Acts constituting; notice. 1. Failure to comply with any requirement of NAC 445B.001 to 445B.3791, inclusive, any applicable requirement or any condition of an operating permit constitutes a violation. As required by NRS 445B.450, the Director shall issue a written notice of an alleged violation to any owner or operator for any violation, including, but not limited to:

(c) Failure to construct or operate a stationary source in accordance with any condition of an operating permit;

It is alleged that the following act or practice constitutes the violation:

Failing to comply with operating limitations established in the air quality operating permit.

Evidence:

Bango Refining NV, LLC. (Bango) operates a used motor oil re-refining facility in Fallon, Churchill County, Nevada under Class II Air Quality Operating Permit AP2992-1473.01, issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on January 25, 2010.

NDEP-BAPC conducted a compliance inspection of Bango on July 31, 2014. NDEP reviewed records from January 2013 through December 2013 and discovered 16 days where Bango exceeded the 2,300 gallons of refined oil products per hour limit set in Class II Air Quality Operating Permit AP2992-1473.01 for System 7A.

On September 16, 2014 NDEP-BAPC held an enforcement conference with Bango representatives Ron Bell, David Yohey, Jeffery Bard and Jeff Baxter to discuss Notice of Alleged Violation (NOAV) No. 2520. The enforcement conference represented Bango's opportunity to provide evidence showing NOAV No. 2520 was not warranted. Bango was unable to provide evidence NOAV No. 2520 was not warranted. Bango understood NOAV No. 2520 would be formally issued.

In accordance with NAC 445B.281 Violations: Classification; administrative fines, failing to comply with operating requirements established in Class II Air Quality Operating Permit AP2992-1473.01 constitutes a major violation. NOAV No. 2520 represents Bango's first air quality violation in the past 60 months.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2520

ORDER

Under the authority of NRS 445B.100 to 445B.640, inclusive, the person named in this notice is ordered:

_____ To pay the following administrative fine in accordance with 445B.281.1: \$ _____

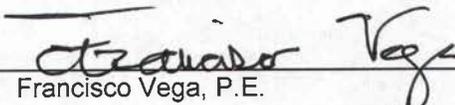
_____ To take corrective action: _____

_____ To appear for a hearing before the Environmental Commission at:
Date: _____ Time: _____

_____ To appear for an enforcement conference at: 901 S. Stewart St., Suite 4001, Carson City, Nevada 89701
Date: _____

_____ To conduct a Supplemental Environmental Project specified by the NDEP-BAPC

_____ This notice is a warning.

Signature 
Issued by: Francisco Vega, P.E.
Supervisor, Compliance and Enforcement Branch
Bureau of Air Pollution Control

Phone: 775-687-9343 Date: October 22, 2014

Certified Mail No.: 9171 9690 0935 0012 2447 89

This order becomes final unless appealed within ten (10) days after receipt of this notice or ten (10) days after a required enforcement conference. The person named in this order may appeal this notice by submitting a written request for a hearing to the Chairman of the Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. An administrative fine may be levied by the Environmental Commission of not more than \$10,000 per day of violation.

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
901 SOUTH STEWART ST., SUITE 4001
CARSON CITY, NEVADA 89701-5249

NO. 2521

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Ron Bell, Plant General Manager

Company Name: Bango Refining NV, LLC.

Address: P.O. Box 5129

Permit Number: AP2992-1473.01

FIN: A0511

Site of Alleged Violation: Bango Refining

Date of Observation: N/A **Arrival:** N/A **Departure:** N/A

Ambient Temperature: N/A °F **Clear:** N/A **Cloudy:** N/A **Rain:** N/A **Snow:** N/A

Wind Speed: N/A mph **Wind Direction:** N/A

It is alleged that the following regulation was violated by the person named in this notice:

NAC 445B.275 Violations: Acts constituting; notice. 1. Failure to comply with any requirement of NAC 445B.001 to 445B.3791, inclusive, any applicable requirement or any condition of an operating permit constitutes a violation. As required by NRS 445B.450, the Director shall issue a written notice of an alleged violation to any owner or operator for any violation, including, but not limited to:

(c) Failure to construct or operate a stationary source in accordance with any condition of an operating permit;

It is alleged that the following act or practice constitutes the violation:

Failing to comply with operating limitations established in the air quality operating permit.

Evidence:

Bango Refining NV, LLC. (Bango) operates an oil re-refining facility in Fallon, Churchill County, Nevada under Class II Air Quality Operating Permit AP2992-1473.01, issued by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) on January 25, 2010.

NDEP-BAPC conducted a compliance inspection of Bango on July 31, 2014. NDEP reviewed the 2013 Annual Emissions Report (AER) and discovered S2.026 and 2.028 had exceeded their 7,000,000 gallons of petroleum products per 12 month rolling period limit set in Class II Air Quality Operating Permit AP2992-1473.01.

On September 16, 2014 NDEP-BAPC held an enforcement conference with Bango representatives Ron Bell, David Yohey, Jeffery Bard and Jeff Baxter to discuss Notice of Alleged Violation (NOAV) No. 2521. The enforcement conference represented Bango's opportunity to provide evidence showing NOAV No. 2521 was not warranted. Bango was unable to provide evidence NOAV No. 2521 was not warranted. Bango has modified AP2992-1473.01 to increase the 12-month rolling throughput limit of S2.026 and S2.028 to 14,000,000 gallons. Bango understood NOAV No. 2521 would be formally issued.

In accordance with NAC 445B.281 Violations: Classification; administrative fines, failing to comply with operating requirements established in Class II Air Quality Operating Permit AP2992-1473.01 constitutes a major violation. NOAV No. 2521 represents Bango's first air quality violation in the past 60 months.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2521

ORDER

Under the authority of NRS 445B.100 to 445B.640, inclusive, the person named in this notice is ordered:

_____ To pay the following administrative fine in accordance with 445B.281.1: _____ \$ _____

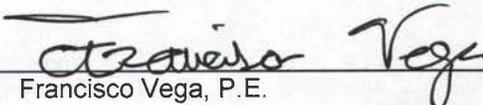
_____ To take corrective action: _____

_____ To appear for a hearing before the Environmental Commission at:
Date: _____ Time: _____

_____ To appear for an enforcement conference at: 901 S. Stewart St., Suite 4001, Carson City, Nevada 89701
Date: _____

_____ To conduct a Supplemental Environmental Project specified by the NDEP-BAPC

_____ This notice is a warning.

Signature: 
Issued by: Francisco Vega, P.E.
Supervisor, Compliance and Enforcement Branch
Bureau of Air Pollution Control

Phone: 775-687-9343 Date: October 22, 2014

Certified Mail No.: 9171 9690 0935 0012 2447 89

This order becomes final unless appealed within ten (10) days after receipt of this notice or ten (10) days after a required enforcement conference. The person named in this order may appeal this notice by submitting a written request for a hearing to the Chairman of the Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. An administrative fine may be levied by the Environmental Commission of not more than \$10,000 per day of violation.



State of Nevada
Dept. of Conservation & Natural Resources
State Environmental Commission SEC.nv.gov
901 South Stewart Street, Suite 4001, Carson City, Nevada 89701

FORM 3: FORM FOR REQUESTING AN APPEAL HEARING
(Provide attachments as needed)

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

Name: _____

Physical Address: _____

E-mail Address: _____

Telephone Number: _____

Signature: _____

Representative capacity (if applicable): _____

2. Attach copy of Nevada Division of Environmental Protection final decision, such as permit or notice of alleged violation, being appealed.

3. Specify grounds of appeal: (check all that apply)

- Final decision in violation of constitutional or statutory provision;
- Final decision made upon unlawful procedure;
- Final decision was affected by other error of law;
- Final decision was clearly erroneous in view of the reliable, probative and substantial evidence on the whole record;
- Final decision was arbitrary or capricious or characterized by abuse of discretion;

4. For each ground of appeal checked above, please list the constitutional, Nevada Revised Statute (NRS), and/or Nevada Administrative Code (NAC) provision allegedly violated. Also list the statutes and/or or regulations that give the State Environmental Commission jurisdiction to hear the appeal.

5. For each ground of appeal checked above, provide a brief and concise statement of the facts which provide the basis for the appeal.

Date of Request: _____.

Send Form to: Executive Secretary, State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, NV 89701