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Bango Oil Public Hearing - January 26, 2011

Larry Kennedy: For the record this is a public hearing regarding a proposed action, a review of the Bango Oil application for renewal air quality operating permit. This went out to public notice in June and we received some comments and a request that we hold a hearing to describe the action. So this is a formal procedural hearing. What we will do at today's meeting, at the hearing today is describe the action. This is Randy Phillips I'll introduce him in a second, he'll go through the application and proposed renewal (?) that's right, go ahead, I'll continue talking. What we'll do is, the purpose of the hearing here is to review how the NDEP has reviewed the application with regard to the regulatory process and (?) regulations and the undertaking of the preliminary determination. We'll describe that action as I mentioned and then we'll take any comments regarding that proposed action (?) As well if you have questions regarding the presentation itself I'll just ask that you would hold those until the end of the presentation. If you have not signed in on the sign in sheet I invite you to do so at close of the hearing before you leave today. As I mentioned you can submit written comments at the close of the hearing or written comments, any questions as far as just our procedure is what we're doing here today. Okay, let me introduce Randy Phillips he's the permitting engineer with the Bureau of Air Pollution Control and he's going to walk you through the proposed renewal of Bango Oil's air quality operating permit. Go ahead Randy.

Randy Phillips: Thank you Larry, I'd like to thank everyone for coming this morning to the hearing, to the public hearing. Again, my name is Randy Phillips I'm the permitting engineer for this air permit renewal. In today's public hearing I'm going to go over the Bango Oil air permit presentation, kind of a short power point presentation on the overview of the renewal permit. Then we'll take questions regarding the presentation and final we'll take comments regarding the proposed action for the permit renewal. Briefly in this presentation I'm going to in the overview I'll go through locate Bango Oil where it's located current operations the proposed minor changes, I want to make a note there is no major changes for this facility per the permit renewal. I'll discuss briefly the applicable air quality regulations, go over the air emissions inventory and discuss the air quality evaluation and modeling analysis that supports issuance of an air permit, and briefly go over what's in the renewed permit, the conditions of the raining permit. Bango Oil's located in Churchill County approximate location for reference it's approximately 14 miles west of Fallon over here, Lake Lahontan is over here and right here is the 50/58 highway interchange. Current operations: Bango Oil currently is allowed to (?) and recycle fuel oil into value item products. It consists of several systems 2 of the systems are primary there primary recycling fuel oil refining systems, they have a secondary recycle fuel oil refining system, they have 3 cooling towers a hydro treating filtrating system and several non-permitted equipment such as their storage tanks, fire pump generating engines, emergency generator and small boiler. I just want to highlight there's no major changes to this air permit for the renewal process. The application for the renewal was submitted October 8, 2009 the minor changes will be incorporated in the renewed permit, consists of reducing the

fuel rate for one of the oil meters for system 2. One of the units for system 2 will be removed is the Enervac filtration system. The water treatment thermal combustor that was previously permitted system 4 will be removed. There is also a net decrease in SO₂ emissions for process oil meter number 4 and the reduction is due to stack testing results that they demonstrated over in the past. Additional minor changes for the permit, a small emergency generator will be replaced with a larger emergency generator, a larger steam boiler will be replaced with a smaller steam boiler, and the storage tank list has been revised for the non-permitted equipment list in the permit. These are the specific state federal regulations governing the air quality permitting process Bango Oil will be subject to Nevada revised statutes and Nevada administrative codes. There's a series of federal regulations there known as 40 code of federal regulations part 60 NSPS stands for new source performance standards, part 61 and part 63, part 63 relates to hazardous air pollutants. Bango's facility is not subject to any of the federal requirements that are listed. Title V operating permits and NSR permitting programs Bango Oil is not subject to the Title V permitting or PSD permitting, the facility is less than 100 tons per year in any regulated pollutant, and a facility with less than 10 tons per year of a single hazardous air pollutant and less than 25 tons per year combined hazardous air pollutants. So Bango Oil in summary is not subject to any federal regulations, only state regulations. This is an emissions inventory list for the renewed permit. I'll define the pollutants, PM is particulate matter, PM₁₀ is particulate matter less than 10 microns in diameter, SO₂ is sulfur dioxide, CO is carbon monoxide, NO_x is nitrogen oxides and VOC is volatile organic carbons. In the first column is the current potential to emit emissions inventory for Bango Oil, the proposed renew permit actually shows a net decrease in the emissions for the facility. The net decrease is a result of the thermal combustor being removed and the reduction in the sulfur fuel usage rates and SO₂ due to stack testing. So just note, there's a large decrease in the SO₂ due to lower fuel usage rates. As is required by regulation before we can issue a permit we, being the state of Nevada, to a facility, they must show compliance with the federal and state ambient air quality standards. For this particular renewal Enviroscientists Incorporated based in Reno was the consulting staff that conducted the air modeling analysis and we the agency reviewed the modeling results and confirmed the results were valid. Bango Oil must demonstrate compliance with the Nevada and national ambient air quality standards for the following pollutants, PM₁₀ which is the particulate matter less than 10 microns, sulfur dioxide, nitrogen oxides, carbon monoxide and ozone. The air quality modeling analysis was performed by Enviroscientists for Bango Oil was conducted using federal EPA approved models and in this case it's called AERMOD, and a federal EPA screening model is used to estimate the ozone potential. This table summarizes the modeling results summarized the nitrogen oxide has an annual averaging period and the standard is 100 micrograms per cubic meter and Bango's contribution is only 22.6% of the ambient air quality standard. The sulfur dioxide has 3 averaging periods, 3 hour, 24 hour and annual averaging period and again Bango's emissions, note in the left far right column that they meet the ambient air quality standards for sulfur dioxide. PM₁₀ has a 24 hour and an annual averaging period and Bango Oil meets the, or does not exceed the ambient air quality standards. Carbon Monoxide has a 1 hour and an 8 hour standard and Bango Oil does not exceed the ambient air quality standards. And Ozone has a 1 hour averaging period and it is as you can see it's only .9% of the standard so it's below the ambient air standards. Bango Oil is in a what we call hydrographic basin 101, it's a basin triggered for NO_x. It was triggered back in '95 by the Sierra Pacific Power Company out in Fort Churchill. What basically what that means is Bango has to meet a tighter air quality standard for Nitrogen Oxides.

Again Enviroscientists was the consulting company that did the modeling analysis and for the nitrogen oxide. The nitrogen oxide increment standard is 25 micrograms per cubic meter Bango's air modeling showed 19.7 and it's about roughly 80% of the allowed standard so they meet the increment standards. In summary, the previous two tables show that Bango Oil meets will comply with the Nevada ambient air quality standards and the PSD increment standards. So the renew air permit basically will allow continued operation of existing permitted emission units. I want to make a note that construction is for one of the re-refining systems that is yet to be built it's, it was permitted 2 years ago in a permit modification that Bango submitted to us as system 5, it's called out in the permit and it's still being constructed so. (?) Is that phase 2? What it's what they call the redundant, I guess you could call it phase 2, I'm not sure, it's kind of like a duplication of the existing refining system, so phase 2. In the permit there's controlled technologies that states types of controls used on individual emissions units, there's emission limits in the permit, they list initial limitations and opacity limitations that Bango must comply with. The limits are based on actual stack testing results conducted over the last several years, emissions factors from EPA federal emission approved emission factors and state requirements, state requirements has a 20% opacity requirement and they will be required to comply with that standard. In the permit there's operational limitations process rates, throughput rates fuel usage rates operating hours all listed in the permit and Bango Oil must comply with those rates. Permit has stack testing requirements for the process heaters, the stack testing is performed on a routine basis to show compliance with the emission limits, the pollutants tested in the past and in the future will be PM, PM10, Sulfur Dioxide, Nitrogen Oxides, CO, Volatile organic carbons and reduced sulfur species. Within the renewed permit there's a monitoring and record keeping section where Bango will have to show requirements of recording the throughput rates hours of operation and so on. So our determination based on information provided to us for the proposed renewal for the Bango class 2 air permit will meet all the applicable state and federal air quality standards. So what happens next? Today we will receive verbal or written comments for the close of today's hearing, will evaluate all comments and then we'll take a final action on the application that they submitted. So with that, I guess we'll entertain questions.

Larry Kennedy: Thanks Randy, first what we'd like to do is answer any question about the presentation. Let me clarify one thing, Vickie, these are the cards that we use for people making comments?

Vickie: Yes, I've got some.

Larry Kennedy: okay, good, first before we go to comments, on the process, on the proposal, are there any questions we can clarify?

Sharon: How are the rates verified, you said the rates were going to be verified as to how much their putting through, how's that being verified?

Larry: I understand the permit has conditions for doing that, right Randy?

Randy: They're verified through compliance inspections.

Sharon: How often do you do the plant inspections?

Larry: There are also records that are kept by the facility.

Sharon: That's what we're afraid of their self-monitoring, how often do you do the inspections?

Randy: Inspections every what, 1 to 3 years, I think are the compliance inspections for Bango Oil.

Larry: They are done much more often than that.

Randy: Maybe in the past there have been more; actually it would be too on an annual basis they submit annual emission forms to us, to show they don't exceed their requested or the permit limits.

Sharon: How do you know, how do you know it's valid when there's no way to check?

Randy: On our inspections we'll check that and we do go out there, I mean we don't do it.

Sharon: You'll check there logs? **Randy:** We check the logs in the record keeping.

Larry: We have yet to see any throughput violations by the facility.

Sharon: Yes but you're looking at the logs and you're not out there when they're running maybe more than what their supposed to run on a late night early morning hours. (?) They're self-monitoring; somebody's going to have to get a grip on that. **Larry:** The records, those are verified through inspections. **Sharon:** yes they do but the EPA that I'm familiar with in Southern California, they come in un announced they come in whenever they want, day, morning, night, especially with a plant that is experiencing problems of this magnitude. And they bring their little sample jars with them, and they take the samples themselves, they test themselves. They don't give them warning were coming in two weeks.

Larry: All of our inspections are unannounced; the only other inspections that occur are during stack tests when we observe them. Testing is done by a third party consultant (?)

Sharon: all in the daytime hours?

Larry: yes

Sharon: not when (?) that stuff that's making everyone sick?

Larry: I have no idea.

Sharon: see that's the problem. I have a question. **Larry:** could you identify yourself please? You know me I'm **Don Mello:** and most everybody in here knows me. One of the questions I had Randy was they're going to be taking the (?) filters out of the combustor, out? Are those in operation now?

Randy: no they aren't. I don't have the exact dates on the top of my head, I believe the thermal combustor was removed a year ago, and the clay filtration was removed I think the early part of last year, maybe even later than that. They've been gone for a good year I would say.

Don Mello: the reason I'm asking is this over this Martin Luther King weekend the odor was horrendous in mean it's the worst it's ever been, and I think that's do to with why a lot of people are here because you guys got to do something, something has to be done or like I told (?) you might as well come out

and shoot us all in the head. These numbers ambient air testing thing, those, that's all just modeling am I right, and those are just calculations of what, you think are going to be the emissions. **Randy:** well it's an emission rate, yes. **Don Mello:** calculations **Randy:** calculations **Don Mello:** well I'm telling you that whoever's doing those calculations for you at least on odor and on sulfur and those types of things don't know what the hell he's doing, because the odor is killing us. **Randy:** well, I mean, when you look at SO2 and the modeling analysis, we don't model for reduced sulfur its SO2 so it's what we go with, it's what the federal requirements are, and the state requirements show compliance with the standards through modeling. **Don Mello:** well I guess the only other question I have is, I sent some paperwork over to the department of environmental, or the desert research institution has done a study a one year study on the wind direction, climate, and the complaints that the residents have and those of all correlated and I guess my question is wouldn't it be better to take (?) information rather than (?) because it seems to me like it's uneducated guesses that NDEP has been using for modeling doesn't really match what's out there. **Randy:** I can't really comment on the DRI study, we haven't received anything that I'm aware; you say you submitted something to us? **Don Mello:** I sent an email. I emailed it. **Randy:** oh, (?) we haven't looked at any data, nothings been submitted to us that I'm, I'm not aware of anything. (?) That's okay; I've got another copy for you. **Randy:** What did you email me, that was two weeks ago. (?) Yes, that was a couple of weeks ago, I think I emailed it to you too Larry. **Randy:** That was an article, not a full blown (?) I've got another copy that's okay, what I think may be good is just to compare your modeling study's done by Enviroscientists (?) with some of the data in this study and see if there's any discrepancies.

My name is **Rich Wideman:** and probably a year ago or so there was Bango was supposed to be fined a certain amount of money and NDEP in lieu of fining them, decided that they were going to install new equipment into the plant, allow Bango to install new equipment in the plant, do you remember that incident? **Larry Kennedy:** this isn't right; this isn't specifically related to the permit at all but I'll go ahead and answer your question. This is in regard to a settlement of a violation for starting construction this went to the as for a settlement proposal, went to our state environmental commission where it was ratified as a settlement, there was I believe a ten thousand dollar penalty that was paid by the facility, and as part of that settlement, what had been agreed on was to also construct a water treatment plant at the site. **Rich Wideman:** Well my understanding is that the actually the new equipment would allow Bango to increase their production, not by permit but by from equipment stand point. It was, it was, it would allow them to actually increase production. My question is this, okay, the solution didn't work okay, it didn't reduce any emissions, it didn't reduce any smell, odor, and it didn't reduce any complaints. Usually, I'm an engineer by background, I have managed engineers and usually I've always encouraged engineers to identify a root cause of a problem before identifying a solution, implementing a solution. It appears as though NDEP totally failed in this regard, they implemented a solution without really understanding the root cause of the problem, okay, your, your, I can tell by the way this meeting is going, and frankly sir with all due respect you're smile and your shrug to Sharon Boones valid questions is offensive and I take (?) to it, okay, because these people have valid concerns she's expressing, she expressed a valid question about taking data, you know, obviously there's some questions about the integrity of this company in terms of their ability to take their own data, okay, and I think those questions should be addressed in a, in a logical planned way without just a shrug and a smile, okay. **Larry Kennedy:** let me have the opportunity to rebut your mischaracterization, are you done? **Rich Wideman:** no **Larry Kennedy:** alright then go ahead. **Rich Wideman:** the data, quite frankly is just modeling data,

we have data from the environmental people at the University of Nevada, that demonstrates that our complaints are valid, okay, and our noses are valid. Last year when I sat in this building, I was accused of being an ax grinder, by one of the SEC commission people, okay, I feel like I've been vindicated because the university data is showing exactly what we said it was going to show. The people in this valley need some answers. This is ridiculous, and I'd like to see a responsible answer from you sir about what you are going to do about these issues. Not just a shrug or a dog and pony show, we've seen lots of those over the last two years. Okay now I'm through. **Larry Kennedy:** very good, first of all, my understanding is the water treatment plant is not operating. Okay that's my understanding there. And I'll give you some history; first in terms of information what these models that we talked about. They incorporate our emission rate information that comes from these specific emission units at the source. These are then matched together with meteorological information to create modeling results under the ambient study, that's the dispersion model. Obviously we're quite well aware of the complaints there, I was supervisor for the enforcement branch when the issues first arose. I've been out to the plant myself seven different times, maybe it's eight. What we try to do, rather than look at trying to find out if there's a violation and tying together complaints(?) is look at the facility and see if there are any items that come under our regulatory authority that we can address. And to that end, I think you are aware of this in terms of the issues there, the main thing was to look at the processes. We did see some problems with one of the units early on in terms of possible odors(?) and that was corrected. There has been a succession of orders issued to the plant regarding tightening up this operation and its emissions profile and to get control of those processes. In other words what we did was we went to the plant to investigate these different sources and see if they were being properly operated. What we see in conjunction with the stack testing that's been going on is that, that is being done. So I apologize if it looked like I was being smug. It's very frustrating for us as well, we feel we've done everything in our authority to try and address these problems in just trying to get back to the original, I should say root cause, we feel we've done that. I'll give you an example, the thermal combustor was something that we came up with as a possible solution, it turned out to not be a solution that's why we recommended and ultimately Bango agreed to get rid of it. The clay filtration system was identified as a potential source of odors, that's why that's not there anymore. We didn't think that for example having a pond again would be a satisfactory solution for an odor problem. So we've done, all I can get across is that we've done everything in our authority as far looking at what we can accomplish in terms of trying to address these problems, I can't express it any more strongly than that. We looked at the source data from the facility, we used the monitoring information, we used stack testing information, which I mentioned is done by third parties.

Rich Wideman: but Larry, that doesn't help us when the odor is killing us, I mean you missed something, I don't know what you've missed, but you definitely missed something.

Larry Kennedy: we'll be very happy to look at the DRI study and compare that.

Sharon Boone: when you have a plant inspecting, what were they doing with the water? That was supposed to be going to the water treatment plant and be put on ground, are they just putting it on ground?

Larry Kennedy: my understanding is that is going to a facility in Oregon right now. **Sharon Boone:** they are shipping it out?

Larry Kennedy: right, it cannot be treated to the extent that would allow it to be used for dust suppression or use at the plant, and again this is you know not my area of expertise.

Sharon Boone: well why you are out their walking around you should be able to see if they are dumping water or not from the plant that isn't working, the water treatment plant.

Larry Kennedy: I haven't seen water being dumped. **Lorraine Griffin:** Larry, may I add are you aware of the whistle blower report that Don and I we left it this morning with (?) the whistle blower report. Are you aware of the whistle blower report? Did they share that with you that report? (?) **Larry Kennedy:** I believe there is a report, they're been different reports that we've been asked to investigate. **Lorraine Griffin:** Well, to refresh your memory, we had an unsigned whistle blower report that we brought into Leo Drozdoff, and left that with him, and there was accusation there were several accusations there that would tie in with the night time (?) now Leo Drozdoff assured us that he would go ahead and refer this I believe air quality this is your bailywick right? **Larry Kennedy:** That's correct. . **Lorraine Griffin:** you would be the people that would pursue this, my question is how many night time weekend visits unannounced visits have you done since then, we brought that in about what around October? I was wondering how many visits you have made as a result of that whistle blower report? **Larry Kennedy:** I made none myself, we'd have to look and see how many. **Sharon Boone:** it stated that Ron Bell was illegally venting at the same time that they were checking for emissions so they would pass the emissions; he was standing in an illegal spot so the emissions would come out okay, and the same time they were testing Ron Bell was doing the testing, the whistle blower said. So their emissions would pass. **Larry Kennedy:** We'll recheck our records. **Sharon Boone:** well someone needs to tie Ron Bell up when he goes in there to do the testing. **Vickie:** Larry, could I ask that if somebody has a question or something if they could please state their name for me, okay thank you.

For the record, **Holly Butte:** I had a question and I'm just curious I really don't know anything about any of this equipment, but it does state in here several different places that emissions shall be uncontrolled, this charging to the exhaust stack in the outside atmosphere, and I was wondering is why is that can't there be scrubbers, filters, something on (?) on this equipment? **Randy Phillips:** it says uncontrolled, I mean there could be scrubbers but there's not, if modeling showed that it would work with the uncontrolled, they would have to put some kind of a control device on it.

Holly Butte: why can't they put something on their?

Randy Phillips: they'd have to request it and they were not...

Larry Kennedy: let me interrupt, one of the things that we did look at Holly when you say the uncontrolled emissions or need for (?) extra controls when it relies on more emissions control. For most, not all of the units but most, it's important to make sure the combustion process or the process itself is effective. I imagine for example some of the early testing where temperatures were out of line or procedures were out of line, or the combustion wasn't effective on the unit, those kinds of problems that's why there's been other parameters. By parameters I mean operating parameters such as

temperatures, these parameters are (?) put into the permit for that reason, that's what those are for, and those are measured during operation(?) and recorded by those stack emissions tests(?) **Holly:** is there equipment available that could further filter the emissions from this plant? And perhaps it would alleviate the problem so that they could operate and do their emitting and we could go without the nuisance of it. **Randy:** I mean there are all sorts of control technologies out there but I mean. Do you have anything to say on that? It exists **Larry:** again, I'll just say again what I mentioned to Rich, our puzzlement is just that when you look at the criteria that have been established for operating the plant processes and during source tests you will see that those are in compliance. We did have some tests that failed, this was back in '07 I believe and we took steps and issued orders to correct that. That's why we believe we've taken every step that's necessary to address that (?). **Lorraine Griffin:** I don't think this is going to stop until it really is handled because we are not here (?) we're here because there really is a problem, and were trying to get your assistance and attention in solving the problem. We're not trying to put Bango out of business, that's not our impetus here, you know, it's not that, we have a right to clean air to peaceable enjoyment of our private property and those rights are being violated. And we need some help with that, and if you know I think that some other avenues need to be addressed I don't think that your modeling testing is addressing the issues in an unbiased manner because, well because we live with it...and so we know there are nuisance odors we haven't there is no you know their hiding behind a statute in regards to nuisance odors and but nobody's ever come out really and tested to that statute in I believe a responsible way. So I just think there's more that could be done to help this if we all kind of work together on this it would be good but we feel like we just get stonewalled you know a lot of times and you know that's not healthy.

Ester: Mr. Miller wants to say something. Yes, my name is **Glenn Miller:** I teach in department of natural resource environmental science at UNR and I've been involved in working with some of the residents and also got to know some of the staff at Bango a little bit. The issue obviously is not all the things you regulate but you do a very good job on of keeping that all together. It is an odor and I guess the question, I brought some of the light fraction that I got from Bango, we did some work looking at I got a sulfur detector and mass cytometer and tried to look at his we weren't able to see a lot of, there's a lot of sulfur peaks in here because there's an it's call a dithialphosphate lubricant added to it, that is used in oils. And it's, it has similar structures to agricultural pesticides and and and but that wouldn't, when it goes through an engine and heats up those things probably do fall apart in a way (?) sulfites, we did see, we did identify two sulfites in the mixture just because we were looking really hard for them but there's still a lot more oil these are fairly to the way they come out. But there is a fair amount of, there is a lot of sulfur in here I'm sure would guys don't want that but you should take a whiff of this stuff. It is just atrociously smelly, and I mean I have, I put a tight fitting cap on it, so that I wouldn't but still ekes through, if you want to take a whiff this is what is burned, well it's going to stink up the whole room. It's pretty ghastly stuff and this is the fuel that burns that is used to distill to distill the oil. But this is burned at a controlled way and it is it is almost with virtual certainty the source of the odor is because there is no (?). John Sagebeil and I were working with Churchill County to try to find the source of it and Darko Koracin(?) the work he's done(?), he's with Desert Research Institute, is a very good modeler, world class modeler in fact and what he did very simply is chartered the direction of the wind and put a model together to predict where that odor would go, where that volatile material would go on those times when it would go. And what he did he found a 95% correlation whenever there was a complaint from

these folks that's the way, that's the path that the material came from and he was, there was an argument a little bit as I understand that some of the accounts that I've read and heard that there was kind of a confrontation, you don't really know this you just suspect this the (?) came back and said there is no other source out there, this has to be the place it's coming from because if you take that source and then do those projections out that's where the odors coming from. Now exactly what's in here I don't know, I don't think anyone knows it's an unusual mixture, but as it comes down to the end I guess from a regulatory perspective there is an odor ordinance and the regulatory system, that odor ordinance I'm sure you looked at over and over again and It's a very, very difficult thing to enforce so there's two questions, it can be enforced some of these odors are strong enough that they can you can still smell them very well 8 times dilution and that's the standard but there is a prohibition in against releasing the material that is noxious material. And so I guess I would argue that you really are not enforcing the regulations that you have on the books now because in part I think because a very difficult time of actually making those determinations. So I guess the question is are you going to enforce the ordinance and if your not are you just going to pull that off the books or is it possible to have a new regulation not an ordinance new regulation that the commission would perhaps pass to deal with this kind of problem and a similar problem that is largely resolved out in Silver Springs that's actually reduced quite a bit in the severity but in both places this has gone on for several years now, so I guess the question is do you think this regulation you have in place is enforceable and second if it's not enforceable are you going to look at having an enforceable regulation that would prohibit the release of these materials? I think you can tell by the way the people here there is an odor (?) said there was an odor that whenever there was blowing from that place (?) I don't know its questions about enforceability and if this one doesn't work is there perhaps time to look seriously at a different one? Because it's there I've smelled it.

Larry: Let me back up on that, try to answer, there are a lot of questions. One is that, the odor reg as it sits this is very similar to other odor regulations more commonly used by say local zoning ordinances for identifying nuisances. With that, look at our state reg what that obligates us to do is investigate and then determine if the nuisance violation occurred to take appropriate action. What we have found in trying to apply this, for example even at Silver Springs, it is very difficult to obtain those kinds of samples and do that analysis correctly. We've had samples blow up on aircraft for example, difficulty with logistics, things like that. What we've done rather than putting effort into trying to identify a violation is to go to the either the source or suspected possible source and identify corrective actions which would be what we would do anyway if a nuisance odor was actually confirmed. I can say that when I've been on the site, I've smelled a smell. Here's the question, does it really compare looking at the threshold, how many times must it be diluted? How does it get up to eight times dilution, how do we account for that, frankly we're just mystified by that.

Lorraine Griffin: Our lungs don't have that dilution capability. You have to use something that (?) a human being. Our lungs don't filter it out to 8 milligrams dilution we get it full force, your permit does not speak to 8 parts dilution, your permit as says permit tee may not discharge or cause to be discharged from any stationary source any material or registered pollutant which is or tends to be offensive to the senses it further says injurious you'll have to excuse me, (?) or detrimental to health and safety or which in any way interferes or prevents comfortable enjoyment of life or property. Now it doesn't say in your permit that you need to go to the state or to the federal. (?) and it means at the

plant one of the things that you people have done is said you need to capture this odor on Don Mello's doorstep or down at my ranch but this doesn't even this even eliminates the possibility of Bango Oil emitting odors of this nature at the plant and Mike Elges in 1970, in 2007 was at the plant and he admitted the odor was truly noxious. **Larry:** let me clarify, this is the permit requirement you're referring to. The state regulation, what that refers to is, at the public access boundary at the fence line, that it must comply with that regulation. That's enforced to comply with this rule that we were discussing as far as this 8 times dilution. **Sharon:** well there again, your hiding behind, and Mike Elges said in that meeting (?) that you don't use that federal standard because it's unusable because it isn't effective, what we're asking for is effective control to match the permit. Realistic, realistic, that model does not you know, just you know being good neighbors and good people and do what's right and this was part of our agreement initially when before they went into operation (?) I'm sorry, concerns, (?) The thing that nobody is bringing up, we say Sunday night through Thursday night (?) Friday night, Saturday night, weekends, you cannot breath because the state offices are closed. **Michael Ward:** the state offices are closed there's no one to control anything, now we have the sheriff involved, the sheriff department going out (?) there making out case files we have the files right here from the sheriff's department, they are going out and verifying that there is a problem, because they work 24/7.

Larry: I'll just mention for the record that Holly had said she would be submitting the DRI study as part of the comments. **Unknown:** The decision comes back are you going to use that method, do you have the capability, do you have one of those instruments (?) Minnesota is that available for use in the NDEP or do you have someone who you can contract to have go out there and actually make those measurements? **Larry:** we have the sampling equipment, yes. **Unknown:** You do have the sampling equipment, is it sampling equipment or is it the actual measurement? **Larry:** the sampling equipment. **Unknown:** is that the, the sampling equipment you fill out the Templar bag and send it somewhere, that doesn't make it, it has to be on site where you dilute it down. I guess the question is, I can't remember the instrument that was used but it basically it's a activated charcoal you can dilute the airstream down by a factor of 8 and that's the regulation, but that's an instrument you use on real time and that you do have that instrument available? **Larry:** no, we don't have that. **Glen Miller:** then there is really no hope for ever regulating this odor because these folks I think you probably will agree that these folks and (?) work is very (?) when there is an odor that's when the complaints come in when there's not an odor complaints don't come in and (?) point was it is coming from this source and if the regulation says you have to use this 8 fold dilution, the only way to do that is an analytical chemist is to have that device there and operational so one of the sheriff's for example could be trained, it's not that difficult to use I went through a class to use, and it seems to me that there has to be some agreement between state regulation and local jurisdictional person that can actually measure that and make that determination that it does exceed that standard, I guess the question is do you do that are you going to change the regulations or neither and that's kind of (?) either the regulation's going to be enforced or there's going to be a new regulation or it's not going to be enforced. And so far there really hasn't been enforced, because there's been really no attempt to capture those odors in a real time method. **Larry:** I guess I have to differ with you, one is that we look specifically at the stack test information and we've done speciation tests on reduced sulfur compounds. **Glen Miller:** I've seen those, those are completely not useful for odors they are just not useful. **Larry:** okay, I'm sorry I have to disagree, because the approved method is from US EPA. **Unknown:** (?)Hydrogen Sulfide this isn't hydrogen sulfide. **Larry:** it isn't

hydrogen sulfide it's other reduced sulfur compounds. But let me go on. Also what we're not discussing -now we didn't take the samples but we're aware of the results - we're aware that the county took some 1700 samples to try to verify that the odors rose to the level of a nuisance violation and(?).

Lorraine Griffin: those were not qualified people.

Unknown: Between 04:00 and 07:00 in the morning and between 18:00 and midnight at night. .

Lorraine Griffin: they were not trained, qualified people I got the same training from the county.

Unknown: all that did was emission testing, that's all it did was determine what the dilution rate was that's the only thing we're to get them to do and in the process of doing that the dilution rate testing we found majority of the samples or a majority of the testing was negative some of the testing was at a 2 dilution rate and some more of the testing was at less than 2 dilution rate. That's all we did was dilution rate we did not try to say what it was we didn't try to say anything else, we're just getting it at the strength of the odor by dilution rate and we did it in one section of testing from for 25 days we did a second section of testing for 28 days the first section of testing we did 20 different locations the second set of testing we did 30 locations and there were three different people that were involved with the sampling, myself, and (?) permit technician and throughout the entire time throughout all the testing that we did we did twice a day every day every week day but it was morning like I said 04:00, 07:00 and nighttime 18:00 to 24:00 hours we just never got anything above a 2 and a majority of them there was no measureable rate at the different stations that we used, I'm sorry, I'm **Joseph Whimple:** code enforcement officer. **Sharon Boone:** but those tests are (?) if you count on the person who doing the test is the person a smoker, if their nasal is compromised in any way there not going to get the right results, they're going to get the results from compromised testing that's done where (?) they can't even smell it because it's been killed off from smoking. **Joseph:** none of were smokers, the answer to that question, none of us are smokers. The second part of that I'll put in is there is a I can't remember what it's called, but it's a test, it's a blind test that you do on the individual when their ability to detect odor's is using different pens that one is a blank that has no odor and two have an odor to them and they go through this process to determine the ability for an individual to detect odors and there's like a bell that your score falls into and most people fall within this wide range of normal ability to detect odors on the far end of course is the super sensitive and on the low end is where you can't detect anything all three of us did the blind test and all three of us fell within the normal range for detecting odors none of us smoke, there are many things that can affect a person's ability to detect odors there are (?) can't remember the exact number something like 30,000 or 30 million no, 30 thousand odor glands that are the olfactory glands that are directly hard wired to the brain and if you have a cold that will affect your ability that's true, the thing that makes the sampling in my opinion more valid is the time period that we did it and because we did it for 25 days and we did it for 28 days and even if we were affected a couple of days we weren't going to be affected for the entire process of the testing, so I believe the testing that we did was valid and it did come up with correct figures. Now does that mean that there is not a problem, I'm not saying that, all I'm saying is that the dilution rates when we tested at the times we tested were what we reported and it was some 27 hundred tests that we did in total number.

Lorraine Griffin: but the sad part about that was many of us were trained on that same thing, and they neglected to use one of us as part of the testing **Joseph:** excuse me, I will, I will very definitely come back on that one, we offered for any of the citizens that wanted to come out with us that do the testing

to let us know, we would take you with us and we received no phone calls. **Sharon:** not come out with you let us be in charge because when it comes to your house, you need to do it right then, you don't have to (?) **Joseph:** we have one piece of equipment that costs \$1500 dollars we can't pass it to everybody. **Sharon:** what? You can't trust us with it, the people that are being most affected? **Joseph:** no, I'm saying we don't have the we can't purchase enough so everybody can have (?) **Sharon:** you don't have to purchase another one; you're done with that one let us use it. **Joseph:** that would be up to the county to make that decision, yes. **Lorraine Griffin:** they should. I would like to point out the board when we had the appeals hearing these tests done by the county came up for discussion, they were just allowed as far as evidence in that appeal hearing because the people who performed the tests didn't get adequate training. That's the bottom line, those tests were not considered to be valid by your superior's, your commission the state environmental commission. (?) They wouldn't accept that as evidence. (?) No, and I know you were there so I you may not (?) **Larry:** I will mention just for the record that when this came up we referred the County to Saint Croix Sensory, this is the company that manufactures these sampling devices. And I understand that Saint Croix Sensory came down and provided training. **Lorraine Griffin:** an overview that was it, no training, no official training an hour and a half (?) that's what Mr. Wimple would see, (?) that's not correct, the training was a day long and after the class was over the classroom portion was done myself and I can't remember exactly if it was one or possibly two others that were involved with the testing. You go out into the field with the trainer and we did use the equipment in the field and we did receive onsite training. **Larry:** I think we've discussed the issue long enough. I understand you have lots of questions, but what I'd like to do, I'm not trying to hurry you along but at the same time what we would like to do is get to the comments that can be submitted either verbally or written comments. I understand from talking to Holly a week or two ago that there was some information that you wanted submitted. So unless there's any objection to that what I'd like to do is close out the question portion of the hearing and open up to public comment.

End of question period – start of public comment period

Vickie: the first one is **Esther Moore:** I want to submit what I write down and when I call in to the commissioners all last years and this is this year's already January. This is what I wear at night because I can't sleep in my bed, I have to sit up in a recliner I'm 67 years old and I can't sleep in my bed because it's so bad, I vomit, I get headaches, I get nose bleeds and my dogs are throwing up, and I have healthy dogs, they don't throw up food they're throwing up liquid stuff out of their systems. It's unreal what I'm going through you have no idea I work on a navy base, my father was a 20 year government navy man, I've lived all over the United States, never smelt anything so horrid in all my life, I've lived in the valley of Fallon Churchill since 1967 I rode my horses all over the valley, I ran cattle, I did everything and I'm never was so sick in all my life as I'm getting now, I had to go to my supervisor and ask her to put me on 7 hours instead of 8 which they did. I've stepped down from full time position after 16 years to a part time position because I'm so tired, I fell down at work I was so tired, I bruised, they took me to the hospital I bruised my bone down here below my knee and it took me four months to heal up four months for my leg to heal up, it's all on record at the navy base of my fall, I told them I'm so tired because I can't sleep properly at night, if my father was alive he would do something about this cause he knew a lot of people and he would have the authority to do something, he was on top gun he knew about that years ago, he was on the committee he was at the beginnings of the jets in north fork Virginia

where we lived and I never smelt any odors like this in my entire life of living in Alameda I was born in San Diego. In yet this tendency we were in Alameda at Moffet Field, Imperial Beach we were all over the place. And never have I seen horrible stuff and I'm about ready to scream because I can't stand it no more, I sat up in my chair last night I couldn't even lie down in my bed and I called in to the commissioners, I've been calling in to the sheriff department ever since we got a new sheriff the other one wouldn't help us but this one is helping us with our complaints and you could see how I live, I'm giving that to you something's got to be done, I had to put one horse down and I got another horse that I'm going to have to put down because she's getting respiratory problems I'm getting respiratory problems every time that comes in I'm (?) my lungs okay, I've said enough.

Loraine Griffin: Well basically the main thing that I wanted to bring out was that the permit does spell out what is acceptable in or not acceptable in the way of odors and I really feel that NDEP is not always respondent to the complaints that we've had, particularly night time weekend complaints. (?) I've announced at the appeal hearing that one of our people had lung cancer, I am that person. Now of course I'm not going to say that lung cancer can come from many sources the only thing I can say is that at night when I am wearing oxygen I have called in several times to report overwhelming odor in my bedroom which is three miles away from Bango Oil and I think something certainly has to be done I don't know what but you are the people responsible for it as you know, and I think you've been fulfilling your job up to a point but for instance when I called in about my (?) in 2007 (?) appeal hearing nobody came out I called the university I called NDEP nobody tested the (?) the pre (?) and that was the same day that I just did a huge amount of odor and caught and became sick so I'm a little bit angry that there was a lot of emissions on that day anyway NDEP never responded to my complaint about that and the whistle blower report given to Leo Drozdoff now Mr. Kennedy who would be the one who would receive it you or your boss have never heard of it? Why isn't somebody coming out unannounced at night why isn't somebody taking these types of complaints seriously? it's up to you and we are asking you please do something we wouldn't be here I mean look at us, were not the kind of people that are just rebel rousers we have a serious problem there and we're asking for your help. Thank you.

Marie Duncan: I have a letter to submit that I would like it to go on file. I (?) and I'm not affected by it I don't believe as the people on the Carson Highway. I do get it and it is very bothersome, my main worry is the odor is a nuisance but it bothers your nose and your throat and your eyes really burn and what scares me is what's in the odor that's making my body or our bodies react that way, because your eyes really, really hurt when that, when you can smell it. So my fear more is what is causing our body to reject this whatever it is I mean the odor, I don't like to live with that either, but if it's not harming me that's not quite as bad I mean don't (?) and (?) thank you.

Norman Frey: yes, my name is Norman Frey I'm a Churchill County Commissioner, and these are my constituents and there not only my constituents they are my neighbors, they've been my friends my whole life many of them, and I would submit that if Mr. Miller were to go the lobby here and take the lid off that bottle, and sit there, that odor would permeate this building and this building would be evacuated. If it was not evacuated, if you ordered the people in your control to go back to work then you would submit them involuntarily to that odor that you'd be sued you'd lose your job, yet you subject these people or not you as a people, but the regulations the environmental control that you

have is so minimal that it does not protect these citizens of Churchill County and this is a great concern, because I'm sworn to protect and defend their health safety and welfare, I can't do that. We as a county rely on the Department of Environmental Protection to do that. There's something wrong as Mr. Miller said, the laws, the rules, the regulations that you point to don't go far enough to protect our citizens, once again if you open that vile and he sat down at the lobby for an hour or two everybody would want out of this building. Don't subject my constituents, my friends, my neighbors, to the same treatment you wouldn't allow happen in this building, thank you.

Don Mello: you know I think that I hope that everybody here realizes that we definitely have a problem. I think what concerns these people more is the fact that they haven't even, even though NDEP and the county has allowed Bango Oil to triple their production, that has not been done yet, my concern is what's going to happen when they triple the production we cannot live with it the way it is right now, I mean it's almost impossible for us to live this way NDEP keeps saying it's a county issue, we talked to the District Attorney's office the District Attorney's office says no, NDEP has told us to back off it's a state issue. Right now the only issue is the fact is that we can't live with this, we're to the point that we can't sell our property and we can't live in the area, what can we do what do we do as residents. I know you guys have regulations but somewhere along the line somebody made a big mistake, NDEP made a mistake by believing that Bango Oil said that there wouldn't be any odor and all they have is Co2 and water vapor, were not today, none of us are necessarily concerned about the emissions today should that might tell us in 5 to 10 years, what were concerned about is the damn odor the odor is what's killing us, Brad Alstead at one of the commissioner meetings stood up and said we have the legal right to pollute and all of just about died when he said that and, I bet he wished he hadn't of said that I wish we could take that vile and pour some of it in his pocket so (?) so he realized what the heck we're going through. Thank you.

Donna Jerman: This is across the street from our house, that was on a perfectly clear sunny day and this is like on a cloudy day, it just kind of holds all that down when we all live and breathe it and I just want to say it burns our eyes, or mine this is me personally burns my nose, my throat, makes me cough, get horrible headaches, I mean there are some days I just couldn't get up, they were like migraines headaches, I mean, I was down, I mean just ill, I have (?) haystacks, so I've been in physical therapy I couldn't even go not because of this but because of the headache was so bad, I could not get there. It feels like the flu coming on, you feel like you have constant allergies, I mean when it clears up all the symptoms go with it, I feel good again. You just feel whipped out, you feel tired, you feel sick, and it just takes something out of you your body is just trying to clear this stuff out of you, so you can feel good again. This stink is bad but I worry about what it is doing to us I feel bad my granddaughter will come out, no you can't go out and play, she gets nose bleeds we live out there most of us and we enjoy the outdoors and we have our horses, but if you go outside it makes you itch I think the contact when you get a little sweat going you know, it sticks to you and it makes your skin itch, makes your head itch. Ever since the plant opened and everything here is like you know, no proof, can't prove it, but my blood pressures been steadily going up, all our neighborhood is having heart issues, I feel like everything we've worked for is being taken away from us, I mean we don't have a lot we just have a small house out in Fallon Nevada, and we worked hard for it, everything we have you know, we're not rich, but I feel like it's being taken away, you know, it's not like we can sell and move somewhere else, this is where were

going to have to live this is what we're going to have to breathe, probably what's going to kill us is (?) pretty healthy up until recently my husband has had major heart issues neighbors around me major heart issues, I mean we're not just talking little stuff, we're talking heart attacks open heart surgery (?) I mean there all like those kind of things too, strokes, I mean, it has to do with heart and respiratory stuff. And I asked you, what can we do, we've been trying to go through all the channels, nobody seems to help us, it's always like, well, you know, first were just complainers, we have nothing better to do with our time then spend hours and hours at these meetings, and were asking for help, were asking for somebody that least point us in the right direction somebody that will protect us, I mean somebody can at least tell us what were supposed to do to protect ourselves from this, I mean we don't know, were trying, were trying the best we can. And it's interesting we've lived there over 20 years I've never called in an odor until Bango Oil moved in there's people that live around us, they've lived there generations, and were talking like 5 or 6 generations, nobody's called in odors like this before not until Bango moved in, I mean, and then of course they all deny it now but we know. The odor I could even maybe learn to live with the odor part I'm more concerned at this point about my health I mean I am, I'm concerned I mean odor is like pigs and cows and you kind of get used to certain things but this is making us sick, and me sick neighbors are dying, I mean come on, and is there a way maybe that they can only run during day hours when people can be called out so that we can get to the bottom of it instead of it always being captured on weekends when you can't get a hold of anybody. I mean were out there, were living with this and we need help, oh and how do the numbers go down if they haven't started the water filtration, the numbers went down things got better (?) changing the process, and he said they haven't got the water thing going yet. **Larry:** Excuse me, what you were referring to is the water treatment system, right? **Randy:** The emission rates have gone down, and then the thermal combustor was removed(?) so there's actually been a net annual decrease. **Sharon:** I thought that was (?) the water thing that would make everything **Randy:** which meeting? The one we did two years ago for air? Or **Sharon:** the one they wanted to (?) or something, it was to take the odor out of the finished product so that they could have a better (?) **Randy:** I think that was referring to the (?) maybe that we did or BAPC did. **Sharon:** it was the hydration treatment where he wanted to partner with us for it cause he said it would solve the problem and it would take the odor out of the oil which it took the odor out of the oil for their finished product so they could sell it but it didn't take the odors out of the emissions. **Randy:** you're referring to the hydro treating filtration system? **Sharon:** yes **Randy:** (?) two years ago. **Sharon:** (?) that isn't working **Randy:** that is, I think there is some confusion on that. The hydro-treating filtration system is a unit that's out at Bango it looks like a series of old silos of.... **Sharon:** is that the one that uses the hydrogen gas? **Randy:** yes **Sharon:** that's the one that's (?) **Randy:** the water treatment system is different, that's the one that well (?) the hydro-treating system it's not, it has nothing to do with the water treatment system. **Sharon:** the one that uses the hydrogen what takes the odors out of the oil. **Randy:** yes **Sharon:** so the water system, that one is not working and their hauling the water. **Randy:** the water treatment system does not work, it's something that we have not listed on the air permit, and it's not permitted. **Sharon:** but the one with the hydrogen that uses the hydrogen (?) **Randy:** that's permitted and operating. **Sharon:** are they running the packaging plants? **Randy:** which plant? **Sharon:** packaging plant **Randy:** I'm not familiar **Sharon:** (?) they were going to start packaging their own oil, and has a new building out there for it; do you know if it's manned? **Randy:** were not aware of that one,

packaging plant. **Larry:** excuse me, we're kind of getting away from the point, if you'd like to make a comment about that and we'll record that comment. **Sharon:** (?) emissions.

The next speaker is **Rich Wideman:** yes, the only thing I'd like to say is that I feel like we are as residents we are struggling to get some results, as residents we are struggling to get some results like for example from the county, they hired the Desert Research Institute to do some studies and those studies have shown that Bango most probably is the root cause of the problem and they are continuing to do studies so I applaud the county for stepping up to the plate, unfortunately, at this point I can't really say but I see the state the NDEP is stepping up to the plate. I would like to see the NDEP step up to the plate and commission some studies to identify the root cause of these problems, before again attempting to solve the problem identify the root cause through some independent studies. Stack study, whatever it takes, let's find out what causes that odor. Please step up to the plate and do that before we continue on with this permit. Thank you.

Next speaker is **Sharon Boone:** okay, I have a question that was prepared, it, I found this on the internet it's dated 2008 in 2007 Lorraine was always asking the question "how do hazardous oil from California once it crosses the border into Nevada become non-hazardous like you all told us it did"? And then in 2008 you put this out, the written determination will recognize thermal (?) as a facility for the recycling of hazardous used oil from California so if they have to have a permit to recycle the hazardous used oil from California when you told us it was no longer hazardous when it crossed the border, what's up with that? **Larry:** we'll get back to the waste group to answer that question. **Sharon:** well, it's an important question because (?) it was for thermal fluids, but, see, you told us in 2007 that the minute it crossed the border into Nevada it was non-hazardous, but then these people needed a special permit to treat the non-hazardous waste in California. **Larry:** we'll make sure we get the waste group to comment on that. **Sharon:** someone has to be because that needs to be clarified. **Larry:** it's on the website. **Sharon:** I have one more question on DRI, there doing fine testing but this is coming out in our favor, they said (?) they are only allowed to test 3 of the emission sources they need to test all of the emission sources so they know what is going and they need a list from Bango Oil as to what goes in the process so they know what to test for, can you assure us that you're going to have Bango Oil comply so DRI can do the proper testing on the proper emissions? **Larry:** let me clarify, are you submitting the DRI study to us as a comment? **Sharon:** she did, Holly did. I'm just saying that if they need to test all the emissions points then Bango has to comply because if your only testing the 3 it's not going to give us anything, and they (?) say they have to test them all, and they need a list of everything (?) so they know the test coming out, because when you add a chemical here and a chemical there it changes into something, it could be a toxic gas, who knows, we need to know, we need to know what's in those emissions, they need to test all the points they want not just the (?) Bango wants them to test or the test won't prove anything. That's all I have to say but some of these questions need to be answered and these tests need to be done, we need to be assured that what we're breathing in those emissions is not killing us, is not going to shorten our lives, we need to know what's coming out and DRI is going to do that for us if you can make them, Bango allow DRI to test all of the emission sources not just the 3 Bango wants, they need to test them all especially where little Ron Bell (?) take the toxic stuff out, it needs to be tested what's coming out, that vent when he opens it. Okay, the next speaker is Holly Bute, I'm sorry Sharon, are you through? **Sharon:** I'm done, thank you.

Holly Bute: a couple of things I was hoping you would address a little bit more in your presentation was the new standards for testing of sulfur dioxide and I understand perhaps Bango is maybe exempt from that I'm not up on environmental law but what I did find interesting in some of the information put out by the EPA is the symptoms that people experience when there exposed to sulfur dioxide and those very symptoms are what all these people are experiencing and myself included to somewhat lesser degree because I'm a little farther away but it says people with asthma children and elderly are especially susceptible to health problems associated with breathing SO₂. I don't know that you know I don't feel really comfortable and reassured that the modeling and the studies that have been done are really adequately testing the amount of the SO₂ that is being emitted in the atmosphere. I'm hoping you can give me some more reassurance of the accuracy of that data and I would hope that the state, the county, desert research institute the people, all of us could perhaps work together and take all of this data and perhaps bleed some more information I think that if one were to take incidents of the complaints, the time, the date, and that sort of thing not only compare it with the meteorological information as Desert Research Institute is doing but perhaps go back to the plant and see what it is there burning at that specific time, and maybe we could, you know, if there was some more investigative research I think we could get a lot more answers but I think that's going to take cooperation. And I'm asking, I'm hoping, that we could have that, and then I'd like to submit for the record this is a copy of the power point presentation done by Desert Research to the county planning commission also his comments in the minutes as he went over the study and explained a lot of the different panels that he presented there. And also several incident reports that were taken by our Sheriff's Department over, over this, the weekend when the incidents were really bad and I wanted to just point out one you can see it right here, this was one done by a complaint was filed by Lawrence Mori and the deputy went out and the pages are sticking together, and you know we started doing this because we feel like nobody's taking anybody's word for it maybe they'll take the Deputy's word for it but it says just the complaint it said they just returned home from a trip and the smell that Bango Oil's putting off is horrendous, the worst they ever smelt. Boy, I can smell that stuff now. **Randy:** did you open that again? What's that? I did for a second. **Holly:** the deputy says that the RP I'm not sure what that means. (?) reporting person, the deputy says he met with the reporting person who told me that they are having problems with the smell from Bango Oil again, said there was no odor for about 5 months but now the odor is back and is very strong, foul smell, the deputy said he noted a very strong foul odor of refined petroleum product in the air, he drove down Cadet and Fisherman Access Road and the smell remained very strong. And anyway we have some other documented incidents I think part of the problem would maybe enforcing this by the time you know, anybody could get out from Carson or even sometimes from Fallon it's dissipated already. But there it is and I think that just about does it, again, I'd just like to stress I appreciate what you're doing but still have a lot of unanswered questions as far as the real, the real accuracy of some of these studies and hope a I mean if that little bit of oil can make that much smell and they've got gallons, big tanks full tanks full of thousands and thousands of gallons of this stuff. (?) It's just common sense, you know, that it's we're going to be affected, that's all I have to say. **Randy:** thanks.

Next speaker is **Brad Goetsch:** I'm Brad Goetsch, I'm the Churchill County manager some of you guys are familiar with me cause I sit on the other side of this table in fact yesterday I was sitting on the side of this table on another state board. I just (?) on that state board we listen to the folks and go out and visit

sites for projects and complaints and things that are going on and I go to all the boards they've got that same attitude. I personally encountered this smell over a dozen times, I've been out there a dozen of times sometimes I don't when I'm out in the Bango area, sometimes just driving to Carson, like today, you can roll down your windows and encounter that same odor so it is something that's real and governments supposed to represent and listen to the people and protection is part of your title and we'd like to work with you and achieve that kind of protection of the folks it is important. The county's concerned that the current level and potential increasing level of public interest and impact in this area we continue to receive a relatively large volume of complaints and I brought to be submitted today a record that goes back a number of years that it just has graphs of the number of complaints and the timing of county complaints received and there are some interesting correlations to days of the week and (?) submit that. To NDEP I think we've shared that with you through our planning department in pieces in the past. The residents and you've heard it today claim a quality of life and potential health impacts and again we perceived this as real, we've heard it enough and these people that there's something going on we don't believe it's being made up. The county continues to work with Bango Oil representatives at the company and we've had some responses and we've had changes made by the company but we're told NDEP and the state hold the position that this is there area of responsibility and the county really doesn't have the ability to enforce or take action in this area and we've worked with our DA and are told by him what we can do legally and what we can't do, so we really as a county are relying on the state and on you folks here today to help us with this issue and to be responsive to the folks with this issue. We acknowledge that our own consultants and our own studies and samples you know have been submitted and have shown as the DRI study we talked about (?) the plume studies and things have correlated with the components I've handed in and gave to you, those air masks (?) studies have shown the correlations with the complaints and the (?) that we've gotten. We want to be sure that there proposed and the model claim the emissions that were expected do get some actual data that verifies or correlates that like most studies and most models you make a conceptual model what you think is going to happen but then you go back out and we're doing other water studies and other things in Churchill county right now that we gather data could be sure we confirm that our model is accurate where we adjust our models by the new or confirmed data that we get the (?) from the public that they question or challenge us Bango Oil and the state on their real liability of self- monitoring and self-reporting and that's not just for Bango that's for any company or anybody that comes in to Churchill county or the State of Nevada the public feels there has to be checked by (?) people by government reps that verify that the self- monitoring data that's being reported is accurate and I guess we're here to ask that those steps are taken to ensure that the data that NDEP is considering when they make their decisions is verified and to ensure for us that the public health is being protected. We have had to in the past questions about times there were complaints and are complaints and questions about whether there's a variability in the product that's coming in and you guys got to smell that a little bit when it was opened here I guess that's one of them. Our question at the county level is there something going on in a very early product that (?) that creates different emissions at different times and is there a way to understand that better or to address that? I guess then that (?) that was submitted today and I personally request that Bango Oil it's got representatives here and NDEP continue to work together and take some action to help these people and to alleviate their concerns and to address the questions that they ask here today. I guess it is Norm that said it if you guys get a lot of other complaints and deal with

a lot of other things then it's easy to deal with (?) and get distracted if you take that sample of oil right there and just take it down to your office and open it up and leave it open it will remind you of what these people are getting every day or very often and will help keep you focused on responding to them, I know you don't want to do that but that's, just think about that if it was that way that's why these folks are so persistent in coming back to you it's sitting right there, I would just ask for responsiveness and to please listen to what you heard today (?) and to help us find a way to look in to it and respond to these people's needs.

The next speaker is **Richard Webberson**: You've heard probably all of it but I just want to reiterate that on our property and (?) east of Bango Oil about 2 miles. Several years ago we went to our favorite store, Lowe's and picked up some trees, and they are good sized trees and let's say within a couple of months they were dead. In fact we leave them on the property as a reminder of what might be happening to us and anybody on the commission or from the, you folks, you're more than welcome to come out and take a sample or take the tree and analyze it. And on occasion both Barbara and I experience and suffered with respiratory ailments and were basically healthy people cough, headache, burning eyes, throat and unexplained rash that even the doctors can't explain. Now there may be a correlation or may not, we understand that, and I do have some pictures to share with you they're not the greatest but hope they will give you some insight as to where our property is and this picture there was a fire back in September and the wind went South of Highway 50 about South of Bango, it went straight over Bango and straight down to Ester Moore's place, so then I've got another one that shows the (?) I don't know what the material was it might have been fog, but it shows the air flow also going down to Caddet Road. And also have some copies of reports that we've made on occasion sure they'll match up with what's in there. And, just like to thank the Churchill County leaders for being here and supporting us, thank you very much.

Okay, the next speaker I have is **Barbara Pargament**: I was just going to let Rich speak for me because I can't add too much to what anyone else says we are not at home as much as of our neighbors because we work and are out on the road between Reno and Carson. And a lot of times we don't smell the odor until we come into our gate at night, that's why most of our reports are in the after late, like 6, 7, up to 9 o'clock at night. But we're our gate is the same level as Esther's house, that (?) elevation and that's where that (?) inversion air comes from Bango and we don't because I guess because it's heavier whatever it is its heavy we don't get it as often as the people that live down a little bit lower. But when the wind shifts just right it will come up and it smells like somebody's using starter fluid for bar-b-q or something and were on 10 acres so you know were not getting it from somebody like that, but it's when the wind is blowing directly towards our house from Bango. We get it up at the house but most of the time we just experienced more when we're coming in through our gate you have to open the gate and so I understand why Esther has suffered so much with it cause were what, how many feet higher? About 25-30 elevation wise I checked it with my GPS. So just that small distance difference we don't get it like people in the lower level, the ones that have the most problems. But we're not always home during the day we've been in Carson City every day and Reno every day this week so we probably won't get home until 6 or 7 tonight. Thank you.

Go ahead **Esther Moore**: I'd like to say something about Richard saying he broke out with a rash. Sharon Boone and I broke out with a rash and my doctor had to put me on steroids just to get rid of that. Tom Wiley, my neighbor up above me, he broke out with a rash and he went to the doctors quite a bit and he couldn't get rid of it and they finally put him on steroids, it's the only way we could get rid of the rashes. The three of us have had rashes and I constantly scratch because I'm outside with my horses and my dogs a lot when I'm not working and I scratch when I come in just like Dona Jermain said and then I actually start itching on my arms somewhat if it's nice outside I take off my jacket and it causes sores I itch so much that I start breaking out with sores again. So I just want to make that known that I believe that all this chemical stuff that's in these emissions are coming down on us and that's what's causing all this, because we've never had any of that before., and I told the commissioners the last time we were in the building there they can have all of my records, my whole life if they want it on my health because I have nothing to hide, nothing, and they can just have it and do they want with it and like I'm telling you we're deteriorating out there, my head hurts right now from him opening that and I'm feeling it in my chest like I do every night and during the day if I'm outside I'm just letting you know that this is a bad, bad situation were in are hands are tied we don't know what else to do, we can't sell our places, I'm going to put my place up for sale to see if I can get out of there that's my retirement home, that is my retirement home with my horses and my dogs I've got couple of years yet that I have to work before I retire and I can't get out of there. We're stuck.

Next speaker is **Sandra Mello**: Everybody's covered just about everything we've had to say but I'm going to read my letter anyway. Just to let everybody know how long our town might have lived on the Carson river, my name is Sandra Mori Mello, for the last 3 and a half years my husband Don and other residents in Lahontan Valley below lake Lahontan have been fighting for their lives with county officials and the NDEP over the horrible odor coming on our property and into our homes. These emissions make us very ill some worse than others, maybe because in 2007 in October I had Pneumonia, Pulmonary Embolism and ended up on oxygen for 2 and a half years. My father is Louis Mori, and he is 88 years old, that family has lived on this end our end of Carson River Corridor for over 100 years, my brother Mark and his wife Julie now own and operate the family meat business Lahontan Valley Meat Packing Company. Our grandfather came to Nevada in the late 1800's to make money to send home to his wife and (?) it was nine years before she could join him in Nevada not long after they settled on the Carson River Corridor. Their family owned 3 different ranches on the Corridor of the Carson River, and when mom and dad were married, they settled on the one that is directly across the highway from the oil refinery. When the emissions hit our house on Cadet Road and we live on Cadet Road but we live right on the Carson River. I get severe headaches, then later congestion and then breathing problems we have a lot of elderly people in our neighborhood and young children, sometimes when the emissions are bad I'm afraid to go to sleep at night for fear I might not wake up, the smell is worse in the evenings and early mornings and on holiday weekends they hit us hard. Because no one is going to come out and test, (?) they can say (?) what a joke, their lawyer, the refining company's lawyer stood up at one of our local meetings and this (?) and said they have a right to pollute, they have a special use permit. We need the NDEP to start checking the plant more often without warning them ahead of time; the plant needs to put in scrubbers or whatever it takes to get rid of the smelly emissions. I just have a little bit more. Our little 6 year old granddaughter has continued to get nose bleeds, as a lot of our residents have. In October we had to take her to an Oncologist out of Las Vegas, she cries when the odor enters their

home and our home because she's afraid she would get cancer. One Leukemia cluster in a lifetime is enough; Fallon does not need another one. The people are suffering from burning, sore throat, headaches, nose bleeds, coughs, burning eyes, nausea and other flu like symptoms and much much more. We need help from our state the people are getting sick even their small pets are getting sick, our lives have been turned upside down we can't go outside, and sometimes we can't stay inside the odor is so strong, our quality of life has become effected, please try to help us, thank you.

The next speaker I have is **Joanie Wenger**: My name is Joanie Wenger and I reside at 11511 Fullarson Road right next to Holly Butte, and I came here today because I haven't been able to come to hear any of these hearings in Churchill County or EPA and I wanted to come for myself and get educated as to what the true testimony was and not just read it in the paper. And, my first intention was I was going to give a very objective opinion of my non experience with any odors from Bango Oil because I believe I live far enough away and I've always felt that currents are (?) they go more to the South than to the East and I have had no symptoms no any experiences from it whatsoever and I was fine with that until that vile got opened. Within 15 seconds I thought, I thought, I was going to pass out, I'm going to leave as soon as I make this statement because I don't want to be in the room with this, but that can't be what in my opinion, I just can't imagine that that's what Bango Oil is spilling out, this (?) there has to be a system, there has to be some kind of filtration system I'm not that educated enough on this, I haven't done all the homework that all of you have. I going to be perfectly honest right now, but, I have my ex-husbands property is right above Ester's I've spent a lot of time up there in the last two years and I still didn't get the symptoms. I didn't smell anything, and went up their a lot, and up and down that road, I must have been there at the wrong time, I'm not saying that she's crazy a lot of people are saying she's crazy I don't know, I'm not worried about that. When he opened up that bottle in this room and there's no window open I had an immediate reaction to it, and I don't feel very good at all. So hopefully, my point is, is that that's not being let out of those, just a second, let me finish what I'm saying, hopefully that's just not being shot out of those towers without having a filtration system, because that to me would be toxic. My animals are fine, the dogs the cats my trees are fine, the water's fine my health is fine, I don't know what's going to happen to me after today smelling that, and this is not a joke I but it caught me off guard and just absolutely (?) I want to make another point, every person in this room or (?) senior citizens, we're aging, and I've had health problems before (?) a lot of us are getting health problems because we're getting old (?) those things happen, just like you said we got the pulmonary embolism yes, you don't know if you can blame that on Bango Oil. There's certain things we just don't know about SO2 that's for sure, and having you keep that in a bottle and test it, and these rashes, there's lots of other things that can be causing any of it, I'm not saying there is, but there's sometimes when we age all of us know in this room that we have to take better care of our health, I don't know how many of us in this room are on blood pressure pills? Why don't you raise your hand? (?) No, I slept by your house for a whole week, I'm fine with it. (?) Let me make a comment, okay? no one is saying bad about you, I believe that you're having health problems, believe me, I'm sorry your dogs are getting sick I'm sorry that your horses are getting sick, I hope (?) animals don't get sick, he's right next door to you, I don't know that it's fair for you to speak on behalf of Tom Wiley when he's not here. These are my points; I'm just being as objective as I possibly can to let you know that is some nasty stuff that just popped out of that bottle and I hope to God that it is going to have a filter on it or something or else maybe we can shoot it up to space or maybe there's some new technology that we can talk to those guys that say the

miners they might have some new thing that can send it way up to space or a fan, a fan will blow it over to my place, I don't want it over there. But what can you do I don't know, I just want to thank you for your time and I wanted to make this observation, thank you.

The next speaker is **Bob Johnston**: I think you guys are going to be a bit taken back by the point I'm going to be making. I'm Bob Johnston I'm a 15 year resident of Churchill County in Fallon. I represent (?) a non-profit organization that represents only retirees and elderly people, a lot of constituents sitting in this room right here. I'm the legislative interns chair representing over ten thousand members in my organization which in reality I represent 40,000 retirees in the State of Nevada. Our organization represents the state retirees here with their insurance and also their retirement, the retirement separate point, but their insurance is I just got through with 2 days of full days going with meetings with medical people, insurance people, and so forth dealing with health problems that deal with (?) and that is exactly our entire project. We deal with everything else there are 943 bills that have been entered into the legislature already 27 of those bills deal with the health and safety of senior citizens and retirees. Our work is cut out for us I feel obligated to our people, I have members in here I have former students in here I have acquaintances in here I have people that I've worked with in here and everything else, and yes, were all getting older. Our health problem at least tells you one thing, it will reverberate all the way down, and (?) this Bango business has already been talked about and several of the legislative people I know about. (?) every day of the session in fact my wife and I both are in the process in moving to Carson we are representatives, legislative representatives, If you want to put it in (?) yes, I am a lobbyist, I lobby only for the health and the welfare of all our seniors regardless of whether they belong to our organization or not. In talking to (?) assembly people and the senators especially from the north, this subject has already come up, it came up yesterday in our discussion for 4 hours of how we dwelt with the different aspects that affect the health of the older people. And so, like I say, you (?) by yourself, it's already spread, and we know what is going to happen here, it's going to be something that we deal with, we deal with the people in Las Vegas, we've already dwelt with some of those problems too, so you guys are not the only ones; however those problems down there have been from sewage treatment plants and stuff like this, not from what you're dealing with here (?) and I travel back and forth to Carson all the time, (?) know how many times that we move back here (?) travel back and forth, I've smelled that, (?) smell that anywhere from (?) in the morning, 5 o'clock in the morning, we smell it when (?) we come home in fact two days ago we (?) meeting over here when we drove over that hill it was 8:30 at night the odor was absolutely horrendous. (?) she's called the people on it and everything else (?) so we have documentation on it, so it's just not this, I live on the other side of Fallon I live in the vicinity of 4 of the largest dairies in Churchill county. When that wind is right I mean to tell you I know what that smell is, and it becomes overpowering for my mother-in-law who has asthma problems and everything else, she was a rancher, and even then the odor that came from those dairies at times, really set her off (?) so I just wanted to let you know, in my aspects I feel a responsibility (?) members in here, in Fallon alone we have 900 state retirees 900 state retirees and I have an obligation to represent them, like I say, the health and safety bills have already been introduced by the Attorney General all the way down (?) all over the state. So, I just wanted you to know (?) have problems.

Unknown: Is there anybody else that has any comments? Go ahead Glen.

My name is **Glen Miller**: again, there is, this issue, first of all I want to say that Bango did give this to me and I'm not (?) this is actually a fuel that is used to re-distill the oil so this is actually burns so this is not exactly characteristic but I'll take your word for it that it's a similar odor, but this is actually burned and without a lot of control. So any way, it just wanted to mention it's not exactly the odor, the odor is complicated though and but it can be pulled apart we did a quick run over a period of a week and it is a very complicated mixture but I think there is reason to be very, very careful of this (?) because it begins as a compound as similar to organic phosphates insecticides these (?) so it is not, I can't tell you there's a toxicity, toxic component to this but you can't tell me there isn't either because it simply is not known but it comes from a stock that could be very problematic and I think that's an important an almost a compelling reason to spend more time on this to understand what the chemistry is of it but it's not going to be an inexpensive process to do that. The source is probably almost certainly (?) scientist from DRI now at UNR and I were involved with discussion with the county the county commissioner he was present there. The source is probably fairly well known it is probably this material but (?) stacks of this I don't think there's a lot of debate about where they or there may well be but I don't think there is. And certainly I think it's been established just over the last few years I think Don, Esther and I'm not sure who else came into my office about three years ago now and said we've got a problem here we need help on, because I've been working with some Silver Spings folks this one is complicated but it's not unsolvable the real question now is the reasonable source of reasonable place where it comes from a lot of complaints (?) data has shown that the source is almost certainly the Bango Oil and so I think the question is now at the NDEP are you going to enforce this state regulation? Because if the Saint Croix device is probably not appropriate, it simply isn't going to work but there is established odor from Bango Oil that's causing these people tremendous amounts of discomfort and so the question is are you going to enforce you say we can't enforce because we don't have the authority it's time then to begin very quickly to begin looking at new odor regulation that would solve these people's problems because we don't know what the toxicity is it may be significant but just the impact on their health and wellbeing is unquestionable and I think something really needs to be done on this specific problem.

Arthur, My name is **Arthur Mallory**: I'm the Churchill County District Attorney and I just want (?) on the record for the benefit for the people here hearing this testimony. Number one we don't allow drunk drivers to self-report okay, we take the man and give him a (?) you might want to think about how your procedures work in that regard especially in this day and time if you trust everyone that's great, if not I'm not saying anything bad about anyone personally, think about how your regulations work that's one, number two many of you've watched the Washoe county commission meetings the Clark county commission meetings you see the people come in with ten (?) formal hats talk about (?) and stuff like that. That is not this group, most of this group, most of these people I've known over 20 years and they are reasonable citizens who are here voicing their reasonable complaints. There not a bunch of rebel rousers we don't see them in every commission meeting screaming about the noise the dump trucks make, these folks are sincere, and you need to realize that. And number three, I'm sorry that I missed this but I'll be glad to repeat it and number three I will suggest that time you have a meeting a bigger room, okay, because I believe you might even have more people at the next meeting if this is any indication so I would ask if you'd please keep in mind we all work for the people not for ourselves not for the state government we work for the people who work the state is owned by half of the people,

let's please try to keep that in mind as we try to go through that process and hopefully we can get something done for our citizens has been mentioned earlier, thank you very much.

Any other comments? Okay, can I get your name please?

Bryce Allstead: (?) I'll be representing Bango Oil and I don't need to tell you guys (?) regulatory hearing, all the regulations are met. The permit needs to be approved, it already has been approved, were dealing with the same permit that was approved two years ago were dealing with the state environmental commission, the environmental commission approved that (?) the only thing since then I've been through less (?) and to just to respectfully disagree with what (?) said, I do completely agree that if you have a drunk driver out there you got to find him, you go out and find him and run your test, they go over .8 you arrest them. Similar to us we go over an 8.0 dilution ratio you arrest us. We have the regulations, the regulations are changed it might be a different story but this isn't the forum to change that, thank you. (?) You say there is no smell? **Larry:** Excuse me let's get things under control, any other comments about the proposed action or the process?

Don Mello: yes, I have a question, Randy what makes the determination between that this meeting should be held in Carson rather than in the location that is affected? And the reason I say that is it's been mentioned that there's a lot of elderly people the bad part about this is you, we do it at ten o'clock middle of the week over in Carson. Two things happen; a lot of people that live out in that area have to work, so they can't come to the meeting they can't take the day off other people or elderly and they have a hard time driving over here so my feeling is if you're going to have a hearing that affects Churchill County and residents of Churchill County we shouldn't have to come to you, you should have to come to us that's my feeling and I just want to know why? **Larry:** let me answer the question for you. We, I've gone, Mike Elges and I have been to Churchill County several times and we've had one hearing there. Right now we're also under a prohibition in terms of travel in terms of state employees. That's how that decision was made, we have been out to the community and in this case thought it appropriate to have the hearing in Carson City. **Don Mello:** (?) the reason I said that crack is because that's our concern is that you're supposed to in the future supposed be able to police Bango Oil and you don't have the money to even have a meeting and send 3 people over to Churchill County or 4 people, whatever you send over for a hearing, what makes us as a group here think that you're going to do any better job of policing Bango Oil with restraints that the Governor has put on everybody in the state? I mean not just your department, but all. My feeling is that you guys are short handed and underfunded and you're not going to do the job you're supposed to be doing for us in the first place. **Larry:** I will tell you that compliance personnel are not affected by that travel prohibition, it needs to be justified. **Lorraine Griffin:** are you compliance personnel? **Larry:** no I'm not; this is a permitting function, and administrative process, I'm sorry to get so technical with you. **Don Mello:** okay, well, it just seems to me it would be a lot easier to put 4 of you in a car and send you to Fallon, than it would be to bring 50 of us over here you know, thank you.

Unknown: I didn't fill out one of those cards but I have a comment. **Vickie:** Could I get your name please? Could I get your name please mam? Her name is **Dee Ferguson:** I'm a resident of Carson Highway and we do get our share of the smell that you folks have all talked about and just as I sat here my eyes began weeping that's the first thing that happens, it wasn't strong enough to bring on the call

to the (?) but I feel tired, really, but what I'm saying I feel like I'm just darn glad to have been here today because I finally found somebody that admitted that the smell came from Bango Oil I've been working on that getting nowhere, thank you.

Larry: Do you have any other cards? No I don't. **Larry:** does anyone else have any comments?

Unknown: I'd like to just make a comment on the remarks that the lady from (?) made, what you need to understand from her point of view, and I'm sure she's being honest and she has just not experienced the things that we have, but the topography of where her ex-husband lives is the same elevation as where we live and there's also a mound of sand fill behind where he lives it goes Bango Oil is here there's a mound and he lives right at about the same elevation as we do, so I don't think the wind currents going to come from Bango and swing all the way in and then back out again. So I'm sure she hasn't experienced any of that unless you have you don't understand how bad it is, so that's the only thing, I just wanted to clear that up (?) his place is not in the correct what inversion liner to the wind.

My name is **Delores Ferguson:** I was born and raised on the place that I've (?) never, never had a smell like that, (?) a long time, so that is not oil that there doing out there, it's something else like they said, at night is when you get it. The other night coming from Fallon for a meeting (?) you could smell it, it got in my house and it took 5 days to get the smell out because it got in my curtains. And I am getting (?) or anything, and it's bad. I just want to say Phyllis Baker lives right across the road from me and I've never smoked also, I never smoked a cigarette my whole life.

Larry: very good, thank you for attending today's hearing(?). If there are no more comments we will close this hearing then.