

BEFORE THE STATE ENVIRONMENTAL COMMISSION,

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STATE OF NEVADA

JUN 19 2013

ENVIRONMENTAL PROTECTION

In Re: )  
 )  
 Appeal of Renewal of Air Quality Operating )  
 Permit: Class II Operating Permit No. )  
 AP2992-1473.01 issued to Bango Oil, LLC, by )  
 Richard Wideman and Don and Sandra )  
 Mello and Issuance of Revised Class II )  
 Operating Permit No. AP2992-1473.01 by )  
 Richard Wideman )

**NEVADA DIVISION OF ENVIRONMENTAL PROTECTION'S MOTION TO DISMISS APPEALS FOR WANT OF PROSECUTION**

The Nevada Division of Environmental Protection, Bureau of Air Pollution Control ("NDEP-BAPC"), by and through counsel, Catherine Cortez Masto, Attorney General for the State of Nevada, and Katie S. Armstrong, Deputy Attorney General, hereby moves to dismiss the appeals from the renewal of the Class II Air Quality Operating Permit to Bango Oil, LLC ("Bango"). On July 8, 2011, the NDEP-BAPC issued a renewal of the Class II Air Quality Operating Permit to Bango Oil, LLC. Mr. and Mrs. Mello and Mr. Wideman separately appealed the permit issuance on July 20, 2011. On August 15, 2011, NDEP-BAPC issued a revised Class II Air Quality Operating Permit to Bango. Mr. Richard Wideman appealed the revised permit on August 24, 2011. The NDEP moved to dismiss the first appeal on August 11, 2011. The NDEP then moved to consolidate the appeals and for dismissal of both of the appeals on September 12, 2011. No response was ever filed by the appellants, and the State Environmental Commission has not taken any action on those motions.

**MOTION TO DISMISS THE APPEALS**

NDEP-BAPC incorporates by reference its August 11, 2011, motion to dismiss and its September 12, 2011, motion to dismiss, neither of which were ever opposed by the appellants. Pursuant to the SEC's new rules governing practice before the SEC, and in particular NAC 445B.894(4), the SEC may, after providing notice to the parties, dismiss an appeal for lack of prosecution on the motion of any party or the SEC's own motion if the appellant has failed to bring the matter to a hearing within one year of the appeal. The above

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appeal has been pending for more than one year. Therefore, the NDEP-BAPC moves to dismiss it for lack of prosecution.

DATED this 18<sup>th</sup> day of June, 2013.

CATHERINE CORTEZ MASTO  
Attorney General

By: *Katie S. Armstrong*  
CATHERINE CORTEZ MASTO  
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 18<sup>th</sup> day of June, 2013, I deposited for mailing a true and correct copy of the foregoing **NEVADA DIVISION OF ENVIRONMENTAL PROTECTION'S MOTION TO DISMISS APPEALS FOR WANT OF PROSECUTION**, via United States Postal Service in Carson City, Nevada, by first class mail, postage prepaid, to the following:

Donald and Sandra Mello  
13999 Cadet Road  
Fallon, Nevada 89406

Richard Wideman  
13993 Cadet Road  
Fallon, Nevada 89406

  
Employee of the State of Nevada  
Office of the Attorney General