

**BEFORE THE WYOMING INDUSTRIAL SITING COUNCIL**

**STATE OF WYOMING**

IN THE MATTER OF THE INDUSTRIAL )  
SITING PERMIT OF FMC ALKALI CHEMICALS, ) Docket DEQ/ISC 12-02  
GRANGER OPTMIZATION PROJECT )

**ORDER**

WHEREAS, FMC Alkali Chemicals (FMC) has a permit for the construction of the Granger Optimization Project (the Project) in Sweetwater County; and

WHEREAS, FMC submitted a written request to the Industrial Siting Division of the Wyoming Department of Environmental Quality (Division) on August 25, 2014, to amend its previously granted permit by extending the deadline for commencement of construction to the second quarter of 2016; and

WHEREAS, Wyo. Stat. § 35-12-106(c) authorizes the Council to allow permit amendments for good cause, if the permittee demonstrates at the Council's next meeting that the requested changes are in compliance with local ordinances and applicable land-use plans, and that the changes will not significantly add to the project's adverse environmental, social, and economic impacts in the impacted area; and

WHEREAS, Following FMC's request to the Division, the Council's next public meeting was on November 6, 2014, in Casper, Wyoming. At that meeting the Council considered FMC's request for its proposed amendment; and

WHEREAS, Present during the consideration of FMC's request was Council Chairman Shawn Warner along with Council Members Gregg Bierei, James Miller, Richard O'Gara, Peter Brandjord and Sandy Shuptrine. Council Member John Corra recused himself from this matter. Appearing for the permittee was counsel Jenifer E. Scoggin along with Fred von Ahrens from FMC. On behalf of the Division was counsel Andrew Kuhlman along with Administrator Luke Esch. No other parties appeared; and

WHEREAS, During the meeting, the Council accepted and considered FMC's August 25, 2014, written request and verbal comments and arguments from the parties; and

WHEREAS, FMC discussed its reasons for seeking additional time to commence construction on the Granger Optimization Project. FMC explained, in part, that it had previously submitted a project greenhouse gas (GHG) permit to the Environmental Protection Agency (EPA). There was an extended delay surrounding the air permit at the federal level. After 27 months, the Wyoming Department of Environmental Quality (DEQ) gained primacy over the permittee's GHG permit program from the EPA. FMC then sought approval of its air permit from DEQ and on October 20, 2014, FMC received such approval from the State of Wyoming. The delay in obtaining the necessary air permit is outside of FMC's control and caused a subsequent postponement in the construction of the Project; and

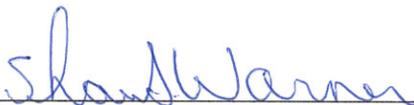
WHEREAS, FMC explained that the external delays with the air permit constituted good cause under Wyo. Stat § 35-12-106(c). In addition, the permittee asserted that since the Project is an add-on to the existing FMC facilities, the proposed

construction change will not significantly impact local ordinances, applicable land use plans and won't significantly increase any adverse environmental, social and economic impacts already contemplated under the existing permit; and

WHEREAS, based on the evidence and discussions presented, the Council found that FMC demonstrated the requested amendment to the permit would not significantly add to the adverse environmental, social and economic impact in the impacted area and that the requested amendment is otherwise justified under Wyo. Stat. § 35-12-106(c). The Council voted unanimously to approve FMC's requested permit amendment as written.

ACCORDINGLY, THEREFORE, FMC's permit is amended in the following manner: the deadline for commencing construction is extended as specified in FMC's request.

So ordered this 2 day of December 2014.

  
Shawn Warner, Chairman  
Industrial Siting Council  
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