

BEFORE THE WYOMING INDUSTRIAL SITING COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE INDUSTRIAL)
SITING PERMIT OF)
SIMPLOT PHOSPHATES, LLC)
(AMMONIA FACILITY PROJECT))

Docket DEQ/ISC 13-02

000218

ORDER

WHEREAS, Simplot Phosphates LLC (Simplot) is the holder of DEQ/ISC Permit No. 13-02 for the construction of the Ammonia Facility Project (the Project) in Sweetwater County; and

WHEREAS, Simplot submitted a written request to the Industrial Siting Division of the Wyoming Department of Environmental Quality (Division) on February 9, 2016, to amend DEQ/ISC Permit No. 13-02 to increase its workforce to a peak number of seven hundred and fifty (750) construction workers in June 2016 for the Project. Simplot included an amended anticipated workforce curve along with its request; and

WHEREAS, in July of 2014, the Council approved DEQ/ISC Permit No. 13-02 for the Project. The permit anticipated that the construction workforce would peak at four hundred and sixty-one (461) workers in the first quarter of 2016. As part of the Project's approval, the Council included the following condition:

Condition #12. The Permittee shall notify the ISD in advance and provide updates to the On-Site Construction Workforce Schedule, Table 1, Table 2, and Figure 1 of the Applicant's Response Letter dated May 2, 2014, to the Division's Notice of Deficiency, and all other pages of the Application where changes have or are expected to occur if:

a. Actual on-site workforce during construction is expected to exceed the peak number estimated in the Application by more than fifteen percent (15%);

b. The Permittee wishes to make changes to the lodging plan as described in the Application.

The Director may authorize such changes or refer the matter to the ISC.

WHEREAS, the Division's Administrator requested that the permittee's requested workforce force changes to DEQ/ISC Permit No. 13-02 be referred to the Council under Condition #12 of the permit; 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 Simplot's request to the Division, the Council's next public meeting was on March 22, 2016, in Rock Springs, Wyoming. At that meeting the Council considered Simplot's request for its proposed permit amendment; and

WHEREAS, present during the consideration of Simplot's request was Council Chairman John Corra, Vice-Chairman James Miller along with Council Members Susan Cannon, Ken Lantta, Peter Branjord and Shawn Warner. Appearing for Simplot was Darin Howe, Mike Prevedel and Bret Pizzato. On behalf of the Division was then Administrator Luke Esch, Chief Economist Kimber Wichmann, and counsel for the Division, Andrew Kuhlman. Mayor Carl Demshar from Rock Springs appeared on behalf of the City of Rock Springs; and

WHEREAS, during the meeting, the Council considered Simplot's written request and its verbal comments and arguments; and

WHEREAS, Simplot requested a change in its estimated construction workforce. Simplot explained that due to prior weather conditions, its main mechanical subcontractor believed it would be more efficient to shift a portion of the construction work from inclement months "into the nicer months coming up this year, and thereby increasing that manpower." Simplot therefore anticipates possibly as many as seven hundred and fifty

(750) workers on-site by June of 2016, which is higher than initially projected at the time of the granting of DEQ/ISC Permit No. 13-02. Included with its request, was a new anticipated labor curve for the duration of project construction. Simplot argued that the above reasons for the increased workforce constituted good cause under Wyo. Stat § 35-12-106(c); and

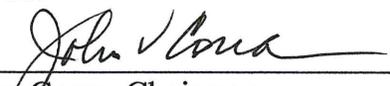
WHEREAS, the anticipated construction of other projects in Sweetwater County, namely the Chokecherry windfarm and the FMC Granger Optimization, are delayed, it appears there will be no adverse socioeconomic workforce impact to the community; and

WHEREAS, the City of Rock Springs anticipates no negative impacts from the increased construction workforce for Simplot; and

WHEREAS, based on the evidence and discussions presented, the Council found that Simplot demonstrated the requested increase in its labor force, to a peak number of seven hundred and fifty (750) construction employees in June 2016, does 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) and is in compliance with condition #12 of DEQ/ISC Permit No. 13-02. The Council voted unanimously to grant Simplot's requested amendment.

ACCORDINGLY, DEQ/ISC Permit No. 13-02 is amended in the following manner: the permit's construction workforce is increased to a peak of seven hundred and fifty (750) construction workers in June 2016, as specified in Simplot's anticipated labor curve included in its February 9, 2016 letter to the Division.

So ordered this 30th day of April 2016.



John Corra, Chairman
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