

BEFORE THE WYOMING INDUSTRIAL SITING COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE INDUSTRIAL)
SITING PERMIT OF TRONOX ALKALI WYOMING) Docket DEQ/ISC 12-02
CORPORATION f/k/a FMC ALKALI CHEMICALS)
(GRANGER OPTIMIZATION PROJECT))

ORDER

WHEREAS, FMC Alkali Chemicals (FMC) is the current holder of DEQ/ISC Permit No. 12-02 for the construction of the Granger Optimization Project (the Project) in Sweetwater County; and

WHEREAS, Tronox Alkali Wyoming Corporation (Tronox) in April of 2015, acquired FMC’s alkali chemical division; and

WHEREAS, on May 14, 2015, the Wyoming Secretary of State approved Tronox’s Amended Certificate of Authority to change the name of “FMC Wyoming Corporation” to “Tronox Alkali Wyoming Corporation”; and

WHEREAS, Tronox submitted a written request to the Industrial Siting Division of the Wyoming Department of Environmental Quality (Division) on January 29, 2016, to amend DEQ/ISC Permit No. 12-02 to transfer the permit holder’s name from “FMC Alkali Chemicals” to “Tronox Alkali Wyoming Corporation”; and

WHEREAS, Tronox’s January 29, 2016 request to the Division also contained a request to amend DEQ/ISC Permit No. 12-02 to extend the deadline for commencing construction on the Project; and

WHEREAS, Wyo. Stat. § 35-12-106(b) authorizes the Council to allow a permit to be transferred to a person who agrees to comply with the terms, conditions and modifications contained in 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 Tronox'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 Tronox's request for its proposed change in the permittee's name as well as a permit amendment; and

WHEREAS, present during the consideration of Tronox's request was Council Vice-Chairman James Miller along with Council Members Susan Cannon, Ken Lantta, Peter Branjord and Shawn Warner. Chairman John Corra recused himself from this matter and took no part in the Council's deliberation or decision. Appearing for Tronox was counsel Jenifer E. Scoggin, from Holland & Hart LLP, along with John Lucas and Fred von Ahrens, both from Tronox. Mr. Ahrens appeared before the Council via telephone. On behalf of the Division was Administrator Luke Esch, Chief Economist Kimber Wichmann, and counsel for the Division, Andrew Kuhlman. No other parties appeared; and

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

WHEREAS, Tronox discussed the need to change the permittee name on DEQ/ISC Permit No. 12-02 to reflect the current owner of the Project. Tronox indicated that it would accept all terms and conditions contained within DEQ/ISC Permit No. 12-02, as amended by the Council Order dated December 2, 2014; and

WHEREAS, Tronox requested a delay until the second quarter of 2018 for the commencement of construction on the Project. Tronox discussed its reasons for seeking additional time and explained, in part, that due to delays created by the sale of FMC to Tronox (as well as other market forces), a subsequent postponement in the construction of the Project would occur. Tronox argued that the reasons for the delayed construction commencement constitutes good cause under Wyo. Stat § 35-12-106(c); and

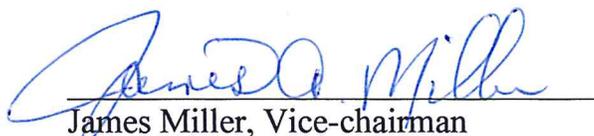
WHEREAS, Tronox declared that it intends to provide the Division with an updated socioeconomic analysis prior to commencing construction on the Project. The Division and Tronox agreed that such an updated report will be filed with the Division no later than September 15, 2017. Thereafter the Council shall consider the updated report; and

WHEREAS, based upon the evidence and discussions presented, the Council voted unanimously to approve the transfer of DEQ/ISC Permit No. 12-02 to “Tronox Alkali Wyoming Corporation” as proposed; and

WHEREAS, based on the evidence and discussions presented, the Council found that Tronox demonstrated the requested amendment to the permit’s construction commencement date 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 extend Tronox’s construction commencement until the second quarter of 2018.

ACCORDINGLY, DEQ/ISC Permit No. 12-02 is transferred to “Tronox Alkali Wyoming Corporation” and said permit is amended in the following manner: the deadline for commencing construction is extended to the second quarter of 2018, as specified in Tronox’s request. As a condition to this amendment, Tronox shall file with the Division an updated socioeconomic report for the Project no later than September 15, 2017. The Council will thereafter consider the updated report for approval prior to construction commencement.

So ordered this 27th day of April 2016.



James Miller, Vice-chairman
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