

**FILED**

**MAY 27 1976**

Ardelle M. Kissler, Clerk  
Environmental Quality Council

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE AND )  
ORDER OF MAY 12, 1976 BY THE )  
DEPARTMENT OF ENVIRONMENTAL )  
QUALITY, DOCKET 184-76, AND )  
PETITION BY ALLIED CHEMICAL )  
CORPORATION TO THE ENVIRONMENTAL )  
COUNCIL FOR HEARING AND )  
MODIFICATION )

PETITION

To the Chairman of the Environmental Quality Council and to  
the Director of the Department of Environmental Quality,  
State of Wyoming:

COMES NOW Allied Chemical Corporation as applicant  
and requests a hearing before the Environmental Quality  
Council to consider and grant the request of applicant to  
modify the Order referred to in the caption hereof, and  
respectfully shows:

1. On January 13, 1976 applicant (also called Allied herein) submitted to the administrator of the Air Quality Division a revised compliance schedule for its Green River Works. The administrator advised that the proposed schedule would be submitted to his advisory board and at a later time a meeting was scheduled for and held on February 27, 1976 at Cheyenne, Wyoming. At the conclusion of this meeting

Allied was requested to provide additional details to the department before the proposed compliance schedule be acted upon. Allied prepared and submitted in six copies a substantial brochure titled "Air Program on Point Source Emissions and Compliance Schedules" for review by the administrator and the Air Quality Advisory Board. On May 6, 1976, a hearing was held in Green River, Wyoming, by said Advisory Board and the administrator. On May 12, 1976 the "Notice of Violation and Order", copies of which are attached hereto for convenience, were issued over the signature of Robert E. Sundin and copy thereof was delivered to applicant on May 17, 1976.

2. That the date for completion of all requirements on or before December 1, 1976 and the mandate in Paragraph 4 that Allied, if it fails to comply "shall be subject to full enforcement of the statute and regulations" cited therein is arbitrary and unreasonable for reasons hereinafter stated. Many problems have contributed to the delay in the past year or more in attempting to achieve full compliance with applicable standards. Among these are a deficiency of qualified labor in the Green River work area, a scarcity of professional personnel to Allied and to contractors providing plant improvements for Allied, and the inordinately high turn-over of employees both salaried and hourly rate. Allied completed

its last expansion program during the early part of 1975 which, together with other local circumstances, will result in some relief from these labor problems.

3. Although there have been several compliance schedules and extensions in the past, the current schedule contains a number of sources which are new and have not been the subject of previous extensions. For a considerable period of time Allied has devoted extensive effort on the part of its engineering and technical staff and substantial cost and expense to achieve effective interim programs and to design effective long range programs to bring all of its plant operations into compliance with air quality standards. To illustrate intermediate effectiveness, applicant points out that its crusher area is a major source of emissions and has accounted for much of total emissions from its Green River Works. Prior to completion of the interim program in the crusher area in February 1976, emissions from that source were measured at 3,000 pounds per hour. Beginning in late February 1976, the program for interim control was completed and the rate of emission was substantially reduced. When measured in April 1976, this source produced a total of 4.2 pounds of particulate per hour. This improvement exceeded 99 percent, and was due to the installation of a new A-305 dust collector system and complete modification of the bag

dust collector system. This system will maintain efficient removal of particulates except in the winter time when cold and high moisture conditions render the bag dust collector system inefficient. To make the system effective on a year-round basis, extensive additional improvements have been designed and the detailed engineering is progressing to produce final specifications at an early date for the complete enclosure and heating of this area which will render the system effective regardless of weather conditions. Completion of these improvements was projected for June 13, 1977, based upon a continuous prosecution of the work and best estimates for availability of labor, materials and products to be fabricated by manufacturers for the system. Although Allied now has undertaken to complete this project and all others on the schedule before December 1, 1976, it may be wholly impossible, even with the use of diligence and all reasonable expedition of the work, to achieve compliance by December 1, 1976. The availability and delivery dates for machinery and fabricated improvements to be made by third party suppliers in time to meet the expedited schedule is questionable. These items include extensive fabrication of duct work, cyclones, air heaters and industrial fans. These modifications in and improvements for the system first appeared on the proposed compliance schedule submitted to the Department

on January 13, 1976.

A second area involves the coal handling system which is a new source and is not an extension of any previous compliance schedule. Applicant had scheduled completion of engineering details and acceptance of specifications for June 27, 1976, and projected completion of the work by June 1977. These dates were believed to be the earliest reasonable dates that could be projected, based upon the requirements for adequate design to produce dependable performance, availability of technical engineering staff, estimated availability dates for materials and equipment, and availability of skilled labor at Green River for installation. Material which must be fabricated by outside contractors and provided for the work include a complete bag-type dust collection system with metal ducts, duct work and related facilities and three or more industrial fans with electric motors. Kirk and Blum of Cincinnati, Ohio, will be a principal supplier of the facilities to be fabricated for this project. It may be impossible, in spite of diligence and best efforts by Allied and its suppliers, to have all of the machinery and equipment on hand at the plant in time to be installed and become operational before December 1, 1976.

A third item which may require additional time is the house dust vent system. The proposed system is being

revised by reason of a recent recommendation of the technical staff that the existing and proposed system must be eliminated in favor of wet scrubber systems. While the house dust venting problem was on previous schedules, it is important that in December 1975 source emissions measured 169 pounds per hour. Thereafter, the unit was stripped completely and rebuilt. By early April 1976 tests showed that emissions from this source had been reduced to five pounds per hour, bringing this source into compliance. Since that time Kirk and Blum have provided an opinion that compliance cannot be maintained through winter weather conditions with the present system, and that wet scrubbers must be designed, engineered, fabricated and installed to achieve long range and year-round compliance. Allied believes that completion of the wet scrubber systems may not be capable of achievement until April 25, 1977, although it is pressing for completion within the time fixed by the Order.

A number of other sources and items contained in the requested schedule are progressing as quickly as possible and generally are in line for completion estimated in advance of the December 1 date.

4. Allied believes and therefore alleges that the Order should be modified to provide that upon the condition that applicant has bona fide initiated the programs

mentioned in the schedule and diligently pursued all matters necessary to completion thereof, such additional time should be allowed for completion as is reasonable and necessary.

In view of the need for final engineering details and specifications on each of said projects, the possible delays in delivery of machinery and equipment to be fabricated, and the quantities of skilled labor required for completion, the completion date should have sufficient flexibility as to permit diligent performance of all work related to the schedule without the threat of penalty for failure to overcome delays beyond the reasonable control of applicant.

Allied has been and is now making a bona fide attempt to move forward as quickly as possible with the programs necessary to achieve full compliance with standards for environmental quality and is not attempting to evade or avoid the statutes or regulations applicable thereto. It is estimated that the cost of the programs now initiated to achieve compliance with said Order will be in the range of \$6,500,000.00. The quantity of work by its size alone may be too great for completion within the time limit fixed in spite of an all-out effort to comply.

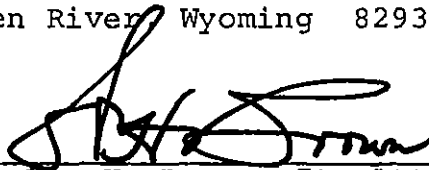
WHEREFORE, Allied, as applicant, prays that the Council appropriately modify the time limit and contemplated recommendations for action to result in the assessment of

penalties, as contained in the Order referred to herein, by providing at this time an extension beyond said date for completion of any project included in the schedule which demonstrably has been advanced in good faith and with diligence by applicant toward the earliest reasonable completion date, and for such other relief as may be just and proper.

Applicant further requests that a prehearing conference be scheduled upon reasonable notice, to be held at least ten days or more prior to any date fixed for hearing, in order that there will be adequate time to simplify the issues for hearing and be assured of the availability of witnesses to testify.

Dated and signed at Casper, Wyoming, this 26  
day of May, 1976.

ALLIED CHEMICAL CORPORATION  
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By   
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