

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
OF THE STATE OF WYOMING

IN THE MATTER OF:)
A PERMIT APPLICATION)
EXXON COMPANY, U.S.A.,)
TO CONSTRUCT A NEW)
SOURCE IN LINCOLN)
COUNTY, WYOMING, PERMIT)
NO. CT-544, DOCKET NO.)
1424-84,)

Applicant)

vs.)

WYOMING OUTDOOR)
COUNCIL,)
A Non-Profit Wyoming)
Corporation,)

vs.)

DEFENDERS OF WILDLIFE,)
A Non-Profit)
Corporation,)

vs.)

WYOMING CHAPTER OF THE)
SIERRA CLUB, A)
A Non-Profit)
Organization,)

Protestants.)

FILED

JUL 23 1984

Terri A. Lorenzon, Adm. Aide
Environmental Quality Council

DOCKET _____ NO. _____

PETITION OBJECTING TO ISSUANCE
OF PERMIT AND REQUESTING HEARING

COME NOW, Protestants, Wyoming Outdoor Council, Defenders

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of Wildlife, and the Wyoming Chapter of the Sierra Club (hereinafter referred to as "Protestants") and hereby protest the issuance of Permit No. CT-544, In the Matter of a Permit Application from Exxon Company, U.S.A., to construct a new source in Lincoln County, Wyoming, Docket No. 1421-84, by the Administrator and the Air Quality Division and the Director of the Department of Environmental Quality and further petition the Environmental Quality Council for a hearing to review said decision. In support of this Petition, Protestants state and allege as follows:

1. That Protestant, Wyoming Outdoor Council is a non-profit Wyoming corporation comprised of members from Wyoming who are interested in the preservation and protection of the land, air, water and overall quality of life of the people and the State of Wyoming and who will be adversely affected by the above decision.

2. That Protestant Defenders of Wildlife is a national non-profit corporation whose purpose is the preservation and conservation of wildlife and their habitat and that Defenders of Wildlife has members in Wyoming who will be adversely affected by the above decision.

3. That Protestant Wyoming Chapter of the Sierra Club is a non-profit organization whose purpose is to insure the preservation and conservation of the air, water, and land, and

quality of life of Wyoming and that the Wyoming Chapter of the Sierra Club has members in Wyoming who will be adversely affected by the above decision.

4. That in a document dated May 21, 1984, the Administrator of the Wyoming Air Quality Division (hereinafter referred to as "Administrator") and the Director of the Wyoming Department of Environmental Quality (hereinafter referred to as "Director") stated that it was their decision to grant the permit application from Exxon Company, U.S.A. (hereinafter referred to as "Applicant") to construct a new source in Lincoln County, Wyoming.

5. That in a letter dated May 22, 1984 from the Director and Administrator to Mr. T.J. Tibbitts, Regulatory Affairs Manager of Exxon Co., U.S.A. the permit to construct a 600 million cubic foot per day sour gas processing plant, permit no. CT-544, (hereinafter referred to as "the permit") was granted pursuant to Wyoming Air Quality Standards and Regulations, Section 21 and 24 and certain other conditions.

6. That the issuance of the permit violates the policy, purpose and intent of the Wyoming Environmental Quality Act, specifically W.S. 35-11-102, in that the permit does not enable the State to prevent, reduce, and eliminate pollution nor does the permit enable the State to preserve, and enhance

the air, water and land of Wyoming.

7. That the action of the Administrator and Director in issuing the permit violates W.S. 35-11-801 in that conditions necessary to accomplish the purpose of the Wyoming Environmental Quality Act were not imposed by the Director, specifically but not limited to the failure to impose a prospective emission reduction condition requested by the U.S. Forest Service and the failure to impose a condition requiring the applicant to gather additional acidic deposition data in and around the wilderness level at high and low elevations.

8. That the action in issuing said permit of the Director and Administrator violates W.S. 35-11-201 and Wyoming Air Quality Standards and Regulations, Section 21(c) in that the approval to construct was granted although the proposed facility will not comply with all rules and regulations of the Department of Environmental Quality, Air Quality Division and with the intent of the Wyoming Environmental Quality Act, and will cause significant dererioration of the existing ambient air quality in the region.

9. That the action of the Director and the Administrator in issuing said permit violates Wyoming Air Quality Standards and Regulations, Section 24b(1)(a)(i) in that the analysis of the predicted impact of the emissions from the facility on the ambient air quality in areas affected by the emissions did not

determine total deterioration of the air quality from baseline concentration caused as a result of the proposed project, nor did the analysis identify and quantity the impact on the air quality in the area of all emissions not included in the baseline concentrations. (Emphasis in the Regulation)

10. That the permit to construct should not have been issued in that the analysis of the predicted impact of the emissions on areas affected by such emissions, required by Air Quality Standards and Regulations Section 24b(1)(a)(i) was incomplete and incorrect as said analysis was based on allowable emissions of only four (4) sources and not on total or actual emissions in the area affected.

11. That action of the Administrator and Director in granting the permit to construct violates Air Quality Standards and Regulations, Section 24b(4) in that the Administrator abused his discretion by his failure to require appropriate and necessary modifications or substitutions to the U.S. E.P.A. Air Quality models to allow for the complex meteorological situation in Wyoming and specifically the complex terrain and meteorological situation posed by this specific permit application.

12. That the permit to construct violates the Clean Air Act, 42 U.S.C. §7473 and the Wyoming Air Quality Standards and Regulations Section 24b(4), in that the permit will allow

exceedance of the Twenty-four (24) hour increment consumption allowance more than once a year due to upset, start up and shutdown emissions.

13. That the permit to construct violates the stated purpose of the Clean Air Act, 42 U.S.C. §7470, specifically, the purpose of the Prevention of Significant Deterioration Part C which are:

- (2) To preserve, protect and enhance the air quality in...National Wilderness areas.
- (5) To assure that any decision to permit increased air pollution ... is made only after careful evaluation of all the consequences of such a decision.

Specifically, that the permit will degrade air quality in national wilderness areas, specifically the Bridger and Fitzpatrick Wilderness areas, and that the decision to permit increased air pollution was not made after evaluation of all the adverse consequences on the affected wilderness areas from acid deposition.

WHEREFORE, Protestants request that on the basis of the above written Petition:

1. That a contested case hearing be held in accordance with the Wyoming Administrative Procedure Act, W.S. 16-3-101 to

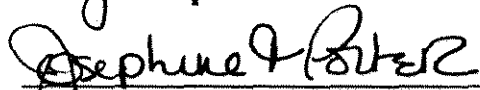
16-3-115.

2. That such hearing be held in Cheyenne, Laramie County, Wyoming.

3. That such hearing be before a quorum of the Environmental Quality Council.

4. That after such hearing the Permit filed herein by Exxon Company, U.S.A., Permit No. 1424-84 be denied.

DATED this 20th day of July, 1984.




JOSEPHINE T. PORTER
ATTORNEY FOR PROTESTANTS
P.O. BOX 1911
CHEYENNE, WY 82003

CERTIFICATE OF SERVICE

I, Josephine T. Porter, do hereby certify that a copy of the foregoing Petition was served upon the following parties by placing a true and correct copy in the United States Mail, First Class, certified mail, return receipt requested this 20th day of July, 1984.

Richard Gray, Chairman
Wyoming Environmental Quality Council
Room 304, Emerson Building
Cheyenne, WY 82002

Robert E. Sundin, Director
Wyoming Department of Environmental Quality
Herschler Building, 4th Floor
122 West 25th Street
Cheyenne, WY 82002



Josephine T. Porter
Attorney at Law

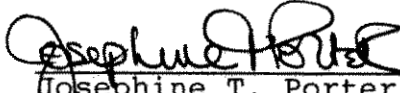
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I, Josephine T. Porter, do hereby certify that a copy of the foregoing Petition was served upon the following parties by placing a true and correct copy in the United States Mail, First Class, postage prepaid, this 20th day of July, 1984.

Brent R. Kunz
Attorney for Applicant
2424 Pioneer Avenue, Suite 402
Cheyenne, WY 82001

Mr. T.J. Tibbitts
Regulatory Affairs Manager
Exxon Company, U.S.A.
P.O. Box 1600
Midland, TX 79705

Randolph Wood, Administrator
Air Quality Division
Department of Environmental Quality
Herschler Building, 4th Floor
122 West 25th Street
Cheyenne, WY 82002



Josephine T. Porter
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