DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
HATHAWAY BUILDING
CHEYENNE, WYOMING 82002

IN THE MATTER OF ORDER ISSUED TO: FMC CORPORATION INDUSTRIAL CHEMICAL GROUP PLANT KEMMERER, WYOMING 83101	)))))	DOCKET NO. 463-78

This ORDER is issued this date pursuant to Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. §7401, et seq. ("the Act") and pursuant to the Wyoming Environmental Quality Act, W.S. §35-11-101 (1977), et seq. This ORDER contains a schedule for compliance, interim requirements, and monitoring and reporting requirements. Public notice and an opportunity for a public hearing have been provided.

FINDINGS

FMC Corporation's ("FMC") Industrial Chemical Group Plant at Kemmerer, Wyoming has commenced the construction of a replacement unit for the existing Number One Afterburner (front end incinerator). This replacement unit will produce less emissions of particulate matter and less visible emissions (opacity) than the existing unit. It is the position of the Wyoming Department of Environmental Quality ("DEQ") that, based on data submitted by FMC, emissions from the existing Number One Afterburner are not in compliance with Sections 14.b and 14.g. and Table I and II as appropriate under Section 14.g. of the Wyoming Air Quality Standards and Regulations. It is the position of FMC that emissions from the existing Number One Afterburner are in compliance with Sections 14.b. and 14.g. and Table I and II as appropriate under Section 14.g. of the Wyoming Air Quality Standards and Regulations and that the data submitted by FMC to DEQ, even using the interpretation most unfavorable to FMC, is inconclusive on the issue of such compliance. In light of this disparity of positions and to avoid the necessity of a time-consuming and costly technical evaluation by both FMC and the Wyoming DEQ, FMC and the Wyoming DEQ have agreed to the entry of the present ORDER.

ORDER

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this ORDER is as expeditious as practicable, and that the terms of this ORDER comply with Section 113(d) of the Act. Therefore, it is hereby ORDERED:

I. That emissions of particulate matter from FMC's Industrial Chemical Group Plant at Kemmerer, Wyoming will comply with the Wyoming State Implementation Plan ("SIP") Regulations in accordance with the following schedule on or before the dates specified therein.

A. Number One Afterburner

1. 4/31/78 - Commence construction of replacement unit.
2. 7/31/78 - Submit report on status.
3. 10/30/78 - Submit report on status.
4. 12/31/78 - Finish construction.
5. 3/31/79 - Achieve and demonstrate final compliance with Sections 14.b. and 14.g. and Table I and II as appropriate under Section 14.g. of the Wyoming Air Quality Standards and Regulations.

II. That FMC's Industrial Chemical Group Plant at Kemmerer, Wyoming shall comply with the following interim requirements, which are determined to be the best reasonable and practicable interim system of emission reduction (taking into account the requirement for which compliance is ordered in Section I, above), to assure compliance with Sections 14.b. and 14.g. and Table I and II as appropriate under Section 14.g. of the Wyoming Air Quality Standards and Regulations insofar as FMC's Industrial Chemical Group Plant at Kemmerer, Wyoming is able to comply during the period this ORDER is in effect:

1. During construction of the replacement unit, the existing front end afterburner shall be operated and maintained so as to meet the applicable particulate emission limitations.

2. Visible emissions (opacity) from the existing Number One Afterburner shall be evaluated weekly by a person certified

to evaluate visible emissions. If visible emissions in excess of Wyoming regulations are detected, the cause(s) for such emissions shall be promptly investigated, reported to the DEQ and corrected. Records of the weekly visible emission evaluations, of any additional evaluations, and of the efforts to correct any excessive emissions shall be filed with the DEQ and maintained at the plant in Kemmerer, Wyoming.

III. That FMC's Industrial Chemical Group Plant at Kemmerer, Wyoming is not relieved by this ORDER from compliance with any requirements imposed by the Wyoming SIP, DEQ, EPA, the Rules and Regulations adopted pursuant thereto and/or the courts pursuant to Section 303 of the Act during any period of imminent and substantial endangerment to the health of persons.

IV. That FMC's Industrial Chemical Group Plant at Kemmerer shall comply with the following emission monitoring and reporting requirements on or before the dates specified below:

A. Emissions monitoring.
During the period of construction of the replacement front end afterburner, and until final compliance has been achieved for emissions of particulate matter in accordance with the schedule set forth in Part I.A. above, visible emissions (opacity) from the existing Number One Afterburner shall be evaluated weekly by a person certified to evaluate visible emissions. Records of the weekly visible emissions evaluations and of any additional such evaluations shall be maintained at FMC's plant at Kemmerer, Wyoming for inspection by DEQ personnel.

B. Reporting requirements.

1. No later than five days after any date for achievement of an incremental step or final compliance, specified in this ORDER, FMC's Industrial Chemical Group Plant at Kemmerer, Wyoming shall notify DEQ in writing of its compliance, or noncompliance and reasons therefor, with the requirement. If delay is anticipated meeting any requirement of this ORDER, FMC's Industrial Chemical Group Plant at Kemmerer, Wyoming shall immediately notify DEQ in writing of the anticipated delay and reasons therefor. Notification to DEQ of any anticipated delay does not excuse the delay.

2. All submittals and notification to DEQ pursuant to this ORDER shall be made to the Administrator of the Air Quality Division, DEQ.

V. Nothing herein shall affect the responsibility of FMC's Industrial Chemical Group Plant at Kemmerer, Wyoming to comply with other Federal, State, or local laws or regulations.

VI. FMC's Industrial Chemical Group Plant at Kemmerer, Wyoming is hereby notified that failure to achieve final compliance by July 1, 1979, may result in a requirement to pay a noncompliance penalty under Section 120 of the Act. In the event of such failure, FMC's Industrial Chemical Group Plant at Kemmerer, Wyoming will be formally notified, pursuant to Section 120(b)(3) and any regulations promulgated thereunder, of its noncompliance.

VII. This ORDER shall be terminated in accordance with Section 113(d)(8) of the Act if the Administrator of the Air Quality Division, DEQ, determines on the record, after notice and hearings, that an inability to comply with Sections 14.b. and 14.g. and Table I and II as appropriate under Section 14.g. of the Wyoming Air Quality Standards and Regulations no longer exists.

VIII. Violation of any requirement of this ORDER shall result in one or more of the following actions:

A. Enforcement of such requirement pursuant to Section 35-11-901 (1977) of the Wyoming Environmental Quality Act, including possible judicial action for an injunction and/or penalties and, in appropriate cases, criminal prosecution.

B. Revocation of this ORDER, after notice and opportunity for a public hearing, and subsequent enforcement of Sections 14.b. and 14.g. and

Table I and II as appropriate under Section 14.g. of the Wyoming Air Quality Standards and Regulations in accordance with the preceding paragraph.

C. If such violation occurs on or after July 1, 1979, notice of non-compliance and subsequent action pursuant to Section 120 of the Act.

D. Any combination of the above.

IX. This ORDER is effective upon the determination by the Administrator of EPA, or his delegatee, that it has been issued in accordance with the requirements of the Act or upon 90 days from receipt of this ORDER by EPA, whichever is earlier.

Date: Nov. 14, 1978

Robert E. Sundin
Director,
Wyoming Department of Environmental Quality

Randolph Wood
Administrator,
Division of Air Quality
Wyoming Department of Environmental Quality

Date of Approval: _____

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Administrator (or his delegatee),
U.S. Environmental Protection Agency