

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

IN THE MATTER OF ORDER        )  
ISSUED TO:                    )  
BLACK HILLS POWER AND LIGHT)  
GILLETTE, WYOMING 82716     )

DOCKET NO. 462-78

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

Black Hills Power and Light Company ("Black Hills") operates four boiler units to produce steam for the electric power generators at the old Wyodak Station east of Gillette, Wyoming. Black Hills had originally planned to shut down three of the units (1, 3, & 4) when the new power plant at the site began operation in May of 1978. The other old unit, No. 5, is to remain in operation and has been equipped with appropriate pollution control equipment.

It is the position of the Wyoming Department of Environmental Quality ("DEQ") that, based on data submitted by Black Hills, emissions from the existing boiler units (1, 3, & 4) are not in compliance with Sections 14.b and 14.h of the Wyoming Air Quality Standards and Regulations.

Black Hills has therefore requested that it be permitted to operate units 1, 3, & 4 as necessary until July 1, 1979.

Such operation is needed as follows:

Unit No. 1 - This unit is involved in an experimental program for a new type of dry cooling device. Due to problems, the program was not completed prior to May 1978. Black Hills will operate the unit only when a test run is needed for the research project.

Units No. 3 & 4 - As with all large power plants, the new 330 megawatt unit at the Wyodak site requires external steam and power during start-up and for periods of down time. Wyodak has planned to use the old No. 5 unit to provide for such needs. However, Black Hills feels that they should provide for a second contingency source of the needed steam if the No. 5 unit were to be forced out of service at the same time that the new unit is down. Therefore, Black Hills' request is for permission to operate the No. 3 and 4 units only as needed until July 1, 1979. Black Hills will evaluate their needs beyond July 1979 and provide control equipment for these units if they are to be operated after such date.

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 from Black Hills' boiler units 1, 3, & 4 at the old Wyodak Station east of Gillette, 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. Compliance must be achieved by July 1, 1979.
  - B. Operation of any of the units (1, 3, & 4) be limited to the extent practicable during the time prior to July 1, 1979, and that the Division be advised of such operation within 72 hours after start of such operation.
  - C. If Black Hills operates these three sources in non-compliance after July 1, 1979, it may be required to pay a non-compliance penalty effective July 1, 1979, as provided under Section 120 of the Clean Air Act as amended August 1977.

- II. That Black Hills' boiler units 1, 3, & 4 are 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.
- III. Nothing herein shall affect the responsibility of Black Hills to operate boiler units 1, 3, and 4 east of Gillette, Wyoming in compliance with other Federal, State, or local laws or regulations.
- IV. Black Hills 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, Black Hills will be formally notified, pursuant to Section 120(b)(3).
- V. 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.h of the Wyoming Air Quality Standards and Regulations no longer exists.
- VI. 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.h 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.
- VII. 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. Sardin  
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