

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING**

**FILED**

AUG 24 2009

Jim Ruby, Executive Secretary  
Environmental Quality Council

**IN RE CRUMPLEY ET AL.            )**     **Docket No. 09-1101**  
**CITIZEN PETITION                )**  
**FOR RULE MAKING.                )**     **ORDER OF DENIAL**

THIS matter came on for public hearing on August 18, 2009 after a sixty (60) day written comment period. The Petitioner's in this matter have requested the Council to begin a rule making process to lower the ambient air quality standard for ozone from .075 parts per billion to .065 parts per billion in Sublette County, Wyoming.

Present were Tim Flitner, Vice-Chairman; Tom Coverdale, Secretary; Dr. Fred Ogden; Cathy Guschewsky; and Mr. John Morris. Participating via video and teleconference were Mr. Dennis Boal, Chairman and Mr. David Searle.

After review of the written and oral comments from the Petitioner, supporters of the Petition, Opponents of the Petition and the Department of Environmental Quality the Council closed the record. In open meeting, Ms. Guschewsky moved to accept the Petition. Mr. Coverdale seconded the motion. The Council deliberated the matter and made the following findings in support of their decision to deny the petitioner's request:

1. That the EPA is currently reviewing the process by which the national ambient air quality standard for ozone was set. That by September of 2009 the EPA is set to report to the U.S. District Court of the District of Columbia regarding the EPA's intentions regarding the current rule.
2. That the EPA will begin it's five year review of the ozone standard in the next 18 months.
3. That the Department of Environmental Quality's current rule on the ambient air

quality standard for ozone is not in compliance with the current EPA rule. That in the fall of 2009 the Department will propose an amendment to the ozone standard rule that will reduce the current state standard from .080 parts per billion to a lower standard, depending upon the actions of the EPA and the U.S. District Court of the District of Columbia. That this rule making will allow for the continued debate and collection of information as to what would be the appropriate standard for ozone in the State of Wyoming.

4. The Petition is only directed toward protecting the health and welfare of the people in Sublette County, Wyoming when there are three counties in Wyoming that are in the proposed designated non attainment area. That the health and welfare of all the people in Wyoming should be the focal point and not a petition that only focuses on one county out of 23.

5. That the Department has taken the necessary steps to address the elevated ozone levels and bring the airshed back into compliance with the current ambient air quality standard and to protect the health of those citizens in Sublette, Sweetwater and Lincoln Counties, Wyoming.

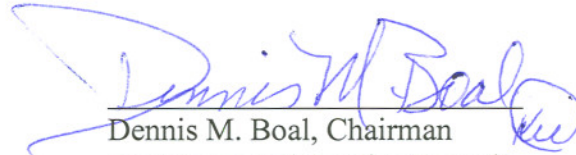
6. That lowering the standard at this time would not result in any greater actions by the Department or Industry to reduce emissions of pollutants that contribute to the formation of ozone.

7. That to engage in rule making on this issue at this time would require the use of limited state resources in duplication of actions being taken at the Federal level.

Based on these reasons the Council unanimously voted to not accept the petition for rulemaking. Wherefore the motion to accept the petition failed. The Council appreciates the concerns expressed by the Petitioners. The Council anticipates that in the future the Petitioner's and the rest of the State will have the opportunity to discuss further the issues raised by the

petition when the Department of Environmental Quality proposes an amendment to the current rule on the ambient air quality standard for ozone.

SO ORDERED this 24<sup>th</sup> day of August, 2009.

  
Dennis M. Boal, Chairman  
Environmental Quality Council

## CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 24<sup>th</sup> day of August, 2009, I served a copy of the foregoing ORDER OF DENIAL by electronic mail to the following:

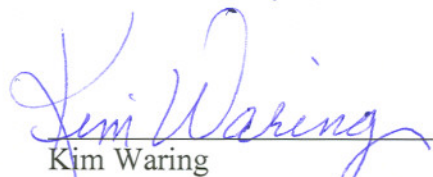
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John Corra, Director  
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and by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

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Wyoming Outdoor Council  
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Dan Heilig  
Western Resource Advocates  
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