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August 17, 2009

Mr. Dennis Boal
 Chairman, Environmental Quality Council
 122 West 25th Street
 Herschler Building, Room 1714
 Cheyenne, Wyoming 82002

Attn: Docket # 09-1101

Dear Mr. Boal:

The Wyoming Contractors Association (WCA) is an organization protecting and serving the Wyoming construction industry. Since our establishment in 1932, the construction industry has drastically evolved and has faced more complex issues and challenges. The construction industry faces challenges in a wide-array of areas. Workforce and economic issues related to coal, oil and gas development in Wyoming are a high priority for the WCA and our members. Our members understand the importance of a healthy environment for their workers and the community.

Our members are involved in highway, heavy, building, municipal and utility construction projects. The mission of the WCA is to provide benefits and services to our members through political involvement, training, safety programs and career opportunities which offer advancement for member employees, promote the construction industry and ensure a competitive opportunity that benefits all citizens of Wyoming.

The WCA appreciates the opportunity to provide comments regarding the proposed Crumpley et al Citizen Petition for Air Quality Rulemaking entitled "Petition to Establish Primary and Secondary Wyoming Ambient Air Quality Standards for Ozone that are more stringent than the National Ambient Air Quality Standards" filed with the Environmental Quality Council (EQC) by Elaine Crumpley, Mary Lynn Word, Tina Rock, Citizens United for Responsible Energy Development and Upper Green River Valley Coalition. In their petition they have requested that the EQC:

"... establish primary and secondary State standards for ozone that are more stringent than the national standards in Sublette County, Wyoming. They ask that the Wyoming Ambient Air Quality Standard (WAAQS) for ozone in Sublette County be set at a level of 0.065 parts per million rather than a level of 0.075 ppm, which is the current national ambient air quality standard (NAAQS)."

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Jim Ruby, Executive Secretary
 Environmental Quality Council

The WCA requests the EQC deny the petition. Currently, the 0.075 ppm ozone NAAQS is pending in the D.C. Court of Appeals. The EPA must notify the court by September 16, 2009, of any action that should be taken and if the ozone limit will be changed. Understanding that the composition of a NAAQS is a multifaceted scientific task, it would be logical and efficient to wait for the EPA ruling. The EPA has an established process, standards, and qualified analysts to review all aspects of the issues raised in the petition to the EQC. We urge you to wait for an overall ruling before making a decision in this matter.

Earlier this year, Governor Freudenthal submitted a recommendation pursuant to Section 107 of the Clean Air Act (42 U.S.C. §7407) to the EPA for sections of Lincoln, Sweetwater and all of Sublette counties to be designated as nonattainment areas for not complying with the primary and secondary ozone NAAQS. Since then, the DEQ has been working on and developing a State Implementation Plan (SIP). In developing the strategies, the DEQ has worked congruently with the industries that contribute the nonattainment problem, but also are a significant source of the state's revenue. With any plan, it is important to give the process time, in order to examine the benefits and effectiveness of the SIP. The EPA and DEQ are most qualified to deal with such an issue and steps are being taken to ensure public health, sustainable business practices and community welfare.

The petition states, "In setting a NAAQS, the EPA is only allowed to consider whether the level protects the public health, with 'an adequate margin of safety'. It cannot consider the costs of compliance with the standard." However, we believe the nation and state's current economic situation cannot be ignored. The U.S. Bureau of Labor Statistics has reported, "In July, the number of unemployed persons was 14.5 million. The unemployment rate was 9.4 percent, little changed for the second consecutive month." The current recession and negative economic impacts of the potential action cannot be ignored by the EQC when considering whether to grant the pending petition.

The WCA has the community's health in mind as our members are committed to improving practices that effect air quality. We believe it is necessary to analyze the results of the SIP before taking additional action in the area that would have devastating impacts on the local and national economy. We appreciate the opportunity to comment on the "Petition to Establish Primary and Secondary Wyoming Ambient Air Quality Standards for Ozone that are more stringent than the National Ambient Air Quality Standards."

Sincerely,



Jonathan Downing
Executive Vice President
Wyoming Contractors Association