



WYOMING MINING ASSOCIATION

August 10, 2009

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

FILED

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Jim Ruby, Executive Secretary
Environmental Quality Council

Re: Docket # 09-1101 Petition to Establish Primary and Secondary Wyoming Ambient Air Quality Standards for Ozone that are more stringent than the National Ambient Air Quality Standards

Dear Mr. Boal:

The Wyoming Mining Association (WMA) appreciates the opportunity to comment on the proposed 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".

WMA is a statewide trade organization representing bentonite, coal, trona, and uranium producers in Wyoming. As you probably know Wyoming leads the nation in production of all four of those minerals. Wyoming mines provide 90% of all of the bentonite used in the United States, 40% of all of the coal and 90% of the soda ash which is produced from trona.

WMA is very concerned that the petition to reduce the ozone standard in Sublette County will have statewide impacts that will affect the entire mining industry. Setting a standard for any of the regulated pollutants is a major effort and requires years of study and research. The Environmental Protection Agency (EPA) is currently reviewing the ozone standard, and WMA feels that is where the decision should reside. It seems questionable to expect the Environmental Quality Council to make an informed decision to lower a standard that EPA is currently reviewing after reviewing numerous studies and input from various research organizations like the Clean Air Science Advisory Committee (CASAC) and the many scientists employed by EPA.

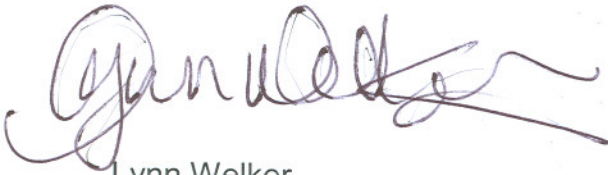
EPA just set a new lower standard for ozone in March 2008. The new national ozone standard was strengthened to 0.75 ppb (parts per billion) by EPA from 0.84 ppb (0.08 ppm). That standard should be allowed to work before setting a new, even lower standard.

We are also concerned that lowering the standard to 0.65 ppb will have statewide implications. The petitioners have admitted that while they are not requesting the standard be applied statewide, they would not oppose it either. It is possible a new standard could be applied statewide. If it were, we think it would put the entire state in non attainment. That would include areas like Yellowstone National Park, the Powder River Basin and numerous other parts of the state. Once designated a non attainment area, the area has to be managed as a non attainment area even when the area achieves attainment. We do not think the entire state should be subjected to such onerous provisions. The economy of Wyoming is already suffering from the effects of the recession. To further burden the state with unrealistic standards would delay and possibly stop recovery. It could even reduce existing production of the resources this state needs to pay for schools, highways, and state and local government.

The Governor and the industry have already taken steps to reduce the ozone in Sublette County, and the Governor has requested that portions of Sublette County and Lincoln County be designated non attainment. It is our understanding the level of ozone is already being reduced through voluntary efforts by the industry and efforts by the state to address ozone. That is the proper way to address this issue, and we encourage the EQC to deny the petition to lower the standard for ozone in Sublette County.

Sincerely,

WYOMING MINING ASSOCIATION

A handwritten signature in dark ink, appearing to read 'Lynn Welker', with a stylized flourish at the end.

Lynn Welker

Assistant Director