

BOARD OF COUNTY COMMISSIONERS

Sublette County, Wyoming

P.O. Box 250

PINEDALE, WY 82941

August 10, 2009

Wyoming Environmental Quality Council
Herschler Building 1st Floor West
Room 1714, 122 West 25th Street
Cheyenne, WY 82002

RE: Comments on petition asking the Environmental Quality Council (EQC) to set the Wyoming Ambient Air Quality Standard (WAAQS) for ozone in Sublette County at a level of 0.065 parts per million.

Dear Council Members:

The Sublette County Commission asks that the EQC not accept the petition for the following reasons:

- The current cooperative process between Sublette County energy operators, Wyoming Department of Environmental Quality (WDEQ), Bureau of Land Management (BLM), Environmental Protection Agency (EPA), and the Sublette County Commission is working effectively, and proactive measures developed and installed as a result of this process will likely show significant improvement in the air quality in Sublette County. It is likely the air quality is already improving as evidenced by monitoring data collected this past year. We ask that you review the ozone response plans developed, in a cooperative effort, by energy companies, WDEQ, and BLM and included as part of the Record of Decision for the Pinedale Anticline and the Pinedale BLM Resource Management Plan, as evidence of the steps presently being taken to improve air quality in Sublette County.
- The petition before you will not achieve the goal of cleaner air in Sublette County and Wyoming. In fact, we have concern that if the EQC accepts this petition, the result will likely cause unnecessary diversion of both WDEQ and energy company resources, from developing and implementing procedures to improve air quality to trying to react to a proposed rulemaking to be applied only in Sublette County. However, if the EQC decides to move forward with rulemaking to lower the ozone standard for just Sublette County, the Sublette County Commission

requests that the WDEQ be tasked with developing the rules. In that sense, we maintain that to accept this petition would be counterproductive.

- In reviewing monitoring data reflecting the background levels of ozone in Yellowstone National Park during pre oil and gas development, we learn that the Maximum 4th high 8-hr. average for Yellowstone for the period of 1995 to 1998 was 64ppb. (Annual Data Summary; Yellowstone National Park, NPS Gaseous Air Pollutant Monitoring Network, 1998). We also learn that the Maximum 4th high 8-hr. average for Yellowstone averaged for the period of 2006 to 2008 was 66 ppb. (WDEQ Technical Support Document For Recommended 8-hr. Ozone Designation, March 26, 2009, Table S.1-1. The important point to be made by reviewing this data is, that IF the Ambient Air Quality Standard for ozone is set at 0.065, it will likely mean that it will ultimately be impossible for Sublette County to reach that level, when the background level would, at times, be either at or above the standard. That also indicates to us that if ultimately the standard is lowered, it will take a much broader approach than just in Sublette County or even in Wyoming to have any chance of meeting a standard of 0.065.
- As of March 12, 2008, the new national ozone standard was lowered from 84 ppb to 75 ppb by EPA. The EPA is required to re-evaluate the ozone standard every five years. The current standard is being challenged and is under review by the court system, and the Obama administration has asked the court to delay further action in order to give EPA time to reconsider the 75 ppb standard. The likely result will be another lowering of the standard based on another review of the science available on a national scale. If the standard is ultimately lowered, that action will cause a more broad scale approach to take place. That action, if it occurs, will then cause a review, of not only emissions occurring in Sublette County, but a broad scale review of all ozone levels, including background levels contributing to the ozone in Sublette County but occurring elsewhere. For these reasons, we feel that the EPA is the proper organization to review the National Ambient Air Quality Standards process and this is currently underway at EPA.
- The Sublette County Commission is currently helping fund a joint effort with WDEQ and Sublette County to determine the actual human health risks associated with the precursors of ozone, in other words, VOCs, and NOx. Monitoring protocol has been established and air samples are currently being collected by the Sublette County Conservation District and will be analyzed by a contract developed by the Wyoming Department of Health. The goal of this joint effort is to determine what, if any, actual human health risks are associated with the current levels of ozone precursors, based on the level of contaminants in the air samples and the time of exposure. A copy of the study is included for your review.

In light of all of the above efforts currently being undertaken to address air quality in Sublette County, we again comment, that to accept the petition and begin a rule making

process would be counterproductive, and would only lessen our ability to address the air quality issues associated with energy production in Sublette County.

Thank you for the opportunity to comment on this proposed action.

Sincerely,

A handwritten signature in black ink that reads "William W. Cramer". The signature is written in a cursive style with a large, stylized 'W' at the beginning.

William W. Cramer
Chairman