OAR 2008 0318

Tuesday, November 25, 2008

DEC 03 2008

Air and Radiation Docket and Information Center
Environmental Protection Agency
Mail Code 2822T
1200 Pennsylvania Ave., NW
Washington, DC 20460
Fax: (202) 566-9744

RE: Regulating Greenhouse Gases under the Clean Air Act Docket ID: EPA-HQ-OAR-2008-0318

Dear Reviewer:

We are a mid-sized construction firm in Minneapolis, Minnesota. We employee 30 full time staff and have been in business since 1994. We primarily engage in the construction of Water and Wastewater Treatment Facilities throughout the upper midwest.We are concerned that the new permitting requirements triggered by using the CAA to regulate greenhouse gas emissions will limit the availability of new work, ultimately cause us to reduce our workforce, and delay needed infrastructure improvements in our community.

We are submitting these comments in response to the Advance Notice of Proposed Rulemaking (ANPR) that the Environmental Protection Agency (EPA) published in the Federal Register on July 30, 2008, soliciting comments on the merits of regulating greenhouse gas emissions under the Clean Air Act (CAA). We believe that the CAA is ill-suited for regulating greenhouse gas emissions, and that EPA should not move forward with a proposed rule or other regulation of greenhouse gas emissions under the CAA. Doing so could easily delay, if not halt, all future building and highway construction. New construction and renovation are vital to our economy and to future improvement of the environmental performance of our nation's infrastructure, and must be allowed to continue.

Regulating greenhouse gases under the CAA would have a cascade of unintended regulatory consequences that could wreak economic havoc on all sectors of business and local communities throughout the United States. Should EPA regulate greenhouse gas emissions under the CAA, the agency would need to enforce several programs established by that Act that currently do not address greenhouse gas emissions. These programs would subject existing and future facilities in the U.S. to costly and time-consuming permitting and construction requirements. These new requirements would cause businesses, as well as religious, healthcare, and educational establishments, to reconsider decisions to operate facilities in the U.S. and jeopardize decisions to expand or make improvements to their facilities when needed.

NOV 26 2008

The ANPR also discusses several new requirements regarding fuel use and types, manufacturing of new equipment, and operating of equipment. The construction process involves the use of heavy-duty equipment for short periods of time; however, the contribution of the construction process to total U.S. greenhouse gas emissions is negligible, according to EPA's own estimates.

The construction industry is positioned to make needed improvements to the nation's infrastructure, reducing emissions from a host of other sectors, including but not limited to professional, retail and other services such as manufacturing, power, and transportation.

We firmly believe that the CAA is not the appropriate vehicle for the regulation of greenhouse gases. Regulation under the Act would cause great economic harm and jeopardize future environmental improvements.

Sincerely,

Mr. Mark Magney
President
Magney Construction, Inc.
1401 Park Road
Chanhassen MN 55317
Email: mark@magneyconstruction.com