MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Call to Order: By Senator Dorothy Eck, Chair, on March 8, 1993, at 3:15 p.m.

ROLL CALL

Members Present:
Sen. Dorothy Eck, Chair (D)
Sen. Eve Franklin, Vice Chair (D)
Sen. Chris Christiaens (D)
Sen. Terry Klampe (D)
Sen. Kenneth Mesaros (R)
Sen. David Rye (R)
Sen. Tom Towe (D)

Members Excused: Sen. Tom Hager

Members Absent: None.

Staff Present: Tom Gomez, Legislative Council
Laura Turman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 389
Executive Action: None.

HEARING ON SB 389

Opening Statement by Sponsor:

Sen. Tom Towe, Senate District 46 in Billings, said SB 389 deals with air pollution, specifically sulfur dioxide in Billings. Billings has 43% of all the sulfur dioxide pollution in the state. Sen. Towe presented the Committee with the National Air Quality and Emissions Trends Report of 1991 (Exhibit #1), and a summary of this report (Exhibit #2). These Environmental Protection Agency (EPA) reports indicate that in 1987, Billings was the third worst city in the United States for sulfur dioxide air pollution. In 1991, Billings was seventh in the nation because the air pollution in other cities had gotten worse, not because Billings had improved. Recent reports indicate that Billings air quality does not even meet federal standards, and the EPA notified the state that it must submit a revised state

implementation plan or the federal EPA will take over the control of Billings area air pollution in 18 months. Sen. Towe said the pollution is a health problem for those living in the Billings area. This same problem was presented before the Legislature six years ago, and at that time the industry indicated that they were having trouble complying with the standards. If the standards were relaxed, it would really improve things for the industry. At that time, the proposal was to revert back to the federal standards instead of the slightly higher Montana standards for Billings only. HB 534, sponsored by Rep. Tom Hannah, passed. Sen. Towe presented and cited portions of the minutes from the House Committee hearing on HB 534. (Exhibit #3) The result of HB 534 was voluntary compliance from the industries in Billings. Sen. Towe provided the Committee with the results of the voluntary compliance with HB 534. (Exhibit #4) 31,500 tons of sulfur dioxide were being emitted in 1987. In 1992, 33,464 tons of sulfur dioxide were emitted, showing that in the last six year, the emissions have worsened, and Sen. Towe called the Committee's attention to the Exxon refinery and the Conoco refinery. The Conoco refinery produces one fifth of the sulfur dioxide emission as does the Exxon refinery, while producing the same quality and the same amount of crude each year. Conoco has spent $40 million on cleaning up, indicating that some industries have done a good job. Sen. Towe called the Committee's attention to the increased emissions of sulfur dioxide from Montana Power Company. Sen. Towe said that a large part of HB 534 was a study of the health impact in the Billings area, and provided a copy of the session laws (Exhibit #5). However, there were no funding sources for the study, and it was never completed. The principle purpose of SB 389 is to have that study done, and it is the most important part of the bill. To fund that study, SB 389 suggests $3.00 per ton for each ton of sulfur dioxide pollution. The second most important aspect of SB 389 is in Section 3 which would "beef up" the monitoring, because continuous emissions monitoring does not currently exist. SB 389 requires each facility that emits over 250 tons of sulfur dioxide annually to install continuous monitoring. It would also require a 5-minute interval monitoring. Presently, an annual average, a 24-hour average, and a hourly average are monitored. Also, at the current time, only five parts per million are monitored, and surges of more than this are not monitored. Section 4 states that the EPA recommends that $28.00 per ton of emissions be collected, and the collection would gradually move to that so that in 1998, industry would pay that amount. The least important part of SB 389 are the standards in effect in the federal government. Sen. Towe provided the Committee with a graph outlining the federal standards. (Exhibit #6) Sen. Towe proposed that the standards revert back to the state standards because the Hannah bill has not worked. However, because of the commitments made by those causing the pollution in Billings to do more, Sen. Towe suggested an amendment (Exhibit #7) to delay effectiveness for the 24-hour standard and the annual standard for four years to give the industry time to comply with the higher state standards. The second part of the amendment states

that Department would be required to report to the Legislature as to the progress being made, so that the 1997 legislative session would have the opportunity to address any problems. The third part of the amendment gives the state the specific authority to go in and single out industries that are not improving their pollution situation and to leave those industries doing a good job. Sen. Towe provided an article from the Billings Gazette (Exhibit #8) about standards, and went over the article. Billings is the "dirtiest" city in which Exxon has a refinery, and it is time to do something about this. What has been currently done is not enough. For example, 18 violations of the air standards are allowed. If room is not made for other industries, new business will not come to Billings. Sen. Towe said at least three major employers have been lost because of the sulfur dioxide problem, and SB 389 will help to clean up the air problem in Billings.

Proponents' Testimony:

Rep. Carol Winslow, House District 97, said her district includes the community of Lockwood, where the Exxon refinery is located. Rep. Winslow said there was an attitude in Montana that what was good for energy companies was good for Montana cities. Sulfur dioxide pollution is a public health issue, and she requested that the Committee listened to the citizens of Billings. The issue of economics should not outweigh the issue of public health.

Montana Watts, Billings, said that she had lived in the Lockwood area for twenty years. There are a lot of sick people in that area, and they feel that the pollution needs to be cleaned up. There is a blue smog over Billings, which they noticed today.

Vincent Larsen, Billings, provided written testimony. (Exhibit #9)

Richard Cebull, Billings, said he was aware of the Hannah bill in 1987. Mr. Cebull said this is the first time he has testified in favor of an "environmental" bill. Mr. Cebull said he knew that the industries in Billings had not improved, and that there was no health study. It is absurd to say that the Billings community will lose jobs if SB 389 passes, because Montana Power and refineries have the technology to clean up the air. The health study should happen, and the results from the Lockwood area may be surprising. Mr. Cebull urged the Committee to pass SB 389.

Jim Jensen, Montana Environmental Information Center, provided an article from the Great Falls Tribune. (Exhibit #10) Mr. Jensen said he is a former resident of Billings. He said "bright and beautiful Billings stinks" and this has got to change.

Mort Reid, Chairman of the Yellowstone Valley Citizen's Council, provided written testimony. (Exhibit #11)

Lisa Sell, Billings, said the poor air quality in Billings has affected her husband and her daughter's health. They both have asthma. One of her daughter's doctors suggested they move out of Billings. They would like to see something done about the air quality in Yellowstone County.

Paula Duffy, Billings, said the Billings City Council had voted to not support SB 389 without any input from the Billings citizens. She asked that the Committee consider this.

Teresa Donato, Billings, said she is very concerned with the health and welfare of her children.

Dennis Olson, Northern Plains Resource Council, provided written testimony from Ed Zaidlicz of Billings. (Exhibit #12)

Jim McIntosh, Lockwood, said he would like to see the air quality improved, and he has always considered Exxon to be a "good neighbor".

Cecil Liter, Billings, said he feels strongly about SB 389, and he votes.

Mark Daspit, Montana Audubon Council, provided written testimony. (Exhibit #13)

Informational Testimony:

Mary Westwood, Director of Governmental Relations for Montana Sulfur Chemical Company, said they take a neutral position on the issue of air quality in Billings. Montana Sulfur was the Billings industry to take a neutral position on the Hannah bill, and the reasons for this are much the same as for their position on SB 389. Montana Sulfur is a pollution control company, and they cannot support any bill that passively results in more pollution. Statistics show that the Hannah bill did result in increased pollution. They are 95% efficient, and emitted approximately 3327 tons of sulfur dioxide in 1992, which means they "cleaned up" 56,540 tons. Ms. Westwood said they have a history of improving their efficiency, with a lot less capital than is available to Conoco or Exxon. They were concerned that placing control of Billings air in a few hands would create an imbalance of economic power. They also believe that giving some special privileges results in danger for small entities such as Montana Sulfur. Montana Sulfur does not initiate one ton of sulfur dioxide emissions themselves. Ms. Westwood said that those who represent industry have the technology, the economic resources and the ability to solve the air quality problems of Billings. However, it is up to the Legislature to dictate what the rules are because it is the people's air.

Opponents' Testimony:

Gary Forrester, Senate District 49, said he reluctantly opposes SB 389. He agrees that there is an air quality problem in Billings, and that Montana Sulfur and the Conoco refinery have made significant strides in reducing their sulfur dioxide emissions.
With the addition of the BGI plant at the Exxon refinery, the industry has made a "sincere effort" to reduce sulfur dioxide emissions. He wasn't aware of plans from other industries to reduce emissions. If the MDH process is incorporated, significant reductions have been promised. Sen. Forrester said it was not correct to say that it has not worked in all industries, and if his bill is successful, it will meet many of the proponents' objections.

Dan Farmer, Council member from Billings representing Ward 2, said the views of the Council reflect a 6-3 vote. Mr. Farmer said the air quality issue in Billings is a jobs versus the environment issue. Mr. Farmer said Billings does support clean air, and $9000 was spent on a study to come up with solutions for clean air while retaining jobs. Mr. Farmer said the article in the March 9 Billings Gazette might lead people to believe that he coerced other Council members that jobs would be lost if SB 389 were to pass. Council members looked at this issue for themselves, and it is their judgement that jobs are at risk. Also, the partnership between business and government established in HB 534 has been working, and it has promoted investment. The opposing view of the Council supported many of the things that the majority did, but their general feeling was that improvements were not sufficient, not done soon enough, and industry had not made a good faith effort to reduce sulfur dioxide emission. The Billings City Council requests that the Committee not pass the bill because more progress is possible through the cooperative partnership previously mentioned. Not only that, but the health study suggested in SB 389 would replicate past studies done by the federal government. The Council is very interested in working with the EPA and the state Air Quality Board for the implementation plan to occur within the next 18 months. It is important that jobs are retained while promoting cleaner air.

Ron Pletcher, Manager of the Cenex Refinery in Laurel, provided written testimony. (Exhibit #14)

Ward Shanahan, attorney for Rhone-Poulenc of Butte, said SB 389 involves a battle over a non-attainment area in Billings, but the bill does not make distinctions for those industries that are in compliance. Rhone-Poulenc is in compliance, and produces less than 250 tons of sulfur dioxide per year, a fraction of the total output of sulfur dioxide in Montana. Mr. Shanahan provided an economic study. (Exhibit #15)

Cam Balentine, Health, Safety and Environmental Supervisor for Rhone-Poulenc, provided written testimony. (Exhibit #16)

Peggy Olson Trenk, Western Environmental Trade Association, provided written testimony. (Exhibit #17)

David Owen, Montana Chamber of Commerce, said the proponent's analogies about robbing a convenience store 18 times before being prosecuted was not a good one. This is not of the same nature or circumstances. Mr. Owen said there had been a lot of studies, and he and some of the Chamber's Board members are becoming increasingly skeptical of studies. Taxing industry would be necessary to fund a study that may not provide conclusive results.

Dr. Carlton Grimm, Montana Power Company, provided written testimony. (Exhibit #18)

Rep. Jerry Driscoll, House District 92, said he was not aware of what the amendments offered by Sen. Towe did, but there is progress being made in Billings. For example, there are plans for more sulfur recovery at Conoco, and at Exxon there is a low sulfur diesel unit which means there will be 3500 fewer tons of sulfur dioxide emissions in the country. If the refineries are shut down, the area will become a Superfund site, and would cost about $100 million to clean it up. Rep. Driscoll said that if the Committee is going to pass the bill, members should be sure to check the costs so that the companies are not forced to choose between a Superfund site and keeping operating. Scrubbers do not produce anything but waste to go to a landfill or some other dump site. In Billings, products are made that are not "just dumped in a landfill." Scrubbers may clean the air, but they pollute the ground.

Ken Heikes, Billings Area Chamber of Commerce, provided a letter from the Chamber (Exhibit #19). Mr. Heikes also provided a letter from Western Sugar. (Exhibit #20)

John Alke, representing Montana Dakota Utilities Company (MDU), said its only sulfur dioxide emitter in the state is a Lewis and Clark station in Sidney that has had a scrubber since 1978. Mr. Alke a substantial portion of SB 389 is unnecessary, and he brought the Committee's attention to existing law, 75-2-211 Subsection 5. The Montana Department of Health currently has the authority to order the types of studies the proponents of SB 389 would like to see. Under existing law, MDU does not have to pay for the studies of the Billings air quality. There is no reason that MDU, a very clean running company, should have to pay for studies of Billings air quality. He urged the Committee to give a do not pass recommendation to SB 389.

Elton Chorney, Continental Lime, Inc. in Townsend, said his company is a long way from Yellowstone County, and paying fees based upon the discretion of the Department will greatly harm Continental Lime.

Ted Doney, ASARCO, Billings Generation, Inc, and Colstrip Energy

Limited Partnership, said SB 389 will put ASARCO out of compliance with the one-hour standard, and make them purchase unneeded monitors, costing them over $1 million in fees over the next five years. The Billings Generation project would be killed by SB 389 as written because they could not meet the one-hour standard proposed in the bill. Mr. Doney said he would welcome discussion of amendments addressing this issue.

Mike Micone, Conoco, said he opposed SB 389. He said that he stood by his 1987 statement that industry in Billings was making great strides in air quality improvement. Conoco has made a substantial financial commitment in the Billings area, and they will continue to make whatever commitments are necessary to be a "good citizen." Mr. Micone said SB 389 does not take into consideration the efforts being made by the industry, and asked the Committee to give the bill a do not pass recommendation.

Leland Griffin, Manager of Montana Refining Company in Great Falls, said SB 389 would cost Montana Refining at least $1.5 million in capital investments and a minimum of $350,000 per year in operating costs, not including the costs of the studies. These costs are difficult for small companies. The sulfur dioxide limits proposed in the bill have no scientific base that he is aware of, and currently 38 states out of 50 use the federal guidelines. Currently, Montana Refining is spending $11 million to reduce sulfur dioxide emissions in Great Falls.

Mike Mathew, Yellowstone County Commissioner, said the Yellowstone County Commission has used an aggressive policy to try and seek other means of working with air pollution proposals. Tax incentives is one proposal. There is much pending legislation now that would work to help the air quality problem, and they encourage the Committee to give SB 389 a do not pass recommendation.

Janelle Fallan, Montana Petroleum Association, provided written testimony (Exhibit #21), and a letter from the Exxon Company. (Exhibit #22).

Sen. Larry Tveit, Senate District 11, said he was testifying on behalf of Holly Sugar Corporation, and provided a letter from the Corporation to the Committee. (Exhibit #23)

Questions From Committee Members and Responses:

Sen. Mesaros asked Sen. Towe how he arrived at the parts per million figures. Sen. Towe said there are three standards; the one-hour average, which is the Montana standard, the 24-hour average, which is the Montana standard everywhere but Yellowstone County, and the annual average, also the Montana standard everywhere but Yellowstone County.

Sen. Towe asked Sen. Mesaros to which standard he was referring. Sen. Mesaros pointed out the handout provided during Sen. Towe's

opening statement. (Exhibit #6)

Sen. Towe said that because of the Hannah Bill, passed six years ago, there is a relaxed 24-hour and annual standard. SB 389 would go for the state standard for Yellowstone County, giving industries four years to comply.

Sen. Mesaros asked Sen. Towe where ongoing studies would occur in the state. Sen. Towe said there would not be a study anywhere there is not a problem. Sen. Towe said he didn't know of problems elsewhere in the state, but Great Falls is seeking to be grandfathered into the bill.

Sen. Mesaros asked Sen. Towe about the Lockwood area of Billings, and if there had been air quality tests done in residential areas. Sen. Towe said there are three monitors in that area. One of the objections raised by Vince Larsen is that the prevailing wind indicates that a very small part of Billings will actually be checked. The Department of Health would determine where the monitors will be located.

Sen. Mesaros asked Vince Larsen if air quality standards tests had been done in the Lockwood residential area. Mr. Larsen said that when fire drills were done in the Lockwood schools, young students were asked if they had breathing problems. 1% of first graders said they had breathing problems, and 10% of the eighth graders had respiratory problems.

Sen. Christiaens asked an opponent to address the revision of the state implementation plan or face sanctions of the loss of highway funds for the state of Montana. Sen. Christiaens said one isolated part of the state could jeopardize all the highway funds for the state.

There was no response to this concern.

Sen. Christiaens asked if there was a representative from Exxon who could tell him what had been done since 1987 to come into compliance with state air quality standards. Brian Dunfee, Exxon, said the handout (Exhibit #22) listed some of the things Exxon had done.

Sen. Christiaens asked Mr. Dunfee what Exxon's sulfur dioxide emissions were in 1987 and what they are currently. Mr. Dunfee said he thought that in 1988 there were 12,000 tons per year, and now it was 10,000 tons per year.

Chairman Eck asked Mr. Dunfee if Exxon expected to be in compliance with state standards within four years. Mr. Dunfee said he did not have the technical expertise to answer that question.

Sen. Klampe asked Sen. Towe about the $28.50 fee versus the $3.00 fee. Sen. Towe said presently the fee is $2.50. The EPA

recommends a minimum fee of $28.39 cents to be used to clean up the air, and to make sure than monitoring is accurate. In HB 318, there is a provision for an increase, and it is expected that the Department of Health will increase the fee to $9.00. Next year it is expected to go to $11.50. In addition to that, SB 389 will impose an extra $3.00, separate from what the Department has the authority to impose, for the study which was promised and never provided. It is also part of SB 389 that the fee will gradually go up to the EPA recommended fee of $28.39.

Sen. Klampe asked Sen. Towe why only $3.00 was being charged when the recommendation is $28.39. Sen. Towe said his initial reaction was to say that the industry has done a very good job of lobbying in the state of Montana. That may be why there are air pollution problems in Montana, and it is time that changed. Industry has continually indicated that no more money was needed to monitor the air pollution, but Sen. Towe said he thought that was wrong and that more emphasis should be put where all other states are putting it right now.

Chairman Eck asked Sen. Towe if there were sanctions for not meeting the $28.39 target. Sen. Towe said he was not certain, but he thought there were no sanctions for not charging the fee recommended by the EPA.

Chairman Eck said there was no one from the industry to address the EPA sanctions that would cut highway funds. Sen. Towe said it was his understanding that part of the enforcement authority includes the EPA taking over the administration of the air pollution in the state. Montana has been given 18 months to "clean up our act," or the EPA will come in. In addition to this failure to comply can have an impact on the highway funds Montana receives.

Chairman Eck said it would be helpful if that information were provided to the Committee.

Sen. Christiaens asked Bob Robinson what sanctions were in place from the Department of Health, and what had been done in regard to the study promised in 1987. Bob Robinson, Director of the Department of Health and Environmental Sciences, said there were no funds appropriated for the 1987 study, so it was never done. The Department had received a letter from the EPA indicating that the Billings plan was not accepted, and they had 60 days for an activation plan, 18 months to get the plan submitted and approved by EPA, and then five years to come into compliance with EPA standards.

Chairman Eck asked Mr. Robinson if he thought this was possible. Mr. Robinson said it was, but failure to do that might result in the sanctions of federal funds and the EPA taking over state primacy in that area. Mr. Robinson said the EPA standard is $28.25. If SB 318 passes, the fee will be $9.00 next year and $11.75 the following year to provide the Department with adequate

staff to meet EPA requirements for an adequate air quality program. If the program is not adequate, the EPA will take over enforcement of air quality standards in the state.

Chairman Eck asked Mr. Robinson if a literature search had ever been done instead of a study for areas with low population. Mr. Robinson said he did not know if that had been done.

Chairman Eck asked Mr. Robinson if that would be applicable to the situation in Montana. Mr. Robinson said any information about the health effects from ambient air problems is helpful.

Chairman Eck asked Mr. Robinson about a health information system for the state, and if this could be a part of the system. Mr. Robinson said there would be information to be taken from that, but he did not know if lung problems could be linked to sulfur dioxide with an information system.

Closing by Sponsor:

Sen. Towe said the study was the most important part of SB 389, and the amount of money required for this was minimal. An amendment could be drafted to require monitoring only in certain geographic areas. The emissions monitors must be placed in various locations by the Department of Health, not industries. The federal government may require emission monitors on the smoke stacks themselves. The implementation of the standards will not take place for four years, giving industry time to "clean up their act." Conoco has already done a lot of work, and spent a lot of money. Other industries, specifically Exxon and Montana Power Company, must be pressured to do the same. Sen. Towe said Montana needs something to make sure industries comply with air standards. He urged the Committee to pass SB 389. Sen. Towe presented a letter from a Billings City Council Member explaining the vote to oppose the bill, which should have been listed as a tie vote. (Exhibit #24) Sen. Towe also provided the minutes from the Senate Committee hearing on HB 534. (Exhibit #25)

ADJOURNMENT

Adjournment: Chairman Eck adjourned the hearing.

SENATOR DOROTHY ECK, Chair

LAURA TURMAN, Secretary

DE/LT

ROLL CALL

SENATE COMMITTEE Public Health DATE 3-8-93

NAME	PRESENT	ABSENT	EXCUSED
Eck	✓		
Franklin	✓		
Klampe	✓		
Hager			✓
Towe	✓		
Mesaros	✓		
Rye	✓		
Christiaens	✓		

F08

Attach to each day's minutes

1987-31,908
1989 33,572
1990 31,180
1991 30,467

EXHIBIT NO. 1
DATE 3-8-93
BILL NO. SB 389
Zaidlicz

United States Environmental Protection Agency
Office of Air Quality Planning and Standards
Research Triangle Park NC 27711
450-R-92-001
October 1992
Recd 12-16-92
AIR

EPA

National Air Quality and Emissions Trends Report, 1991

Billings - 7th worst for Ann + 24 hr.

341 Cities

of 34 American Cities only 6 Cities had worst SO_2 pollution for both 24 hr & Annual readings

Total Emissions 30,467 Tons

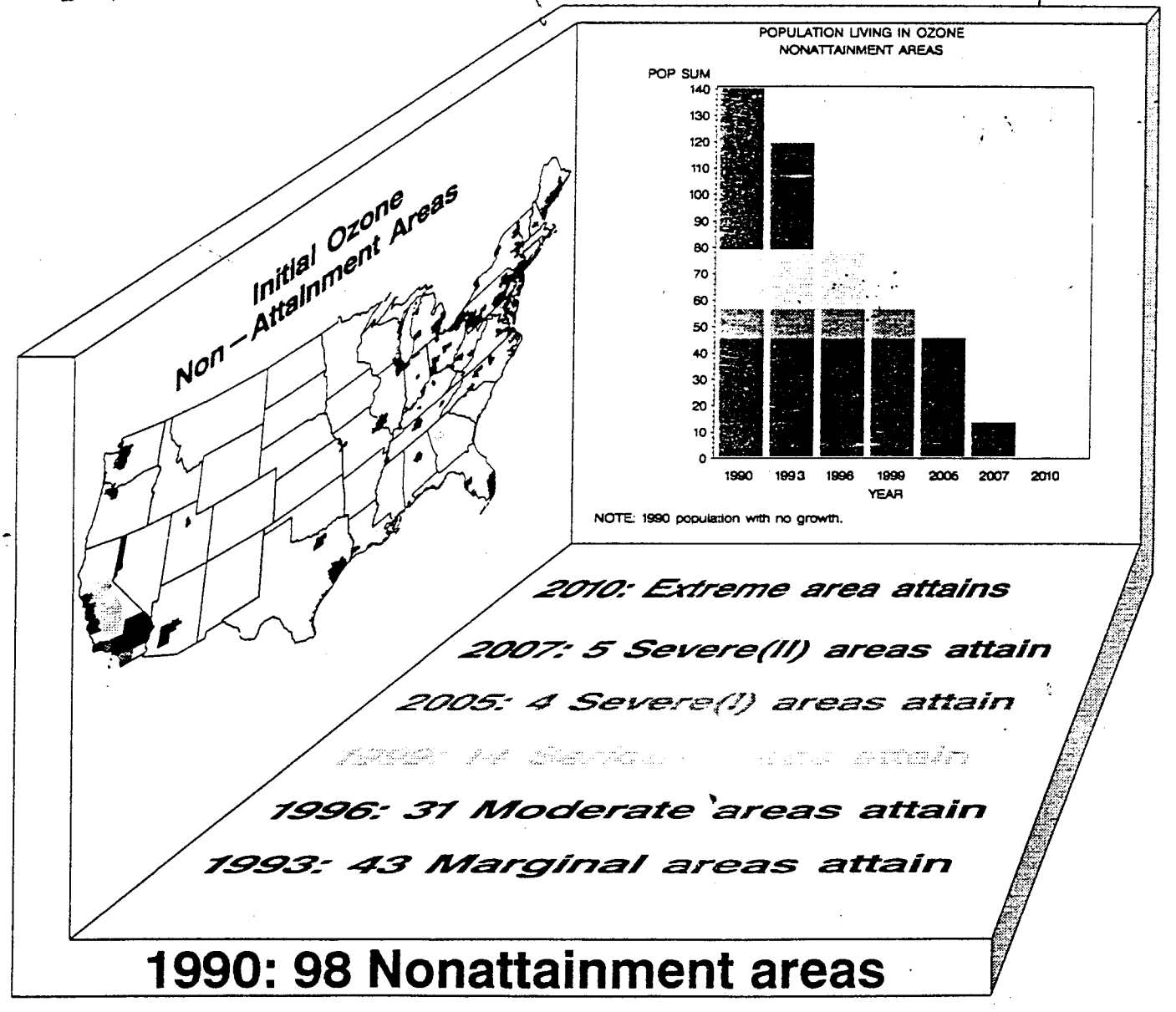

TABLE 4-5. 1991 METROPOLITAN STATISTICAL AREA AIR QUALITY FACTBOOK
PEAK STATISTICS FOR SELECTED POLLUTANTS BY MSA

METROPOLITAN STATISTICAL AREA	1990 POPULATION	PM10 2ND MAX (UGM)	PM10 WTD AM (UGM)	SO2 AM (PPM)	SO2 24-HR (PPM)	CO 8-HR (PPM)	NO2 AM (PPM)	OZONE 2ND MAX (PPM)	PB QMAX (UGM)
ABILENE, TX	120,000	ND	ND	ND	ND	ND	ND	ND	ND
AGUADILLA, PR	156,000	ND	ND	ND	ND	ND	ND	ND	ND
AKRON, OH	658,000	59	30	0.015	0.052	3	ND	***0.13***	0.07
ALBANY, GA	113,000	ND	ND	ND	ND	ND	ND	ND	ND
ALBANY-SCHENECTADY-TROY, NY	874,000	55	25	0.007	0.031	5	0.017	0.1	0.04
ALBUQUERQUE, NM	481,000	117	31	ND	ND	***10***	0.003	0.09	ND
ALEXANDRIA, LA	132,000	ND	ND	ND	ND	ND	ND	ND	ND
ALLENTOWN-BETHLEHEM, PA-NJ	687,000	80	30	0.009	0.041	7	0.02	0.12	0.46
ALTOONA, PA	131,000	65	26	0.011	0.044	2	0.015	0.11	ND
AMARILLO, TX	188,000	46	IN	ND	ND	ND	ND	ND	ND
ANAHEIM-SANTA ANA, CA	2,411,000	116	46	0.002	0.012	9	0.045	***0.2***	0.06
ANCHORAGE, AK	226,000	148	37	ND	ND	***10***	ND	ND	ND
ANDERSON, IN	131,000	65	28	ND	ND	ND	ND	ND	ND
ANDERSON, SC	145,000	ND	ND	ND	ND	ND	ND	0.09	0.02
ANN ARBOR, MI	283,000	ND	ND	ND	ND	ND	ND	0.11	0.01
ANNISTON, AL	116,000	78	29	ND	ND	ND	ND	ND	ND
APPLETON-OSHKOSH-NEENAH, WI	315,000	ND	ND	ND	ND	ND	ND	0.09	ND
ARECIBO, PR	170,000	ND	ND	0.004	0.011	ND	ND	ND	ND
ASHEVILLE, NC	175,000	53	24	ND	ND	ND	ND	0.08	ND
ATHENS, GA	156,000	ND	ND	ND	ND	ND	ND	ND	ND
ATLANTA, GA	2,834,000	83	36	0.008	0.044	7	0.025	***0.13***	0.04
ATLANTIC CITY, NJ	319,000	71	34	0.004	0.011	5	ND	***0.14***	0.03
AUGUSTA, GA-SC	397,000	50	IN	0.004	0.017	ND	ND	0.1	0.01
AURORA-ELGIN, IL	357,000	ND	ND	ND	ND	ND	ND	***0.13***	ND
AUSTIN, TX	782,000	42	25	IN	0.01	3	0.016	0.1	ND
BAKERSFIELD, CA	543,000	***411***	***70***	0.004	0.011	8	0.03	***0.16***	ND
BALTIMORE, MD	2,382,000	90	37	0.009	0.031	8	0.033	***0.16***	0.04
BANGOR, ME	89,000	48	25	ND	ND	ND	ND	ND	0.01
BATON ROUGE, LA	528,000	70	28	0.008	0.036	5	0.019	***0.14***	0.05
BATTLE CREEK, MI	136,000	72	29	ND	ND	ND	ND	ND	ND
BEAUMONT-PORT ARTHUR, TX	361,000	58	26	0.008	0.059	2	0.012	***0.13***	0.03
BEAVER COUNTY, PA	186,000	66	30	0.02	0.087	3	0.019	0.11	0.19
BELLINGHAM, WA	128,000	98	IN	0.006	0.021	ND	ND	0.07	ND
BENTON HARBOR, MI	161,000	ND	ND	ND	ND	ND	IN	0.12	ND
BERGEN-PASSAIC, NJ	1,278,000	92	45	0.01	0.04	8	0.031	***0.14***	0.03
BILLINGS, MT	113,000	65	23	0.017	0.085	6	ND	ND	ND
BILOXI-GULFPORT, MS	197,000	ND	ND	0.006	0.034	ND	ND	ND	ND
BINGHAMTON, NY	264,000	52	26	ND	ND	ND	ND	ND	ND
BIRMINGHAM, AL	908,000	133	42	0.007	0.019	8	ND	0.11	***2.6***
BISMARK, ND	84,000	51	21	ND	ND	ND	ND	ND	ND

BLOOMINGTON, IN	109,000	ND	ND	ND	ND	ND	ND	ND	ND	
BLOOMINGTON-NORMAL, IL	129,000	ND	ND	ND	ND	ND	ND	ND	ND	
BOISE CITY, ID	206,000	152	IN	ND	ND	9	ND	ND	ND	
BOSTON, MA	2,871,000	65	33	0.012	0.057	4	0.035	***0.13***	0.04	
BOULDER-LONGMONT, CO	225,000	72	24	ND	ND	7	ND	0.1	ND	
BRADENTON, FL	212,000	ND	ND	ND	ND	ND	ND	0.1	ND	
BRAZORIA, TX	192,000	ND	ND	ND	ND	ND	ND	***0.13***	ND	
BREMERTON, WA	190,000	ND	ND	ND	ND	ND	ND	ND	ND	
BRIDGEPORT-MILFORD, CT	444,000	64	33	0.012	0.045	6	0.025	***0.15***	0.02	
BRISTOL, CT	79,000	51	23	ND	ND	ND	ND	ND	ND	
BROCKTON, MA	189,000	ND	ND	ND	ND	ND	ND	***0.15***	ND	
BROWNSVILLE-HARLINGEN, TX	260,000	72	28	ND	ND	ND	ND	ND	ND	
BRYAN-COLLEGE STATION, TX	122,000	ND	ND	ND	ND	ND	ND	ND	ND	
BUFFALO, NY	969,000	66	27	0.014	0.071	4	0.022	0.11	0.04	
BURLINGTON, NC	108,000	ND	ND	ND	ND	ND	ND	ND	ND	
BURLINGTON, VT	131,000	53	24	0.008	0.022	4	0.017	ND	ND	
CAGUAS, PR	275,000	ND	ND	ND	ND	ND	ND	ND	ND	
CANTON, OH	397,000	62	33	0.01	0.037	3	IN	0.12	ND	
CASPER, WY	61,000	19	IN	ND	ND	ND	ND	ND	ND	
CEDAR RAPIDS, IA	169,000	73	30	0.008	0.053	5	ND	0.08	ND	
CHAMPAIGN-URBANA-RANTOUL, IL	173,000	61	30	0.005	0.038	ND	ND	0.08	ND	
CHARLESTON, SC	507,000	52	27	0.005	0.03	5	0.013	0.09	0.05	
CHARLESTON, WV	250,000	59	29	0.009	0.04	2	0.02	0.12	0.03	
CHARLOTTE-GASTONIA-ROCK HILL, NC-SC	1,162,000	61	31	0.003	0.015	7	0.016	0.12	0.01	
CHARLOTTESVILLE, VA	131,000	57	28	ND	ND	ND	ND	ND	ND	
CHATTANOOGA, TN-GA	433,000	83	38	ND	ND	ND	ND	0.1	ND	
CHEYENNE, WY	73,000	45	IN	ND	ND	ND	ND	ND	ND	
CHICAGO, IL	6,070,000	129	46	0.019	***0.147*** #	6	0.032	***0.13***	1.32	@
CHICO, CA	182,000	95	38	ND	ND	9	0.016	0.09	ND	
CINCINNATI, OH-KY-IN	1,453,000	78	34	0.026	0.099	5	0.03	***0.14***	0.11	

PM10 = HIGHEST SECOND MAXIMUM 24-HOUR CONCENTRATION (Applicable NAAQS is 150 ug/m3)
= HIGHEST ARITHMETIC MEAN CONCENTRATION (Applicable NAAQS is 50 ug/m3)
SO2 = HIGHEST ARITHMETIC MEAN CONCENTRATION (Applicable NAAQS is 0.03 ppm)
= HIGHEST SECOND MAXIMUM 24-HOUR CONCENTRATION (Applicable NAAQS is 0.14 ppm)
CO = HIGHEST SECOND MAXIMUM NON-OVERLAPPING 8-HOUR CONCENTRATION (Applicable NAAQS is 9 ppm)
NO2 = HIGHEST ARITHMETIC MEAN CONCENTRATION (Applicable NAAQS is 0.053 ppm)
O3 = HIGHEST SECOND DAILY MAXIMUM 1-HOUR CONCENTRATION (Applicable NAAQS is 0.12 ppm)
PB = HIGHEST QUARTERLY MAXIMUM CONCENTRATION (Applicable NAAQS is 1.5 ug/m3)
ND = INDICATES DATA NOT AVAILABLE
IN = INDICATES INSUFFICIENT DATA TO CALCULATE SUMMARY STATISTIC

UGM = UNITS ARE MICROGRAMS PER CUBIC METER
PPM = UNITS ARE PARTS PER MILLION

* - Impact from an industrial source in Leeds, AL. Highest site in Birmingham, AL is 0.15 ug/m3.

- Localized impact from an industrial source. Compliance action has been taken and problem has been resolved.

@ - Impact from an industrial source in Chicago, IL. Highest population oriented site in Chicago is 0.10 ug/m3.

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TABLE 4-5. 1991 METROPOLITAN STATISTICAL AREA AIR QUALITY FACTBOOK
PEAK STATISTICS FOR SELECTED POLLUTANTS BY MSA

METROPOLITAN STATISTICAL AREA	1990 POPULATION	PM10 2ND MAX (UGM)	PM10 WTD AM (UGM)	SO2 AM (PPM)	SO2 24-HR (PPM)	CO 8-HR (PPM)	NO2 AM (PPM)	OZONE 2ND MAX (PPM)	PB QMAX (UGM)
CLARKSVILLE-HOPKINSVILLE, TN-KY	169,000	ND	ND	0.006	0.029	ND	ND	ND	ND
CLEVELAND, OH	1,831,000	109	***56***	0.015	0.064	6	0.029	***0.13***	0.31
COLORADO SPRINGS, CO	397,000	107	29	ND	ND	7	ND	0.09	0.03
COLUMBIA, MO	112,000	ND	ND	ND	ND	ND	ND	ND	ND
COLUMBIA, SC	453,000	114	34	0.004	0.025	6	0.009	0.11	0.05
COLUMBUS, GA-AL	243,000	75	27	ND	ND	ND	ND	0.1	***2.04*** *
COLUMBUS, OH	1,377,000	79	33	0.008	0.033	7	0.012	0.12	0.15
CORPUS CHRISTI, TX	350,000	72	IN	0.004	0.035	ND	ND	0.11	ND
CUMBERLAND, MD-WV	102,000	32	IN	0.009	0.028	5	ND	0.1	ND
DALLAS, TX	2,553,000	83	27	0.003	0.01	5	0.02	0.12	1.11 #
DANBURY, CT	188,000	53	26	0.008	0.032	ND	ND	***0.14***	ND
DANVILLE, VA	109,000	ND	ND	ND	ND	ND	ND	ND	ND
DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	351,000	72	38	0.007	0.024	ND	ND	0.1	0.01
DAYTON-SPRINGFIELD, OH	951,000	61	30	0.006	0.023	4	ND	0.12	0.08
DAYTONA BEACH, FL	371,000	ND	ND	ND	ND	ND	ND	ND	ND
DECATUR, AL	132,000	68	28	ND	ND	ND	ND	ND	ND
DECATUR, IL	117,000	85	36	0.007	0.039	ND	ND	0.1	0.03
DENVER, CO	1,623,000	96	42	0.008	0.035	***10***	0.028	0.11	0.11
DES MOINES, IA	393,000	77	33	ND	ND	6	ND	0.07	ND
DETROIT, MI	4,382,000	117	42	0.012	0.053	8	0.022	***0.13***	0.07
DOTHAN, AL	131,000	62	28	ND	ND	ND	ND	ND	ND
DUBUQUE, IA	86,000	ND	ND	0.004	0.028	ND	ND	ND	ND
DULUTH, MN-WI	240,000	62	26	0.004	0.039	5	ND	ND	ND
EAU CLAIRE, WI	138,000	ND	ND	ND	ND	ND	ND	ND	ND
EL PASO, TX	592,000	121	45	0.012	0.055	***11***	0.028	***0.13***	0.46
ELKHART-GOSHEN, IN	156,000	ND	ND	ND	ND	ND	ND	ND	ND
ELMIRA, NY	95,000	61	IN	0.005	0.022	ND	ND	0.1	ND
ENID, OK	57,000	ND	ND	ND	ND	ND	ND	ND	ND
ERIE, PA	276,000	68	IN	0.01	0.044	4	0.013	0.11	0.07
EUGENE-SPRINGFIELD, OR	283,000	***184***	30	ND	ND	5	ND	0.09	0.02
EVANSVILLE, IN-KY	279,000	68	37	0.019	0.095	3	0.021	0.12	ND
FALL RIVER, MA-RI	157,000	50	IN	0.009	0.052	ND	ND	ND	ND
FARGO-MOORHEAD, ND-MN	153,000	45	19	ND	ND	3	ND	ND	ND
FAYETTEVILLE, NC	275,000	52	27	ND	ND	6	ND	0.1	ND
FAYETTEVILLE-SPRINGDALE, AR	113,000	46	24	ND	ND	ND	ND	ND	ND
FITCHBURG-LEOMINSTER, MA	103,000	ND	ND	ND	ND	ND	ND	ND	ND
FLINT, MI	430,000	61	25	0.005	0.019	ND	ND	0.1	0.01
FLORENCE, AL	131,000	57	24	0.004	0.033	ND	ND	ND	ND
FLORENCE, SC	114,000	ND	ND	ND	ND	ND	ND	ND	ND
FORT COLLINS, CO	186,000	58	25	ND	ND	***10***	ND	0.09	ND

FORT LAUDERDALE-HOLLYWOOD-POMPANO BEAC	1,255,000	42	18	ND	ND	6	0.009	0.1	0.03
FORT MYERS-CAPE CORAL, FL	335,000	ND	ND	ND	ND	ND	ND	0.08	ND
FORT PIERCE, FL	251,000	ND	ND	ND	ND	ND	ND	ND	ND
FORT SMITH, AR-OK	176,000	47	25	ND	ND	ND	ND	ND	ND
FORT WALTON BEACH, FL	144,000	ND	ND	ND	ND	ND	ND	ND	ND
FORT WAYNE, IN	364,000	57	28	0.005	0.019	5	0.011	0.1	ND
FORT WORTH-ARLINGTON, TX	1,332,000	48	25	0.002	0.006	4	0.014	***0.15***	0.02
FRESNO, CA	667,000	142	***60***	0.004	0.013	9	0.025	***0.16*** *	ND
GADSDEN, AL	100,000	82	33	ND	ND	ND	ND	ND	ND
GAINESVILLE, FL	204,000	ND	ND	ND	ND	ND	ND	ND	ND
GALVESTON-TEXAS CITY, TX	217,000	43	23	0.007	0.05	ND	ND	***0.15***	0.02
GARY-HAMMOND, IN	605,000	***167***	42	0.009	0.042	5	0.022	0.12	0.17
GLENS FALLS, NY	119,000	41	20	0.004	0.02	ND	ND	ND	ND
GRAND FORKS, ND	71,000	67	IN	0.004	0.06	ND	IN	ND	ND
GRAND RAPIDS, MI	688,000	67	28	0.003	0.013	4	IN	***0.15***	0.02
GREAT FALLS, MT	78,000	72	IN	ND	ND	7	ND	ND	ND
GREELEY, CO	132,000	80	IN	ND	ND	8	ND	0.1	ND
GREEN BAY, WI	195,000	55	23	0.006	0.042	ND	ND	0.1	ND
GREENSBORO-WINSTON SALEM-HIGH POINT, NC	942,000	66	35	0.007	0.027	7	0.016	0.11	ND
GREENVILLE-SPARTANBURG, SC	641,000	52	31	0.003	0.018	ND	IN	0.11	0.04
HAGERSTOWN, MD	121,000	ND	ND	ND	ND	ND	ND	ND	ND
HAMILTON-MIDDLETOWN, OH	291,000	87	35	0.009	0.044	ND	ND	0.12	ND
HARRISBURG-LEBANON-CARLISLE, PA	588,000	56	28	0.008	0.026	5	0.02	0.11	0.04
HARTFORD, CT	768,000	58	28	0.009	0.041	9	0.02	***0.15***	0.04
HICKORY, NC	222,000	ND	ND	ND	ND	ND	ND	ND	ND
HONOLULU, HI	836,000	63	18	0.002	0.01	3	ND	0.05	0.02
HOUMA-THIBODAUX, LA	183,000	ND	ND	ND	ND	ND	ND	0.1	ND
HOUSTON, TX	3,302,000	108	37	0.007	0.047	7	0.028	***0.2***	0.03
HUNTINGTON-ASHLAND, WV-KY-OH	313,000	63	36	0.017	0.073	5	0.014	***0.14***	0.04
HUNTSVILLE, AL	239,000	71	28	ND	ND	4	0.014	0.11	ND

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PM10 = HIGHEST SECOND MAXIMUM 24-HOUR CONCENTRATION (Applicable NAAQS is 150 ug/m3)
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SO2 = HIGHEST ARITHMETIC MEAN CONCENTRATION (Applicable NAAQS is 0.03 ppm)
= HIGHEST SECOND MAXIMUM 24-HOUR CONCENTRATION (Applicable NAAQS is 0.14 ppm)
CO = HIGHEST SECOND MAXIMUM NON-OVERLAPPING 8-HOUR CONCENTRATION (Applicable NAAQS is 9 ppm)
NO2 = HIGHEST ARITHMETIC MEAN CONCENTRATION (Applicable NAAQS is 0.053 ppm)
O3 = HIGHEST SECOND DAILY MAXIMUM 1-HOUR CONCENTRATION (Applicable NAAQS is 0.12 ppm)
PB = HIGHEST QUARTERLY MAXIMUM CONCENTRATION (Applicable NAAQS is 1.5 ug/m3)
ND = INDICATES DATA NOT AVAILABLE
IN = INDICATES INSUFFICIENT DATA TO CALCULATE SUMMARY STATISTIC

UGM = UNITS ARE MICROGRAMS PER CUBIC METER
PPM = UNITS ARE PARTS PER MILLION

* - Impact from industrial source.

- Impact from an industrial source in Collin County, TX. Highest site in Dallas, TX is 0.19 ug/m3.

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TABLE 4-5. 1991 METROPOLITAN STATISTICAL AREA AIR QUALITY FACTBOOK
PEAK STATISTICS FOR SELECTED POLLUTANTS BY MSA

METROPOLITAN STATISTICAL AREA	1990 POPULATION	PM10 2ND MAX (UGM)	PM10 WTD AM (UGM)	SO2 AM (PPM)	SO2 24-HR (PPM)	CO 8-HR (PPM)	NO2 AM (PPM)	OZONE 2ND MAX (PPM)	PB QMAX (UGM)
INDIANAPOLIS, IN	1,250,000	79	38	0.012	0.036	6	0.018	0.11	***1.64*** *
IOWA CITY, IA	96,000	ND	ND	ND	ND	ND	ND	0.06	ND
JACKSON, MI	150,000	ND	ND	ND	ND	ND	ND	ND	ND
JACKSON, MS	395,000	48	24	0.005	0.011	5	ND	0.09	0.07
JACKSON, TN	78,000	47	27	ND	ND	ND	ND	ND	ND
JACKSONVILLE, FL	907,000	59	34	0.006	0.072	4	0.014	0.1	0.03
JACKSONVILLE, NC	150,000	44	24	ND	ND	ND	ND	ND	ND
JAMESTOWN-DUNKIRK, NY	142,000	53	23	0.013	0.048	ND	ND	0.1	ND
JANESVILLE-BELOIT, WI	140,000	ND	ND	ND	ND	ND	ND	0.11	ND
JERSEY CITY, NJ	553,000	92	36	0.014	0.042	8	0.028	***0.14***	0.06
JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	436,000	78	33	0.014	0.055	3	0.019	0.12	ND
JOHNSTOWN, PA	241,000	70	33	0.015	0.043	5	0.019	0.11	0.19
JOLIET, IL	390,000	77	34	0.006	0.022	ND	ND	0.12	0.02
JOPLIN, MO	135,000	ND	ND	ND	ND	ND	ND	ND	ND
KALAMAZOO, MI	223,000	59	IN	IN	0.015	3	IN	0.08	0.02
KANKAKEE, IL	96,000	ND	ND	ND	ND	ND	ND	ND	ND
KANSAS CITY, MO-KS	1,566,000	101	45	0.006	0.031	6	0.016	0.12	0.05
KENOSHA, WI	128,000	ND	ND	0.003	0.015	ND	0.012	***0.15***	ND
KILLEN-TEMPLE, TX	255,000	41	22	ND	ND	ND	ND	ND	ND
KNOXVILLE, TN	605,000	72	42	0.009	0.052	5	ND	0.11	ND
KOKOMO, IN	97,000	ND	ND	ND	ND	ND	ND	ND	ND
LA CROSSE, WI	98,000	ND	ND	ND	ND	ND	ND	ND	ND
LAFAYETTE, LA	209,000	ND	ND	ND	ND	ND	ND	0.08	ND
LAFAYETTE, IN	131,000	ND	ND	0.01	0.074	ND	ND	ND	ND
LAKE CHARLES, LA	168,000	52	23	0.004	0.02	ND	ND	0.12	ND
LAKE COUNTY, IL	516,000	ND	ND	ND	ND	ND	IN	0.12	ND
LAKELAND-WINTER HAVEN, FL	405,000	ND	ND	0.005	0.016	ND	ND	ND	ND
LANCASTER, PA	423,000	51	IN	0.006	0.023	3	0.018	0.12	0.04
LANSING-EAST LANSING, MI	433,000	ND	ND	ND	ND	ND	ND	0.11	0.02
LAREDO, TX	133,000	72	IN	ND	ND	ND	ND	ND	ND
LAS CRUCES, NM	136,000	108	40	0.016	0.09	7	ND	0.1	0.16
LAS VEGAS, NV	741,000	143	***58***	ND	ND	***12***	0.03	0.09	ND
LAWRENCE, KS	82,000	ND	ND	ND	ND	ND	ND	ND	ND
LAWRENCE-HAVERHILL, MA-NH	394,000	35	18	0.008	0.032	ND	ND	***0.13***	ND
LAWTON, OK	111,000	54	IN	0.002	0.005	ND	ND	ND	ND
LEWISTON-AUBURN, ME	88,000	66	IN	0.006	0.023	ND	ND	ND	0.02
LEXINGTON-FAYETTE, KY	348,000	53	27	0.008	0.026	5	0.016	0.1	ND
LIMA, OH	154,000	ND	ND	0.006	0.021	ND	ND	0.1	ND
LINCOLN, NE	214,000	67	30	ND	ND	9	ND	0.07	ND
LITTLE ROCK-NORTH LITTLE ROCK, AR	513,000	58	28	0.003	0.012	ND	0.009	0.1	0

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LONGVIEW-MARSHALL, TX	162,000	ND	ND	ND	ND	ND	ND	0.11	ND	
LORAIN-ELYRIA, OH	271,000	87	31	0.008	0.033	ND	ND	0.1	ND	
LOS ANGELES-LONG BEACH, CA	8,863,000	***215***	***66***	0.005	0.015	***16***	***0.055***	***0.31***	***2.31***	#
LOUISVILLE, KY-IN	953,000	67	37	0.012	0.05	7	ND	***0.13***	0.06	
LOWELL, MA-NH	273,000	ND	ND	ND	ND	6	ND	ND	ND	
LUBBOCK, TX	223,000	79	26	ND	ND	ND	ND	ND	ND	
LYNCHBURG, VA	142,000	53	28	ND	ND	ND	ND	0.09	ND	
MACON-WARNER ROBINS, GA	281,000	ND	ND	0.003	0.016	ND	ND	ND	ND	*
MADISON, WI	367,000	55	IN	0.002	0.014	5	ND	0.11	ND	
MANCHESTER, NH	148,000	49	20	0.009	0.049	6	0.016	0.1	0.02	
MANSFIELD, OH	126,000	62	IN	ND	ND	ND	ND	ND	ND	
MAYAGUEZ, PR	210,000	ND	ND	ND	ND	ND	ND	ND	ND	
MCALLEN-EDINBURG-MISSION, TX	384,000	ND	ND	ND	ND	ND	ND	ND	ND	
MEDFORD, OR	146,000	***166***	44	ND	ND	***11***	ND	0.07	0.03	
MELBOURNE-TITUSVILLE-PALM BAY, FL	399,000	ND	ND	ND	ND	ND	ND	0.09	ND	
MEMPHIS, TN-AR-MS	982,000	54	29	0.008	0.025	7	0.024	0.11	***1.83***	@
MERCED, CA	178,000	122	***52***	ND	ND	ND	ND	ND	ND	
MIAMI-HIALEAH, FL	1,937,000	61	29	0.001	0.003	8	0.015	0.12	0.02	
MIDDLESEX-SOMERSET-HUNTERDON, NJ	1,020,000	65	30	0.007	0.025	4	ND	***0.13***	1.15	
MIDDLETOWN, CT	90,000	51	25	ND	ND	ND	ND	***0.17***	ND	
MIDLAND, TX	107,000	ND	ND	ND	ND	ND	ND	ND	ND	
MILWAUKEE, WI	1,432,000	78	33	0.007	0.038	5	0.024	***0.18***	0.06	
MINNEAPOLIS-ST. PAUL, MN-WI	2,464,000	136	31	0.011	0.076	***11***	0.024	0.09	1.42	+
MOBILE, AL	477,000	73	38	0.009	0.05	ND	ND	0.09	ND	
MODESTO, CA	371,000	145	***54***	ND	ND	9	0.024	0.11	ND	

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PM10 = HIGHEST SECOND MAXIMUM 24-HOUR CONCENTRATION (Applicable NAAQS is 150 ug/m3)
= HIGHEST ARITHMETIC MEAN CONCENTRATION (Applicable NAAQS is 50 ug/m3)
SO2 = HIGHEST ARITHMETIC MEAN CONCENTRATION (Applicable NAAQS is 0.03 ppm)
= HIGHEST SECOND MAXIMUM 24-HOUR CONCENTRATION (Applicable NAAQS is 0.14 ppm)
CO = HIGHEST SECOND MAXIMUM NON-OVERLAPPING 8-HOUR CONCENTRATION (Applicable NAAQS is 9 ppm)
NO2 = HIGHEST ARITHMETIC MEAN CONCENTRATION (Applicable NAAQS is 0.053 ppm)
O3 = HIGHEST SECOND DAILY MAXIMUM 1-HOUR CONCENTRATION (Applicable NAAQS is 0.12 ppm)
PB = HIGHEST QUARTERLY MAXIMUM CONCENTRATION (Applicable NAAQS is 1.5 ug/m3)
ND = INDICATES DATA NOT AVAILABLE
IN = INDICATES INSUFFICIENT DATA TO CALCULATE SUMMARY STATISTIC

UGM = UNITS ARE MICROGRAMS PER CUBIC METER
PPM = UNITS ARE PARTS PER MILLION

* - Impact from an industrial source in Indianapolis, IN. Highest population oriented site in Indianapolis, IN is 0.05 ug/m3.

- Impact from an industrial source in Commerce, CA. Compliance action was taken and the problem was corrected. Highest population oriented site in Los Angeles, CA is 0.14 ug/m3.

@ - Impact from an industrial source in Memphis, TN. Highest population oriented site in Memphis, TN is 0.06 ug/m3.

+ - Impact from an industrial source in Eagan, MN. Highest population oriented site in Minneapolis, MN is 0.05 ug/m3.

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TABLE 4-5. 1991 METROPOLITAN STATISTICAL AREA AIR QUALITY FACTBOOK
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METROPOLITAN STATISTICAL AREA	1990 POPULATION	PM10 2ND MAX (UGM)	PM10 WTD AM (UGM)	SO2 AM (PPM)	SO2 24-HR (PPM)	CO 8-HR (PPM)	NO2 AM (PPM)	OZONE 2ND MAX (PPM)	PB QMAX (UGM)	
MONMOUTH-OCEAN, NJ	986,000	ND	ND	ND	ND	6	ND	***0.15***	ND	
MONROE, LA	142,000	58	25	ND	ND	ND	ND	ND	ND	
MONTGOMERY, AL	293,000	60	26	ND	ND	ND	ND	0.09	ND	
MUNCIE, IN	120,000	ND	ND	ND	ND	ND	ND	ND	ND	
MUSKEGON, MI	159,000	ND	ND	ND	ND	ND	ND	***0.15***	0.01	
NAPLES, FL	152,000	ND	ND	ND	ND	ND	ND	ND	ND	
NASHUA, NH	181,000	58	21	0.005	0.02	7	ND	0.11	0.01	
NASHVILLE, TN	985,000	95	38	0.016	0.085	6	0.01	0.12	***2.31***	*
NASSAU-SUFFOLK, NY	2,609,000	65	25	0.009	0.039	7	0.029	***0.18***	ND	
NEW BEDFORD, MA	176,000	51	20	ND	ND	ND	ND	***0.13***	ND	
NEW BRITAIN, CT	148,000	55	IN	ND	ND	ND	ND	ND	ND	
NEW HAVEN-MERIDEN, CT	530,000	152	47	0.013	0.063	6	0.028	***0.18***	0.08	
NEW LONDON-NORWICH, CT-RI	267,000	59	24	0.007	0.027	ND	ND	***0.14***	ND	
NEW ORLEANS, LA	1,239,000	66	29	0.005	0.028	4	0.019	0.11	0.03	
NEW YORK, NY	8,547,000	101	IN	0.018	0.068	***10***	0.047	***0.18***	0.05	
NEWARK, NJ	1,824,000	77	37	0.013	0.047	***11***	0.034	***0.14***	1.04	
NIAGARA FALLS, NY	221,000	70	27	0.012	0.056	2	ND	0.1	ND	
NORFOLK-VIRGINIA BEACH-NEWPORT NEWS, VA	1,396,000	60	28	0.007	0.022	6	0.02	0.11	0.03	
NORWALK, CT	127,000	77	39	ND	ND	ND	ND	ND	ND	
OAKLAND, CA	2,083,000	118	36	0.003	0.012	7	0.024	0.12	0.2	
OCALA, FL	195,000	ND	ND	ND	ND	ND	ND	ND	ND	
ODESSA, TX	119,000	31	IN	ND	ND	ND	ND	ND	ND	
OKLAHOMA CITY, OK	959,000	51	23	0.001	0.005	6	0.012	0.11	0.04	
OLYMPIA, WA	161,000	99	26	ND	ND	ND	ND	ND	ND	
OMAHA, NE-IA	618,000	108	41	0.002	0.009	8	ND	0.08	***2.33***	#
ORANGE COUNTY, NY	308,000	ND	ND	ND	ND	ND	ND	ND	1.03	@
ORLANDO, FL	1,073,000	55	31	0.002	0.007	5	0.012	0.1	0	
OWENSBORO, KY	87,000	60	30	0.009	0.044	4	0.011	0.09	ND	
OXNARD-VENTURA, CA	669,000	79	39	0.002	0.01	4	0.024	***0.16***	ND	
PANAMA CITY, FL	127,000	ND	ND	ND	ND	ND	ND	ND	ND	
PARKERBURG-MARIETTA, WV-OH	149,000	57	IN	0.014	0.06	ND	ND	0.12	0.02	
PASCAGOULA, MS	115,000	ND	ND	0.006	0.017	ND	ND	0.1	ND	
PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA	329,000	85	32	0.008	0.031	ND	ND	ND	ND	
PENSACOLA, FL	344,000	ND	ND	0.006	0.127	ND	ND	0.11	0	
PEORIA, IL	339,000	52	28	0.008	0.089	6	ND	0.1	0.02	
PHILADELPHIA, PA-NJ	4,857,000	93	40	0.015	0.047	7	0.034	***0.16***	***3.82***	+
PHOENIX, AZ	2,122,000	112	50	0.005	0.013	***10***	0.021	0.12	0.11	
PINE BLUFF, AR	85,000	42	IN	ND	ND	ND	ND	ND	ND	
PITTSBURGH, PA	2,243,000	154	39	0.024	0.105	6	0.031	0.12	0.08	
PITTSFIELD, MA	79,000	ND	ND	ND	ND	ND	ND	0.1	ND	

PONCE, PR	235,000	58	IN	ND	ND	ND	ND	ND	ND	
PORTLAND, ME	215,000	71	22	0.009	0.032	ND	0.016	***0.14***	0.03	
PORTLAND, OR-WA	1,240,000	***159***	28	0.006	0.024	9	IN	0.11	0.1	
PORTSMOUTH-DOVER-ROCHESTER, NH-ME	224,000	50	20	0.007	0.021	ND	0.015	***0.13***	0.02	
POUGHKEEPSIE, NY	259,000	ND	ND	0.008	0.03	ND	ND	***0.13***	ND	
PROVIDENCE, RI	655,000	69	36	0.012	0.044	7	0.025	***0.16***	0.04	
PROVO-OREM, UT	264,000	***241***	47	ND	ND	***12***	0.023	0.08	ND	
PUEBLO, CO	123,000	57	30	ND	ND	ND	ND	ND	ND	
RACINE, WI	175,000	ND	ND	ND	ND	6	ND	***0.14***	ND	
RALEIGH-DURHAM, NC	735,000	51	26	ND	ND	9	0.016	0.11	ND	
RAPID CITY, SD	81,000	***166***	30	ND	ND	ND	ND	ND	ND	
READING, PA	337,000	67	28	0.011	0.039	5	0.022	0.12	1.28	$
REDDING, CA	147,000	74	29	ND	ND	2	ND	0.08	ND	
RENO, NV	255,000	***181***	39	ND	ND	***12***	ND	0.09	ND	
RICHLAND-KENNEWICK-PASCO, WA	155,000	***281***	31	ND	ND	ND	ND	ND	ND	
RICHMOND-PETERSBURG, VA	866,000	60	28	0.011	0.092	4	0.024	0.12	ND	
RIVERSIDE-SAN BERNARDINO, CA	2,589,000	***189***	***76***	0.004	0.011	8	0.043	***0.25***	0.07	
ROANOKE, VA	224,000	63	34	0.004	0.019	ND	0.014	0.1	ND	
ROCHESTER, MN	106,000	43	23	0.003	0.039	6	ND	ND	ND	
ROCHESTER, NY	1,002,000	65	24	0.013	0.049	4	ND	0.11	0.03	
ROCKFORD, IL	284,000	55	22	ND	ND	5	ND	0.09	0.04	
SACRAMENTO, CA	1,481,000	130	36	0.007	0.034	***11***	0.024	***0.16***	0.04	
SAGINAW-BAY CITY-MIDLAND, MI	399,000	86	30	ND	ND	2	0.008	ND	0.03	
ST. CLOUD, MN	191,000	34	13	0.002	0.008	ND	ND	ND	ND	
ST. JOSEPH, MO	83,000	120	44	ND	ND	ND	ND	ND	ND	

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PM10 = HIGHEST SECOND MAXIMUM 24-HOUR CONCENTRATION (Applicable NAAQS is 150 ug/m3)
= HIGHEST ARITHMETIC MEAN CONCENTRATION (Applicable NAAQS is 50 ug/m3)
SO2 = HIGHEST ARITHMETIC MEAN CONCENTRATION (Applicable NAAQS is 0.03 ppm)
= HIGHEST SECOND MAXIMUM 24-HOUR CONCENTRATION (Applicable NAAQS is 0.14 ppm)
CO = HIGHEST SECOND MAXIMUM NON-OVERLAPPING 8-HOUR CONCENTRATION (Applicable NAAQS is 9 ppm)
NO2 = HIGHEST ARITHMETIC MEAN CONCENTRATION (Applicable NAAQS is 0.053 ppm)
O3 = HIGHEST SECOND DAILY MAXIMUM 1-HOUR CONCENTRATION (Applicable NAAQS is 0.12 ppm)
PB = HIGHEST QUARTERLY MAXIMUM CONCENTRATION (Applicable NAAQS is 1.5 ug/m3)
ND = INDICATES DATA NOT AVAILABLE
IN = INDICATES INSUFFICIENT DATA TO CALCULATE SUMMARY STATISTIC

UGM = UNITS ARE MICROGRAMS PER CUBIC METER
PPM = UNITS ARE PARTS PER MILLION

* - Impact from an industrial source in Williamson County, TN. Highest site in Nashville, TN is 0.11 ug/m3.

- Impact from an industrial source in Omaha, NE.

@ - Impact from an industrial source in Orange County, NY.

+ - Impact from an industrial source in Philadelphia, PA. Highest site in Philadelphia, PA is 0.11 ug/m3.

$ - Impact from an industrial source in Reading, PA.

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TABLE 4-5. 1991 METROPOLITAN STATISTICAL AREA AIR QUALITY FACTBOOK
PEAK STATISTICS FOR SELECTED POLLUTANTS BY MSA

METROPOLITAN STATISTICAL AREA	1990 POPULATION	PM10 2ND MAX (UGM)	PM10 WTD AM (UGM)	SO2 AM (PPM)	SO2 24-HR (PPM)	CO 8-HR (PPM)	NO2 AM (PPM)	OZONE 2ND MAX (PPM)	PB QMAX (UGM)
ST. LOUIS, MO-IL	2,444,000	103	49	0.016	0.056	7	0.026	0.12	***5.56*** *
SALEM, OR	278,000	ND	ND	ND	ND	8	ND	ND	ND
SALEM-GLOUCESTER, MA	264,000	ND	ND	0.009	0.032	ND	ND	ND	ND
SALINAS-SEASIDE-MONTEREY, CA	356,000	48	23	ND	ND	2	0.012	0.09	ND
SALT LAKE CITY-OGDEN, UT	1,072,000	***221***	***54***	0.012	0.069	8	0.029	0.11	0.09
SAN ANGELO, TX	98,000	ND	ND	ND	ND	ND	ND	ND	ND
SAN ANTONIO, TX	1,302,000	58	29	ND	ND	4	ND	0.11	0.03
SAN DIEGO, CA	2,498,000	79	41	0.004	0.02	8	0.029	***0.18***	0.04
SAN FRANCISCO, CA	1,604,000	85	35	0.002	0.013	8	0.024	0.07	0.06
SAN JOSE, CA	1,498,000	128	36	ND	ND	***10***	0.031	0.12	0.05
SAN JUAN, PR	1,541,000	98	IN	0.003	0.022	6	ND	0.08	0.03
SANTA BARBARA-SANTA MARIA-LOMPOC, CA	370,000	67	37	0.001	0.007	6	0.024	0.1	ND
SANTA CRUZ, CA	230,000	43	24	ND	ND	1	0.01	0.1	ND
SANTA FE, NM	117,000	40	15	0.001	0.005	4	0.003	0.08	ND
SANTA ROSA-PETALUMA, CA	388,000	77	IN	ND	ND	4	0.015	0.1	0.02
SARASOTA, FL	278,000	68	29	0.003	0.034	7	ND	0.1	ND
SAVANNAH, GA	243,000	ND	ND	0.002	0.009	ND	ND	ND	ND
SCRANTON-WILKES-BARRE, PA	734,000	66	29	0.011	0.045	5	0.018	***0.13***	0.06
SEATTLE, WA	1,973,000	131	IN	0.01	0.028	9	ND	0.11	0.56
SHARON, PA	121,000	73	36	0.008	0.032	ND	ND	0.11	0.09
SHEBOYGAN, WI	104,000	ND	ND	IN	0.012	ND	IN	***0.16***	ND
SHERMAN-DENISON, TX	95,000	ND	ND	ND	ND	ND	ND	ND	ND
SHREVEPORT, LA	334,000	100	28	0.002	0.009	ND	ND	0.11	ND
SIOUX CITY, IA-NE	115,000	66	28	ND	ND	ND	ND	ND	ND
SIOUX FALLS, SD	124,000	57	19	ND	ND	ND	ND	ND	ND
SOUTH BEND-MISHAWAKA, IN	247,000	65	30	0.007	0.031	3	IN	0.11	ND
SPOKANE, WA	361,000	103	44	ND	ND	***12***	ND	0.08	ND
SPRINGFIELD, IL	190,000	49	25	0.008	0.048	4	ND	0.1	ND
SPRINGFIELD, MO	241,000	35	19	0.005	0.053	7	0.008	0.08	ND
SPRINGFIELD, MA	530,000	67	29	0.012	0.039	7	0.026	***0.13***	0.04
STAMFORD, CT	203,000	56	33	0.01	0.041	6	ND	***0.15***	ND
STATE COLLEGE, PA	124,000	ND	ND	ND	ND	ND	ND	ND	ND
STEUBENVILLE-WEIRTON, OH-WV	143,000	130	44	***0.034***	0.11	***14***	0.021	0.12	0.1
STOCKTON, CA	481,000	134	***52***	ND	ND	8	0.025	0.11	ND
SYRACUSE, NY	660,000	79	35	0.003	0.016	8	ND	0.11	1.13
TACOMA, WA	586,000	129	IN	0.008	0.024	9	ND	0.09	0.02
TALLAHASSEE, FL	234,000	ND	ND	ND	ND	ND	ND	0.05	ND
TAMPA-ST. PETERSBURG-CLEARWATER, FL	2,068,000	72	31	0.007	0.042	5	0.013	0.11	***2.27*** #
TERRE HAUTE, IN	131,000	95	32	0.013	0.044	ND	ND	0.1	ND
TEXARKANA, TX-AR	120,000	45	22	ND	ND	ND	ND	ND	ND

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TOLEDO, OH	614,000	62	26	0.007	0.022	4	ND	0.12	0.48
TOPEKA, KS	161,000	56	IN	ND	ND	ND	ND	ND	0.02
TRENTON, NJ	326,000	58	31	0.012	0.033	4	ND	***0.15***	ND
TUCSON, AZ	667,000	133	39	0.002	0.007	6	0.024	0.09	0.05
TULSA, OK	709,000	73	29	0.01	0.057	5	0.017	0.12	0.21
TUSCALOOSA, AL	151,000	62	28	ND	ND	ND	ND	ND	ND
TYLER, TX	151,000	37	19	ND	ND	ND	ND	ND	ND
UTICA-ROME, NY	317,000	60	24	ND	ND	ND	ND	0.1	ND
VALLEJO-FAIRFIELD-NAPA, CA	451,000	90	33	0.002	0.008	8	0.019	0.11	0.06
VANCOUVER, WA	238,000	87	25	IN	0.028	***10***	ND	0.1	ND
VICTORIA, TX	74,000	ND	ND	ND	ND	ND	ND	0.1	ND
VINELAND-MILLVILE-BRIDGETON, NJ	138,000	ND	ND	0.007	0.023	ND	ND	0.12	ND
VISALIA-TULARE-PORTERVILLE, CA	312,000	135	***66***	ND	ND	5	0.022	0.12	ND
WACO, TX	189,000	ND	ND	ND	ND	ND	ND	ND	ND
WASHINGTON, DC-MD-VA	3,924,000	71	31	0.013	0.038	9	0.03	***0.14***	0.05
WATERBURY, CT	222,000	65	31	0.009	0.038	ND	ND	ND	0.69
WATERLOO-CEDAR FALLS, IA	147,000	73	IN	ND	ND	ND	ND	ND	ND
WAUSAU, WI	115,000	ND	ND	0.005	0.026	ND	ND	ND	ND
WEST PALM BEACH-BOCA RATON-DELRAY BEACH	864,000	38	21	0.002	0.011	3	0.012	0.09	ND
WHEELING, WV-OH	159,000	68	34	0.026	0.085	6	ND	0.11	0.04
WICHITA, KS	485,000	94	39	0.006	0.038	6	ND	0.1	0.02
WICHITA FALLS, TX	122,000	55	27	ND	ND	ND	ND	ND	ND
WILLIAMSPORT, PA	119,000	67	31	0.007	0.026	ND	ND	0.1	ND
WILMINGTON, DE-NJ-MD	579,000	65	33	0.013	0.044	4	0.028	***0.15***	0.07
WILMINGTON, NC	120,000	50	26	ND	ND	ND	ND	ND	ND
WORCESTER, MA	437,000	47	21	0.009	0.029	7	0.023	***0.14***	ND
YAKIMA, WA	189,000	***173***	37	ND	ND	9	ND	ND	ND
YORK, PA	418,000	69	IN	0.007	0.02	4	0.021	0.11	0.05
YOUNGSTOWN-WARREN, OH	493,000	85	34	0.01	0.035	2	ND	0.12	ND
YUBA CITY, CA	123,000	101	39	ND	ND	ND	ND	0.1	ND
YUMA, AZ	107,000	56	IN	ND	ND	ND	ND	0.09	ND

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PB = HIGHEST QUARTERLY MAXIMUM CONCENTRATION (Applicable NAAQS is 1.5 ug/m3)
ND = INDICATES DATA NOT AVAILABLE
IN = INDICATES INSUFFICIENT DATA TO CALCULATE SUMMARY STATISTIC

UGM = UNITS ARE MICROGRAMS PER CUBIC METER
PPM = UNITS ARE PARTS PER MILLION

* - Impact from an Industrial source in Madison County, IL. Highest population oriented site in St. Louis, IL is 0.21 ug/m3.

\# - Impact from an Industrial source in Tampa, FL.

Billings Av = .017
24h = .085

341 Cities
Annual 9 => 7 | 24 Hr. 11 => 8

Only 5 Cities with greater Than Billings

SUMMARY OF NATIONAL AIR QUALITY EMISSIONS TREND REPORT (EPA)

YEAR		MOST HIGHLY POLLUTED CITIES	SO2 AM (PPM)	SO2 24 HR (PPM)
1987	1	STEUBENVILLE-WEIRTON, OHIO-WEST VIRGINIA	.033	N/A
	2	PITTSBURGH, PA	.025	N/A
	3	BILLINGS, MT	.024	N/A
	4	WHEELING, WV-OH	.025	.077
	5	NEW YORK, NY	.024	.083
	6	SALT LAKE CITY	.022	.093
1988	1	STEUBENVILLE-WEIRTON, OHIO-WEST VIRGINIA	.035	.077
	2	PITTSBURGH, PA	.028	.083
	3	BILLINGS, MT	.021	.093
1989	1	STEUBENVILLE-WEIRTON, OHIO-WEST VIRGINIA	.035	.127
	2	BEAVER COUNTY, PA	.023	.128
	3	BILLINGS, MT	.022	.121
	4	PITTSBURGH, PA	.024	.106
	5	WHEELING, WV-OH	.026	.076
1990	1	STEUBENVILLE-WEIRTON, OHIO-WEST VIRGINIA	.039	.131
	2	PITTSBURGH, PA	.028	.171
	3	BEAVER COUNTY, PA	.023	.108
	4	HUNTINGTON-ASHLAND, WV-KY-OH	.018	.126
	5	BILLINGS, MT	.017	.095
	6	CINCINNATI, OH	.017	.075
	7	CLEVELAND, OH	.017	.08
	8	DETROIT, MI	.018	.07
	9	LOS ANGELES, CA	.018	.092
	10	SALT LAKE CITY, UTAH	.019	.08
	11	WHEELING, WV-OH	.026	.068
1991	1	STEUBENVILLE-WEIRTON, OHIO-WEST VIRGINIA	.034	.110
	2	CINCINNATI, OH-KY-IN	.026	.099
	3	PITTSBURGH, PA	.024	.105
	4	BEAVER COUNTY, PA	.020	.089
	5	CHICAGO, IL	.019	.147
	6	EVANSVILLE, KY-IN	.019	.095
	7	BILLINGS, MT	.017	.085
	8	WHEELING, WV-OH	.026	.085
	9	NEW YORK, NY	.018	.068
	10	HUNTINGTON-ASHLAND, WV-KY-OH	.017	.023

SENATE HEALTH & WELFARE
EXHIBIT NO. 3
DATE 3-8-93
BILL NO. SB 389

MINUTES OF THE MEETING
NATURAL RESOURCES COMMITTEE
HOUSE OF REPRESENTATIVE
50TH LEGISLATIVE SESSION

February 4, 1987

The meeting of the Natural Resources Committee was called to order by Chairman Tom Jones on February 4, 1987, at 1:00 p.m. in the SRS Auditorium.

ROLL CALL: All committee members were present with the exception of Reps. Grady, Kadas and Harp who were excused.

HOUSE BILL NO. 534: Rep. Tom Hannah, District #96, sponsor, stated HB 534 pertains to ambient air standards as it relates to sulfur dioxide, and primarily, as it related to the Yellowstone River Valley and the industries that are there. This is important, stating the substance of the bill is found on Page 1, liens 23-24, and Page 2, line 1. The effect of these changes are simply to take the current air quality standards for sulfur dioxide, at the state level, and raise them to the existing federal level in two areas; the annual and the 24-hour. It effects sulfur dioxide only, not particulate or any other chemicals that might be in the air. It effects simply, sulfur dioxide, and because of that, it primarily effects Billings. In fact, this bill regards only one community in this state that has an industry base, as Billings does. Billings is the only community in this state that has any pressure on whether or not it ought to be within the state or federal standards for sulfur dioxide emissions. This bill effects one community, namely, Billings. There are new plant standards, and if another community tried to develop an industrial base the size of Billings, the new plants would be manufactured and put together is such a way that sulfur dioxide and other emissions would be much less than they are now. The net effect of this bill is to simply maintain the status quo. Currently, Billings is operating at the federal level through on ongoing allowance from the State Board of Health which is allowing industry to work and emit under the federal standards. We are not asking to allow industry to put more sulfur dioxide in the air, but simply to maintain the status quo. This bill will do that; however, one of the most important points of the bill has been industries' agreement to reduce emissions during air inversion standards. The majority, if not all, of the 24-hour violations for sulfur dioxide occur during the time when we get an inversion. This inversion traps smoke, particulate and dust from automobiles and, of course, sulfur dioxide. Usually, this occurs half a dozen times a year, which many people say is

the main problem for respiratory disease aggravated by sulfur dioxide. We are working toward an agreement. In fact, Exxon has already reduced, through some technological means, their sulfur output by 15%, with Conoco moving in the same direction. The oil refineries have agreed to try and monitor this; to reduce during air inversion periods by going to a natural gas burn, which results in a reduction anywhere from 10% to 40%, depending on the crude being burned. Montana Power has agreed to cut down on the amount of electricity produced out of the Corette Plant. It is significant that we are heading in the direction for cleaner air for Billings. This bill points out two important aspects: taking the pressure off those industries which allows them to operate, and sets the stage for some cooperation and agreement with the Board of Health in resolving the 24-hour standard violations.

PROPONENTS: Rep. Bruce Simon stated, for the record, he does support this measure.

Rep. Jack Ramirez statedthese industries have been corporate citizens in the City of Billings and Yellowstone County. The reason his family is in Montana, is because of the refinery. His father became an accountant for, what was then, Carter Oil Company, and did the auditing for oil distribution made to the bulk plants from the refinery. For those years, that refinery had been an integral part of our community and continues to be a good corporate citizen by its voluntary efforts in trying to reduce the S02 emissions. It must be taken into account the social good that has come from educating families and children, providing homes and many jobs for our community. We want to preserve it, because, it is not only our past, but our future. The Corette Plant, which is extremely important to our future and the MHD project, depends on the existence of that plant and is important to our community and the State of Montana. He urged the committee to be flexible in seeing these industries through this time of their needs.

Henry Hubble, Refinery Manager, Exxon, distributed testimony (Exhibit 1). He stated the EPA standards proposed in this bill are health based standards, designed to protect the health of the most sensitive members of society with an adequate margin of safety, protecting agriculture, visibility and anesthetics. The Billings area does not exceed any federal air quality standards, and there are no other areas in Montana which come close to violation of the State S02 standards. Most importantly, S02 air quality measurements in Billings continue to show a steady downward trend due to voluntary industry efforts. This table, which was compiled from EPA data, shows that average S02 measurements in Billings have decreased from .026 to .022. Exxon, in the

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last decade, has spent millions of dollars in energy conservation and emissions reduction equipment to improve air quality. In conclusion, we have tried to work through the administrative process in good faith. We have been willing to make reductions, but at the same time, have asked the Board of Health to consider the negative economic costs associated with achieving the existing state standards. The Board has not indicated a willingness to re-evaluate and/or change the state standard. We feel continuing through the administrative process is costly to industry and the state; however, the legislature is in the best position to assess state economic impacts. Passage of this legislation will allow for the protection of human health and air quality, which will help Montana industries remain competitive.

Jim Scott, Billings Chamber of Commerce, distributed testimony (Exhibit 2). It is appropriate the Chamber can testify on HB 534, which effects both profitability of existing industry and quality environment. There are two very important issues in the question of SO2 levels in the Yellowstone Valley. The first is standards of acceptable levels of SO2. The Chamber believes the federal standards are appropriate, given current health information and current economic conditions in our community. Having more stringent state standards seems counterproductive. Compliance will become more expensive for the industries involved and will put numerous jobs at risk. Secondly, while air quality is made up of numerous components, we are concerned with SO2 levels. The fact that SO2 levels are high relative to other cities, which studies have shown, is a negative for Billings in attracting new industry and a weakness we must address. Progress is being made to address the problem that exists and needs to continue through a cooperative and good faith effort of the industries, the Department of Health and the community.

Bob Holtsmith, Manager, Conoco, distributed testimony (Exhibit 3). He stated Conoco applauds the action of the Legislature to consider eliminating more stringent state sulfur dioxide emission standards and implement the federal Nation Ambient Air Quality for several reasons. We feel the national standards have been established after rigorous review to protect even the most sensitive members of the community. Their federal standards are subjected to scientific and public review. Also, special scrutiny by an independent national board of leading health scientists, known as the Clean Air Scientific Advisory Committee. The federal standards are under periodic, legally required review. The current review has produced little data to indicate the 24-hour, or the annual average, should be stringent. State industries could better utilize their resources to remain competitive. The refining industries in

the Yellowstone Valley not only compete with each other, but with other refineries as well. These refineries have only to achieve the federal ambient air quality standards. Emission controls for improving air quality are expensive; however, Conoco is willing to spend its fair share to prevent any endangerment to human health or the environment. In this case, however, we do not believe any such endangerment exists. Despite our beliefs, the present air quality standards are not reasonable. Conoco has consistently offered to reduce its sulfur dioxide emissions by some 15%. Conoco will continue to cooperate with the state to decrease emissions, even if the state standards are changed to the federal level.

Louis Day, Refinery Manager, CENEX, distributed testimony (Exhibit 4). In accordance with a 1977 stipulation between the Air Quality Bureau and the Billings area industry, CENEX invested millions in a sulfur dioxide emission reduction program to achieve a 75% reduction in plant sulfur dioxide emissions. This investment program, completed in 1979, showed an 80% drop in the ambient sulfur dioxide concentration in Laurel. There are, presently, rules before the Board of Health, which will require additional emission reductions of up to 45%. These rules, if implemented, will require the immediate commitment to an investment exceeding $70,000,000. Any additional regulation will affect the economic viability of our operation. CENEX will reduce the sulfur dioxide emissions from the refinery for short time periods, by 10% to 20%, if necessary, to comply with the federal 24-hour standard. Such a program can be implemented without the major economic impact of the proposed rules but would require the revision of the present Montana ambient standards.

Carlton Grimm, Director, Generation System Development for Montana Power, distributed testimony (Exhibit 5). We support adoption of the federal annual 24-hour ambient standards. Our position is we would offer voluntary intermittent emission reductions at the J.E. Corette Plant. Along with this, would be the sue of a continuous monitor which acquires the emissions from our plant. Also, the participation in ambient monitoring with other industries, the Department of Health and the Board of Health. At this time, Mr. Grimm summarized background information contained in his testimony. He stated, they felt the federal standards should be adopted and are prepared to comply with intermittent emission reductions at the Corette Plant. We believe this approach protects the health of the people in Billings and will allow existing industry to continue operations which provide margins below the federal standards and the opportunity for some economic growth in the area.

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Ken Williams, representing Western Energy, distributed testimony (Exhibit 6). Western Energy is concerned that failure to adopt the changes contemplated by HB 534 may cause the loss of coal sales. A fuel switch to Wyoming Coal would have serious economic consequences on Montana by the total loss of coal severance tax revenues, coal gross proceed taxes, as well as other taxes. However, the human tragedy is greater with loss of direct and indirect mining jobs that would weaken the economic vitality of Montana. Mr. Williams then summarized testimony regarding employment figures. From those figures, one sees the economic impacts of the coal switch significant to the State of Montana, which goes beyond the totals of coal taxes, jobs, and direct expenditures. The impacts would reach into and effect all sections of Montana's economy.

John Gibson, Division Manager, Montana Dakota Utilities, commended Rep. Hannah for initiating a bill, in attempt to come up with legislation that is not so stringent that it runs industry out of the state, yet affords clean air to those living in the industry area. Those industries are providing good paying jobs and tax base that Montana needs so badly. The current Montana standards threaten the future of these industries. He believed that emissions occur only a few days each year, when atmospheric conditions are heavy. It seems we would hear very little concern about air quality in Billings if those few days were eliminated. From previous testimony, one of the solutions to help reduce air emissions on those days is by the use of clean burning natural gas. MDU is a natural gas distributor in the Billings area and several other towns in Eastern Montana. MDU has an abundance of natural gas available, and pledge their cooperation to serve those customers on days when they might be having air quality problems. He believed there are alternatives to imposing standards so strict that it forces industry to close its doors.

Mike Micone, Executive Director, Western Environmental Trade Association, stated WETA believes industry has been making great strides in Billings and are committed to further reductions of SO2 emissions. The record indicates industry has worked with the department for a number of years in an effort to reduce the emissions in Billings. In looking at the department's testimony presented in June, they stated it would only be fair to allow the administrative process to come to a decision regarding emission reduction, before taking any legislative action. They have stated there is no action pending before the board, which in any quantitive way, dictates action by the Legislature. They believe administrative processes could continue and it is time for this Legislature to take some action to allow their standards to comply with national standards. Montana, legally,

must discontinue the sending of signals to our neighbors out-of-state, that Montana is an anti-business state.

Dan Farmer, Billings Chamber of Commerce, distributed testimony (Exhibit 7). Mr. Farmer, a chemical engineer, stated from an engineering stand-point, the information given of the present Montana standard, is inadequate to support, with any degree of accuracy, in two ways. First, no model has been developed to accurately determine the source and amount of S02 emissions and the probable effect of a reduction at any of the six emitting companies. Reliable data is essential to an accurate decision. Secondly, no health data has been presented to justify Montana's lower S02 level. Federal studies are, by all accounts, considered to be accurate and have an adequate margin of safety. There is no known health reason to justify Montana's lower S02 Ambient Air Standard. If no benefit is shown, how can we justifiably force businesses to spend millions to reduce.

At this time, Rep. Hannah asked those in support to simply state their names.

Terry Carmody, representing Montana Farmer's Union; Jo Brunner representing Montana Cattle Feeders Association; Stuart Daggett representing Montana Chamber of Commerce; Carol Mosier representing Montana Stockgrower's and Montana Cattlemen.

OPPONENTS: Rep. Joan Miles stated she is testifying because she has an alternative proposal in the works and wanted to stress a few points because reference will be heard to at least some of the ideas that will be talked about. She had hoped this would be in bill form by now; however, it was clear, she would not be able to delay this hearing. She emphasized, if she lived in Billings and was facing this situation, particularly if her livelihood depended on this, she would be in the audience also. She felt it is a big problem that must be addressed. However, HB 534 as written now, is not the way to do it. This is not the same bill that was before them in June when they heard the only standard the people wanted changed was the annual standard. They heard in committee and on the House floor, the sponsor was concerned about the short term standards, but had no intention of changing short term standards. Rep. Miles did not understand why, suddenly, they need to change both long and short term standards. She stated it was not appropriate to disregard the standards that were defended as being necessary for public health six months ago. Those were defended as being important for the protection of the health of the people in Billings and now, in essence, they must disregard and change the standard. She understood, after

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listening to the proposals, industries' concern about going through an administrative process without knowing what the outcome was going to be. The proposal she was putting together, hopefully, addresses all the things being looked at. They have heard a lot about the willingness of industry to look at intermittent controls and to cut back on production during inversion periods. Her proposal addressed continuing administrative process with very clear directives from the Legislature, not considering scrubbers and continuous monitoring devices acceptable in this situation. Any agreement drawn up, should be the short-term intermittent voluntary type cutbacks, and will be put in writing, to make sure that they do in fact, get it. It also states nothing will be done regarding enforcement of industries' to change the process, until at least June of 1988. This gave a year and a half to arrange some kind of administrative agreement by October, 1987, which would be implemented in June, 1988. This gave them needed time, before they had to start doing anything regarding intermittent cutbacks or slowing emissions down during inversions. The industries are frustrated because there has been a real reluctance to look at standards again, and it would direct the department and Board of Health to go through this processing and start looking at those standards in light of all the new data and changes the EPA is expected to make. Personally, she felt at that point, enough new information was coming about and enough concern had been expressed, that they should direct the Board of Health to do this. They must consider what was going on in Billings, regarding jobs, social good, the past and the future. They need to consider alternative proposals before they jump in and change standards they knew nothing about.

Ed Zaidlicz, member of Montana Health Board, Billings, distributed testimony (Exhibit 8). He stated for six years, the Board has patiently waited for the professional staff of the Department of Health and Environmental Science plus the six contributing companies to reach some reasonable and equitable solution to this growing problem. He must rise to the defense of the Air Quality Bureau's interminable effort to bring about some progress. Based on the record, they are professionally competent and fully committed to serving the public under the state and federal law. Now, at the peak of deliberations, to reduce this complex issue to a simple face off of job versus "bureaucratic standards" may prove to be a serious mistake. To simply "legalize" the status quo by discarding the state standard and relying on the lenient federal, ignores a host of surfacing concern. By EPA evaluations, covering 70 major cities over four years, Billings has received national recognition of having the dirtiest (SO2) pollution of any city but Pittsburgh. We are now the "Pittsburgh of the West". The trend for Pittsburgh

is improving, and unless we take concise action, we shortly will be the "Pittsburgh of America". Rep. Hannah's efforts to relax the S02 standard, by relying on the federal, is to safeguard jobs and tax base while ensuring adequate health safeguards. Considerable concern exists that those objectives can be reached. Our recent economic downturn has stimulated creditable and creative efforts, at local and state levels, to improve our economic opportunities for new business, existing operations, and to fully capitalize on the generally recognized potential of fully exploiting tourism. To lock the current air quality into a "status quo" posture would prove hard to rationalize in light of those efforts. Mr. Zaidlicz encouraged the concerned public and legislators to allow the administrative process to continue to completion and not be stampeded into an ill-advised irreversible action. Threats of plant closures should not interfere with the public's right to be fully informed and involved.

Hal Robbins, representing the Department of Health Air Quality Bureau, distributed testimony (Exhibit 9). He stated the department had several concerns about the bill. The first being, status quo, which they feel are not good enough. We are in the middle of administrative process and would like that to continue to work the problem out. In light of those kinds of things, they asked that HB 534 do not pass. Specifically, in regard to the status quo questions and the standards. There have been many health studies done and information compiled on sulfur dioxide emissions and their effects. Epidemiological studies show health risks occurred in the range of .03 to .06 on an annual average. At those levels, existed increased mortality rates for people having respiratory diseases, and increased disease symptoms themselves. As far as short term standards are concerned, clinical evidence showed effects in the .08 to .11 ppm range with the standard set a .10. Evidence showed decreases in various lung functions, especially in children, worsening health threats among the sensitive population, which included asthmatics or asthmatic problems, people with chronic destructive pulmonary diseases, and people with allergy type reactions. That group accounted for approximately 10% to 20% of the population. A study was done in the Billings area, which looked at air pollution effects on the population of the state, which was called the Montana Air Pollution Study and was funded by the 1977 and 1079 Legislatures. His testimony did present some results of that study.

Scott Frasier, Chairman of the Yellowstone Valley Citizens Council, distributed testimony (Exhibit 10). He stated much has been said about the economics of this issue. Unfortunately, the focus had been misdirected. The economic scope

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was greater than the limited business interests of six Billings industries. Considerations must take into account the total business climate of Billings, as well as the entire state of Montana. It is important to note that only Yellowstone County is, and has been, unable or unwilling to meet the state standards for sulfur dioxide. This bill would ease the air quality standards for all of Montana allowing previously compliant industries to emit 50% more SO2. Are we to place the entire state's air quality in jeopardy to accommodate the motives of a few industries in Billings. Because the Billings area is basically meeting the federal standards of SO2, this bill would essentially legalize the status quo for Billings' air quality. Included in the status quo is an air quality ranking for Billings second only to Pittsburgh in sulfur dioxide. There would be a cap on industrial expansion since the ambient SO2 concentration is very near the federal limit. Without emission improvements, the refineries would be restricted to operating at their present output of about 75% capacity. If the state standard is kept, and if the administrative process is allowed to work through the Board of Health, we are optimistic that an equitable solution is possible.

Carolyn Hamlim, President, Montana Public Health Association, distributed testimony (Exhibit 11). She stated MPHA supported the right to breath clean air. Although effects of SO2 are controversial, a two-year study by Pemberton and Goldberg in 1954 showed high sulfur dioxide standards were consistently correlated with higher bronchitis death rates in 35 county boroughs analyzed. We have the technology to remove sulfur compounds from industrial flue gases. The U.S., in 1986, spent $32.4 million on research and cleanup of environmental and chronic disease through the CDC budget alone. Could the state of Montana afford to be so hind-sighted. Further, did the state of Montana wish to gamble with the health of its citizens.

Paul Berg, Chairman of the Yellowstone Basin Sierra Club, submitted testimony (Exhibit 12). He stated proponents for HB 534 have frequently asked those who favor a more stringent state ambient air quality standard to prove the federal standard is unhealthy. There have been studies indicating sulfur dioxide is harmful in concentrations below .03 ppm. Unfortunately, such studies are often inconclusive. Lack of undisputed evidence does not lead to the conclusion that .03 ppm SO2 is safe; rather it indicates, in many long-term cause and effect toxicity studies, it is very difficult to establish conclusions satisfactory to everyone.

Steve Dogherty, a Great Falls resident, stated in 1981, enforceable standards were adopted. However, a republican gis[illegible] wis[illegible] rej[illegible] a [illegible]ion [illegible] a [illegible]

and health decision should be made in a pressure cooker atmosphere. There was ample evidence of that pressure cooker atmosphere being placed upon them that day. Often times, in leaving a message, today we honor, applaud and award commitment, achievement and excellence. Think about the message that accompanies HB 534. Did it promote and reward aggressive enforcement of the law, or did it promote innovative technology. Would it reward creative individuals in businesses. Long term, would the message be, "it's okay to wait for the political winds to change and hope you can change the rules of the game, not in the middle of the game but at the end of the game, so you can benefit and others may pay". Think about the message that will accompany the passage of the bill, and what it means to the future economic development of Montana to defeat it.

Earl Thomas, Executive Director, American Lung Association, submitted testimony (Exhibit 13). He stated HB 534 weakened our clean air standards. The Constitution says the state and each person shall maintain and improve a clean and healthful environment for Montana for present and future generations. HB 534 would not maintain or improve clean air, but in fact weaken it. We estimate that 75% of all lung disease can be prevented.

Torian Donohoe, law student, emphasized this bill represents the most elementary tenant of history, that history repeats itself. In the early days of Montana statehood, the Legislature was held hostage by the copper industry, which threatened to shut down, if demands were not met. Today, after almost 100 years of statehood, the Legislature is again being threatened with reduced coal sales, plant closures and lost jobs. Don't allow that standard, which was adopted after two years of effort by men and women on the Board of Health, with volumes of testimony both by industry, health professions, and the citizens of Montana, fall victim to economic scare tactics. If you honestly believe the changes in the SO2 standard are warranted, please provide for a study, with the same level of technical expertise and careful consideration exercised when the standards were initially adopted. The people of Montana deserve nothing less. While no one wants to see jobs lost in Billings, the answer is interim solutions which address those specific problems, not wholesale replacement of the state standards, with a lesser federal standard and the absence of adequate technical information and careful consideration.

Due to a time shortage, Chairman Jones asked people to state their name and position.

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Rick Meis, representing the Environmental Information Center presented testimony in opposition to HB 534. (Exhibit 14).

Tom Tully, a Billings resident, presented testimony in opposition to the bill (Exhibit 15).

Russ Brown, representing the Northern Plains Resource Council, presented summations of both the final ambient air quality environmental impact statement, and the second addendum on air quality. NPRC opposes HB 534 (Exhibit 16).

Wendy Alderson, presented testimony on behalf of Grace Edwards, Chair/Yellowstone County Commissioners, in opposition to HB 534. (Exhibit 17).

Mignon Waterman, on behalf of Montana Association of Churches, submitted testimony in opposition to HB 534. (Exhibit 18).

Joan Tool, representing the League of Women Voters of Montana, submitted testimony in opposition to HB 534. (Exhibit 19).

Roger Young, President, Great Falls Chamber of Commerce, submitted testimony in opposition to HB 534. (Exhibit 20).

Rep. Addy stated the .02 standard has been in place for six years, causing no one to shut down and no lost jobs. The air quality, while it may not be .02, is better, and wanted to know if it will get any better by going to .03.

Rep. Hannah stated this was the whole intent of the bill, which did two things, providing a solution for the board and industry. The board kept putting out proposals on non-definable standards so no one has been able to put together any kind of model establishing where things come from and how it should be used. It seems they had reached a stale-mate with the department and this bill would generate the kind of discussion and agreements that were necessary, which are represented in the voluntary reductions that are already in place by Exxon, with Conoco promising a 15% reduction. Thus, the result will end the non-winable debate between industry and the department for cleaner air.

Rep. Addy stated the reason they had received cooperation was due to the .02 standard, and asked Rep. Hannah if he felt the same amount of cooperation would exist if the standard were raised.

Rep. Hannah stated he thought they would.

Rep. Addy stated if the bill passed, the air would not get any dirtier; however, if it did not, the air would not get any cleaner and he just is not sure what the bill did.

Rep. Hannah replied they had the commitment from industry to clean up the air. In a way, they had not been able to reach an agreement with the department, which was during the times they had air inversion periods. They had agreed to reduce sulfur dioxide emissions, which would go a long way toward reducing during those times when the 24-hour violations had occurred.

Rep. Addy asked Rep. Hannah how he felt about a provision in the bill that sunsets the legislation at the end of the biennium, so the Legislature in 1989 would also have to review the problem.

Rep. Hannah stated they had been reviewing the problem since 1980, and they could not seem to get any kind of an agreement finally in place by the board and the Department of Health and Industry. Rep. Hannah stated he felt they should finally end this, and they would get cleaner air and have the standards as a result.

Rep. Addy stated as long as industry knew this legislation would come up for review in two years, it should be a factor that may persuade them to vigorously pursue reduction efforts. If they thought they had won the ballgame, if already complying, and need not do anything else to comply with the law in the State of Montana, they might just take their ball and go home. Why not put a sunset in.

Rep. Hannah stated the assumption there was that industry, will in fact, continue to deal in a dishonest fashion with the state of Montana and if we don't leave this hook in industry, they will go ahead and increase emissions.

Rep. Simon stated regarding Rep. Miles' testimony, that he had shifted horses, by going from an annual standard to include the 14-hour, and he seemed to indicate there was a breach of faith on his part, and asked him to elaborate on why he did go to that measure.

Rep. Hannah stated he agreed with Rep. Miles regarding the real health effects of the 24-hour standard; however, he had the legislative staff from EQC write the Board of Health in a letter asking if the Legislature, in its upcoming session, were to change the annual standard on sulfur dioxide emission, what would be the board's response and what would the department do to that. He did have the response and would distribute (Exhibit 21). They, in effect, stated they felt the same standards of enforcement were necessary to bring

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about compliance in the annual as well as the 24-hour standard. To change the annual standard would have been an absolute useless task, because the board would have continued in the same way. He had no choice, but to either abandon the bill or address the 24-hour standard. The result of that was industries' agreement to voluntarily reduce during environmentally difficult times in the valley.

Rep. Simon asked Mr. Grimm in the levels of S02 they are talking about, what color and what odor does sulfur dioxide have.

Mr. Grimm stated it is a colorless, odorless gas at these levels.

Rep. Simon asked Mr. Grimm in regard to his testimony, he had stated it would cost MPC $40 million to put scrubbers on the Corette Plant in Billings, and wondered how much it would cost annually to operate those scrubbers, and also, who was going to pay for them.

Mr. Grimm stated, in their best estimation of the annual operating costs of these scrubbers, it would run between $2.5 and $3.5 million dollars. As far as who would pay, that seemed to be the question. The Department of Health assumed that it would be passed on the the rate payers, and he stated that is quite presumptious of the Department to come forward and state.

Rep. Raney stated in the June session, Rep. Hannah discussed .10 as being the level most important to human health, and now it was .14. Somewhere along the line, you had said you had done this because industries have agreed to voluntarily shut down during emission times like this. Rep. Raney wondered if any plan were made to get that into statute or writing so we knew they are, in fact, going to do it or should they feel they could trust them.

Rep. Hannah stated he intended to trust them, and felt this issue would not go away. If industry were to throw up; their hands and say they had what they wanted, another bill would probably be in this legislature very quickly, to address that particular issue. Rep. Hannah felt industry would go ahead and implement what they said they were going to do.

Rep. Meyers stated Missoula had often times been referred to as having problems with their air, and wondered if that would have the same force and effect on Missoula as it did in Billings.

Rep. Hannah stated the law would be statewide the way it was drafted. The key ingredient, regarding the situation in the state of sulfur dioxide, was Billings was the only area that had anywhere close to the sulfur dioxide emissions as opposed to other kinds of emissions.

Rep. Addy commended Mr. Hubble and Exxon for making the effort and going to the trouble and expense to reduce emissions 15%. The thing that made it such a frustrating issue, is they don't really have any hard data, and it seemed they don't have the capability to enforce the standard that they had on the books presently. In your opinion, is it realistic to expect us to be able to develop a workable, viable model for that portion of the Yellowstone Valley that Billings is in.

Mr. Hubble stated he was not an expert in model development; however, he felt they could make a lot of improvements in the model that had been developed.

Rep. Addy then asked how long would it take and how much would it cost.

Mr. Hubble stated he really didn't know, but in hearing some figures, it was about $300,000, which he felt was very well spent, when talking about the kinds of investments they were going to be required to make.

Rep. Addy asked Mr. Hubble what was needed to be done to clean up Billings' image as the "Pittsburgh of the West".

Mr. Hubble stated one of the things they must do, was to get the facts. They were making comparisons with compliance monitors which were set up to measure the absolute highest concentrations in Billings and using that to compare against a more "urban comparison", that being the only data they had available for the Billings area at that time.

Rep. Addy asked once they got the accurate data, where would they go from there.

Mr. Hubble stated he thought they would find they were again in compliance with federal standards, and will still show themselves to be out of compliance in specific areas, with the state standards.

Rep. Roth asked Mr. Grimm if the MHD project is implemented at the Corette plant, would that reduce the SO2 emissions by that plant, and if so, by how much.

Mr. Grimm stated the MHD proposal, of course was in conceptual form presently. It was some time off, but the

expectation was that it would reduce the emissions somewhat, but how much, they did not know.

Rep. Roth asked if they had an estimate.

Mr. Grimm stated just in estimating, someplace between 10 and 20%.

In closing, Rep. Hannah stated one of the reasons that Pittsburgh's air was cleaning up, was they no longer had the steel mills. The point simply being, we have a battle we are fighting in the Yellowstone Valley and is, a subjective battle in many ways. Many of us are worried about preserving and maintaining industrial base in the only industrial city in our state. We are also worried about the impacts of the national economy, oil and gas economy, and of our own state economy. Many of us are looking at the fact that there are jobs, and there is a tax base. We are talking about people who actually make a living off of the jobs they have, important jobs that are important to the community. The question is, is Billings going to be any better off if they continue to put the pressure on industries to the point where one or two of them would leave. If we do, and that were to happen, would we be better off, or would we be better off as a state and a community to say, we recognize we have a problem, and we have a solution that will work for our community, to keep our community running, keep industry there, which will result in cleaner air.

The solution for industry is to voluntarily comply. That is a creative alternative that has come out of the legislature, not the experts, that would reduce emissions during the times that there are air inversion problems. We will go to a natural gas burn in our refineries, which would reduce anywhere from 10-20%. We will also reduce the kilowatt reduction from the Montana Power Plant that will result in less coal being burned and less sulfur coming out. We will do our part to try and reduce the impacts of sulfur dioxide in our valley during these air inversions, because we believe these are important businesses for our community. The end result is a better cooperation between the department and the Board of Health. Secondly, we will have a stronger industry in our valley, and moving in the direction of having cleaner air. The result of HB 534 will be cleaner sulfur dioxide emissions in the Yellowstone Valley, which will offer some growth. Finally, hopefully, to send a message that we are trying in Montana and in Billings, to clean up our air and say to big business, we'd like to keep you here.

Rep. Hannah urged the committee to pass HB 534.

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ADJOURNMENT: There being no further business, the meeting was adjourned at 2:56 p.m.

Tom Jones, Chairman

SENATE HEALTH & WELFARE
EXHIBIT NO 4
DATE 3-8-93
BILL NO SB 389

BILLINGS - LAUREL AIR QUALITY TECHNICAL COMMITTEE

ANNUAL SULFUR DIOXIDE EMISSIONS - TONS/YEAR

COMPANY	1988	1989	1990	1991	1992	AVG.
EXXON Refinery	12,124	12,176	11,218	11,310	10,028	11,371
CENEX Refinery	7,037	7,314	7,835	7,151	8,381	7,544
MPCo. - J.E. Corette	7,001	7,447	5,265	6,125	9,012	6,970
MT SULPHUR & CHEMICAL Co.	3,607	3,525	3,397	2,760	3,327	3,323
CONOCO Refinery Jupiter Sulfur (Kerley)	2,845	3,144	3,094	2,745 5	2,212 54	2,808 54
WESTERN SUGAR	425	164	261	376	450*	335
TOTAL/YEAR	33,039	33,770	31,070	30,472	33,464	32,363
(TONS/DAY)	(90.5)	(92.5)	(85.1)	(83.5)	(91.7)	(88.7)

* Estimated - 1992

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To	From
SEN Tom Towe	Jim Haines
Co.	Co. DHES-AQB
Dept. STATE SENATE	Phone # 657-7617
Fax # 8-140-4105	Fax # 657 2057

JJH/AQB-DHES/3/93

CHAPTER NO. 504

[HB 534]

AN ACT DIRECTING THE AMENDMENT OF RULE 16.8.820, ADMINISTRATIVE RULES OF MONTANA, TO MAINTAIN EXISTING AIR QUALITY THROUGH ADOPTION OF THE FEDERAL ANNUAL AVERAGE AND 24-HOUR AVERAGE STANDARDS FOR AMBIENT AIR QUALITY FOR SULFUR DIOXIDE IN AREAS CURRENTLY EXCEEDING THE STATE ANNUAL AVERAGE AND 24-HOUR AVERAGE STANDARDS; REQUIRING THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES TO STUDY THE HEALTH EFFECTS OF SULFUR DIOXIDE IN AREAS WITH MAJOR INDUSTRIAL SOURCES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. The Board of Health and Environmental Sciences shall amend Rule 16.8.820, Administrative Rules of Montana, to read:

"16.8.820 AMBIENT AIR QUALITY STANDARDS FOR SULFUR DIOXIDE

(1) No person shall cause or contribute to concentrations of sulfur dioxide in the ambient air which exceed any of the following standards:

(a) Hourly average: 0.50 parts per million, 1-hour average, not to be exceeded more than 18 times in any twelve consecutive months;

(b) Twenty-four hour average: 0.10 parts per million, 24-hour average, not to be exceeded more than once per year, *except that persons causing or contributing to ambient 24-hour average concentrations of sulfur dioxide that exceeded more than once 0.10 parts per million during 1985 must be considered in compliance with this rule if ambient concentrations do not exceed 0.14 parts per million more than once per year;*

(c) Annual average: 0.02 parts per million, annual average, not to be exceeded, *except that persons causing or contributing to ambient annual concentrations of sulfur dioxide that exceeded 0.02 parts per million during 1985 must be considered in compliance with this rule if ambient concentrations do not exceed 0.03 parts per million.*

(2) Measurement method: For determining compliance with this rule, sulfur dioxide shall be measured by the pararosaniline method as more fully described in Title 40, Part 50 (Appendix A) Code of Federal Regulations (1979), or by an approved equivalent method."

Section 2. **Study of effects of sulfur dioxide on health and environment.** (1) To the extent that funds are available, the board shall conduct an ongoing study in areas of Montana where there are major industrial sources of sulfur dioxide. The study shall concentrate on the effects on human health and the environment of ambient sulfur dioxide concentrations separately and in conjunction with particulates.

SENATE HEALTH & WELFARE
EXHIBIT NO. 6
DATE 3-8-93
BILL NO. SB 389

	FEDERAL	STATE	YELL. CO
1 Hour	No Fed.	0.50	0.50
3 Hour	0.50	0.50	0.50
24 Hour	0.14	0.10	0.14
Annual	0.03	0.02	0.03

FEDERAL
MONTANA &
YELLOWSTONE COUNTY

SENATE HEALTH & WELFARE
EXHIBIT NO. 7
DATE 3-8-93
BILL NO. SB 389

NEW SECTION. Section 5. Billings-Laurel area exception. (1) The standards set forth in [Section 1] (2) and (3) shall not apply to the Billings-Laurel area until July 1, 1997, provided there is full compliance with the applicable federal standards.

(2) The department shall report to the 54th Legislative Assembly and the 55th Legislative Assembly the progress being made in satisfying the Environmental Protection Administration of the federal government that the state implementation plan is adequate and the progress being made to obtain full compliance with both federal and state standards in the Billings-Laurel area.

(3) In the administration of the permit program under 75-2-211 or the enforcement of any corrective action or administrative penalty under 75-2-401, criminal penalty under 75-2-412, or civil penalty under 75-2-413, the department shall have the authority to single out one or more persons as a substantial contributor of air pollutants that has caused a violation of the applicable standards as set forth in this chapter and apply any administrative action or administrative, criminal, or civil enforcement against that person or those persons notwithstanding the fact that other persons have also contributed to the violation or violations. Evidence that a person singled out as set forth above is a substantial contributor of pollutants in a particular area and has failed to take action necessary for compliance with the state implementation plan or violated any provisions of this chapter, a rule adopted under this chapter, or a condition or limitation imposed by a permit issued pursuant to this chapter is sufficient to justify the action of the department in singling out that person.

The Billings Gazette

SENATE HEALTH & WELFARE
EXHIBIT NO. 8
DATE 3-8-93
BILL NO. SB 389

Comparison shows air standards in line with neighboring states

By CLAIR JOHNSON
and DENNIS GAUB
Of the Gazette Staff

Are Montana's air quality standards for sulfur dioxide more restrictive than other states'? A comparison of eight neighboring states suggests they are not.

Only Billings and two other states in the region use the more lenient federal standards, according to information compiled in 1991 by the Montana Air Quality Bureau in the Department of Health and Environmental Sciences.

The comparison looked at standards in Montana, Billings, Colorado, Idaho, North Dakota, South Dakota, Oregon, Utah, Washington and Wyoming.

The issue of what standards are appropriate for the Billings area will come before the Senate Public Health, Welfare and Safety Committee at 3 p.m. Monday. The committee will hold a hearing on SB 389, sponsored by Sen. Tom Towe, D-Billings, which would essentially return Billings' standards to the more restrictive state standards, tighten Montana's one-hour standard and provide for a health study.

Proponents of the bill argue that the federal standards do not adequately protect public health in the Billings area, which has six major industrial sources of the pollutant.

Opponents argue that the federal standards are adequate and that forcing industries to comply with stricter standards may cost the area jobs.

The 1987 Legislature relaxed the standards for the Billings area to bring the industries into compliance.

Sulfur dioxide is a respiratory irritant and a component of acid rain. The pollutant is formed by burning fossil fuels like coal or oil.

Although monitoring information has shown the industries in compliance with the current standards, recent computer modeling studies show violations of both the federal and state standards.

Based on the modeled violations, the federal Environmental Protection Agency last week officially notified the state that it must revise its emission control plan, called a State Implementation Plan, for the Billings area. The state has 18 months in which to respond or else face sanctions.

Jim Hughes, an environmental specialist in the state Air Quality Bureau's Billings office, said a survey of all 50 states probably would not show Montana as among those states having restrictive air quality standards both for ambient air and emissions.

Ambient air is air in the atmosphere. Emissions are pollutants that typically come out of industry stacks.

Hughes said that Montana's emissions standards are "very lenient and not progressive with modern times."

Montana's ambient standards for sulfur dioxide are about the average among the more stringent standards but are not the most stringent, he said.

(More on Air, Page 13A)

■ Responding to City Council/1C

Continued stories

Air

From Page One

Another way of analyzing the local sulfur-dioxide issue is to ask whether two multinational corporations with plants in Billings operate under more restrictive standards here than elsewhere in the United States.

The two corporations are Exxon Corp., the world's largest oil company, which has a refinery in Lockwood, and DuPont, whose Conoco subsidiary operates a refinery on Billings' South Side.

Exxon's other U.S. refineries are in Baton Rouge, La., Benicia, Calif., Linden, N.J., and Baytown, Texas.

Conoco also has domestic refineries in Denver, Ponca City, Okla., and Lake Charles, La.

A Gazette inquiry last week found that Exxon and other industries in Benicia — which is in the San Francisco-Oakland metropolitan area — must comply with standards that are more restrictive than the federal and Montana norms. Industries in Benicia must comply with criteria established by the Bay Area Air Quality District for a nine-county area.

For example, average sulfur-dioxide levels for one hour cannot exceed 0.25 parts per million in the Bay Area. That is twice as restrictive as the 0.5 ppm standard used in Montana. And, the Bay Area's 24-hour average standard is 0.05 ppm, compared with the 0.14 ppm rule in the Billings-Laurel area and the 0.10 ppm rule for the rest of the state.

Oklahoma, Louisiana and New Jersey use sulfur-dioxide standards that parallel the federal rules, but Colorado's standards are more restrictive than either the federal or Montana yardsticks.

"So far, sulfur dioxide hasn't really been a problem for us in our state," said Chris Roberie, head of compliance for Louisiana's Environmental Quality Department. The department has a larger problem with ozone levels, he said.

Exxon has one of its larger refineries, capable of processing about 500,000 barrels of oil a day, in Baton Rouge. However, sulfur-dioxide levels remain relatively low, partly because that refinery and others in Louisiana don't process large volumes of high-sulfur crude oil, Roberie said.

An official in the Texas Air Quality Board was unsure whether that state follows the federal rules or has more restrictive state rules. However, he said all of Texas meets national sulfur-dioxide standards except part of the Houston area, which has the state's largest concentration of refineries.

A state-by-state comparison, however, overlooks an important fact: Sulfur-dioxide pollution isn't considered a major problem in most cities where Exxon and Conoco have refineries, according to state air quality officials.

The reason? Emission levels in Ponca City and Linden fall below federal standards, according to Oklahoma and New Jersey officials. Also, the U.S. Environmental Protection Agency's Emissions Trends Report for 1991 — the most recent available — shows Billings had higher sulfur-dioxide levels than in three metropolitan areas with more — and larger — refineries than in Billings.

The areas with lower sulfur-dioxide measurements than Billings are Houston, which encompasses Exxon's Baytown refinery; Lake Charles, the site of a Conoco refinery; and Baton Rouge, which has an Exxon refinery.

Montana and Surrounding States SO2 Ambient Air Quality Standards

State	Annual average (ppm)	24 Hour average (ppm)	3 Hour average (ppm)	1 Hour average (ppm)
Montana [a]	0.02	0.10[1]	-	0.5[2]
Billings/Laurel	0.03	0.14[1]	-	0.5[2]
Idaho	0.03	0.14[1]	0.50[1]	-
North Dakota	0.023	0.099	-	0.273
Oregon	0.02	0.10[1]	0.50[1]	-
South Dakota	0.03	0.14[1]	0.50[1]	-
Washington[b]	0.02	0.10[1]	-	0.40[1,3]
Wyoming	0.02	0.10[1]	0.50[1]	-
Colorado	incremental[c]	incremental[c,1]	0.266[1]	-
Utah — set on a case-by-case basis using the Best Available Control Technology (BACT)				
Federal Standard	0.03	0.14[1]	0.50[1]	-

FOOTNOTES

1-Not to be exceeded more than once per year
2-Not to be exceeded more than 18 times per year
3-0.25 ppm is not to be exceeded more than two times in any 7consecutive days

a-Billings/Laurel existing sources exempted from 24 Hour and annual Montana standards per 1987 legislation
b-Washington State's objective is: SO2 shall not be greater than 0.30 ppm average for 5 minutes
c-Colorado State standards for SO2 are expressed as allowable amounts of increase in ambient concentrations (increments) over an established baseline. Baseline is defined as level of SO2 that existed on the effective date of the regulation (August, 1977).

SOURCE: Montana Air Quality Bureau

Air bureau stays neutral

By CLAIR JOHNSON
Of the Gazette Staff

The Montana Air Quality Bureau will take no position on a bill in the Legislature that would tighten air quality standards for sulfur dioxide in the Billings-Laurel area.

Bureau Chief Jeff Chaffee said Friday that he plans to attend the Monday afternoon hearing on SB 389 to provide background information if necessary but that he will not take an official position.

"We haven't been directly asked to," Chaffee said. He said the bureau, which is within the Department of Health and Environmental Sciences, did not initiate the measure.

SB 389, sponsored by Sen. Tom Towe, D-Billings, would return the Billings-Laurel area to the more restrictive state standards, tighten the state's one-hour standard and require a health study.

Towe is sponsoring the bill at the request of three Billings men who have long fought for clean air in the Yellowstone Valley. The bill is scheduled for its first hearing at 3 p.m. before the Senate Public Health, Welfare and Safety Committee.

The 1987 Legislature relaxed standards in the Billings area to federal standards to enable industries to comply with regulations. Former Rep. Tom Hannah, R-Billings, sponsored the legislation, which has become known as the "Hannah Bill."

Back then, the Department of Health opposed Hannah's bill, saying sufficient health data existed to conclude that the state's standards were reasonable. In addition, the department said, it believed that EPA health information indicated a need for stricter limits on concentrations of sulfur dioxide.

SENATE HEALTH & WELFARE
EXHIBIT NO. 9
DATE 3-8-93
BILL NO. SB 389

SB 389 - TOWE BILL - AIR QUALITY

My name is Vince Larsen. My wife, Louise, and I reside at 910 Coburn Road in Billings, Montana. We wish to go on record as supporting SB 389, a bill that would restore Montana Ambient Air Quality Standards to Yellowstone County.

I am a Petroleum Geologist and have worked in the energy industry for over 37 years. We believe in profits -- we also believe in corporate responsibility. I have, and will strongly defend my industry when it is attacked maliciously. Conversely, I have the right and responsibility to be concerned when energy industry leaders have willfully engaged in business practices that may have jeopardized the health of others. The degree to which air pollution affects our health can be debated since it is difficult to isolate from other causes. However, the fact remains that air pollution does affect human health and is a serious hazard to those with respiratory problems.

It was certainly not our intention to engage in a confrontation with the major industries in the Billings/Laurel area when we started working with a local citizens' group a year and a half ago. During the past 18 months we have been working with others to try to convince the major sources of sulfur dioxide pollution in the Billings area that the time has come to clean up our polluted airshed and restore our heritage as "The Big Sky Country."

Those of you here today have the opportunity to assist in restoring the Montana Ambient Air Quality Standards for the benefit of over 100,000 citizens who live in Yellowstone County. The majority of these people reside in the cities of Laurel and Billings, and in the community of Lockwood. Clean air is an entitlement. Clean air is not an issue that can be negotiated by the special interests of the areas' polluting industries.

In recent years, no other state in these United States has allowed industry to successfully manipulate clean air legislation at the expense of its people. For years, industry representatives and their supporters in Yellowstone County have made a mockery of Montana's Clean Air laws. This, in spite of the fact that the Montana Clean Air Act was voted on by the popular will of the people, expressed through their legislators.

In 1959, air pollution emerged as a public issue in Montana. Two competing groups were soon engaged in claims-making in an effort to claim ownership (disownership) of the clean air issue. Those advocating the passage of effective air pollution legislation were the clean air forces. The second group, known as the forces of industrial capital included mining, chemical, petroleum and utility companies. These

polluting industries and their supporters objected to the claims of the clean air forces that industrial plants were responsible for air pollution.

On February 13, 1959, the Peoples Voice editorialized that "the fact remains that air pollution is a growing menace to air we breathe in Montana," and closed this editorial by calling for effective air pollution control legislation.

In the mid 1960s, when air pollution legislation continued to define the problem as a health hazard and agricultural problem, things abruptly changed. The industrial capital forces "realized that air pollution was a problem about which something must be done.

"Early in the struggle, Montana Power Company officials (and presumably Anaconda Copper Company officials), who were in contact with other national companies, came to the conclusion that air pollution control laws were inevitable. As a result, rather than disowning the problem, industrial capital sought to claim ownership (some faster than others) in order to manipulate the proposed clean air legislation to their advantage. In their attempts to own and thus to define the problems, the forces of industrial capital combined causal and political responsibility. That is to say, they saw that a certain amount of air pollution was due to industrial production, but it was a scientific and technological problem. When the technology became available to control industrial pollution, then industry would install it." (Melichar, 1987)

The quotes in the preceding paragraphs are those of Kenneth E. Melichar, a native son from Moore, Montana. Mr. Melichar wrote his Ph.D. dissertation on, "The Making of the 1967 Montana Clean Air Act."

From a historical perspective, things do not appear to have changed much from the days of the free-flowing rivers. One hundred and fifty years ago, Montana's first entrepreneurs traded beads and trinkets in order to win extraordinary concessions and riches from the local inhabitants. Those practices then were no more deceptive than the practices of today's industry representatives except that beads and trinkets have now been replaced by waste containers, park facilities, and computers for schools. In either case, it was a contrived effort to enrich themselves at the expense of the people, for a pittance. These industry officials have so successfully manipulated public opinion that they have been allowed to operate their facilities with impunity. The time has come for accountability.

We find it incredible that twenty-six years after the Clean

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Air Act was enacted, the citizens of Yellowstone County are still waiting for compliance by the Billings/Laurel industries. A new generation of corporate officials is dusting off old industry arguments in their effort to once again forestall compliance with the Montana Ambient Air Quality Standards (MAAQS). The same rumors are being circulated that industry and its supporters so effectively employed a quarter of a century ago. The story is that "if industry is forced to comply with the stringent Montana standards, they would close their operations and leave."

This tactic was employed in the mid-1980s and resulted in the passing of the Hannah Bill (HB 534). This legislation was passed in 1987, and exempted the six Billings/Laurel polluting industries from the MAAQS. These industrial polluters wanted relief from what they called "capricious bureaucratic harassment" by the Montana Air Quality Bureau. They said that if they had relief from the stringent MAAQS, they would voluntarily reduce their emissions. The Hannah bill gave them this relief. In 1988, the total SO2 emissions in the Billings/Laurel airshed were 33,039 tons. In 1992, total SO2 emissions were 33,464 tons. So much for "voluntary emission reductions."

Earlier in this discussion, I referred to comments by Montana Power Company officials. "When technology became available to control industrial pollution, then industry would install it." (Melichar, 1987)

Air pollution scrubber technology is an American invention that has been exported universally, but slow to make its way to Yellowstone County. Since the late 1970s, the Montana Power Company has utilized scrubber technology on all four of its Colstrip plants. The MPC Corette plant in Billings is the second largest SO2 polluter in the Billings/Laurel airshed. In 1992, it emitted 9012 tons of SO2. All four Colstrip plants combined emitted only 10,505 tons of SO2 during the same year. The following comparison between these two power plants clearly shows why the MPC is opposed to Senate Bill 389 and clearly illustrates again a blatant disregard for the people in the Billings area.

In 1988, the MPC Corette plant emitted 7001 tons of SO2 into the Billings/Laurel airshed. 1992 emissions were 9012 tons of SO2, which is a 29% increase. The Corette plant is rated at 159.1 GMW/yr., which is small for a power plant. The MPC Colstrip units combined are rated at 2160.8 GMW/yr. The Corette plant produces only 7% as much power as the Colstrip units, but emits 86% as much SO2 as all four Colstrip units combined.

The four Colstrip units emit 4.8 tons of SO2 per GMW, while

the Billings Corette plant emits 56.6 tons of SO2 per GMW. This is 12 times the SO2 per GMW of Colstrip units 1,2,3, & 4. It is 18 times the SO2 per GMW of Colstrip units 3 or 4. Colstrip units 3 and 4 emit only 3.24 tons of SO2/GMW. If the MPC Corette plant here in Billings was equipped and operated with the same efficiency as units 3 or 4 with their modern scrubbing equipment, the plant would emit only 514 tons of SO2/year. This, in contrast to the 9Ø12 tons of SO2 emitted in 1992. Scrubber technology can indeed reduce SO2 emissions from the Corette plant by 94%. Even with a dry scrubber, it could be reduced 87%.

Over the past few years, Conoco has initiated long range plans to reduce their SO2 emissions. They have set emission caps on their refinery operations. They have improved their refinery processing and are making application for a gas/oil hydro-treater unit to reduce SO2 emissions ever further. Conoco has continued to pursue environmentally sound policies. Because they have willingly made these changes, they now operate at a competitive disadvantage with the other area refineries.

The Exxon refinery alone emits 34% of all the industrial SO2 in the Billings/Laurel airshed. They operate refineries in the Bay Area of California at Benicia, on the Texas Gulf Coast at Baytown, in Baton Rouge, La., and at Linden, New Jersey. The ambient air quality standards in these areas are as stringent or more so than the Montana Standards, yet they operate in compliance with the air quality regulations at those locations.

The Billings Exxon refinery emits an average of 11,371 tons of SO2 yearly into our airshed. Although the Exxon refinery processes sour crude, it is estimated that they could reduce their SO2 emissions by at least 7Ø% to 75% with scrubbers and other improved technology. This would reduce their emissions from 11,371 to around 285Ø tons of SO2/year or less.

The Billings/Laurel airshed receives approximately 46% of all the industrial SO2 emissions in the State of Montana. Recent newcomers to Billings were appalled that the people have allowed this pollution to continue. The EPA has just recently established air quality standards for factories or plants that locate in pristine areas such as the edge of national parks. They are required to consider the most stringent pollution-control methods available and adopt them if possible. (WSJ, 2Ø January, 1993) So, what is so wrong with the people of Billings now demanding clean air. They have already waited 26 years.

There can no longer by any justification for allowing the Billings/Laurel industries to be excluded from compliance

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with the Montana Ambient Air Quality Standards. Scrubber technology, installation of gas/oil hydro-treater units, and improvement of refining operations can substantially reduce SO2 emissions from refining operations. They all know what needs to be done. They can clean it up. A good corporate citizen would do this.

Comparisons between the Billings/Laurel airshed and the Bay Area Air Quality Management District in California reveal some startling facts. The Bay Area District is comprised of seven counties and portions of two others. The Billings/Laurel airshed is approximately 15 1/2 townships in size. In miles, the Bay Area encompasses 5600 square miles; the Billings/Laurel airshed is only 560 square miles. Total population in the Bay Area is 5.5 million people; in all of Yellowstone County, there are only 113,000 people. Total cars and light trucks in the Bay Area are 3.8 million; in all of Yellowstone County, there are 107,000 vehicles. Total daily SO2 emissions from all sources -- all industries in the Bay Area -- are 121 tons per day. The six area polluting industries in the Billings/Laurel airshed emit 91.6 tons of SO2/day. Yearly SO2 emissions from all sources -- all industries in the 5600 square mile Bay Area -- are 44,165 Tons. In 1992, the six polluting industries in the Billings/Laurel airshed emitted 33,464 Tons of SO2. This is only 10,701 tons less than an area 10 times larger.

These statistics are appalling. So is this one. There are 7 oil refineries in the Bay Area. Daily emissions are 40.4 Tons of SO2. This is 51.2 Tons of SO2 less than our 6 polluting industries. Yearly SO2 emissions from these 7 refineries are 14,746 Tons. Last year, our three area refineries emitted 20,675 Tons of SO2 or 5929 Tons more of SO2 than all 7 Bay Area refineries.

The 120,000 b/cd Exxon refinery at Benicia emitted 5601 Tons of SO2 in 1992. The Exxon 42,000 b/cd refinery in Billings is one third the size, yet emitted 10,028 Tons of SO2 in 1992, but averaged 11,371 Tons of SO2 over the past 5 years. The operating capacities of the 7 Bay Area refineries are listed at 927,600 b/cd. Our 3 area refineries are listed at 130,900 b/cd. The Bay Area refineries refine 796,700 b/cd more yet emit 5929 Tons less SO2 than the Billings/Laurel refineries.

I am well aware of crude oil differences, but that is not the whole story. The difference is that we in the Billings/Laurel area have allowed our corporations to continue operating with 1960s technology while we pay 1993 prices for their services and products.

The threat of the loss of jobs by plant or refinery closure

has always touched a nerve with the local Chamber of Commerce and the business community in general. Industry has known their weakness and shamelessly exploited it. What industry does not tell them is that the exit costs of refinery closure run from $50 million to $100 million or more. The Exxon site is exactly that. They may sell their refinery operation to a third party, but the liability for clean-up of the site remains with Exxon forever.

These major polluters have historically demonstrated a blatant disregard for the well being of the people of the area in general, but more specifically, those children, adults and senior citizens who suffer from respiratory problems. These people scattered throughout the entire Billings/Laurel airshed have, through the years, been disenfranchised.

Thank you,

Vincent T. and Louise F. Larsen

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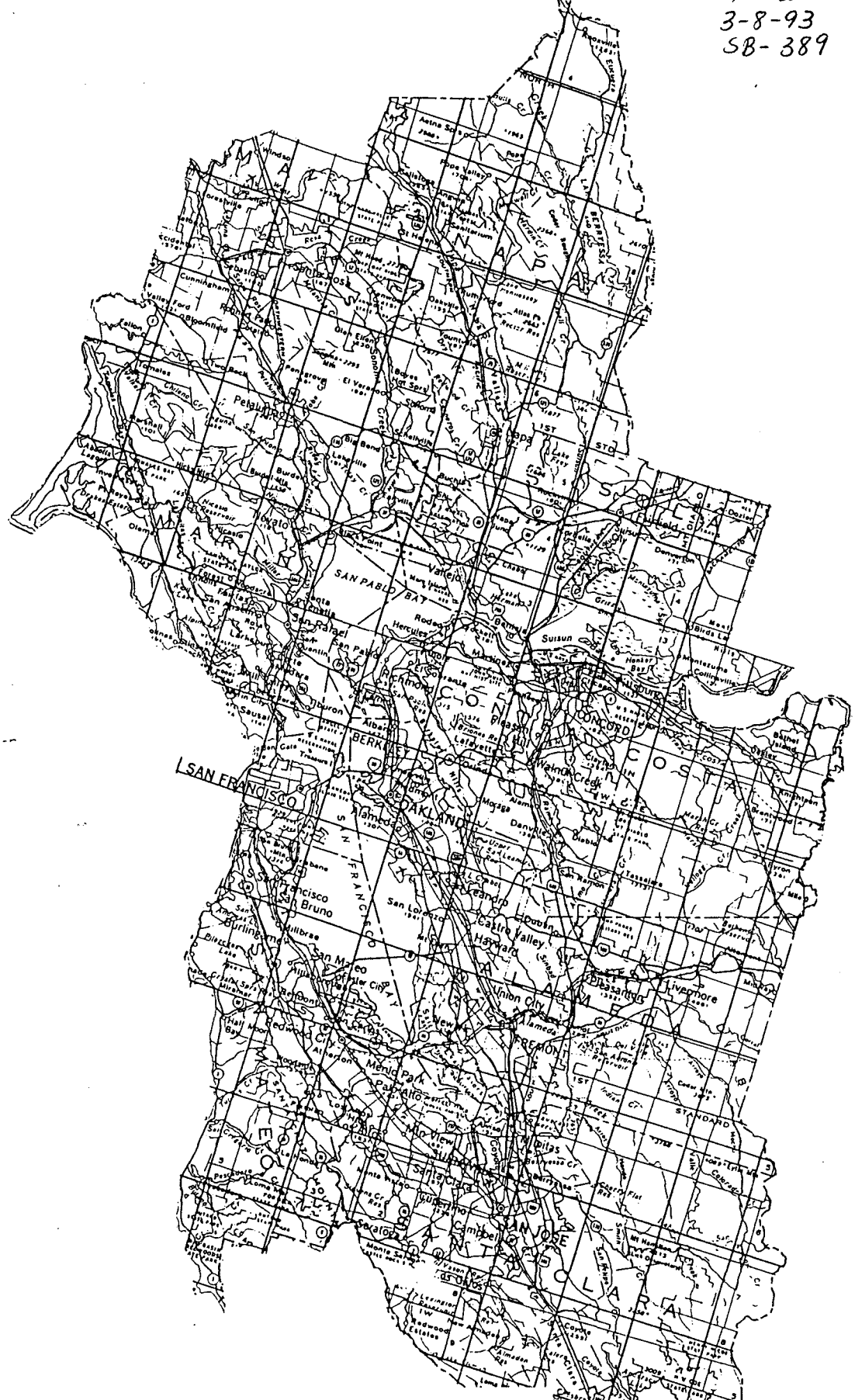

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

AREA= 5600 SQUARE MILES, 5.5 MILLION PEOPLE

3.8 MILLION CARS AND TRUCKS

TOTAL SO2 EMISSIONS, ALL SOURCES = 44,165 TONS SO2/YEAR

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

AREA: 5600 SQUARE MILES, 7 COUNTIES, PARTS OF 2 OTHERS

POPULATION: 5.5 MILLION

CARS AND LIGHT TRUCKS: 3.8 MILLION

TOTAL SO2 EMISSIONS FROM ALL SOURCES: 44,165

TONS / YEAR (1992)

TOTAL SO2 EMISSIONS FROM OIL REFINERY

OPERATIONS: 14,746 TONS / YEAR (1992)

7 AREA REFINERIES PROCESS 927,600 b/cd

SOURCE: BAY AREA AIR QUALITY MANAGEMENT

DISTRICT, SAN FRANCISCO, CA.

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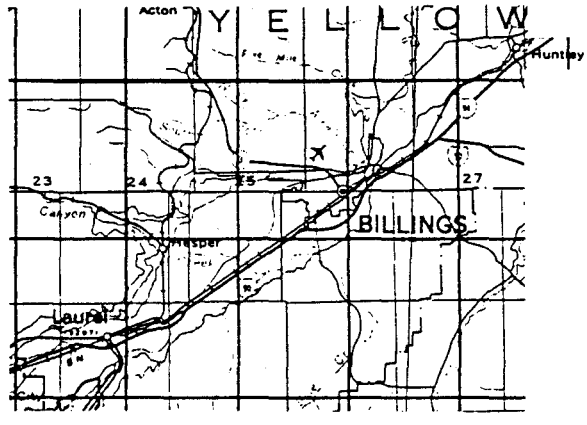

BILLINGS / LAUREL AIRSHED

AREA = 560 SQUARE MILES, 113,000 PEOPLE

TOTAL SO2 EMISSIONS 33,000 TONS / YEAR

BILLINGS / LAUREL AIRSHED

AREA: 560 SQUARE MILES (APPROX. 15 TOWNSHIPS)

POPULATION: LESS THAN 113,000

CARS, TOTAL VEHICLE REGISTRATION: 107,000

TOTAL SO2 EMISSIONS FROM SIX SOURCES: 33,464

TONS / YEAR (1992)

TOTAL SO2 EMISSIONS FROM OIL REFINERY

OPERATIONS: 20,675 TONS / YEAR (1992)

3 AREA REFINERIES PROCESS 130,900 b/cd

MONTANA POWER COMPANY ALONE EMITS 9012 TONS

SO2 / YEAR (1992)

SOURCE: AIR QUALITY BUREAU, HELENA, MT.

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ADDENDUM

The most disturbing incident during this past year's work was to learn of Exxon's request to the State and EPA for permission to re-open a land farm for the disposal of hazardous wastes. These documents clearly demonstrate a blatant attempt to deceive both State and Federal authorities.

Air emissions of benzene and other hazardous constituents pose a threat to the people that live and work in the Lockwood area. EPA studies show that refining land farms typically release 75% of many volatile compounds in petroleum wastes within several hours after the wastes are spread on the ground. Benzene emissions in a heavily populated area present an unacceptable risk of cancer.

There are other areas near Billings where the geology would be much more favorable to siting a land farm operation that would not endanger the health of people.

The unincorporated Lockwood community was never mentioned in the documents that were submitted to the EPA. Lockwood had 3,967 residents when the 1990 census was taken. Each day, people go from Billings to work in Lockwood; and, each day, Lockwood residents go to Billings to work. Exxon's documents state,

> "The New South Land Treatment Unit (NSLTU) is located in the Yellowstone River Valley, approximately four miles east of Billings, Montana." (SEE PAGES OF INFORMATION)

The Lockwood community was not mentioned as though it and its people did not exist. These documents also stated as follows:

> "Land use surrounding the New South Land Treatment Unit (NSLTU) is primarily industrial, with residential use located in excess of 3000 feet from the facility." (SEE MAPS)

This last statement is totally false and is an insult to everyone that is now familiar with these documents, especially the people that live within 3000 feet of the southwest corner of the land farm.

When I first reviewed these documents at the Parmly Billings Library, I was certain that upper Exxon management would never approve the continued use of a hazardous waste facility so close to a populated area. Certainly, there were those at a higher management level than those here at Exxon's refinery that knew of the potential risk of locating such a site in a populated area. I questioned, "How far up the corporate ladder did this knowledge go; and, if it didn't, where was the missing rung that prevented Senior Exxon officials from learning the truth about this facility?"

A recent canvass of the area within a 3000 foot radius of the SW corner of the land farm revealed some startling facts. There are 15 subdivisions and parts of two others, containing 272 households, with 691 adults. There are several trailer parks and 44 businesses, with 200 people, which includes both employers and employees. There are 3 Lockwood schools, grades K through 8th grade, with 1352 students, teachers, and support personnel in attendance each day. It is a fact that over 2250 people would be impacted daily by the operation of this hazardous waste site. This number does not include infants or pre-schoolers, high school students or the elderly living with heads of households. We estimate that over 900 people actually live in the subdivisions and trailer parks. This is an incredibly large number of people that live, work and attend school, all within 3000 feet of the Exxon land farm. These are the disenfranchised people of Billings, who, for years have been ignored by public officials. (SEE MAPS)

It is possible that the health of some of the students now in attendance at the Lockwood schools has already been jeopardized by our polluting industries. Last year, the Lockwood Fire Department conducted fire drills in the 3 Lockwood schools. Before the students were allowed to enter a hall filled with non-toxic smoke, they were questioned about any breathing problems. One (1) per cent of the first and second graders had breathing problems. By the time the students reached the 8th grade, ten (10) per cent of the students had respiratory problems.

The people in the Billings/Laurel airshed are entitled to the same clean air that other Montana citizens breathe. The Towe Bill, SB 389, will restore MAAQS to the Yellowstone County airshed, and industry will have to demonstrate that they truly want to be good corporate citizens.

These area industries do not need another five years to comply with the Montana Ambient Air Quality Standards. They all know what needs to be done. They should start now and just do it.

Thank you,

Vincent T. and Louise F. Larsen

EXXON SAYS: LAND USE SURROUNDING THE NSLTU IS PRIMARILY INDUSTRIAL WITH RESIDENTIAL USE LOCATED IN EXCESS OF 3000 FEET FROM THE FACILITY. SOURCE: EXXON TO EPA, VOL. 1, JULY,1989, VOL. 2, ATTACHMENT 20

THERE ARE:

15 SUBDIVISIONS AND PARTS OF TWO OTHERS,

272 HOUSEHOLDS, SEVERAL TRAILER PARKS,

44 BUSINESSES, A COMMUNITY PARK,

AND 3 LOCKWOOD SCHOOLS GRADES K THROUGH 8th. GRADE.

APPROXIMATELY 900 PEOPLE LIVE IN THE AREA.

200 PEOPLE WORK IN THE 44 BUSINESSES AND

1352 PEOPLE ATTEND THE SCHOOLS DAILY.

THIS INCLUDES STUDENTS, TEACHERS, AND SUPPORT STAFF.

OVER 2452 PEOPLE DAILY WOULD BE AFFECTED

BY THIS HAZARDOUS WASTE SITE.

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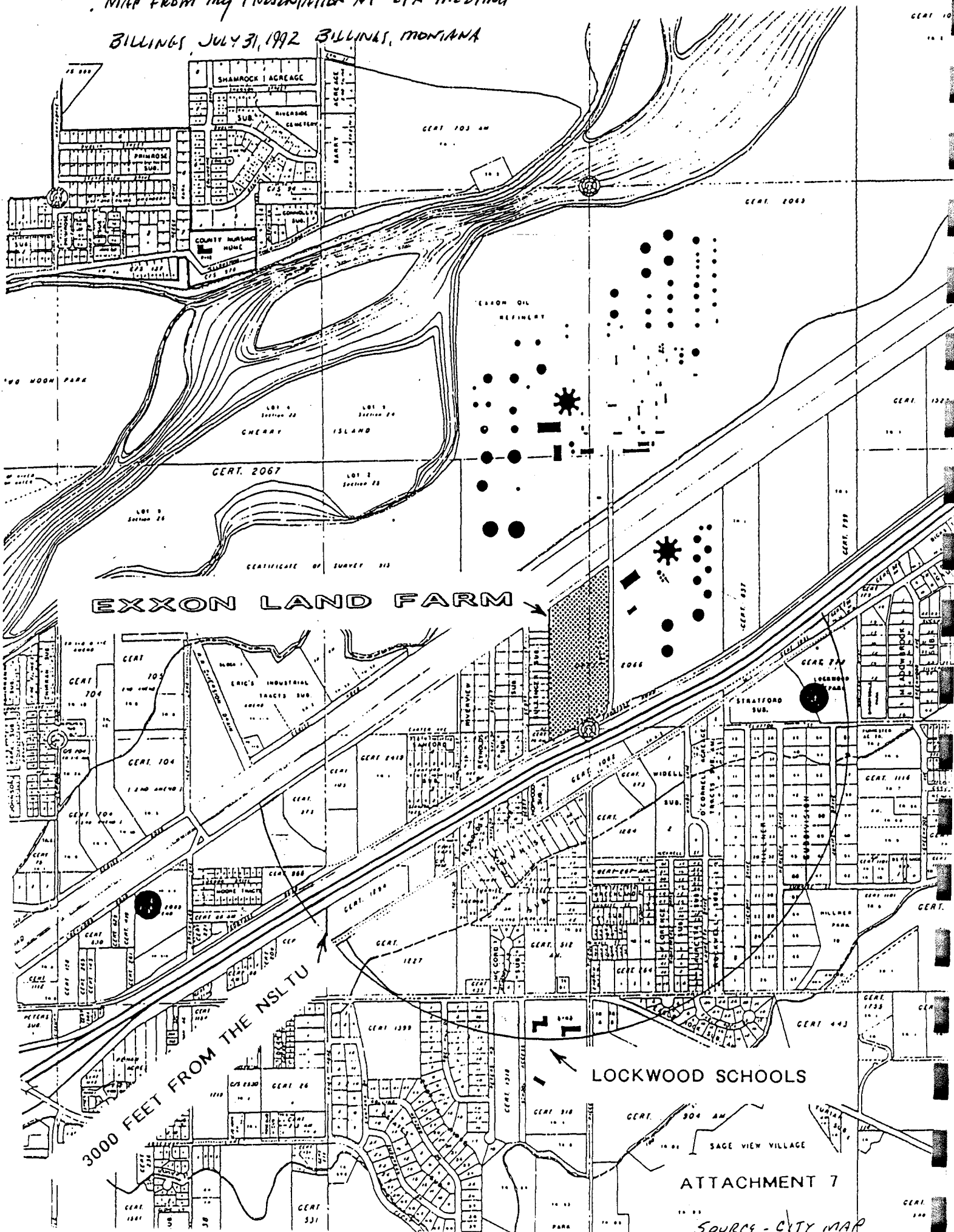
MAP FROM my PRESENTATION AT EPA MEETING

BILLINGS, JULY 31, 1992 BILLINGS, MONTANA



Source

9.0 ASSESSMENT Of ENVIRONMENTAL RISK

9.1 Introduction

Draft guidance for preparation of this NMV petition promulgated by the EPA requires the petitioner to demonstrate that hazardous constituent concentrations do not exceed human health-based levels at the boundaries of the disposal unit. The constituent concentrations at the boundaries must then be evaluated to ensure there will be no impact to the surrounding environment. If lower concentrations at the boundaries are required to ensure protection of the environment, those protective concentrations must be determined and met. Concentrations below human health-based levels may be needed where there is a potential of impact to an endangered species or sensitive environment.

9.1.1 Site Description

Physical characteristics and management operations of the New South Land Treatment Area have been described in detail in Sections 2.0, 3.0, 5.0, 6.0, 7.0, 8.0, and 10.0 of this NMV petition.

The New South Land Treatment Area is located in the Yellowstone River Valley immediately east of Billings, Montana. The land treatment unit is located on the Exxon Billings Refinery property. Wastes are trucked across refinery property and applied either by vacuum truck or dump truck. Wastes are further spread evenly over the specific application sector and tilled into the ZOI soils to enhance microbial degradation.

Land use surrounding the New South Land Treatment Area is primarily industrial with residential use located in excess of 3000 feet from the facility. Aerial photos depicting the New South Land Treatment Area are contained in Section 1.0 of the Exxon Billings Refinery Part B Permit application (NMV Volume 4.0). A break down of land use in the New South Land Treatment Area is presented in Section 9.5.1 of this NMV petition.

The site does not see significant use by wildlife due to the industrialized nature of the area. However, several species of waterfowl use the wastewater treatment ponds located north of the site. In addition, pheasants, deer, fox, rabbits, and other mammals have been observed on the Exxon Billings Refinery property.

9.1.2 Technical Approach

The primary factors governing the potential environmental risks associated with the New South Land Treatment Area are

Source

ENVIRONMENTAL AND HUMAN-HEALTH RISK ASSESSMENT FOR THE NEW SOUTH LAND TREATMENT UNIT

1.0 INTRODUCTION

Draft guidance promulgated by EPA for the preparation of No Migration Variance (NMV) petitions requires the petitioner to demonstrate hazardous waste constituents do not exceed health-based levels at the boundaries of the treatment unit. Waste constituent concentrations at the boundaries must then be evaluated to ensure there will be no adverse impact to the surrounding environment. If lower concentrations of waste constituents are required to ensure protection of the environment, those protective concentrations must be determined and subsequently meet by the petitioner. Waste constituent concentrations below human-health based levels may be needed where there is a potential of impact to an endangered species or sensitive environment.

1.1 Site Description

Physical characteristics and management operations of the New South Land Treatment Unit (NSLTU) have been described in detail in the original NMV petition submittal and sections 1 through 8 of Exxon's Response to EPAs Technical Evaluation of the NSLTU NMV Petition.

The NSLTU is located in the Yellowstone River Valley, approximately four miles east of Billings, Montana. The land treatment unit is located on the Exxon Billings refinery property. Wastes are trucked across refinery property and applied in waste piles by either by vacuum truck or dump truck. Wastes are further spread evenly over the specific application sector and tilled into Zone of Incorporation (ZOI) soils to enhance microbial degradation. Soil pH levels are monitored and nutrient levels are monitored and controlled to encourage maximum microbial degradation rates are maintained at the facility.

→ Land use surrounding the NSLTU is primarily industrial with residential use located in excess of 3000 feet from the facility. Aerial photos depicting the NSLTU were included in Section 1.0 of the Part B Permit (Volume 4.0 of the original NSLTU NMV petition submittal). A break down of land use in the vicinity of the NSLTU is presented in Section 5.1 of this attachment.

Absolutely false.

The NSLTU does not see significant use by wildlife due to industrialized nature of the area and controlled access due to a eight-foot security fence surrounding the unit. However, several species of waterfowl use the wastewater treatment ponds located north of the site. In addition, pheasants, deer, fox, rabbits, and other mammals have been observed in the northeastern portion of the Exxon Billings Refinery property.

SENATE HEALTH & WELFARE
EXHIBIT NO. 10
DATE 3-8-93
BILL NO. SB 389

GFT 7 March 93 7B

EPA tells state that Billings air quality plan won't work

BILLINGS (AP) — The Environ-ental Protection Agency said day that Montana's plan to com- with national air quality stan-rds for sulfur dioxide pollution in Billings-Laurel area is inade-ate.

The agency's regional office in nver told Gov. Marc Racicot by letter that recent studies indicate sulfur dioxide levels of two to four times the allowable limits.

Reductions in sulfur dioxide emissions at a number of the industrial sources may be needed to comply with the standards, said Doug Skie, chief of EPA's regional air programs branch.

The federal action could affect expansion plans, existing emission limits or pollution controls.

The major sources of the pollutant include the Exxon and Conoco refineries in Billings, the Cenex refinery in Laurel, the Montana Power Co.'s Corette plant, Montana Sulphur & Chemical Co. and the Western Sugar Co. plant.

EPA's formal notice to the governor begins an 18-month period in which the state has to revise its State Implementation Plan for controlling emissions or face sanctions that could include loss of federal highway funding.

The current emissions plan for the Billings area was approved by the EPA in 1979.

EPA's notice this week was not unexpected.

Last December, the agency warned Montana that a formal notice was forthcoming to give the state time to prepare.

Northern Plains Resource Council

TESTIMONY OF THE *YELLOWSTONE VALLEY CITIZEN'S COUNCIL & THE NORTHERN PLAINS RESOURCE COUNCIL* ON SB 389 BEFORE THE MONTANA SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

March 8th, 1993

SENATE HEALTH & WELFARE
EXHIBIT NO. 11
DATE 3-8-93
BILL NO. SB 389

For the record, my name is Mort Reid. I reside in Billings, Montana. I am Chair of the Yellowstone Valley Citizen's Council (YVCC), an affiliate of the Northern Plains Resource Council (NPRC), and am testifying on behalf of both organizations. YVCC has been involved with Yellowstone County's air pollution issue for twenty years. Our members are those who believe that we can and should have both a healthy environment and economic prosperity. In order to work towards an Air Quality plan that both protects our health and ensures a sound economic environment, YVCC has been an active participant of the State's Air Quality Advisory Council.

There is a serious SO2 pollution problem in.Yellowstone County. For this reason, we are here today to urge your support of SB 389. The six major SO2 polluting industries in the County (Exxon, Cenex, MT Power-Corette, MT Sulphur and Chemical Co., Conoco, and Western Sugar) are responsible for emitting 32,000 **TONS** of SO2 into our airshed every year. When you consider that that is 32,000 tons of a gas, you can further appreciate the amount of pollution emitted into our airshed every year. Furthermore, these 32,000 tons account for 42% of Montana's ENTIRE SO2 emissions. We believe that SB 389 will go a long ways towards reducing these air emissions in our valley.

Background of Montana's Attempts to Address the SO2 Pollution Issue in Yellowstone County

In 1980, Montana attempted to address the state's SO2 pollution by establishing a one-hour, 24-hour, and annual SO2 standard designed to protect our health. Unfortunately, the effective one-hour standard established by the State Legislature was rendered useless, in our opinion, by the Board of Health, when, in the writing of the rules, they allowed this standard to be exceeded, <u>against the recommendations of the Air Quality Bureau</u>, *18 times each year per monitor* before a violation was registered. According to State Air Quality officials, this one-hour standard of 0.5 ppm with 18

104 N. Broadway, Suite 419 Billings, MT 59101-2092 (406)248-1154

exceedances is nearly equivalent to the federal 3-hour SO2 standard, which, for the record, was established to protect vegetation, not people!! So that, in effect, left the citizens with only two adequate state health-based standards.

Unfortunately, these standards were nullified in 1987, with the passage of House Bill 534. This bill exempts from the 24-hour and the annual SO2 standards any industry whose 1985 modeling data showed violations of those standards. This bill was passed in response to intense pressure put on the Legislature by Yellowstone County industries. In order to ensure the passage of this bill, the following promises were made:

*Yellowstone County industries pledged to voluntarily reduce their emissions. (See Attacment A)

*The Billings-Laurel Air Quality Technical Committee (BLAQTC) would be formed with the intent that industries would work with the state in a cooperative manner to address Yellowstone County's air pollution.

* A health study would be conducted in the County to determine what effects such high SO2 pollution levels were having on the health of the citizens.

It has been five years since the passage of HB 534, and to date, not one of these promises has been kept. Regarding the promised emission reductions, Yellowstone County industries have maintained a status quo of 32,000 tons of SO2 emissions every year. (See Attachment B). YVCC also attended most BLAQTC meetings and it is our opinion that the BLAQTC is ineffective in reaching its goals. Lastly, we are still waiting for that promised health study. It is YVCC's position that HB 534 has utterly failed to address the state's SO2 pollution issue.

YVCC urges the State of Montana to pursue a more aggressive solution towards reducing the state's air pollution. We feel that the first step in this direction would be to support SB 389.

THE NEED FOR AN ADEQUATE OPERATING PERMIT FEE PROGRAM

YVCC and NPRC believe an operating permit fee program that sets fees for Sulphur Dioxide at sufficient levels will raise enough revenue to:

(1).Establish a permit program good enough to ensure primacy for Montana;

(2).Ensure proper enforcement of air quality operating permits;

3-8-93
SB-389

(3).Minimize the Air Quality Bureau's costs to the State's General fund;

(4). Make Montana eligible for matching funds from the Environmental Protection Agency; and,

(5).Initiate special studies and fund dispersion modeling and monitoring in geographic areas with air quality problems, thereby enabling the state to identify the degree that individual facilities contribute to degradation of the ambient air. YVCC and NPRC believes this information is needed to ensure proper enforcement of air quality standards and adequate air quality monitoring.

An adequate operating SO2 permit fee program is especially needed in light of the fact that the EPA has issued a formal "SIP Call" to Montana, declaring that the State's SO2 air quality plan for the Billings-Laurel area (formally known as the SO2 State Implementation Plan or 'SIP') is inadequate and must be revised. (See Attachment C) This Call came in response to results from two modeling studies, one conducted by Billings-Generation, Inc.(BGI) and the other conducted by Geo-Research, Inc. (GRI.). Both study results show that Yellowstone County is not even in compliance with the more lenient federal SO2 standards. These study results confirm what YVCC has been contending for many years. In addition, East-Helena, Lewis and Clark County, is another County that does not have an adequate SO2 SIP plan (see Attachment D).

With this SIP Call, the EPA will require the State to completely revise the Yellowstone County's SO2 SIP, and this will require a tremendous amount of resources from the Air Quality Bureau. An adequate State-administered Operating Permit Fee program would allow the State to charge Yellowstone County industries the amount necessary to develop and implement a new SIP to ensure compliance with federal SO2 standards.

CONCLUSION

In conclusion, the members of YVCC and NPRC urge this committee to pass this essential legislation. Thank you for this opportunity to testify.

ATTACHMENT B

Northern Plains Resource Council

SB 389

Senator Tom Towe (D-Billings) is sponsoring SB 389- a very important air quality bill designed to clean up the air throughout Montana, with particular emphasis on Yellowstone County.

HOW SENATE BILL 389 WILL HELP CLEAN UP OUR AIR

1) SB 389 will restore the state's SO2 ambient air quality standards throughout Montana. This is in direct response *to the failure of 1987's HB 534*. This bill exempted Yellowstone County industries from the state's 24-hour and annual SO2 standard, on the basis that those industries pledged to voluntarily reduce their emissions. In the *six years* since the passage of HB 534, that promise has gone unfulfilled. Rather than a decrease in our SO2 air pollution, Yellowstone County has experienced an overall INCREASE since 1987, with an average of 32,206 tons emitted annually!.

YEAR	SO2 EMISSIONS
1987	31, 908 Tons
1988	33, 037 Tons
1989	33, 770 Tons
1990	31, 069 Tons
1991	30, 467 Tons
1992	33, 464 Tons
Six-Year Average:	**32, 206 Tons**

2) *SB 389 would also allow only one exceedance of the state one-hour standard, not 18, as the law currently allows.* The state one-hour standard of 0.5 parts per million (ppm) was established in 1980 by the State Legislature after extensive scientific research. In contrast, the 18 exceedances were written into the rules by the Board of Health, against the recommendations of the Air Quality Bureau, only as a result of intense industry lobbying. There is no scientific basis to support the contention that it is safe to have a health-based standard exceeded annually 18 times per monitor, yet unsafe from the 19th exceedance and on.

3) Another HB 534 promise that has gone unfulfilled for the past six years is a health study to be conducted by the Department of Health and Environmental Sciences in areas of high SO2 pollution. *SB 389 would require the Department to conduct ongoing health studies that would focus on the effect of SO2 on sensitive populations in high-impact areas located near major industrial sources of SO2, such as the Lockwood area near Billings.* Recognizing the state's fiscal problems, the money for these studies would be generated through an additional $3 per ton SO2 emission fee paid by the industries. (See (5) for more information on that fee)

4) Currently, there are only four ambient air quality monitors for all of Yellowstone County, which is seriously inadequate to monitor the activities of the six major polluters located from Laurel to Lockwood. *Under SB 389, the Department would have the authority to require continuous emission monitors (CEM's) for certain facilities with high SO2 emissions.* Health studies have shown that high short-term peaks of SO2 pollution is dangerous to those with respiratory ailments. For this reason, under SB 389, the Department would ensure that monitoring occurs for *ambient* air concentrations of SO2 at 5-minute intervals and that would detect concentrations up to 5 ppm.

5) Under SB 389, *the Board of Health shall assess a fee on a facility that emits SO2.* This fee will be part of the facility's air quality permit. The fee will be assessed on each ton of SO2 that is actually emitted and will be set initially at a minimum of $3 per ton.

VOTE YES ON SB 389!!

Jim Hughes

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII
999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

Exhibit # H
3-8-93
SB-389

MAR 4 1993

FAX
DATE 3/5 # PGS 5
TO Jim Hughes
CO. AQB
FAX# 657-2037
FROM Jeff Chaffee
AVERY FX-10

AIR QUALITY BUREAU

Ref: 8ART-AP

Honorable Marc Racicot
Governor of Montana
Office of the Governor
Helena, Montana 59620

Dear Governor Racicot:

The U.S. Environmental Protection Agency (EPA) finds that the Sulfur Dioxide (SO_2) State Implementation Plan (SIP) for the Billings-Laurel area is substantially inadequate to attain and maintain the SO_2 National Ambient Air Quality Standards (NAAQS) and should be revised. The SO_2 NAAQS are set out in 40 CFR Part 50. This letter is a finding, pursuant to sections 110(a)(2)(H) and 110(k)(5) of the Clean Air Act, 42 U.S.C. sections 7410(a)(2)(H) and 7410(k)(5), initiating a call for a SIP revision for this area as necessary to assure attainment and maintenance of the SO_2 NAAQS.

EPA finds the SIP inadequate based on violations of the SO_2 NAAQS that have been modeled in the Billings-Laurel area. These violations were shown in modeling used by Billings Generation Inc. (BGI) to obtain a permit to construct and in a GeoResearch, Inc. (GRI) modeling study commissioned by the Billings City Council. The results of the GRI study indicate that there are violations of the SO_2 NAAQS outside the current nonattainment area of Laurel, in the Billings area, and at sites not represented by the existing SO_2 monitoring network.

EPA has reviewed the State's refined version of the GRI modeling and believes that the modeling was completed according to EPA's recommended procedures. EPA's modeling procedures are presented in the "Guidelines on Air Quality Models (Revised)," EPA-450/2-78-027R. Pending further analysis, EPA believes it is likely that emission reductions at a number of different sources may be necessary to attain and maintain the SO_2 NAAQS, given the magnitude of the predicted violations (i.e., predicted concentrations exceed the NAAQS by factors of two to four, depending on whether actual or potential emissions are used).

EPA is aware that the existing monitoring network in the Billings-Laurel area has not recorded any NAAQS violations in the past few years. This fact does not alter our determination that the current SO_2 SIP is inadequate to attain or maintain the NAAQS

ATTACHMENT C

in the Billings-Laurel area. Courts have long recognized that EPA may rely on modeling data as representing ambient air quality, even in the face of monitored data that do not reveal a violation. For example, see Northern Plains Resource Council v. U.S. EPA, 645 F.2d 1349 (9th Cir. 1981); PPG Industries, Inc. v. Costle, 630 F.2d 462 (6th Cir. 1980). In the latter case, where EPA sought to redesignate an area as nonattainment on the basis of modeled (but not monitored) violations, the court declared that neither the Clean Air Act nor EPA policies require EPA to prefer monitoring to modeling. There are two reasons to rely on modeling where monitoring data do not reveal a violation. First, there may not be enough monitors to represent actual ambient concentrations of pollutants in an area. Second, monitors do not represent future concentrations of pollutants; monitored data merely showing historical attainment of air quality standards do not undermine EPA action based on predictions of future violations. (See, 630 F.2d 462, 467.) Thus, in such instances, the modeling substantially supplements what is incomplete or inconclusive monitoring information.

These two reasons for relying on air quality modeling apply to Billings: (1) based on the BGI and GRI modeling studies, existing monitors do not appear to be located in areas of predicted maximum concentration; and (2) the monitored data merely show historical conditions and do not predict future levels of SO_2 in the Billings area including those levels that may result from sources operating at greater levels (e.g., allowable emissions) than they have experienced historically (e.g., actual emissions).

The Clean Air Act establishes a process to revise SIPs once inadequacies have been identified. That is, section 110(k)(5) of the Act states that "[w]henever the Administrator finds that the applicable implementation plan for any area is substantially inadequate to attain or maintain the relevant national ambient air quality standard, . . . the Administrator shall require the State to revise the plan as necessary to correct such inadequacies. The Administrator shall notify the State of the inadequacies, and may establish reasonable deadlines (not to exceed 18 months after the date of such notice) for the submission of such plan revisions." Again, EPA finds the SIP inadequate to attain and maintain the SO_2 NAAQS in the Billings-Laurel area because modeling shows violations of the SO_2 NAAQS in the area.

As indicated above, the Administrator may establish deadlines for the submission of the SIP revision. Therefore, EPA is requiring that the State submit a SIP revision that assures attainment and maintenance of the SO_2 NAAQS no later than 18 months from today's notice. To ensure that the SIP deadline will be met, we request that the State submit an action plan for the

development of the SIP revision within 60 days from receipt of this letter. Any control strategies adopted and implemented as part of this SIP revision must provide for attainment and maintenance of the SO_2 NAAQS within 5 years from today's notice. (See, e.g., section 110(n)(2) of the Act.)

EPA plans to publish an informational notice of this finding of inadequacy and call for SIP revision in the Federal Register. The finding of inadequacy and call for SIP revision set out in this letter represent a preliminary step in an ongoing process between EPA and the State. A SIP call is not a final Agency action and, therefore, is not subject to judicial review. See Greater Cincinnati Chamber of Com. v. U.S. EPA, 879 F.2d 1379 (6th Cir. 1989). A final Agency action will occur when EPA makes a binding determination regarding the State's response to this SIP call. This would occur, for example, if EPA either approved or disapproved the SIP submittal (after providing public notice and an opportunity for public comment) or promulgated a Federal Implementation Plan if a SIP is not submitted. (See sections 110(c), 110(k) and 307(b)(1) of the Act.)

We will certainly be working with the State to assist in the development of an acceptable and timely SIP. If you have any questions, please contact me at (303) 293-1603 or Patricia D. Hull, Director, Air, Radiation and Toxics Division at (303) 293-0946.

Sincerely,

Jack W. McGraw
Acting Regional Administrator

cc: Sen. Max Baucus
Sen. Conrad Burns
Rep. Pat Williams
Bob Robinson, MT DHES

ATTACHMENT D

Exhibit # 11
3-8-93
SB-389

The EPA is not required to go through notice and comment rulemaking under the Administrative Procedure Act (APA) when making findings of failure to submit under section 179(a)(1). Under section 110(k)(1), the Act provides EPA with a 60-day period in which to determine whether a submittal is complete. The EPA makes this completeness determination by letter sent to the State. However, prior to determining whether something is complete, EPA must determine whether the State made a submittal or whether the State failed to submit the required SIP element or elements. Therefore, EPA must make such a determination prior to the time that EPA would be required to determine whether a submittal is complete. Since EPA has less than 60 days to determine whether a State failed to make a required submittal, and it is impossible to provide notice and comment in 60 days, EPA believes that Congress clearly intended that EPA should not go through notice and comment rulemaking prior to making the finding.

In addition, even if EPA's findings of failure to submit were subject to rulemaking procedures under the APA, EPA believes that the good cause exception to the rulemaking requirement applies [APA section 553 (a)(B)]. Section 553(a)(B) of the APA provides that the Agency need not provide notice and an opportunity for comment if the Agency, for good cause, determines that notice and comment are "impracticable, unnecessary, or contrary to the public interest." In the present circumstance, notice and comment are unnecessary. The finding of failure to submit does not require any judgment on the part of the Agency. The issue is clear in that the Agency must state whether or not it has received any submittal from the State in response to a specific statutory requirement. No substantive review is required for such a determination. If the Agency has received a submittal, it will perform a completeness determination. If the Agency has not received anything, then the State has failed to submit the required rules under section 179(a)(1). The Agency is the only judge of whether or not it has received the submittal. The public does not have access to this information and, therefore, cannot provide relevant comment on whether EPA has received a document from the State. Because there is nothing on which to comment, notice and comment rulemaking are unnecessary.

Authority: 42 U.S.C. 7052, 7509 (a) and (b), 7513, 7513a(a), and 7601

Dated: October 21, 1992.

William G. Rosenberg,

Assistant Administrator for Air and Radiation.

TABLE A.—STATES FOUND TO HAVE FAILED TO SUBMIT SIP'S FOR THE FOLLOWING SO_2 NONATTAINMENT AREAS [1]

State	Area of concern
Montana	East Helena, Lewis and Clark County.
Pennsylvania	Conewango Township, Warren County.
West Virginia	New Manchester-Grant Magisterial District, Hancock County.

[1] For efficiency, the full legal boundaries for the areas addressed in today's notice have not been listed. The references to areas in this notice are general and intended to operate as substitutes for the full legal boundaries. The full length boundaries are set forth in 40 CFR part 81.

[FR Doc. 92-26021 Filed 10-26-92; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-966-DR]

Florida; Amendment to a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

EFFECTIVE DATE: October 14, 1992.

SUMMARY: This notice amends the notice of a major disaster for the State of Florida (FEMA-966-DR), dated October 8, 1992, and related determinations.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is amended from October 8, 1992, and continuing to September 24, 1992, and continuing.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support.

[FR Doc. 92-26017 Filed 10-26-92; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-951-DR]

Ohio; Amendment to a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

EFFECTIVE DATE: August 1, 1992.

SUMMARY: This notice amends the notice of a major disaster for the State of Ohio (FEMA-951-DR), dated August 4, 1992, and related determinations.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective August 1, 1992.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support.

[FR Doc. 92-26018 Filed 10-26-92; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

Port of Oakland/American President Lines, Ltd.; Preferential Agreements Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in section 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-002758-012.

Title: Port of Oakland/American President Lines, Ltd. Preferential Assignment Agreement.

Parties:

The Port of Oakland ("Port")

American President Lines, Ltd. ("APL")

Synopsis: The Agreement sets forth specific conditions applicable to the secondary use of the marine terminal facilities, by Orient Overseas Container Line, that is originally assigned to APL.

Dated: October 21, 1992.

from the desk of
Edwin Zaidlicz

SENATE HEALTH & WELFARE
EXHIBIT NO. 12
DATE 3-8-93
BILL NO. SB 389

S.B. 389 - TOWE - SO_2 AIR QUALITY

Mr. Chairman, Members of the Committee:

My name is Ed Zaidlicz. I reside in Billings at 724 Park Lane. I wish to go on record as endorsing S.B. 389.

Fourteen years ago the Montana Health Board and the Department of Health and Environmental Sciences studied Montana's growing problem of SO_2 air pollution. After many public meetings and hearings, and exhaustive testimony by top experts, they concluded that the federal - National Ambient Air Quality Standards (NAAQS) were inadequate and did not protect Montana's air and all of our resident's health. Thus the Montana Ambient Air Quality Standards (MAAQS) were promulgated and the Montana Air Quality Bureau was directed to enforce them.

I served on the Health Board from 1980-1987. While the rest of Montana honored and complied with the new more stringent MAAQS, the Billings/Laurel industries did not! Our Health Board faced protracted and interminable protests and excuses from the Billings/Laurel delegations as to why they were different and could not comply. In 1986 our Health Board instructed the Air Quality Bureau to effect full compliance.

The six Billings/Laurel SO_2 emitters immediately turned for legislative relief and in 1987 got the Hannah Bill (H.B. 534) enacted to exempt them from MAAQS. They were "grandfathered" into the NAAQS, while any new industry and the rest of Montana had to comply with the tighter Montana standards.

The arguments and promises made to secure 534's enactment were that:

1. If Exxon, Cenex and MPC were forced to operate under Montana standards they would close their plants and move, resulting in a great loss of high-paying jobs and a tax base for the local communities.

2. The federal NAAQS were adequate, enforceable, provided ample health protection and that the ambient air monitors being used would guarantee full compliance.

3. 543 would control the "capricious, bureaucratic harassment" by the AQB and thus permit the 6 "grandfathered" plants to achieve voluntary compliance, significantly reduce SO_2 emission and by the formation of BLAQTC insure self policing, reduce administrative costs to the taxpayers and allow for maximum competition with the resultant, economic gain for all.

4. A health study would be initiated to affirm the adequacy of the 534 initiative for all concerned residents.

TODAY - 6 YEARS LATER - WE FIND THAT:

1. The promised SO_2 emission reduction never happened - as many legislators had predicted - that "self policing was a contrived myth." In 1987 Billings/Laurel emitted 31,900 tons - in 1992 we spewed over 33,000 tons. Our "status quo" "grandfathered pollution monopoly" has effectively discouraged any new SO_2 industry from breaching our saturated airshed, thus far.

2. For whatever reason, the promised health study was forgotten.

3. No measurable economic benefits have resulted! Additionally the question is now raised about the wisdom of granting tax incentives for pollution abatement equipment - given the status quo saturation of our SO_2 airshed. Reportedly over $6 million have been awarded the six companies to date.

4. Evidence mounts that reinforces the Health Board 1979 findings that federal NAAQS are inadequate for Montana. We now know that short time exposures of 5+ minutes of SO_2 concentration of .5+ppm causes respiratory distress for many individuals. Our current monitors do not collect 5 minute episodes or emissions greater than .98 ppm. Since the federal standards do not have a 1 hour standard (MAAQS does) we can only judge our pollution status by the NAAQS 24 hour and Annual Standards. Neither of these permits appropriate correlation to judge respiratory impacts of local dispersion of the gas.

5. Recent dispersion modeling done for the City Council GRI study and for the BGI permit request reveals that our ambient air monitors are inadequate, both in number and proper location. Numerous violations of both the state and federal regulations were revealed that the monitors failed to detect and record. Yet, despite the faulty "favorable" monitor readings, EPA's yearly Trend Report based on AA monitor readings of 341 major American cities shows Billings (based on the 24 hour and annual reports) as the worst city for SO_2 pollution west of the Mississippi River and that we consistently number with the six worst cities for SO_2

Exhibit #12
3-8-93
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pollution in America. Thus, Montana's largest - All America City remains the "SO_2 Pittsburgh of the West."

6. Finally, EPA has assumed their oversight role for NAAQS and has warned Montana that they are about to issue a "formal finding" of our failure to be in compliance with the Clean Air Act for SO_2. On the issuance of that finding, Montana must correct all deficiencies in our State Implementation Plan or risk loss of federal highway funds as well as possible other sanctions. All of this despite the Billings industries' continuing protest that they are in legal compliance "because no monitor violations have been recorded."

In my opinion S.B. 389 will accomplish the following:

1. Establish an SO_2 ambient air standard for all of Montana that is based on the best available information to protect the health and traditional economic values for all residents.

2. Require a realistic pollution permit fee that should:

   a. Provide positive incentives for industry to contain and abate their SO_2 emissions.
   b. Relieve the taxpayers of the burden of subsidizing air pollution. The new fees would cover the expense of AQB administration and enforcement, monitor upgrading and the heavy additional costs of producing a new SIP required by EPA.
   c. Underwrite the costs of the badly needed health study.

3. Restore full accountability and effective air quality enforcement authority to the State AQB - supposedly empowered to serve and protect the public's health and interests. Because of the "consensual" operating constraints imposed on AQB by H.B. 534, many residents openly question what the states' regulatory role is and they regard the law as blatant deregulation of pollution enforcement.

4. Initiate the health study to allay public concern and to specifically investigate the SO_2 dispersal impacts of various emission concentration on resident health in the proximity of large SO_2 sources. For too long Montanans have been confused by dangerous misinformation - that SO_2 is an odorless gas, that it is lighter than air, and that dangerous concentrations of SO_2 can't be emitted by present sources as well as the myth that our monitors are infallible.

The brutal truth is that SO_2 has an odor that is pungent, penetrating and choking. It is a corrosive gas when moisture is added, as in the mucous membrane of our breathing passages. It is 2.2 times as heavy as air and we really don't know what health impacts we may be suffering.

To close, I question why it is necessary for EPA, a federal agency, to step in to protect Montana citizens from our inability or unwillingness to protect ourselves.

Can we realistically assume that the present Billings/Laurel "status quo" SO_2 problem will not jeopardize the rest of Montana's best interests regarding health and sound economic development over the long run? Clean air means jobs.

Thank you,

Ed Zaidlicz

Ed Zaidlicz

3-8-93
SB-389

Billings 59102
March 7, 1993

from the desk of
Edwin Zaidlicz

Addendum To
3-8-93 S-389 statement.

The issuance of a formal finding by EPA on the unacceptable SO_2 situation in Yellowstone Cty should put to rest, industrys resolve in a commitment to be in compliance with the Clean Air Act. No progress has been made since 1967.

EPA OIP recall will not go into effect until Mar. 1995 and then history will only repeat itself.

Being in "legal compliance" with NAAQS remains a pitiful legal exercise to protect the entrenched industry's ability to operate status quo! It further confirms the wisdom of the 1978-79 Health Board study that initiated the MAAQS. In a recent private discussion with an EPA official the individual ruefully confided to me that the Federal Statutes are so loaded with legal loopholes to favor industry that the undermanned legal staffs of EPA and AGO had little success in pursuing violations.

More than ever before we have compelling evidence of the inadequacy of NAAQS to safeguard the Montanans health - SB 389 represents the only fair, adequate state law to reverse our downspiral of air pollution.

It asks no more than sixty states already operate under in N Dakota, Wyoming and Washington plus several other coastal states and a number of countries.

Can Montana truly operate under a double standard. One standard favoring recalcitrant Yellowstone County industry and another for the rest of Montana and new industry that may wish to enter our airshed?

Why are residents of Yellowstone Cty being disenfranchised from their birthright to enjoy clean air - less any value assessed the annual investment of Montana's largest city being the darkest west of Mississippi on other economic industries like tourism, medical communities, rest homes, retirement complexes, outdoor recreation and real estate to name several?

We can solve this problem by legislation or litigation.

(over)

massive amount of factual data documenting our manipulative efforts to avoid addressing our potential health problem, now readily available to all, I would expect that decision makers at all levels would seriously examine their "legal accountability" to withstand court action.

Example of documented evidence of vulnerability of relying on "legal compliance" with NAAQS and monitors:

	GRI-Table 4-3	Annual Monitor Record
1987-	Total emissions 30,375 T/SO2	.027 ppm
1991-	" " 30,467 T/SO2	.017 "

How can be rationalized a "status quo" emission rate by an annual monitor reading that reflects 37% improvement in emissions? A "true" monitor reading in 1991 would place us below Steubenville as the 2nd dirtiest city in America

Ed Baddley

SENATE HEALTH & WELFARE
EXHIBIT NO. 13
DATE 3-8-93
BILL NO. SB 389

Montana Audubon Council

State Office: P.O. Box 595 • Helena, MT 59624 • (406) 443-3949

3/08/93

Chapters:

Bitterroot Audubon
Bitterroot Valley

Flathead Audubon
Flathead Valley

Five Valleys Audubon
Missoula

Last Chance Audubon
Helena

Pintlar Audubon
Southwest Montana

Rosebud Audubon
Miles City

Sacajawea Audubon
Bozeman

Upper Missouri
Breaks Audubon
Great Falls

Yellowstone Valley
Audubon
Billings

Madame Chairperson, members of the committee. My name is Mark Daspit. I represent the Montana Audubon Legislative Fund. I am here today in support of Senate Bill 389.

We feel that the current laws on sulfur dioxide emmisions are not stringent enough. If we allow the laws to continue, the state could experience acid rain and health problems among the citizens of Montana.

The only way to alleviate the problem is to re-enact more stringent laws on air quality standards for sulfur dioxide. The intent would be to create a more healthful environment for the people of the state, including those residing in the Yellowstone Valley.

We urge you to create a more healthy environment and pass SB 389.

Thank You

Mark E. Daspit

SENATE HEALTH & WELFARE
EXHIBIT NO. 14
DATE 3-8-93
BILL NO. SB 389

CENEX Comments on SB 389

Testimony of Ronald E. Pletcher, Refinery Manager

CENEX is a regional farm cooperative which has owned and operated the Laurel Refinery for fifty years.

Cenex has recently committed eighty million dollars toward the goal of reducing SO_2 emissions at Laurel, and having done so has a vital interest in this legislation. Although we understand and agree that Montanans expect and deserve clean air, we feel many of the provisions of this bill are unnecessarily restrictive.

Specifically, ~~the standards established by this bill are not supported by any technical basis.~~ Reducing the allowable exceedances of the 1-hour standard from 18 to 1, ~~for example~~, has been previously considered by the Montana Board of Health, and it was determined that the present regulation while still offering industry the flexibility to operate is adequate to protect the public. ~~Similarly~~, The EPA, utilizing a review through shutdowns, startups, power failures and upsets. conducted by the Clean Air Scientific Advisory Committee, determined as recently as 1988 that a one-hour standard was not justified at all. In that same analysis, the EPA reaffirmed its position that the Federal 3-hour, ~~and~~ 24 hour and annual standards ~~of 0.5 ppm and 0.14 ppm respectively~~, are adequate to protect the public health. ~~It also concluded that there was little technical basis to support even the current Federal annual standard of 0.03 ppm, but that this standard should be retained. There is certainly no basis to institute a more stringent annual standard as this bill provides~~.

Studies utilizing a five (5) minute period would require new and additional monitoring equipment and do not relate to any existing standards or technical criteria documents. In view of these facts, such studies would be, at most, of academic interest. Research, in such a manner, should not be funded by industry.

Regarding the health studies which this bill intends to conduct, the EPA has long recognized that many general difficulties are inherent in pollution epidemiology studies. Any attempt to determine the very difficult respiratory effects of SO_2, when complicated by the presence of various other pollutants and irritants on a small population base such as Yellowstone County would be suspect. ~~It is doubtful that any competent research institute would even attempt such a study because of its technical infeasibility. However, others have already done such studies on suitable population bases and concluded that Federal standards are adequate to protect public health.~~

Funding of these studies by means of the emission fee provided for in Subchapter V of the Federal Clean Air Act conflicts with the statutory requirements of this section which provides that such fees shall be utilized solely to cover all reasonable costs required to support the permit program. ~~The fees identified in SB 389 are used for permitting purposes and therefore not authorized under the Clean Air Act.~~ These fees would come on top of fees already proposed in currently active bills being considered this session, which are legitimate under Title V.

Exhibit #14
3-8-93
SB-389

One of the most offensive provisions of this bill is the ~~Aside from the fees and the potential economic impact to the state, SB 389 is a very expensive piece of legislation~~ requirement for continuous emission monitors. CENEX has estimated that installation of the continuous monitors would require an investment in excess of $1.5 million. They would not provide any new information, since the data furnished is already available from other sources, and they would be extremely costly to maintain, since they are notoriously unreliable. The ~~basis for this requirement seems to be a belief that the refining is reporting~~

We would urge this committee to examine this bill in light of the complete spectrum of legislation, State and Federal, which either already exists or is pending, and which will negatively impact the energy industry. Montana refineries are particularly vulnerable because of their relatively small size, and suffer additional exposure because the crudes available to us are exceptionally high in sulfur. In view of these facts, it does not make sense to impose unnecessary legislation that flies in the face of scientific evidence.

In this case, the EPA, using competent technical studies, has established fair ambient SO_2 standards. CENEX accepts its corporate responsibility to protect the public health and the environment, and is currently in the process of constructing an 80 million dollar desulfurization complex which will reduce emissions of SO_2 at Laurel by 40%, from current levels of over 7000 tons/year to approximately 4000 tons/year. Simultaneously, this facility will allow the manufacture of cleaner burning fuels, reducing SO_2 produced from the use of these fuels by another 4000 tons/year. Industry should be allowed the flexibility to spend capital to meet environmental commitments in the most effective way possible and not be burdened with unnecessary and punitive legislation which provides no known benefit to the public and jeopardizes the competitive posture of Montana businesses.

SENATE HEALTH & WELFARE
EXHIBIT NO. 15
DATE 3-8-93
BILL NO. SB389

RHÔNE-POULENC ECONOMIC STUDY
(SILVER BOW PLANT IMPACT)

- **1,261 jobs in Montana:**
  - 205 jobs at RP
  - 525 derivative jobs in BSB County
  - 531 derivative jobs elsewhere in the state
- **3,028 people statewide**
  - 1,753 from Butte-Silver Bow County
  - 1,275 additional people statewide
- **$25.5 million income in Montana**
  - $10.1 million direct payroll (Butte)
  - $15.4 million derivative income (statewide)
- **$951,000 county taxes**
- **51% of Union Pacific's traffic to Butte**
- **$13.6 million MPC revenues**
  - Largest industrial customer (19.2%)
    - $12 million contract
    - $935,173 residential
    - $616,750 commercial

NOTE: Initial study was done by MPC in 1991. Values have been escalated based on increased payroll and actual headcount

10/92

SENATE HEALTH & WELFARE
EXHIBIT NO. 16
DATE 3-8-93
BILL NO. SB 389

SENATE BILL 389

Senate Public Health, Welfare, and Safety Committee

Opposition Testimony of Floyd C. Balentine for Rhone-Poulenc Basic Chemicals Co. March 8, 1993

My name is Floyd C. Balentine and I am Health, Safety & Environmental Supervisor for Rhone-Poulenc Basic Chemicals Co. at its' Silver Bow facility near Butte. Rhone-Poulenc produces elemental phosphorous at this facility.

Senate Bill 389 makes some changes in existing law applicable to Sulfur Dioxide (SO_2) that are both unnecessary and unduly punitive:

(a) It would not allow the permittee to exceed the hourly, or daily limit more than once per year. The present exception is 18 times per year. This change is drastic and fails to properly allow for reasonable equipment breakdown time or other uncontrollable situations.

(b) Although it sets a facility limit of 250 tons of SO_2 per year it is so ambiguous that it could require continuous monitoring of a single piece of equipment that emits only 50 tons per year, by referring to "each emission point or stack".

(c) It is conceivable that the bill could require the Board of Health to assess a fee on all sulfur dioxide sources no matter how small they might be.

In the case of Rhone-Poulenc's Silver Bow facility, its total emissions of sulfur dioxide are <u>below</u> the annual 250 ton limit, but SB 389 would nevertheless require monitoring of each kiln that is capable of emitting more than the 50 ton limit set forth in the bill for each "emission point or stack".

The hourly monitoring resulting from the ambiguities in SB 389 would cost Rhone-Poulenc at least $100,000 for new monitoring equipment initially, and an expenditure of approximately $40,000 a year for operation and maintenance. This is a significant cost increase for a facility that at present is in compliance in its over-all operation.

The impact of SB 389 on a facility the size of Rhone-Poulenc's Silver Bow plant would be substantial even though the facility overall does not emit more then 250 tons of SO_2 annually.

We urge you to give SB 389 a do not pass recommendation.

TESTIMONY BEFORE THE
SENATE COMMITTEE
ON
PUBLIC HEALTH, WELFARE AND SAFETY

SB 389 - AMBIENT AIR QUALITY
STANDARDS FOR SULFUR DIOXIDE

Madam Chairperson, Members of the Committee, My name is Peggy Olson Trenk and I am here today representing the members of the Western Environmental Trade Association in opposition to Senate Bill 389.

Our association is as committed as anyone to protecting the health of Montana's citizens, and we acknowledge the diligent work of this Legislature over the years to regulate sulfur dioxide emissions in an effort to achieve that worthwhile goal. We further believe affected industries have been duly responsive to achieving compliance with these existing requirements and they will continue to be so.

However, this bill is not about improving protection for public health. Health studies already conducted and reviewed by the federal government demonstrate existing standards are adequate to protect public health. What this bill offers is more stringent regulations for the sake of more stringent regulations. And in doing so, it imposes inordinate costs on industry with no reasonable return either by virtue of improving the environment or improving our base of knowledge. We'll just be spending more money, money that could be more productively invested elsewhere.

To put this in perspective, I'd like to quote from an article in the Winter, 1991 Montana Business Quarterly. It was written by Charles S. Colgan, as associate professor of public policy and management at the Edmund Muskie Institute of Public Affairs, at the University of Southern Maine.

The focus of the article was Montana's economy and how to make it more productive. In addressing the frequent controversy within the regulatory arena, he recommended the following, and I quote: "Business groups can acknowledge that environmental regulation is here to stay and insist that it not impose inordinate costs for little environmental gain. Similarly, environmental groups and agencies can acknowledge that business resources for environmental cleanup are not limitless, but must be used for high priority problems... Hopefully, such efforts will yield more productive uses of public, private, and environmental resources-and sustainable long term economic growth."

All we're asking today is that we take an honest look at the costs imposed by this bill and what we receive in return. We believe SB 389 is not a productive use of either our public or private resources and in the interest of both public health and our economy, we recommend you vote no on this legislation.

SENATE HEALTH & WELFARE
EXHIBIT NO. 18
DATE 3-8-93
BILL NO. SB 389

SB 389

Testimony given by Dr Carlton D Grimm employed by The Montana Power Company, Butte, Montana. We are opposed to SB 389 for the following reasons:

- The federal and state ambient standards for SO2 currently in place for the Billings area protect human health and the environment.

- EPA with its command of resources for scientific study has chosen not to implement a short time SO2 ambient standard.

- Studies on ambient SO2 levels and their effect on "sensitive" populations would require a much larger population than what is present in Lockwood or even Billings to be able to draw any valid scientific conclusions.

- The requirement of an SO2 span value of 1 to 5 ppm on an ambient monitoring instrument would mean an additional instrument must be purchased and serviced beyond the equipment necessary to monitor the ambient standards. This would raise the cost from $20,000 to $50,000 per monitoring site.

- This bill mandates that many more sources use Continuous Emission Monitors (CEMs) than are required under current federal and state law. Each emission point of a source would need a CEM at a cost in excess of $150,000; each source may have multiple emission points requiring CEMs. This is cost prohibitive for most sources.

- Emissions from many sources that burn fuel gases can be accurately calculated using engineering methods. CEMs are not necessary for those sources.

- Title V of the Federal Clean Air Act Amendments of 1990 (CAAA-90) sets emission fees and the purposes for which they are to be used. The primary use of those fees is to implement a credible source operating permit program.

- SB 389 does not complement the work outlined in HB318. SB 389 spends funds needlessly and does not do any of the important work mandated by CAAA-90 and HB 318.

- SB 389 would place the Billings area in immediate noncompliance with the ambient air quality standards it proposes. Existing industries would all be in violation; existing air quality permits and those in process would be in jeopardy.

March 8, 1993

PB88 245519/AS

SAB-CASAC-87-022

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

RTE	ACT.	ACC.
BR		12/13
JAH	CC	✓
SS		12-16
HK		12/15
THE ADMINISTRATOR		
LH	CC	
	THE	
TECH	ADM	ENF

Ellings SAB
BLACK

February 19, 1987

The Honorable Lee M. Thomas
Administrator
U.S. Environmental Protection
Agency
Washington, DC 20460

Dear Mr. Thomas:

The Clean Air Scientific Advisory Committee (CASAC) has completed its review of the 1986 Addendum to the 1982 Staff Paper on Sulfur Oxides (Review of the National Ambient Air Quality Standards for Sulfur Oxides: Updated Assessment of Scientific and Technical Information) prepared by the Agency's Office of Air Quality Planning and Standards (OAQPS).

The Committee unanimously concludes that this document is consistent in all significant respects with the scientific evidence presented and interpreted in the combined Air Quality Criteria Document for Particulate Matter/Sulfur Oxides (1982) and its 1986 Addendum, on which CASAC issued its closure letter on December 15, 1986. The Committee believes that the 1986 Addendum to the 1982 Staff Paper on Sulfur Oxides provides you with the kind and amount of technical guidance that will be needed to make appropriate decisions with respect to the standards. The Committee's major findings and conclusions concerning the various scientific issues and studies discussed in the Staff Paper Addendum are contained in the attached report.

Thank you for the opportunity to present the Committee's views on this important public health and welfare issue.

Sincerely,

Morton Lippmann

Morton Lippmann, Ph.D.
Chairman
Clean Air Scientific Advisory
Committee

cc: A. James Barnes
Gerald Emison
Lester Grant
Vaun Newill
John O'Connor
Craig Potter
Terry Yosie

SAB-CASAC-87-022

Exhibit #18
3-8-93
SB-389

SUMMARY OF MAJOR SCIENTIFIC ISSUES AND CASAC CONCLUSIONS ON THE 1986 DRAFT ADDENDUM TO THE 1982 SULFUR OXIDES STAFF PAPER

The Committee found the technical discussions contained in the Staff Paper Addendum to be scientifically thorough and acceptable, subject to minor editorial revisions. This document is consistent in all significant respects with the scientific evidence presented in the 1982 combined Air Quality Criteria Document for Particulate Matter/Sulfur Oxides and its 1986 Addendum, on which the Committee issued its closure letter on December 15, 1986.

Scientific Basis for Primary Standards

The Committee addressed the scientific basis for a 1-hour, 24-hour, and annual primary standards at some length in its August 26, 1983 closure letter on the 1982 Sulfur Oxides Staff Paper. That letter was based on the scientific literature which had been published up to 1982. The present review has examined the more recently published studies.

It is clear that no single study of SO_2 can fully address the range of public health issues that arise during the standard setting process. The Agency has completed a thorough analysis of the strengths and weaknesses of various studies and has derived its recommended ranges of interest by evaluating the weight of the evidence. The Committee endorses this approach.

The Committee wishes to comment on several major issues concerning the scientific data that are available. These issues include:

- Recent studies more clearly implicate particulate matter than SO_2 as a longer-term public health concern at low exposure levels.
- A majority of Committee members believe that the effects reported in the clinical studies of asthmatics represent effects of significant public health concern.
- The exposure uncertainties associated with a 1-hour standard are quite large. The relationship between the frequency of short-term peak exposures and various scenarios of asthmatic responses is not well understood. Both EPA and the electric power industry are conducting further analyses of a series of exposure assessment issues. Such analyses have the potential to increase the collective understanding of the relationship between SO_2 exposures and responses observed in subgroups of the general population.
- The number of asthmatics vulnerable to peak exposures near electric power plants, given the protection afforded by the current standards, represents a small number of people. Although the Clean Air Act requires that sensitive population groups receive protection, the size of such groups has not been defined. CASAC believes that this issue represents a legal/policy matter and has no specific scientific advice to provide on it.

CASAC's advice on primary standards for three averaging times is presented below:

1-Hour Standard - It is our conclusion that a large, consistent data base exists to document the bronchoconstrictive response in mild to moderate asthmatics subjected in clinical chambers to short-term, low levels of sulfur dioxide while exercising. There is, however, no scientific basis at present to support or dispute the hypothesis that individuals participating in the SO_2 clinical studies are surrogates for more sensitive asthmatics. Estimates of the size of the asthmatic population that experience exposures to short-term peaks of SO_2 (0.2 - 0.5 parts per million (ppm) SO_2 for 5-10 minutes) during light to moderate exercise, and that can be expected to exhibit a bronchoconstrictive response, varies from 5,000 to 50,000.

The majority of the Committee believes that the scientific evidence supporting the establishment of a new 1-hour standard is stronger than it was in 1982. As a result, and in view of the significance of the effects reported in these clinical studies, there is strong, but not unanimous support for the recommendation that the Administrator consider establishing a new 1-hour standard for SO_2 exposures. The Committee agrees that the range suggested by EPA staff (0.2 - 0.5 ppm) is appropriate, with several members of the Committee suggesting a standard from the middle of this range. The Committee concludes that there is not a scientifically demonstrated need for a wide margin of safety for a 1-hour standard.

24-Hour Standard - The more recent studies presented and analyzed in the 1986 Staff Paper Addendum, in particular, the episodic lung function studies in children (Dockery et al., and Dassen et al.) serve to strengthen our previous conclusion that the rationale for reaffirming the 24-hour standard is appropriate.

Annual Standard - The Committee reaffirms its conclusion, voiced in its 1982 closure letter, that there is no quantitative basis for retaining the current annual standard. However, a decision to abolish the annual standard must be considered in the light of the total protection that is to be offered by the suite of standards that will be established.

The above recommendations reflect the consensus position of CASAC. Not all CASAC reviewers agree with each position adopted because of the uncertainties associated with the existing scientific data. However, a strong majority supports each of the specific recommendations presented above, and the entire Committee agrees that this letter represents the consensus position.

Secondary Standards

The 3-hour secondary standard was not addressed at this review.

BLAQTC IN REVIEW

- BLAQTC Conceived Out Of The Desire To Cooperate and Avoid Lengthy and Costly Litigation

- Objectives:
  - Advanced ambient monitoring
  - Improved emissions reporting
  - Short term reductions

- Ambient Monitoring Results Improving
  - Data quality has been excellent - Audits by State show excellent results
  - Ambient levels generally low
  - Periodic spikes, early levels exceeded State's rolling 24-hour criteria
  - Never exceeded Federal Standards
  - Recent levels show no spikes close to Federal and all below Billings and State Standards
  - Western part of town show very low levels
  - Annual and rolling month averages lowest in five years
  - Agreed to move two monitors to get different areas of impact
  - Emissions reductions at various plants

- Better Understanding of Emissions Impacts on Ambient Air
  - Spikes generally occurred during strong meteorological conditions of high, stable winds
  - Implementation of short term emissions reduction programs underway
  - Facilities improvements
  - Shorter duration of upsets
  - Improved reporting

- No Correlations of Odors, Visibility and Elevated SO_2
  - Numerous attempts to correlate odors failed
  - Winter time pictures showed no direct correlation
  - Reasons: SO_2 usually odorless and colorless at concentrations seen

- Improved Emissions Monitoring Results
  - Consistent format agreed to
  - Monthly reports submitted
  - Stack testing generally confirm calculation reports
  - Continuous stack monitors not justified over calculation values
  - Extended monitoring to include sulfur-in-fuel

Exhibit #18
3-8-93
SB-389

- Short Term Reductions Programs Are In Place
  - All sources agreed to reasonable steps
  - Exxon has implemented steps and taken them several times
  - Ambient data from monitors going to industry control centers
  - Criteria to review reductions for inversions being developed

- Other Accomplishments
  - Working fairly well together on tough issues
  - Trust among members is building
  - Initiated discussions on long term SO_2 emission reduction options
  - Agreed to participate as advisors to the City for development of an area model for SO_2
  - Published several public reports updating BLAQTC activities
  - Have weathered significant criticism over our efforts
  - Been willing to do what was right like moving two monitors

BILLINGS
AREA CHAMBER OF COMMERCE®

SENATE HEALTH & WELFARE
EXHIBIT NO. 19
DATE 3-8-93
BILL NO. SB 389

March 4, 1993

Senator Dorothy Eck, Chair
Public Health, Welfare and Safety Committee
Capitol Station
Helena, Montana 59620

Dear Senator Eck and Committee Members,

The Billings Area Chamber of Commerce wished to oppose SB 389 regarding ambient air quality standards for sulfur dioxide. This bill would reverse the 1987 bill which allowed the Billings/Laurel area to meet the federal standards rather than the stricter Montana standards.

Since 1987 there has been significant effort to improve the air quality in this area. The Billings Laurel Air Quality Technical Committee (BLAQTC) has met regularly and has worked diligently with the industries toward the improvement of air quality in this part of the Yellowstone Valley. Local industries have committed to invest a half a billion dollars in equipment to help clean up the air. Some of these projects are completed and others are planned for implementation.

To turn around at this time and penalize these industries with stricter standards when positive efforts for improvement are underway, does not seem advisable. In our view the strict state standards put Montana at a competitive disadvantage. We do not want to see industries which are planning improvement projects to find it necessary to close due to stricter standards at this time.

Our community, in an effort to have a full understanding of the sulfur-dioxide situation in our area, has undertaken a study. The final results are under review at this time. We all realize, industries included, that future economic development in our area is dependent upon clean air. It is in this light that efforts by BLAQTC and the area industries have been progressing toward improving the air quality.

To place stringent standards on these industries now, given the improvements and the efforts underway, seems to ignore what has been achieved. We all want clean air and work to that end is being undertaken. Let's encourage those efforts to move forward rather than take a stance of penalizing them to a point that discourages or precludes the completion of plans.

We strongly encourage you to oppose SB 389

Respectfully yours,

Elbert "Butch" Ott, President/CEO

Western Sugar

SENATE HEALTH & WELFARE
EXHIBIT NO. 20
DATE 3-8-93
BILL NO. SB 389

VIA FACSIMILE

March 8, 1993

The Western Sugar Company
1700 Broadway
Suite 1600
Denver, Colorado 80290
(303) 830-3939
Telecopier: (303) 830-3940

Public Health, Welfare and Safety Committee
Montana State Legislature

Dear Madam or Sir:

The Western Sugar Company would like to express our concern regarding the impacts of Senate Bill 389, which proposes to establish new state standards for sulfur dioxide, require continuous emission monitoring, and charge fees to fund a study on sulfur dioxide impacts.

Western Sugar is committed to protecting and improving the environment in which we live and work. We have spent over two million dollars in the past two years in environmental improvements at the Billings factory. We have installed air pollution control equipment. We burn low-sulfur Montana coal in our boilers. We perform annual emissions testing and are in compliance with the existing air quality standards.

We are sympathetic to the issue of protecting the environment and public health and understand that your goal is to protect public health of the citizens of Montana. However, we are concerned about the impacts to our company of the requirement for continuous Emission Monitoring equipment. Continuous Emission Monitoring equipment is very expensive to install and to maintain and operate. Preliminary estimates indicate that it might cost in the range of $500,000 for us to install this equipment and several hundred thousand dollars a year to operate.

We are also concerned that Senate Bill 389 may be premature and duplicative of work required under the Clean Air Act Title V Operating Permit Program to be developed by the states, and changes EPA will require to the Montana State Implementation Plan (SIP) for compliance with sulfur dioxide ambient air quality standards. Under the Operating Permit Program, the state will develop an Operating Permit Program for industries and charge emission fees to fund implementation of the program. The Operating Permit Program must include some type of regular emissions testing. Also, EPA will evidently request that the state change their SIP to ensure that the Billings area is in compliance with Federal ambient air quality standards for sulfur dioxide.

A primary purpose of the bill appears to be to collect fees from industry to fund a study on health impacts from sulfur dioxide. Since this type of research has likely already been performed elsewhere in the U.S. and the World, it seems that it would be more cost-effective to perform a literature search and collect available information than conduct a study.

We are interested in working with the state on the issue of sulfur dioxide in the Billings area. We participate in the Billings/Laurel Air Quality Technical Committee and have expressed interest to MDHES in providing information during revision of the State Implementation Plan.

Respectfully Submitted,

Patricia R. Fuller-Pratt
Manager of Environmental Affairs

PFP/tlo
a:\MTLegis

MONTANA PETROLEUM ASSOCIATION
A Division of the
Rocky Mountain Oil and Gas Association

Janelle K. Fallan
Executive Director

Helena Office
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SENATE HEALTH & WELFARE
EXHIBIT NO. 21
DATE 3-8-93
BILL NO. SB 389

SB 389
Senate Public Health Committee
March 8, 1993

+ There is no need for standards that are more strict than federal. Health studies conducted and reviewed by the federal government show current standards are adequate to protect public health.

+ A health study conducted in Montana would be inconclusive. The Montana Air Pollution Study conducted in 1977-1981 cost $1.4 million and produced little valuable and credible data. A much larger population base than in Montana is needed to conduct a credible study.

+ Continuous Emission Monitors (CEMs) are not necessary. Industry is currently providing daily emissions data than have been verified by EPA-approved and state-witnessed stack testing methods. Only a slight increase in data quality would be obtained with this significant investment (as much as $150,000 per CEM plus annual operating costs of $30,000-$50,000 per year).

+ There is no technical basis for 0-5 ppm and 5-minute peak monitoring. A six-month study in Billings showed no levels above 1 ppm and 5-minute peak monitoring was inconclusive. Peaks above 1 ppm have occurred for 10-15 minutes per year maximum.

+ Fees in this and HB 318 create a pyramiding fee system. The Clean Air Act Amendments of 1990 envisioned a single fee to cover all aspects of a state air program. Fees upon fees can create unnecessary burdens on the industrial sector not faced in competing states.

EXXON COMPANY, U.S.A.
POST OFFICE BOX 1163 • BILLINGS, MONTANA 59103-1163

REFINING DEPARTMENT
BILLINGS REFINERY

March 8, 1993

The Honorable Tom Towe
Capitol Station
Helena, Montana 59620

Exxon would like to present the following partial list of air quality activities we have been involved in during the past six years. We hope this information could be helpful to other Senate Public Health Committee members, and we will provide them copies.

- Exxon has maintained in operation the dual Sour Water Stripper that allows us to continuously reduce SO_2 emissions by 2100 tons/year, since 1986.

- Exxon's SO_2 emissions have decreased by a total of about 3000 tons/year since 1986.

- Exxon, and other Billings/Laurel industry representatives, state and county regulatory agency representatives and the Chamber of Commerce formed the Billings/Laurel Air Quality Technical Committee (BLAQTC) to work on three main objectives:

    1) Implement an ambient air monitoring network for SO_2 (3 monitors),
    2) provide improved daily SO_2 emissions data to the state (In Exxon's case this means data calibrated by EPA approved and state verified quarterly stack tests), and
    3) reduce emissions of SO_2 during periods when adverse impacts may occur.

  These objectives have been met and surpassed.

- Exxon provides hourly SO_2 emission information each month to the Air Quality Bureau.

- There have never been any exception to the federal SO_2 standards in Billings.

- Exxon is developing a contractual agreement with Billings Generation Inc. for them to process product coke and a waste gas stream from Exxon at a net reduction of 1500 tons/year of SO_2. Exxon's emissions of SO_2 would drop by about 4000 tons/year.

- Exxon continues to look for other opportunities to cost effectively make reductions in not only SO_2 but also other emissions. For example, we reduced refinery estimated hazardous air pollutants by 70 tons/year from 1988 to 1992.

The following are a few observations on SB 389 as it relates to the above activities.

- All aspects of your bill, except for the standards revision, will be addressed either in the pending State Implementation Plan (SIP) revision or the legislation proposed in HB 318, which we are currently supporting.

- We believe the federal SO_2 standards protect public health and the environment with an adequate margin of safety. After reviewing health effects studies, the EPA's Scientific Advisory Committee in 1988 recommended no changes be made to these standards.

- The Montana Air Pollution Study (MAPS) conducted in 1977-1981 cost $1.4 Million and produced little valuable and credible data.

- Industry is currently providing daily emissions data that have been verified by EPA approved and state witnessed stack testing methods saving $150,000 per Continuous emission monitor, plus annual operating costs of $30-50,000 per year.

- 38 states (78 %) use federal SO2 air quality standards.

- Adoption of SB 389 would supersede the very reasonable working relationship the Billings/Laurel Air Quality Technical Committee has developed.

We at Exxon would appreciate your consideration of the contents of this letter in your deliberations on SB 389.

Regards,

T. Evan Smith

T. Evan Smith,
Acting Refinery Manager

TES(TNS):ddh

SENATE HEALTH & WELFARE
EXHIBIT NO. 23
DATE 3-8-93
BILL NO. 389

HOLLY SUGAR CORPORATION

A SUBSIDIARY OF IMPERIAL HOLLY CORPORATION

March 5, 1993

Senator Larry Tveit

RE: Senate Bill No. 389

Dear Senator Tveit:

Holly Sugar would like to make the following comments on Senate Bill No. 389:

1. Current EPA ambient air quality standards are health based and EPA regularly reviews available health data, revising the standards if it seems appropriate. EPA's standards are very conservative. Montana's air standards for SO2 are significantly more strict than EPA standards (See Attached). We do not understand why industry should be required to pay additional fees to do further studies on the effects of SO2, when health studies have already been done to come up with these emission standards.

2. Based on the 1998 fee of $28.39 per ton of emissions, Holly might experience a fee increase (current fee is $2.50 per ton) that would range from $6800 to $49000 per year. The spread in dollars would depend on if we were burning fuel oil or natural gas. In both cases we would be operating in compliance with our existing permit. This bill could force the company to look into more expensive fuel alternatives.

3. This bill might also require what we estimate as $500,000 worth of continuous emission monitors on six stacks as well as an expensive ambient air monitoring station and/or computer modeling of emissions. Monitoring equipment is very labor intensive to operate and maintain. Because we operate continuously once our operating season begins, it is possible that redundant monitoring equipment, at a significant additional cost, might also be necessary in order to maintain continuous monitoring during monitor breakdowns.

3. While the Laurel-Billings and East Helena area lie in non-attainment areas for SO2, other parts of the state are in attainment areas which do not experience similar problems. We do not think it fair to impose expensive

OVER

AMBIENT AIR QUALITY STANDARDS

Montana Air Quality Sub-Chapter 8
Rule 16.8.820 Ambient Air Quality Standards For Sulfur Dioxide
(CURRENT REGULATION)

Hourly Average	: 0.50 PPM, not to be exceeded more than 18 times in any 12 consecutive months.
24 Hour Average	: 0.10 PPM, not to be exceeded more than once per year.
Annual Average	: 0.02 PPM, not to be exceeded.

EPA Standards

3 Hour Average	: 0.5 PPM
24 Hour Average	: 0.14 PPM, not to exceed more than once per year.
Annual Average	: 0.03 PPM

OSHA PEL SO2 = 5 PPM.

Proposed Montana Standards

Hourly Average	: 0.50 PPM, not to be exceeded more than once per year.
24 Hour Average	: 0.10 PPM, not to be exceeded more than once per year.
Annual Average	: 0.02 PPM, not to be exceeded.

SENATE HEALTH & WELFARE
EXHIBIT NO 24
DATE 3-8-93
BILL NO SB 389

To FAX: 444-4105
From FAX: 252-3930

March 8, 1993

TO: Senator Tom Towe, Montana State Senate
Committee on Public Health, Welfare, and Safety

FROM: Charles F. Tooley 248-4404
Billings City Council Member and Mayor pro tem

Because it was recently reported that the Billings City Council voted to oppose to Senate Bill 389, I think it is important for your committee to know the rest of the story.

The discussion about SB389 was raised during last Wednesday's agenda-setting meeting of the Billings City Council. The Council does not usually make decisions on official business at these meetings -- agenda meetings are held primarily to facilitate the legislative process by deciding which items need to be placed on the following Monday night's agenda. Also, Council members are not required to attend these agenda-setting meetings, and most of these meetings do not have all 11 legislators (10 Council members and the Mayor) in attendance.

A motion was made to oppose SB389, but because our discussion was impromptu, there was no time to schedule a public hearing to get input from citizens. After less than a half hour of discussion, a majority of the Council members present voted to oppose SB389.

However, before the final vote was taken, a substitute motion was offered to take no official position on SB389. Those people who were in favor of SB389 along with those who did not feel they had enough information yet, voted to take no position. That substitute motion ended in a tie, therefore the motion failed. The main motion was then voted on, and it passed.

If all our elected council members had been present at the agenda-setting meeting, the City council would NOT have voted to go on record opposing SB389. The substitute motion would have passed instead, and the Council would have taken no position. The supporters of SB389 and those people who were not yet sure about the bill would have prevailed.

Let me re-iterate my point. If ALL the members of the city council had been PRESENT at last Wednesday's meeting, the Council would NOT have voted to oppose SB389.

The City Council vote has generated a great deal of interest in Billings. Many people have approached me about it, through telephone calls, personal visits, and written correspondence. As of 10:50 AM Monday, March 8, NOT ONE of these citizens has supported the action of the City Council. Every one of them has expressed support for cleaner air in Billings, and wants SB389 to pass.

EXHIBIT NO. 25
DATE 3-8-93
BILL NO. SB 389

CONSIDERATION OF SENATE BILL 397: Sen. McCallum, Senate District 26, introduced SB 397 as an act to provide funding to the Department of Revenue for administration of special revenue accounts for tax checkoff programs.

Sen. McCallum said that the funds would be provided to the Revenue Department to cover the administration of the annual income tax checkoffs. In addition, the Department of Revenue would be allowed to charge each special revenue account $1 per checkoff contribution or $2,000, whichever is greater.

PROPONENTS: Sen. Severson represented the Fish and Game Committee, and he asked for a bill with a standard figure for checkoffs.

QUESTIONS (AND/OR DISCUSSION) FROM THE COMMITTEE: Sen. Halligan and Sen. Severson said they would figure out the charge by Department of Revenue to deal with the mechanics of checkoffs. The bill wasn't posted due to time constraints, so that it could be referred to the House as soon as possible.

CLOSING: Sen. McCallum thanked the committee for hearing a revenue bill in Natural Resources.

DISPOSITION OF SENATE BILL 397: Sen. Severson made a motion that SB 397 DO PASS. Motion CARRIED unanimously.

CONSIDERATION OF HOUSE BILL 534: Rep. Tom Hannah, House District 86, introduced HB 534 which deals with the sulphur dioxide emissions in Billings. Rep. Hannah reported that HB 534 would do the following:

> Increase the SO_2 emission standard in the Yellowstone Valley from Montana's standard to the federal level standard both on the 24-hour and annual basis.

Three refineries, the sugar beet factory, the sulphur processing plant and a coal-fired electric generating plant put the Yellowstone Valley at periodic times in violation of State standards. The Yellowstone Valley, however, is in compliance with federal standards.

Rep. Hannah called the committee's attention to the Statement of Intent that was attached to HB 534 in the House of Representatives, and he cited six points in the Statement of Intent.

Rep. Hannah then submitted information to support his statements. (Exhibit 1) Rep. Hannah stated that companies had already voluntarily found some means to reduce SO_2 emissions. He said that Billings is the only city in the State that has a sulphur dioxide problem. The reason the problem exists is because industries are located there that were built prior to the enactment of plant standards. At present Billings is operating on the federal standards and has never been out of compliance with the federal standards. Rep. Hannah repeated several times that HB 534 is a "status quo" bill because it will not allow the air in Billings to get worse. He said he believes as a result of the passage of HB 534, there will be cleaner air in Billings because industry and State departments are talking towards an agreement that will bring about a reduction in sulphur dioxide that they had never considered before.

PROPONENTS: Dan Farmer, Billings Chamber of Commerce, spoke on behalf of Jim Scott, President of Billings Chamber of Commerce, and Mr. Farmer read Mr. Scott's testimony which stated that the Chamber of Commerce supports HB 534 because the Billings Chamber supports both jobs and clean air. (Exhibit 1) He also stated that when the House heard the bill, 250 Billings residents who favored HB 534 traveled to Helena in buses. Mr. Farmer submitted a list of their names as an exhibit to these minutes. (Exhibit 2) As a private citizen, Mr. Farmer submitted his testimony in support of 534. (Exhibit 3)

Henry Hubble, Manager of Exxon Refinery in Billings, testified in support of HB 534. Mr. Hubble stated that the federal standards proposed in HB 534 are very strict health-based standards, designed to protect the health of the most sensitive members of society with an adequate margin of safety and to protect agriculture, visibility, and aesthetics. He stated that all areas in Billings meet federal air quality standards; in fact, the Air Quality Bureau has estimated that most areas in Billings meet the State's air quality standards and that changing the standards will not degrade state air quality. He submitted an SO_2 Air Quality Measurement Table that showed Billings is in a downward trend due to the voluntary industry efforts. This table (Exhibit 4) which was compiled from State data, shows that average SO_2 measurements in Billings have decreased from 0.027 to 0.021 ppm between 1983 and 1985. Mr. Hubble said he does not believe that the compromise that is now being discussed with the Department of Health would be legal without the passage of HB 534. He urged the committee to concur with HB 534. (Exhibit 5)

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Robert Holtsmith, Manager, Billings Refinery, Conoco, Inc., testified that Conoco supports HB 534. Mr. Holtsmith said that since the health of the community is protected by the federal standards, Conoco does not believe that the State standards are necessary or valid. He stated that Conoco is a participant in a joint law suit, filed in 1980, to challenge the State statute. However, the lawsuit has remained dormant while there is an attempt to reach agreement on the issue. Mr. Holtsmith reported that the recent meetings among affected industries, the Air Quality Bureau, and concerned citizens have shown progress. Mr. Holtsmith urged the committee to enact legislation mandating Montana's Air Quality Standards for Sulfur Dioxide Emissions be made identical to the federal National Ambient Air Quality Standards. (Exhibit 6)

Louis J. Day, Refinery Manager at the CENEX Refinery in Laurel, testified in support of HB 534. He stated that CENEX had invested $5,7000,000 in a sulfur dioxide reduction program in 1977, and the plant achieved an 80% reduction in the ambient sulfur dioxide concentration in Laurel in 1979. However, there are presently rules before the Board of Health which would require additional emission reductions up to 45% at CENEX Refinery. If implemented, CENEX would be required to commit to an investment which may well exceed $70,000,000. (Exhibit 7)

Carlton D. Grimm, Montana Power Company, said that HB 534 would have the effect of granting existing industry in Billings a permanent variance from the present State ambient standards. He stated that Montana Power has been convinced for years that federal standards were based on extensive studies and hearings; therefore, federal standards are sufficient to protect public health and welfare. In Montana Power's opinion, the stringent State ambient sulphur dioxide standards are not necessary and were based upon an inadequate record. Furthermore, the cost to comply with State standards is exorbitant. Mr. Grimm explained that MPC endorses intermittent control along with adoption of HB 534. Even though there is an agreement being negotiated which would comply with HB 534 Statement of Intent, Mr. Grimm specifically stated that MPC would not sign such an agreement if HB 534 were not passed. (Exhibit 8)

Kenneth L. Williams, Entech/Western Energy Co., Butte, testified in support of HB 534. Mr. Williams stated that Western Energy Company supplies coal from a Rosebud Mine at Colstrip to the J.E. Corette Generating Station in

Dr. Ronald E. Burnam of the Fellow American College of Chest Physicians, who resides in Billings, testified in favor of HB 534. Dr. Burnam stated that SO_2 concentrations of 0.25 ppm--ten times the federal standard--or less did not induce symptomatic bronchoconstriction in exercising asthmatics (short-term exposure). He also reported that studies since 1981 have showed no evidence of adverse effect on lung function at levels of .04 ppm (long-term exposure). Dr. Burnam then questioned the validity of the Montana Air Pollution study that has been quoted in the local media as a reason for more stringent standards. NOTE: Dr. Burnam summarized his remarks and mailed them to Natural Resources Committee on March 16. (Exhibit 10)

Mike Micone, Western Environmental Trade Association, supported previous testimony and he emphasized one point and that was that the Department would probably suggest that HB 534 would not be needed because they are reaching agreements with industry. Mr. Micone stated to the contrary: "HB 534 will provide the basis whereby those agreements can be reached." He said HB 534 deserved the support of the committee.

Gene Pigeon, Montana-Dakota Utilities (MDU), went on record as supporting HB 534--"Clean Air and Jobs." MDU Resources services plants in Billings when ambiet conditions warrent shutting down their fuels and transferring to natural gas. Mr. Pigeon said that MDU recommends that the committee support HB 534.

Time had run out for other proponents to testify, and Jo Brunner who represented the Montana Cattlefeeders submitted written testimony only. (Exhibit 11)

At that point, Sen. Keating asked other proponents to stand, and 13 people stood in support of HB 534.

OPPONENTS: Howard Toole, Board of Health, Missoula, testified against HB 534. He said the conflice on this subject in Billings had let to the proposal of rule-making in regard to the annual and 24 hour standards. He indicated that the Board and the Department are committed; and if the Legislature wanted them to continue to try to work out a consensus approach to the problem, the Board of Health possibly could engage in new rule-making proceedings and re-visit standards with appropriate administrative action. Mr. Toole was concerned that the passage of HB 534 would make negotiation impossible. He stated that if Billings is allowed to be in compliance with the federal standard only, there would be no incentive for further negotiations. Mr. Toole said that the Legislatu[illegible]

had given the BHES the authority for policy making in the area of environment, and they were willing to accept that responsibility and would continue to do so. However, Mr. Toole suggested that if HB 534 were passed, the Board of Health ". . . would look at other matters!"

Hal Robbins, Department of Health and Environmental Sciences, testified that he recognized the Legislature's right to control policy, but he objected to HB 534 because it would interfere with the administrative process. The Department of Health and Environmental Sciences had adopted the air quality standards for Montana in the first place, and he believed that the Board should be given an opportunity to implement those standards. Mr. Robbins reported that the standards were adopted only after lengthy public hearings and testimony, and he suggested that the issue was not within the realm of the Legislature. He stated that the duty and implementation should remain the province of an independent board since it had been created specifically for that purpose and has the time necessary to insure a fair implementation. Furthermore, Mr. Robbins stated that sufficient health data exist to conclude that the existing Montana ambient air quality standards are reasonable to protect public health. (Exhibit 12)

Rep. Kelly Addy, House District 94, opposed HB 534. He said that HB 534 is a classic example of what prompted Sen. Mansfield to say when the environmental movement was still in its infancy, "We have to strike a balance." Rep. Addy said that there must be a balance between jobs and environment, and that each consideration is as valid as the other. He stated he objected to the following:

1. Proposal will be a permanent change--there is no sunset in the bill.

2. Bill "tinkers" with the 24-hour standard in which asthmatics would have to pay the penalty.

Rep. Addy said that the people in the Yellowstone Valley should be given a choice of which air quality standards they prefer. Rep. Addy then distributed amendments that were offered by Rep. Harper on the Floor of the House. (Exhibit 13)

Eileen Morris, a resident of Yellowstone County and also a Northern Plains Resource Council representative, testified against HB 534 (Exhibit 14). She distributed two review documents for the committee members to read:

1. Summations from the final Environmental Impact Statement on the Ambient Air Quality Standards Study, dated February 14, 1980 (Exhibit 14-a)

2. EPA's Second Addendum to Air Quality Criteria for Particulate Matter and Sulfur Oxides (1982): Assessment of Newly Available Health Effects Information (Exhibit 14-b).

Ms. Morris said that the issue involved is not how much clean air will cost, but who will pay the cost. If Montana industry is not required to control its air pollution, Ms. Morris stated that many in the State would suffer the consequences by ill health. Ms. Morris urged that the Committee not concur with HB 534.

Wendy Anderson, Public Health Association of Montana, testified for Carolyn M. Hamlin, Assistant Professor of Public Health Nursing. Ms. Hamlin's testimony reported that chronic obstructive lung disease is the fifth leading cause of death in Montana. Pneumonia and influenza follow as the sixth leading cause. Both of these death rates exceed the same disease-related death rates in the U.S. Therefore, it seems logical that proposed voluntary standards would be risky. Considering sulfur dioxide as one of the three major sources of air pollution which would result in a decreased quality of life and high medical expenses, Ms. Anderson stated that HB 534 cannot be allowed to pass out of committee. (Exhibit 15)

Claudia Massman Montana Environmental Information Center Action Fund, opposed the passage of HB 534. She said that clean air is a good State policy, and reducing Montana's air quality standards would do little to solve Montana's antibusiness climate, and result only in a loss of clean air. Ms. Massman purported that maintaining clean air would be an economic benefit to Montana because people would be attracted to the State by its largely unspoiled environment. (Exhibit 16)

Rick Berg, rancher from Glen, opposed HB 534 because of the effect it would have on agriculture and tourism. He said that SO_2 has horrible effects on agriculture as stated in a congressional report that he had read. He said that wheat, alfalfa, barley and other plants suffer leaf damage, growth inhibition, and increased mortality from SO_2 levels that are even lower than the national air quality standards.

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In regards to tourism, Mr. Berg asked how many people would drive across country to breathe the air that is worse than where they left. He wondered if the tourists would take Montanans at their "word," that there really are mountains somewhere out in the haze. Mr. Berg stated that, even if we disregard all of the aforementioned objections, even if we don't care that Billings' children already have diminished lung capacities, even if we forget that Montana is renowned for its crystal clear air and sky to tourists throughout the world, even if environmental concerns are not the committee's concerns, HB 534 would set a horrible precedent to let the notion go forth that when industry threatens to "take their ball and go home," Montana will throw up her arms and say Go ahead, have your way with me." Mr. Berg concluded by saying, "Let that idea get a foothold in the State, then it's Goodbye, Big Sky!" Mr. Berg asked that HB 534, which amounted to panic legislation in his opinion, not be passed.

Scott L. Fraser, Yellowstone Valley Citizens Council, submitted written testimony (Exhibit 17). Mr. Fraser urged the committee to abandon HB 534. However, if the committee felt that HB 534 should be passed, Mr. Fraser submitted some amendments. (Exhibit 18)

Don Lees, a resident of Billings, gave testimony that his wife died in the summer of 1985 and he was of the opinion that her death was hastened by dirty air. His wife was asthmatic. Her attacks and dates of hospital admittance correlated with the pollution incidents in Billings. Mr. Lees respectfully asked the committee not to pass HB 534.

Jim Carlson, Missoula City-County Health Department, objected to HB 534 because administrative procedure would be set aside. Mr. Carlson said he was concerned about the industries not following due process. There is a concern of the legality of the standard that was appropriately promulgated and the constitutionality of HB 534. What the bill would do is set a different standard for the Billings area than it does for the rest of the State. Therefore, people's health protection would not be provided for in the Billings area. Mr. Carlson said that the bill would not adequately protect coniferous forests which are the econmic base of Western Montana, and the federal standard does not protect coniferous forests. HB 534 would set a poor precedent in saying that industries who fight rather than cooperate with a set standard may find relief in the legislature. He said that there have been a

number of industries in the State who have cooperated and complied with State standards--ASARCO, Colstrip, and Missoula Pulp Mill.

Sen. Keating asked the other opponents to stand, and 12 additional people stood.

Testimony from opponents was submitted to the secretary as follows. Because of time constraints, testimony was written only.

Montana Association of Churches (Exhibit 19)
Audubon with proposed amendment (Exhibit 20)
League of Women Voters (Exhibit 21)
Montana Senior Citizens (Exhibit 22)
Yellowstone Basin Group (Exhibit 23)
Ed Zaidlicz with newspaper article (Exhibit 24)

QUESTIONS (AND/OR DISCUSSION) FROM THE COMMITTEE: Sen. Walker asked if the State air standards were being enforced in Billings. Mr. Toole said that the State air standards had been in litigation for years and there has not been any strict enforcement effort brought by the State. Sen. Walker asked about a comprehensive review study of the standards, and Mr. Toole indicated that he would like to see such a study be undertaken because BHES had deferred twice for lack of good data.

In reply to Sen. Severson's inquiry, Mr. Robbins said he thought maybe 20 states have higher standards than the federal standards, but he wasn't sure.

In the course of the discussion it was reiterated that other areas in the State are complying with State standards and there is a tax reduction for companies that install pollution control equipment. There was concern expressed by some members of the committee about BHES' authority being usurped if HB 534 were passed.

Sen. Halligan asked Mr. Hubble if he would support legislation that would allow tax credits for installation of air pollution devices, and Mr. Hubble said that would make sense to him. It was repeated time and again by representatives of industry that as long as federal standards were being met, the public's health was protected. Board of Health people insisted that others in the State could and did meet State criteria and Billings industries should do likewise.

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Sen. Yellowtail referred to the Statement of Intent, and he asked why companies should negotiate. Mr. Hubble said industries have made a public commitment and it's good faith.

Sen. Walker asked Sen. Regan for her comments, and she said that HB 534 disturbs her since BHES and industry are already working on solutions. She said she does not believe that industries would close if they were held to State standards.

CLOSING Sen. Hannah distributed a table showing locations of monitors in the Billings area and a letter to EQC from Mr. Robbins. (Exhibit 25) Rep. Hannah said he feels it's wrong to assume that industry would not leave the State. HB 534 is a good preserver of jobs in his opinion. He said that the question to finally answer is why do we need this bill. Frankly, Rep. Hannah felt that BHES is only negotiating with the companies because of the existence of HB 534. He reported that HB 534 had received 72 votes in the House and concluded his remarks by saying it is important and critical to the economic life of industry in Billings. It can be documented that that there will be clean air, and SO_2 in the Billings area would go down with the passage of HB 534.

There being no more business to come before the Committee, Sen. Keating adjourned the meeting at 2:57 p.m.

Thomas F. Keating
THOMAS F. KEATING, Chairman

nm

ROLL CALL

NATURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987 Date 3/13/87

NAME	PRESENT	ABSENT	EXCUSED
Sen. Tom Keating, Chairman	✓		
Sen. Cecil Weeding, Vice Chairman	✓		
Sen. John Anderson	✓		
Sen. Mike Halligan	✓		
Sen. Delwyn Gage	✓		
Sen. Lawrence Stimatz	✓		
Sen. Larry Tveit	✓		
Sen. "J.D." Lynch	✓		
Sen. Sam Hofman	✓		
Sen. William Yellowtail	✓		
Sen. Elmer Severson	✓		
Sen. Mike Walker	✓		

Each day attach to minutes.

Exhibit # 15
3-6-89 SB-389

DATE March 13, 1989

COMMITTEE ON Natural Resources

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
[illegible]	[illegible]	HB534		X
[illegible]	[illegible]	HB534		X
[illegible]	[illegible]	HB534		X
Ed BARTLETT	MONTANA POWER	HB534	X	
[illegible]	[illegible]	HB534	X	
Janet Ellis	MT Audubon	HB534		X
[illegible]	[illegible]	HB534		X
Claudia Massman	MEIC	HB534		X
[illegible]	[illegible]	HB534		✓
Aileen Harris	[illegible]	HB534		✓
[illegible]	[illegible]	HB534		✓
[illegible]	[illegible]	HB534		✓
[illegible]	[illegible]	HB534		✓
Clayton D. Graham	Montana Farm Coop	HB534	X	
[illegible]	[illegible]	HB534		✓
[illegible]	[illegible]	534		X
[illegible]	Dakota County	534		X
[illegible]	NPRC	534		X
Edwin Faithful	[illegible]	534		X
[illegible]	[illegible]	534	X	
Bob Hollaway	Conoco	534	X	
[illegible]	Conoco	534	X	
[illegible]	Conoco	534	X	
Mike [illegible]	WETP	534	X	
Bob Olsen	Conoco	534	X	
Ken Williams	Western Energy	534	X	

DATE March 13 1991

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
[illegible]	[illegible]	[illegible]		✓
Stuart Stephens	Dept of Health	534		X
Dan Fannin	MPC / CFC	534	X	
Gene Vigeon	MPC / Resource Council	534	X	
[illegible]	Consulting	534	X	
David Stalker	Mt Min Miners	HJR 19	X	
Mark Ruby	Helena Citizen Com	HJR 19	X	
Henry Hinrichs	Exxon	534	X	
Anne Light	concerned citizen	534		X
" "	"	HJR 19	X	
Tom Tully	NPRC	534		✓
Mike Koch	Montanan - CARBONDALE, IL	534		✓
Linda Collins	Bear Paw Council	534		X
Stuart Doggett	Mt Chamber of Commerce	534	X	
Lol Glahn	MPC	534	X	
Ronald Ude	CENEX	534	X	
Ted Rollins	ASARCO, INC	534	X	
Karla Gray	MPC	534	X	
Jan Cook	Exxon	534	X	
Jo Brunner	Montana Cattlefeeders	534	X	
Art Wittich	Montana Power	534	X	
Bob Quinn	Mont Pure Co.	534	✓	
Anne Black	UPPC	534		X
Ron Burman MD	Concerned Citizen	534	✓	
Richard Chilson MD	" "	534	✓	
Thomas A. Nelson	Exxon	534	X	

(Please leave prepared statements with the Secretary.)

DATE March 13, 1987

COMMITTEE ON

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
[illegible]	Exxon USA	534	✓	
[illegible]	[illegible]	534		✓
[illegible]	[illegible]	534		✓
[illegible]	[illegible] Billings	534	✓	
[illegible]	[illegible]	534	✓	
[illegible]	[illegible]	534		✓
[illegible]	Mont. Public Health Assn	534		✓
[illegible]	NPRC	534		✓
Bill Opitz	DHES	534		✓

Councilman rapped for air-quality remarks

AIR JOHNSON
Gazette Staff

tate officials and a local citi-
group spokesman have rebutted
ents made last week by Bill-
City Council member Dan
er, who opposes a bill to make
s and Laurel meet tougher
ir quality standards.
armer helped draft the 1987
h bill, which allowed the Bill-
ea to meet easier federal stan-
A bill by state Sen. Tom Towe,
ngs, would return the Billings-
l area to the stricter Montana
rds.
armer said last week that Mon-
sulfur-dioxide standards were
sed on valid scientific data. He
ontended that stiffer regu-
might cause Billings and Lau-
ustries to close.
think the EPA has done exten-
search," he said. "I think what-
esearch the state has done has
virtually nothing by compari-
le added that the public pro-
hrough which the Montana
rds were adopted amounted to
al machinations."

Chaffee said it's "probably not fair to say (Montana's standards) are not based on science because that's what they were built on." He said the scientific backing is contained in an environmental impact statement written in support of the standards, which were adopted by the state Board of Health and Environmental Sciences in 1980.

Chaffee said Montana's standards offer a greater margin of safety for public health than the federal standards.

Jim Hughes, the bureau's environmental specialist in the Billings office, said Farmer is misinformed and misrepresenting the facts. "He's rumormongering," Hughes said.

Mort Reid, president of the Yellowstone Valley Citizens Council, also took issue with Farmer's statements. YVCC is an affiliate of the Northern Plains Resource Council and supports Towe's bill.

"I think Dan Farmer is grossly misinformed, particularly about the plant closures," Reid said, noting that the Billings Conoco refinery and the Cenex refinery in Laurel are investing millions of dollars in improvements. And the Exxon refinery has long-term plans with Billings Generation Inc. to burn its coke and receive steam in a co-generation plan.

"I fail to see where that is a posture toward plant closure," Reid said. "I see no risk at all of a plant closure at any of those facilities for the purpose of not being able to comply with air quality standards."

Reid added, "I think it's a scare tactic Dan Farmer has used to intimidate the rest of the City Council members to torpedo SB389. It irks me that Dan Farmer can reduce the issue to jobs or clean air. We can have both. But as long as industries are successful in using Dan Farmer as a mouthpiece to reduce issues to jobs or clean air, of course people are going to want jobs. Those are not the only choices available."

Farmer, however, maintained that plant closures are a valid concern. He said Exxon and DuPont, the parent company of Conoco, are "enormous corporations" that could easily write off their investments in Billings, particularly when other problems are considered, like the state's workers' compensation and property tax rates.

Farmer refused to specify which companies might pull out. He said he based his comments on "private discussions with industry people in 1987 and subsequent to that." He said no company was "going to come out and make a threat like that, but you can tell how worried they are."

Closing a refinery, however, isn't a matter of simply pulling a plug. Environmental remediation and plant cleanup costs for a typical refinery can be from $50 million to $100 million, according to a Dec. 28 article in the Oil and Gas Journal on the effect of clean air rules on refineries.

REPORT AVAILABLE

People who want to view the final report of a study of sulfur-dioxide dispersion in the Billings-Laurel area can do so at two city offices in Billings.

The report, entitled "SO2 Dispersion Modeling Study," was prepared for City Hall by GeoResearch Inc. of Billings. Copies of the report are on file in Parmly Billings Library, 502 N. Broadway, and the city clerk's office on the first floor of Park Three garage, 210 N. 27th St. City officials encourage public comment, and a form for written comment is available at both locations.

Copies of the final report are available by contacting Margaret Harr of GeoResearch. The cost is $60.

The City Council has set a public hearing on the report for 7:30 p.m. May 24 in the council chambers on the second floor of the police building, 220 N. 27th St.

Turn to The Billings Gazette Classified Ads on 6C

3/7/93

Saturday, March 14, 1987

SB-389

Industry officials pledge continued cuts in emissions

By Steve Shirley
Standard State Bureau

HELENA — Industry officials pledged Friday to continue efforts to reduce sulfur-dioxide emissions in the Billings area even if the Legislature weakens state SO2 standards.

However, Health Board officials and others said they fear weaker state standards would eliminate the incentive for industry to lower emissions.

The debate took place before the state Health Board and a legislative committee considering the bill to relax state sulfur-dioxide standards.

The Health Board decided to defer action on proposals to limit the emission problem. And the Senate Natural Resources Committee didn't act immediately on House Bill 534 after hearing the testimony.


HANNAH

The bill, sponsored by House Majority Leader Tom Hannah, R-Billings, would relax the state's annual and 24-hour sulfur-dioxide standards for ambient air to the federal level. The state currently prohibits more than .02 parts per million of sulfur dioxide in the air on an annual average, while the federal standard is .03 ppm. The state standard on a 24-hour basis is .1 ppm while the federal one is .14 ppm.

Industries in the Billings area, including three oil refineries, a power plant, a sugar mill and a sulfur processer, exceed state standards but comply with federal ones.

The industries have said the cost of complying with the state standard could put them out of business, while environmentalists and others have said the state shouldn't give in to threats.

The groups have been working with the Health Department to hammer out a tentative agreement to reduce SO2 levels.

On Friday, their representatives told the Health Board and Senate committee that the agreement must go hand-in-hand with Hannah's bill. They said that, even if they make voluntary reductions, they don't expect to attain state standards without making costly expenditures that would jeopardize their economic health.

For that reason, Hubble and others said, the Legislature must still weaken the state standard.

Critics, however, said weakening the standard removes an incentive for continued reduction efforts.

"There's not going to be any need for negotiations" if HB 534 passes, said state Health Board member Howard Toole.

Industry officials responded that they feel the agreement would be binding if they sign it. They also said they'll continue to negotiate and voluntarily reduce emissions because they've made public commitments to do so. "We have to live in that community too."

Robert Holtsmith, manager of the Conoco refinery, said industry has to cooperate because if it didn't the 1989 Legislature could return to the more-stringent state standard.

Hannah said his bill won't worsen Billings' air, but will make it cleaner. He said it's had the effect of forcing the Health Department to negotiate an agreement that will reduce emissions.

Meanwhile, industry officials argued that the federal standard is adequate to protect health because it was set after extensive studies on SO2's health effects.

Likewise, a Billings pulmonary disease specialist, Dr. Ronald Burnam, challenged a 1981 study that showed Billings children have a harder time breathing than do children from other Montana cities because of air pollution. Burnam said there's no good medical evidence to justify a tougher state SO2 standard.

Critics, however, maintained that clean air was important to health and the local economy.

Donald Lee of Billings said his wife Nettie died in 1985 after a severe asthmatic attack that was "certainly hastened by Billings' dirty air." He said there was a "startling correlation" between her earlier attacks and the city's bad-air episodes.

"The issue involved is not how much clean air will cost, but who will pay the cost," said Eileen Morris, past president of the Yellowstone Valley Citizens Council.

Others complained that the federal standard was set 16 years ago and based on health studies now out-of-date.

Hal Robbins, chief of the Health Department's air-quality bureau, said recent studies indicate that

Attachment "A"

10B
1C
1A
)D
1B
1B
SA

Comparison shows air standards in line with neighboring states

By CLAIR JOHNSON
and DENNIS GAUB
Of the Gazette Staff

Are Montana's air quality standards for sulfur dioxide more restrictive than other states'? A comparison of eight neighboring states suggests they are not.

Only Billings and two other states in the region use the more lenient federal standards, according to information compiled in 1991 by the Montana Air Quality Bureau in the Department of Health and Environmental Sciences.

The comparison looked at standards in Montana, Billings, Colorado, Idaho, North Dakota, South Dakota, Oregon, Utah, Washington and Wyoming.

The issue of what standards are appropriate for the Billings area will come before the Senate Public Health, Welfare and Safety Committee at 3 p.m. Monday. The committee will hold a hearing on SB 389, sponsored by Sen. Tom Towe, D-Billings, which would essentially return Billings' standards to the more restrictive state standards, tighten Montana's one-hour standard and provide for a health study.

Proponents of the bill argue that the federal standards do not adequately protect public health in the Billings area, which has six major industrial sources of the pollutant.

Opponents argue that the federal standards are adequate and that forcing industries to comply with stricter standards may cost the area jobs.

The 1987 Legislature relaxed the standards for the Billings area to bring the industries into compliance.

Sulfur dioxide is a respiratory irritant and a component of acid rain. The pollutant is formed by burning fossil fuels like coal or oil.

Although monitoring information has shown the industries in compliance with the current standards, recent computer modeling studies show violations of both the federal and state standards.

Based on the modeled violations, the federal Environmental Protection Agency last week officially notified the state that it must revise its emission control plan, called a State Implementation Plan, for the Billings area. The state has 18 months in which to respond or else face sanctions.

Jim Hughes, an environmental specialist in the state Air Quality Bureau's Billings office, said a survey of all 50 states probably would not show Montana as among those states having restrictive air quality standards both for ambient air and emissions.

Ambient air is air in the atmosphere. Emissions are pollutants that typically come out of industry stacks.

Hughes said that Montana's emissions standards are "very lenient and not progressive with modern times."

Montana's ambient standards for sulfur dioxide are about the average among the more stringent standards but are not the most stringent, he said.

(More on Air, Page 13A)

■ Responding to City Council/1C

BG 3/7/93

OVER

Exhibit #25
3-8-93
SB-389

SOUTH SIDE NEIGHBORHOOD TASK FORCE

BILLINGS, MONTANA

Chairman
Rodney Garcia
259-7812

Vice Chairman
Stephen Bradley

March 2, 1993

Senator Eck, Chairman
Public Health, Welfare & Safety
Capitol Station
Helena, Montana 59620

RE: Senator Towes SB389
Air Quality-Sulfur Dioxide

Dear Senator Eck,

We the undersigned wish to express our strong support for SB389.

For many years we have been concerned by the quality of our air in Yellowstone County. Many of us suffer respiratory distress from the SO2 we are exposed to.

We want a health study that was promised by the legislature in 1987. We need to know how much pollution we have, where it is, who is emitting it and where. We know that in 1979-80 the Montana Health Board determined that the federal standards were not good enough for everybody--especially senior citizens, young children and folks suffering with lung problems.

We believe a strong Montana air quality SO2 standard like the SB389 section I proposal should apply to all industry across the state.

We want the industries that are polluting our air to pay for the cost of administration, enforcement, the health study and for a strong state air quality bureau. We do not want the industry to do any more "self policing". Public servants should have exclusive control of the problem for the tax payers. The tax payers should not have to pay for the pollution we suffer.

We want a monitoring or recording system so that our emissions can be controlled accurately and effectively. We agree that the Department should publish a yearly report of how much SO2 pollution each facility and community puts out.

We are very disturbed to learn that our SO2 pollution makes us the worst SO2 polluted city west of the Mississippi.

We do not want "status quo" pollution air levels--we want the SO2 emissions levels reduced so that we can really be the "All American City".

The enclosed list of Task Force members and interested guests agree with our position.

Thank you for your interest in this matter and thank you for your long hours of hard work for the citizens of Montana.

Sincerely,

Rod Garcia, Chairman
South Side Neighborhood Task Force

cc: Senator Tom Towe

Enclosure

Exhibit #25
3-8-93
SB-389

Yes we — Support S/B 389

Marion Dozier	3923 3rd Ave S Blgs	South Park Task Force
Ken Purdy	1224 N. 26th St.	N. Park Task Force
ERVIN C. STYLER	20 BUCHANAN Hwy.	South Park Task Force
GREYE VERSTRAETE	303 S. 31ST ST., #5	"
Dennis McCord	118 S 30th	"
Buck Nagle	715-S28	"
Jerri Jarte	121 So 38th	So Park Task force
David Colton	215 Monroe St	"
Helen M. Chavez	211 So 25 St	South Side Task force
Audrey Ann Wagner	310 So. 35th	Southside Task Force
Margie L. Hay	1122 No 25	North Rk Task.
Tomas C Hay	" " "	N Park Task Force Chrm
Michael A. Russ	1046 N-31st	N. Elevation Task Force chrm-
Kerwin Jensen	1031 Cottonwood	Billings, MT
Gordon L Eldridge	505 Orchard Ln	Blgs Mt. SW Corridor TESK Force
rman Ludwig Garcia	214 So 38th	South Side TF
Jeff Regnier	1029 N. 23RD ST.	BILLINGS City COUNCIL
William F. Kipp	326 Jefferson	S.W. Corridor TF
Bill Kienzler	4537 Ryan	Billings City Council

DATE 3-8-93

SENATE COMMITTEE ON Public Health

BILLS BEING HEARD TODAY: SB 389 - Towe

Name	Representing	Bill No.	Check One Support	Oppose
Matt Reid	MCC	SB389	✓	
Mike Micone	Conoco	389		X
Jim Jensen	METC	389	X	
Wand Shanahan	Rhone-Poulenc	389		X
Kari Heykes	Billings Chamber	389		X
Teresa Woods	Citizen	389	X	
Paula Duffy	citizen	389	✓	
Dan Fagnac	City of Billings	389		✓
Rita Pickering				
Mary Wastlwood	Montana Sulphur	389		
Mike Matthew	Yellowstone Co	389		✓
Ken Williams	Entech			✓
Ted Doney	ASARCO; Billings Generation Inc.; Rosebud Energy	389		✓
Peggy Olson Trenk	MCTA	389		✓
Ruth Chandler	CRA	389	✓	
[illegible]			✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

DATE 3-8-93

SENATE COMMITTEE ON Public Health

BILLS BEING HEARD TODAY: S.B. 389 Tower

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
Cecil Luther	Boyle & Livingston (Emigrant/Hill)	SB 389	✓	
Vince + Louise Larsen	Supporting Bill SB 389	SB 389	✓	
Lyle Forrester	Self	SB 389	✓	
WILLIAM J. WITHERSPOON	Supporting Bill	# 389	✓	
TRACY B WITHERSPOON	SUPPORTING BILL	# 389	✓	
Richard F. Cobull	Supporting Bill	# 389	✓	
Ethan Thorpe	Continental Lime Inc.	# 11		✓
Mike Smith	Self	11	✓	
Ellen T. Smith	Self	11	✓	
[illegible]	Montana Audubon Leg. Fund	SB 389	X	
Ron Pletcher	Cenex	SB 389		✓
Leland Griffin	Montana Rail Co	SB 389		✓
Cam Balentine	Rhone Poulenc	SB 389		✓
Kay Foster	Bigs Chamber	SB 389		✓
Janelle Fallan	MT Petroleum	SB 389		✓
CARLTON GRIMM	MONTANA RAIL CO.	SB 389		✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 3-8-93

SENATE COMMITTEE ON Public Health

BILLS BEING HEARD TODAY: SB 389 - Towe

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
Dennis Olson For Edzaidlicz		SB 389	✓	
John LAHR	MPC			✓
David Owen	MT Chamber of Commerce	SB389		✓
John Alke	MMA	SB389		✓
Jerry Driscoll	Self	SB389		✓
Holly Sugar/Sen Larry Tveit	Holly Sugar	SB389		✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

NAME Cecil E. Liter

ADDRESS 704 Westgate drive

HOME PHONE 256-9204 WORK PHONE _____

REPRESENTING Peple of Westgate drive

APPEARING ON WHICH PROPOSAL? SB 389

DO YOU: SUPPORT ✓ OPPOSE _____ AMEND _____

COMMENTS:

It's Preety absurd to wait for expasure levels to get so high that the skin wheels of the E.P.A address this problem before we the people of our own community, and the people we elect to, stand up and make Exxon accountable for their actions and comply with the law.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

NAME Jim McIntosh

ADDRESS 1719 Old Harden Rd.

HOME PHONE 248 4405 WORK PHONE 259 3904

REPRESENTING Jim Excavating

APPEARING ON WHICH PROPOSAL? SB 389

DO YOU: SUPPORT Yes OPPOSE _____ AMEND _____

COMMENTS:

1. By Cleaning up The Air we would ~~Pay~~ Less Money for Helth Insurance.
2. Also would Create More Jobs.
3. Could bring More Industry To Billings

I Think as A Tax Payer + Citizen I am intitled To clean Air if This is possible

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

NAME Montana N Watts

ADDRESS 3455 Old Hardin Rd Blgs, MT,

HOME PHONE 259-2177 WORK PHONE Same

REPRESENTING Area Residents

APPEARING ON WHICH PROPOSAL? SJ 3 & 9.

DO YOU: SUPPORT ✓ OPPOSE _____ AMEND _____

COMMENTS:

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

NAME Richard F. Cebull

ADDRESS R.R. 8 Canyon Tr. Rd

HOME PHONE 252-8888 WORK PHONE 245-2611

REPRESENTING Self

APPEARING ON WHICH PROPOSAL? _____

DO YOU: SUPPORT ✓ OPPOSE _____ AMEND _____

COMMENTS:

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

NAME Lisa A. Sell

ADDRESS 2039 Constellation TR Blgs 59

HOME PHONE 245-3730 WORK PHONE 256-6724

REPRESENTING me & my family

APPEARING ON WHICH PROPOSAL? Senate Bill 359

DO YOU: SUPPORT ✓ OPPOSE _____ AMEND _____

COMMENTS:

The pollution in Blgs. is really affecting my husband & daughters asthma. As soon as we leave Blgs they are fine.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

NAME Rep K. Winslow, HD 97.

ADDRESS 4608 Box Canyon

HOME PHONE _____ WORK PHONE _____

REPRESENTING District 97

APPEARING ON WHICH PROPOSAL? SB 389

DO YOU: SUPPORT X OPPOSE _____ AMEND _____

COMMENTS:

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY