

BEFORE THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES
OF THE STATE OF MONTANA

In the matter of the Proposed)	
Revision of the Montana State)	FINDINGS OF FACT,
Implementation Plan for the)	CONCLUSIONS OF LAW
Billings Air Quality Maintenance)	AND ORDER
Area)	

After notice and hearing as required by 40 C.F.R. 51.4 and 51.5(b), the Montana Administrative Procedure Act and the model procedural rules adopted to implement the Act, the Board of Health and Environmental Sciences considered the Stipulation entered into between the Department of Health and Environmental Sciences (hereinafter Department); the Exxon Company, U.S.A., a division of Exxon Corporation, Billings Refinery (hereinafter Exxon); the Continental Oil Company, Billings Refinery (hereinafter Conoco); the Farmers Union Central Exchange, Inc., Laurel Refinery (hereinafter Cenex); the Montana Power Company, Billings, Montana (hereinafter MPC); the Great Western Sugar Company, Billings, Montana (hereinafter Great Western); and the Montana Sulphur and Chemical Company, Billings, Montana (hereinafter Montana Sulphur), and makes the following disposition of this matter:

FINDINGS OF FACT

1. The Environmental Protection Agency (hereinafter EPA) has, pursuant to notice published in the Federal Register, Volume 41, Number 132, July 8, 1976, notified the State of Montana that the Montana Clean Air Act State Implementation Plan (SIP) is inadequate to provide for the attainment and maintenance of national ambient air quality standards for sulfur dioxide in the Billings Air Quality Maintenance Area (AQMA).

2. Beginning in October of 1976, the Department and the six Billings Air Quality Maintenance Area industries who signed the Stipulation have been discussing in good faith all allegations concerning alleged violations of sulfur dioxide ambient air quality standards and applicable emission regulations.

3. Cenex and the Department have agreed to a compliance plan which will assure the attainment and maintenance of national ambient

air quality standards for sulfur dioxide and the Montana ambient air quality rule for sulfur dioxide.

4. Exxon has agreed to a compliance plan which will improve its ability to monitor and control the amount of sulfur-in-fuel fired at its Billings refinery therefore improving the ambient air quality in the metropolitan Billings portion of the Billings AQMA.

5. Additional ambient air sulfur dioxide monitoring is needed in the Billings AQMA, especially in the metropolitan portion of the Billings AQMA, in order to validate a model and reach a final determination as to actual air quality.

6. The monitoring program agreed to in the Stipulation will provide the Department with the data necessary to validate a model and reach a final determination as to actual air quality in the metropolitan portion of the Billings AQMA.

CONCLUSIONS OF LAW

The Stipulation entered into between the Department, Cenex, Exxon, Conoco, Great Western, MPC and Montana Sulphur is consistent with the provisions of the Clean Air Act of Montana, Title 69, Chapter 39, R.C.M. 1947, and constitutes a satisfactory resolution of all disputes arising between the parties.

ORDER

Based on the foregoing, it is hereby ordered that:

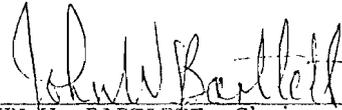
1. The Stipulation entered into between the Department, Cenex, Exxon, Conoco, Great Western, MPC and Montana Sulphur be submitted to the Environmental Protection Agency as a proposed revision of the Montana State Implementation Plan pursuant to the notice issued by EPA in the Federal Register, Volume 41, Number 132, July 8, 1976;

2. The Stipulation is adopted as an Order of the Board pursuant to the authority conferred upon the Board by the Montana Clean Air Act; and

3. The petitions for declaratory ruling concerning the interpretation and applicability of ARM 16-2.14(1)-S1430, S1450, S1470

and S14050 submitted by Cenex, Exxon and Conoco are hereby
dismissed.

DATED this 25th day of January, 1978.



JOHN W. BARTLETT, Chairman
Board of Health and Environmental Sciences