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Executive Director

May 10, 2010

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Senator Max Baucus
511 Hart Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Baucus:

As you may know, the Environmental Protection Agency (EPA) announced its intention to revise the national ambient air quality standards for ozone on January 6. The proposal itself was published in the Federal Register on January 19, 2010 (75 FR 2938) and the comment period is closed. In short, EPA proposes to lower the ambient air quality standard from 75 parts per billion (ppb) to a value somewhere between 60 and 70 ppb.

Among the many concerns regarding this proposal is the fact that the proposed standard is dangerously close to the ozone concentrations naturally occurring in the skies over Montana. Recognizing this, it would seem foolish to adopt an ambient standard for which there is no reasonable human intervention that would 'correct' the alleged problem. Moreover, EPA only recently made a significant reduction in the ozone standard in going from 84 ppb to 75 ppb in 2008.

It is disturbing that the proposed standard is nearly the same as concentrations observed throughout Montana regardless of its location, nearness to population centers or industrial development. The difference in concentration regardless of nearby valleys, plains, snow cover and precipitation appear to be minimal. It is commonly known that ozone is ubiquitous in the atmosphere and that concentrations observed in Montana are typical of background, and in many cases lower than other stations in the US and elsewhere.

Several ozone ambient monitoring stations have been in operation in Montana for a number of years. Within the past 9 years, ambient values have been measured the following areas:

- Frenchtown (15 miles NW of Missoula)
- Glacier National Park (near West Glacier)
- Sheppard (11 miles NE of Billings)
- Sidney (17 miles northeast), and

The four areas present a relatively wide variability in geography as well as demographics. From a national perspective, the Frenchtown and Sheppard station are located within a few miles of a light industrial setting and a moderate-to-light population density. The Glacier National Park state is some distance from any significant industrial development and population centers. The Sidney station was chosen and located near oil and gas development in the most significant development in Montana. Other than oil and gas the Sidney station is in an area without industrial activity and very sparse population. The results of the sampling may be compared to the proposed ambient air quality standards.¹

¹ The comparisons are not exact since a full 3 years of data is (in general) required to ascertain exact compliance with the standard. Nonetheless, the data is representative and a reasonable estimate of the actual concentrations if the complete data were available and analyzed accordingly.

Station	Years	Ozone (ppb)	Proposed Standard (ppb)
Frenchtown	2001 – 2002	57	60 – 70
Glacier Nat'l Park	2001 – 2008 ²	56	
Sheppard	2005 – 2007	59	
Sidney	2009	59	

Should EPA adopt a standard that is substantially near the bottom of the proposed range, Montana could face a statewide non-attainment designation. Such a designation brings immediate serious consequences such as loss of federal highway funding, and increased costs and delays in making major modifications to existing facilities, or getting permits for oil and gas exploration. Anecdotally, the entire nation could ultimately be designated non-attainment under this proposal, an absurd result. It is not clear how one would go about reducing emissions that would lower ambient readings sufficient to meet the standard. The pollutants that contribute to ozone formation in the atmosphere (primarily oxides of nitrogen and volatile organic compounds) are only present in very small quantities at these locations.

EPA is reviewing the same health science that was used to set the standard in 2008, yet is proposing a still lower standard. In addition, air quality has been improving across the country for many years in spite of increased population and economic growth. We see no justification for a change in the standard at this time.

The Agency has an established process for reviewing standards on a five year cycle. EPA should revert to that deliberative process and complete the 2013 Ozone NAAQS review rather than rush through an unreasonably stringent proposal.

MPA wishes to make you aware of this issue and the potential effect it would have on Montana and the rest of the country. EPA plans to issue a final rule in August 2010.

MPA stands ready to assist you in any help you may need, but you may wish to consider discussing the impacts of this proposal with the Administration.

Best Regards:



David A. Galt
Executive Director
Montana Petroleum Association

² Calendar year 2009 was not available at the time this table was developed.