

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2356

Introduced by

Senators G. Nelson, Tallackson, Traynor

Representatives DeKrey, Dorso, Huether

1 A BILL for an Act to create and enact a new section to chapter 23-25 of the North Dakota
2 Century Code, relating to the adoption of state air quality rules and standards for sulfur dioxide
3 that are more strict than federal standards; and to provide for retroactive application.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 23-25 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Sulfur dioxide air quality standards more strict than federal standards prohibited.**

8 The department may not adopt air quality rules or standards for sulfur dioxide that affect coal
9 conversion facilities or petroleum refineries that are more strict than federal rules or standards
10 under the Clean Air Act [42 U.S.C. 7401 et seq.], nor may the department adopt air quality rules
11 or standards for sulfur dioxide that affect these facilities and refineries when there are no
12 corresponding federal rules or standards. Any air quality standards that have been adopted by
13 the department for sulfur dioxide that are more strict than federal rules or standards under the
14 Clean Air Act, or for which there are no corresponding federal rules or standards, are void as to
15 coal conversion facilities and petroleum refineries. However, the department may adopt rules
16 for dealing with exposures of less than one hour to sulfur dioxide emissions on a
17 source-by-source basis pursuant to any regulatory program for dealing with short-term
18 exposures to sulfur dioxide that may be established under the Clean Air Act. Any intervention
19 levels or standards set forth in the rules, however, may not be more strict than federal levels or
20 standards recommended or adopted under the federal program. In adopting the rules, the
21 department shall follow all other provisions of state law governing the department's adoption of
22 air quality rules when there are no mandatory corresponding federal rules or standards.

23 **SECTION 2. RETROACTIVE APPLICATION OF ACT.** This Act is retroactive in
24 application.