

Fifty-fifth
Legislative Assembly
of North Dakota

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

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