

Fifty-fifth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2224**

Introduced by

Senators Freborg, Tomac

Representatives DeKrey, 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 that are stricter  
3 than federal standards.

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 **Air quality standards stricter than federal standards prohibited.** Notwithstanding  
8 any other provision of this title, the department may not adopt rules or standards for air quality  
9 affecting coal conversion facilities or petroleum refineries which are stricter than federal rules or  
10 standards under the Clean Air Act [42 U.S.C. 7401 et seq.], nor may the department adopt rules  
11 or standards for air quality affecting such facilities when there are no corresponding federal  
12 rules or standards, unless the additional state rules or standards are required by the Clean Air  
13 Act [42 U.S.C. 7401 et seq.]. Any air quality rules or standards affecting coal conversion  
14 facilities or petroleum refineries which have been adopted by the department pursuant to  
15 section 23-01-04.1 before the effective date of this Act and which are stricter than federal rules  
16 or standards under the Clean Air Act [42 U.S.C. 7401 et seq.], or for which there are no  
17 corresponding federal rules or standards, are void.