

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE CONCURRENT RESOLUTION NO. 3026
(Representatives Belter, Boe, Delmore, Delzer, Headland, Kreidt, Porter)
(Senators Carlisle, Dotzenrod, Lyson, Unruh, Wardner)

A concurrent resolution urging the United States Environmental Protection Agency to refrain from enacting regulations that place unreasonable economic burden on electric consumers living in the Northern Great Plains.

WHEREAS, over the course of the 2011-13 interim the United States Environmental Protection Agency considered whether to regulate coal combustion residuals as hazardous or nonhazardous wastes under the Resource Conservation and Recovery Act; and

WHEREAS, the North Dakota Congressional Delegation in conjunction with members of other delegations across the region introduced legislation clarifying that coal combustion residuals should be regulated by states and not be deemed hazardous wastes; and

WHEREAS, in March 2012 the United States Environmental Protection Agency released a decision on the federal regional haze program approving the State Department of Health's decision to require selective nongaseous reduction technology at the Milton R. Young Station and the Leland Olds Station, but requiring the installation of other technologies for the Antelope Valley Station and the Coal Creek Station resulting in a federal implementation plan for the two units; and

WHEREAS, in December 2012 the United States Environmental Protection Agency issued a notice that it intended to reopen the North Dakota regional haze issue in response to a petition filed by a number of environmental groups; and

WHEREAS, in April 2012 the United States Environmental Protection Agency proposed new carbon dioxide emission standards requiring new coal-based electric generation units to meet an emission standard based on the carbon dioxide emissions of a combined cycle natural gas plant; and

WHEREAS, new lignite-based electric generation units will not be able to meet the proposed carbon dioxide emission standards until carbon dioxide capture technology is developed for widespread, commercial installation; and

WHEREAS, the United States Environmental Protection Agency stated in the April 2012 proposed rule that no notable carbon dioxide or other pollutant emissions changes or monetized benefits were anticipated with the new carbon dioxide emission standards; and

WHEREAS, the North Dakota lignite industry employs thousands of individuals and contributes over \$3.5 billion in business activity in North Dakota each year; and

WHEREAS, if the United States Environmental Protection Agency continues to issue regulations that are not based on sound science and that will have significant impact on consumer electricity costs, the North Dakota lignite industry will struggle to provide low-cost, reliable electricity to the two million consumers served by North Dakota lignite-based generation across the Northern Great Plains; and

WHEREAS, under the present federal regulatory agenda, the state is in danger of losing high-paying jobs related to the lignite industry as well as revenue generated through taxes and business activity;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-third Legislative Assembly urges the United States Environmental Protection Agency to refrain from enacting regulations that regulate coal combustion residuals as hazardous wastes and allow the State Department of Health to continue to regulate coal combustion residuals under its current regulatory structure; and

That the United States Environmental Protection Agency support its March 2012 decision related to the state's regional haze implementation plan and delegate to the state the responsibility for working with the Antelope Valley Station and the Coal Creek Station to achieve the federal implementation plan; and

That the United States Environmental Protection Agency refrain from finalizing regulations for carbon dioxide emission standards which require coal to meet an emission standard based on the carbon dioxide emissions of a combined cycle natural gas plant and to refrain from proposing carbon dioxide emissions standards for existing coal-based electric generation units; and

That the Sixty-third Legislative Assembly urges the United States Environmental Protection Agency to work with the state, the North Dakota Congressional Delegation, and the North Dakota lignite industry to design regulatory programs that are based on sound science and that make economic sense for the consumers of North Dakota lignite; and

That the members of the Sixty-third Legislative Assembly support the efforts of the lignite industry to find common sense technology solutions that will facilitate the continuation of lignite-based electric generation; and

That the members of the Sixty-third Legislative Assembly support the efforts of the lignite industry to challenge regulations that will significantly impact the ability of the industry to continue to generate electricity from existing lignite-based plants; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the Director of the United States Environmental Protection Agency, each member of the North Dakota Congressional Delegation, the State Department of Health, and the Public Service Commission.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

Filed in this office this _____ day of _____, 2013,
at _____ o'clock _____ M.

Secretary of State