

Senator Jessica Bell
District 33

The bill in front of you addresses the federal Regional Haze rule. We've all heard about it, and the state has spent an inordinate amount of money defending its position on how to best implement the rule requirements at the state level. Even though the Regional Haze rule is a federal rule, states get a say in how that rule is implemented. This is a rule based on visibility improvements at selected national parks, with the end goal to achieve "natural" visibility by 2064. Every ten years the state updates their State Implementation Plan (SIP) utilizing guidelines EPA creates to reflect reasonable progress toward the ultimate goal of natural visibility. These plans need to be approved by EPA as well, which can be a difficult achievement in an administration that's show exceptional disdain toward our fossil fuel industry. There are glidepaths and natural conditions and modeling involved, all interacting in complicated ways, but the general concepts and goals for the SIPs are identified in this bill. Making progress toward visibility improvements is a worthy goal, and something this bill assists in achieving by creating some wide guideposts for the state to follow when it is developing its plan.

The bill first directs the state to develop a regional haze plan, then to analyze the causes of visibility impairment. It then directs the DEQ to take into consideration the level of visibility improvement any investments in additional control measures would cost and weigh the benefit of the two, but only if it is necessary to do so if no progress is made in visibility improvements prior to this analysis. It then allows the DEQ to develop a new plan if the EPA denies approval of our SIP and states any new control measures required in the plan are only required once EPA approval is received. The last section says if there is something required that shouldn't have been, the state cannot take action to require it anyway. Section 2 declares an emergency so this goes into effect prior to the state's submittal of our SIP to the EPA.

We separated the Department of Environmental Quality from the Department of Health in 2017 so we can better handle state implementation of federal programs such as this. We want to do everything we can to defend our position as a state when we have deference to make our own decisions on how a rule like this is implemented. This bill helps bolster that position and makes clear we will implement a plan that follows the ultimate goal of the rule – visibility improvements. We will not be requiring private businesses to make unnecessary investments in their private assets unless we have to to meet the rule of the federal law. Governor Burgum's press release (attached) from last week said it best.