

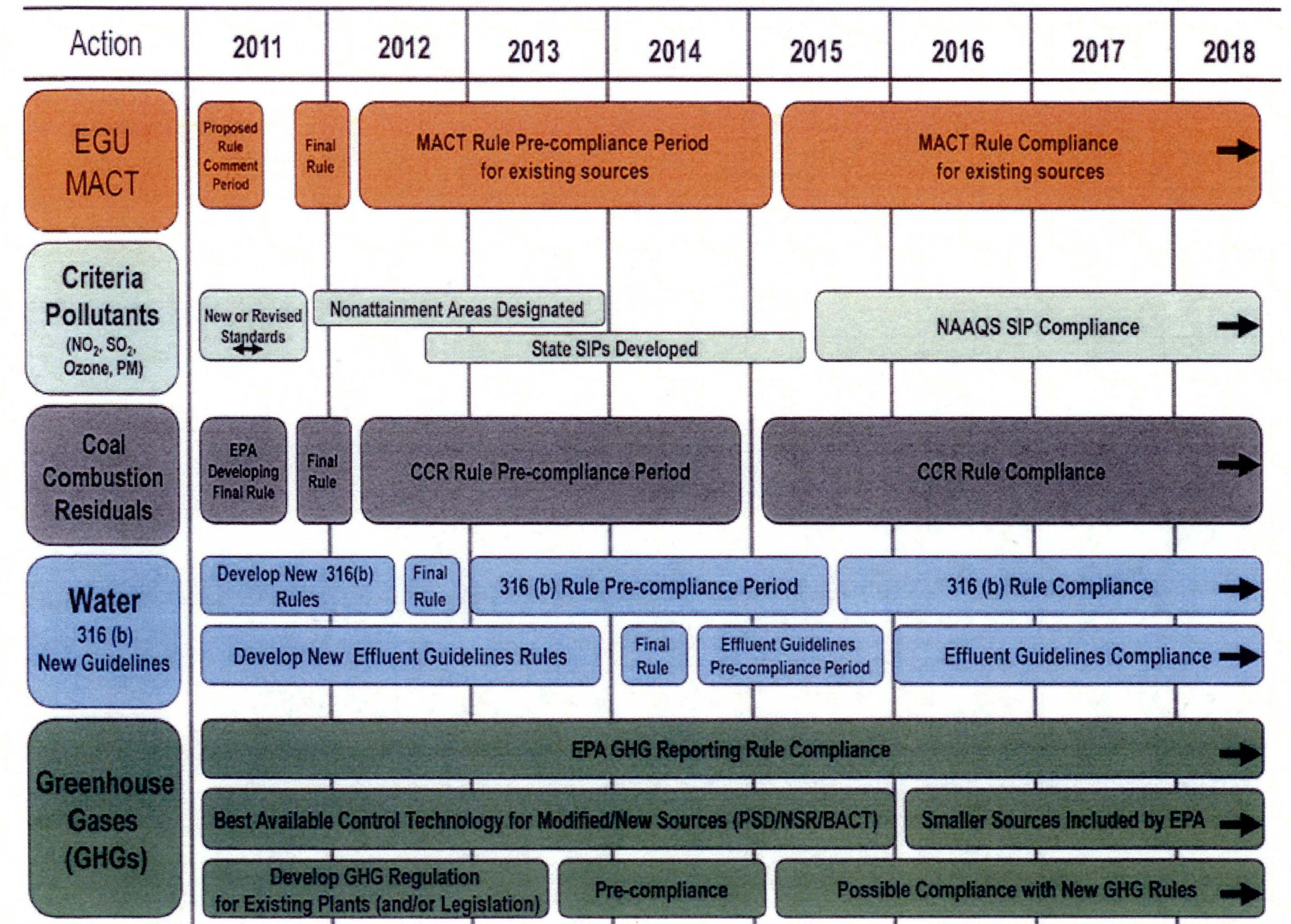


Natural Resources Committee

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Vice President - Government Affairs

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EPA New Regulatory Actions Timeline



Sulfur Dioxide (SO₂)

- **Final Rule issued**
- **Industry can meet new standard**
- **ND sued EPA over monitoring/modeling issue**

Utility MACT (Mercury Rule)

- **Final Rule Issued**
- **Subcategorization for lignite**
- **Compliance timeframe inadequate**
- **ND joined Michigan Petition for Review**

Regional Haze

- **March 1 - EPA ordered partial FIP/ partial SIP**
 - **Agreed with North Dakota's technology solution**
 - **Required Antelope Valley Station to install equipment**
 - **Raised issues for Coal Creek Station requirement**
 - **Rejected State modeling program**
 - **State filed Petition for Review over modeling issue**

CO₂ New Source Performance Standard

- **Proposed rule issued**
- **Sets emission standard for Carbon Dioxide (CO₂) at new plants**
- **Must meet emission level of natural gas plant**
- **New lignite plants will need carbon capture to meet standard**
- **Questions – how rule will impact existing plants**

Coal Combustion Residuals

- Issue ... regulate as hazardous or nonhazardous waste
- EPA preference – hazardous waste
- EPA conducting risk assessment on beneficial use of coal ash
- ND plants find beneficial use for about 40% of coal ash produced
- Hoeven/Conrad bill

Stream Protection

- **OSM work on proposal to protect mountain streams and valleys**
- **Work draft leaked – focus on all operations**
- **Applies “one-size fits all” for all mining operations**

Clean Water Act Jurisdiction

- **Proposed guidance broaden scope to include “most wet areas”**
- **Intent to restrict use of private land**
- **Intent to supersede authority of state and local governments**
- **Potential to significantly increase number of waters subject to federal jurisdiction**

Economics

- **Midwest ISO – update analysis of impacts of rules**
- **100 requests for retirements of certain units**
- **Total 60,000 MW affected by rule**
- **Retrofits for 47,000 MW**
 - **Costs for retrofits may range from \$150,000/MW to \$450,000/MW**
- **Concerned about impact on reliability**

