

Introduced by

Representatives Belter, Boe, Delmore, Delzer, Headland, Kreidt, Porter

Senators Carlisle, Dotzenrod, Lyson, Unruh, Wardner

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 That the Sixty-third Legislative Assembly urges the United States Environmental Protection
30 Agency to work with the state, the North Dakota Congressional Delegation, and the North

Sixty-third
Legislative Assembly

1 Dakota lignite industry to design regulatory programs that are based on sound science and that
2 make economic sense for the consumers of North Dakota lignite; and

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

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

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