

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2238

Introduced by

Senator Bell

1 A BILL for an Act to create and enact section 23.1-06-16 of the North Dakota Century Code,  
2 relating to the state regional haze plan; to provide a penalty; and to declare an emergency.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** Section 23.1-06-16 of the North Dakota Century Code is created and enacted  
5 as follows:

6 **23.1-06-16. Implementation of federal regional haze program requirements.**

- 7 1. Consistent with the federal Clean Air Act [42 U.S.C. 7401 et seq.] and the regulations  
8 adopted under the Clean Air Act, the department shall develop and implement a state  
9 regional haze plan in accordance with this section.
- 10 2. The state regional haze plan must include an analysis of the natural and international  
11 causes of visibility impairment.
- 12 3. In developing a periodic comprehensive revision of the state implementation plan, the  
13 department shall consider whether additional measures are necessary to make  
14 reasonable progress toward meeting the national goal of visibility improvement, as  
15 required by the federal Clean Air Act [42 U.S.C. 7401 et seq.] and further defined by  
16 the United States environmental protection agency to be natural visibility conditions by  
17 2064. The department may not require controls the department has determined serve  
18 only to increase total costs with little corresponding visibility benefit.
- 19 4. If the environmental protection agency disapproves the state regional haze plan, the  
20 department may develop and submit as expeditiously as possible a revised plan to  
21 address the reasons for the disapproval in accordance with the requirements of this  
22 section.
- 23 5. Any new control measures mandated by the state regional haze plan are effective only  
24 upon final approval by the environmental protection agency.

1        6. If federal laws, a federal court, or a final federal agency action renders any control  
2        measures included in the state plan unenforceable by the environmental protection  
3        agency, the requirement to implement the measures may not be enforced under state  
4        law to the same extent the measures are unenforceable under federal law.

5        **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.