



Regional Haze: A North Dakota Solution

Regional Haze regulations require states, in coordination with the Environmental Protection Agency (EPA) and other federal agencies to implement plans to reduce the pollution that is linked to visibility impairment. The rule has the ultimate goal of recreating the same visibility conditions near certain National Parks and Wilderness Areas that existed more than 100 years ago. Although the **EPA first approved North Dakota's Regional Haze plan in April 2012, it withdrew its approval under pressure from environmental industry groups.**

After a series of **lawsuits** surrounding Best Available Retrofit Technology (BART), the **courts eventually sided with the State of North Dakota** that North Dakota Department of Health's BART determinations for Minnkota Power Cooperative's Milton R. Young Station and Basin Electric's Leland Olds Station were sufficient.

The Lignite Energy Council continues to believe that the principles of **cooperative federalism** should underpin future regional haze updates and will seek **permanent solutions from Congress** that will address the following concerns:

- The Regional Haze program seeks to continually improve visibility, **beyond what is perceptible** to the naked eye
- Future required updates on **"reasonable progress,"** goals and strategies, as well as revised plans will be left to the discretion of future EPA Administrators
- BART for other forms of coal is **not necessarily appropriate for lignite coal plants**, but the EPA disputed that reality during the Obama Administration
- States are required to update their goals and progress **every 5 years**, and to submit revised plans every 10 years
- The Year 2064 Natural Background Visibility Goal must be reconsidered. As ND has explained in their SIP, achieving natural conditions in ND will require the elimination of all anthropogenic sources of emissions, and the elimination of all SO₂ and NO_x emissions still won't achieve the uniform rate of progress.
- EPA must address the following before additional emissions reductions are considered from power plants:
 - States need clearer authority and discretion over the process.
 - A source that was already subject to substantial emissions reduction during the first RHR implementation period or for other regulations (e.g., SO₂ NAAQS implementation) should be excluded from the list of sources targeted for further controls for, at minimum, the next RHR implementation period.
 - A source that does not cause perceptible haze impacts should not require emission controls.
 - Sources ceasing operation or shutting down should be disqualified from emission controls requirements.