

# The Dispute Between North Dakota and the EPA



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**Section 169** of the Clean Air Act was enacted to establish a national visibility protection goal. The Act calls for the Environmental Protection Agency (EPA) to establish rules that ensure reasonable progress is made towards meeting this national goal. It also provides the primary authority to states to imple-

ment visibility requirements through state implementation plans. The EPA's role is clearly to provide oversight and assume authority if a state's plan is determined to be inadequate.

Most recently the EPA announced its intent to exercise this authority in North Dakota. On Sept. 21, 2011, EPA published its determination to approve certain parts of North Dakota's state implementation plan and to override other aspects regarding regional haze regulations for several power plants with respect to nitrogen oxide (NOx) emissions.

This new EPA oversight will apply to several cooperative-owned coal plants located in North Dakota including Basin Electric's Leland Olds Station, Great River Energy's Coal Creek Station and Minnkota's Milton R. Young Station. These cooperative-owned power plants serve a significant number of Minnesota cooperative members. This new regulation is not a health-based requirement but a goal to improve visibility in Class I areas such as national parks and wilderness areas. The intent of the regulation is to return ambient air clarity to "natural background" levels by 2064, an effort that we are told will be an unrecognizable improvement from the clarity experienced today.

The dispute between North Dakota and the EPA centers on how the state plans to improve visibility in the Theodore Roosevelt National Park and the Lostwood National Wildlife Refuge. North Dakota's plan would require Over-Fire Air (OFA) and Selective Non-Catalytic Reduction (SNCR) technology which has been proven to reduce NOx emissions by 55 percent to 60 percent. EPA's plan would require utilities to install Selective Catalytic Reduction (SCR), a technology that the agency says would reduce about 90 percent of the NOx emissions. However, SCR hasn't been proven to work on cyclone-fired boilers fueled with North Dakota lignite coal. And, the cost to install SCR is so great that it will have significant adverse economic consequences to consumers in the Midwest that use

electricity generated from North Dakota coal. This will also include, to some lesser degree, all Renville-Sibley members.

North Dakota's Governor Jack Dalrymple said, "Not only is EPA's proposal the wrong plan for North Dakota, EPA's proposal charts a path to an unlawful takeover of the state's regulatory authority. EPA's plan would unnecessarily require the installation of technologies that are extremely expensive and not known to be technically feasible."

North Dakota's Sen. John Hoeven called on EPA to approve the North Dakota plan, rather than take a "one-size-fits-all" approach. He also said, "Here in North Dakota, we believe in a commonsense approach, particularly when we've invested years and years and the industry has invested hundreds of millions of dollars to meet the current state standard."

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North Dakota has a strong record in developing, implementing and administering Clean Air Act rules. They are one of only 12 states that continue to meet all Federal Ambient Air Quality Standards and eight North Dakota counties (including Mercer and Oliver counties who are home to several coal-based power plants) have received 'A' grades as recently as 2010 for clean air.

I would encourage everyone to learn more about EPA's efforts in regard to Regional Haze and get involved by visiting [www.stopEPAND.com](http://www.stopEPAND.com).

## Comparative Report

	Current Sept. 2011	1 Year Ago Sept. 2010	10 Years Ago Sept. 2001
<b>Number of Members</b>	1,928	1,936	1,945
<b>Kilowatt Hours Purchased</b>	9,916,096	16,498,149	8,784,835
<b>KWHs Sold</b>	11,824,748	16,285,931	8,517,700
<b>Cost of Purchased Power</b>	\$475,687.40	\$691,700.60	\$257,443.20