



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8  
1595 Wynkoop Street  
DENVER, CO 80202-1129  
<http://www.epa.gov/region08>**

**Fact Sheet**

**Summary of EPA's Proposed Rulemaking: North Dakota Regional Haze State Implementation Plan (SIP) and Federal Implementation Plan (FIP) for Regional Haze and for Interstate Transport of Pollution Affecting Visibility**

**Provided at the October 13 and 14, 2011 Public Hearings, Bismarck, North Dakota**

**Proposal overview:**

- On September 21, 2011, the Environmental Protection Agency (EPA) published a proposed rule to partially approve and partially disapprove North Dakota's Regional Haze SIP, disapprove the visibility portion of North Dakota's Interstate Transport SIP, and replace the disapproved provisions with a Federal Implementation Plan in order to satisfy the Clean Air Act's requirements concerning Regional Haze and Interstate Transport. The proposal may be viewed at: <http://www.regulations.gov> by searching for Docket ID No. EPA-R08-OAR-2010-0406, or at Volume 76 of the Federal Register, page 58570, which can be accessed online at <http://www.gpoaccess.gov>.

**Background:**

- The Clean Air Act (CAA) (section 169A) establishes as a national goal the "prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas," i.e., our national parks and wilderness areas. To address this goal, Congress required EPA to adopt rules and required states to adopt revisions to their state implementation plans or "SIPs." The CAA requires, as part of the SIPs, that certain large sources of pollution install Best Available Retrofit Technology or "BART," which is to be determined considering five factors, including cost and visibility improvement. In addition, the CAA requires the SIPs to include measures to provide for reasonable progress toward the national goal.
- In 1999, EPA issued rules to address regional haze, a particular type of visibility impairment in our national parks and wilderness areas that can arise from a variety of sources across broad geographic areas. These rules required all 50 states to submit SIP revisions to address regional haze by December 17, 2007. Among other things, these rules specified requirements related to BART and reasonable progress. North Dakota and numerous other states did not meet the December 2007 deadline.
- The CAA also requires states to submit SIP revisions to address interstate transport of pollution that may interfere with another state's SIP to protect visibility. (CAA section 110(a)(2)(D)(i)(II))

EPA's issuance of new National Ambient Air Quality Standards for ozone and particulate matter in July 1997 triggered a three-year deadline for states to submit interstate transport SIP revisions. North Dakota and other states did not meet this deadline.

- A state must submit its SIP revisions to EPA for approval. If EPA finds that a state has failed to make a required SIP submittal or if EPA disapproves a state's required submittal, then EPA must promulgate a Federal Implementation Plan (FIP) within two years to fill the regulatory gap.
- EPA issued formal findings that North Dakota had not submitted the regional haze SIP and the interstate transport SIP, in early 2009 and 2005, respectively. Because EPA did not issue FIPs within two years, it was sued and is now under court orders to issue FIPs or approve SIPs for regional haze and transport by January 26, 2012 and February 9, 2012, respectively.
- North Dakota submitted its regional haze SIP on March 3, 2010. It submitted a supplement on July 27, 2010 and an amendment on July 28, 2011.
- North Dakota submitted an interstate transport SIP on April 6, 2009.

#### **Major Aspects of EPA's Proposal:**

- We are proposing to approve the following major aspects of the regional haze SIP:
  - All BART determinations and limits for the pollutants sulfur dioxide (SO<sub>2</sub>) and particulate matter (PM).
  - The BART determinations and limits for nitrogen oxides (NO<sub>x</sub>) at Leland Olds Station Unit 1 and Stanton Station Unit 1.
  - The limits at Coyote Station Unit 1 and Heskett Station Unit 2 as meeting reasonable progress requirements.
- We are proposing to disapprove the following major aspects of the regional haze SIP:
  - North Dakota's BART determinations and limits for NO<sub>x</sub> for Milton R. Young Station Units 1 and 2 and Leland Olds Station Unit 2. Basis: The State based its decision to reject selective catalytic reduction (SCR) as BART on a flawed analysis of costs and visibility improvement.
  - North Dakota's BART determination and limits for NO<sub>x</sub> for Coal Creek Station Units 1 and 2. Basis: The State based its decision to reject post-combustion controls on a flawed analysis of costs. The facility had made a typographical error that resulted in inflated costs for selective non-catalytic reduction (SNCR) and SCR.
  - North Dakota's determination that no further NO<sub>x</sub> controls are needed at Antelope Valley Station Units 1 and 2 to meet the reasonable progress requirements of EPA's regional haze rules. Basis: The State eliminated highly inexpensive controls that will achieve significant reductions of NO<sub>x</sub>. Also, the State relied on a flawed analysis of visibility benefits.

- We are proposing a FIP for regional haze to replace the provisions of the SIP we are proposing to disapprove. The following are the major elements:
  - We are proposing NO<sub>x</sub> BART limits for Milton R. Young Station Units 1 and 2 and Leland Olds Station Unit 2 of 0.07 lbs/MMBtu based on use of SCR. Basis: Appropriate analyses show that SCR is cost effective (in the range of \$1,833-2,740/ton of NO<sub>x</sub> reduced) and will achieve annual reductions of over 12,000 tons of NO<sub>x</sub> for all three units combined. These reductions will result in a substantial improvement in visibility.
  - We are proposing NO<sub>x</sub> BART limits for Coal Creek Station Units 1 and 2 of 0.12 lbs/MMBtu based on the use of SNCR. Basis: Our analysis shows that the costs of SNCR are reasonable (\$2,500/ton of NO<sub>x</sub> reduced) for the projected visibility improvement. The cost effectiveness value is within the range of values that North Dakota considered reasonable in selecting SNCR as BART at other power plant units, with comparable predicted visibility improvement. We also invited comment on a possible alternative limit at Coal Creek Station Units 1 and 2 of 0.14 lbs/MMBtu, which would be based on coal drying and combustion controls.
  - We are proposing reasonable progress limits for Antelope Valley Station Units 1 and 2 of 0.17 lbs/MMBtu based on use of combustion controls. Basis: Such controls are inexpensive (\$586 and \$661/ton of NO<sub>x</sub> reduced for Unit 1 and Unit 2, respectively) and will achieve annual reductions of 3,500 tons of NO<sub>x</sub> per unit. These reductions will result in substantial improvements in visibility.
  - We are proposing monitoring, recordkeeping, and reporting requirements for the FIP limits.
  
- We are proposing to disapprove the visibility portion of North Dakota's interstate transport SIP. Basis: The SIP does not meet the Act's requirements concerning non-interference with programs to protect visibility in other states.
  
- We are proposing a FIP in lieu of the visibility portion of North Dakota's interstate transport SIP. The FIP would consist of the combination of our FIP for regional haze and the portions of the North Dakota regional haze SIP that we are proposing to approve. The basis for this proposal is that it would ensure that emissions from sources in North Dakota would not interfere with other states' visibility programs.
  
- Our action will help protect and improve scenic views at 10 national parks and wilderness areas, including Theodore Roosevelt National Park, Lostwood National Wildlife Refuge Wilderness Area, Boundary Waters Canoe Wilderness Area (MN), Wind Cave National Park (SD), and Badlands National Park (SD).
  
- The proposed reduction in NO<sub>x</sub> emissions from the two units at Milton R. Young Station and the one unit at Leland Olds Station would decrease visibility impacts to Theodore Roosevelt National Park by about 1.6 deciviews.

- We will continue to work with North Dakota on these issues. If the State finalizes a revised plan that adequately addresses Regional Haze and Interstate Transport, our federal plan could be superseded upon EPA's approval of the State's revised plan.

**For Further Information:**

- The proposal may be viewed at: <http://www.regulations.gov> by searching for Docket ID No. EPA-R08-OAR-2010-0406.
- In addition to the proposed rule, other background information is available at <http://www.regulations.gov> by searching for Docket ID No. EPA-R08-OAR-2010-0406 or in hard copy at the Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1196. EPA requests that if at all possible, you contact Gail Fallon at (303) 312-6281 or [fallon.gail@epa.gov](mailto:fallon.gail@epa.gov) to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.
- For further information concerning this action, contact Gail Fallon of EPA Region 8's Air Program at (303) 312-6281 or [fallon.gail@epa.gov](mailto:fallon.gail@epa.gov).
- You may submit written comments on EPA's proposal. Written comments should reference Docket ID No. EPA-R08-OAR-2010-0406 and must be received on or before November 21, 2011. See the proposal notice for further instructions on submitting comments.