

## NEWS RELEASE

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February 12, 2015

### **EPA AFFIRMS EARLIER APPROVAL OF NORTH DAKOTA'S REGIONAL HAZE PLAN**

Bismarck, ND -- Governor Jack Dalrymple and Attorney General Wayne Stenehjem applaud the EPA's decision earlier this week to affirm North Dakota's air quality protection plan for two North Dakota coal-powered electric generating plants. The EPA first approved North Dakota's plan in April 2012, but later reconsidered its decision in response to a request from the National Parks Conservation Association and Sierra Club. The EPA's decision this week affirms its earlier approval of the North Dakota Department of Health's best available retrofit technology (BART) determinations for Minnkota Power Cooperative's Milton R. Young Station and Basin Electric's Leland Olds Station.

"During the EPA's reconsideration, North Dakota asked the EPA to respect Judge Hovland's ruling in the Minnkota Power case," Stenehjem said. "I am pleased the EPA agreed to abide by the Court's decision." In addition to the federal court's Minnkota Power decision, the EPA relied on other aspects of the Health Department's detailed analysis and the plan's fulfillment of the Clean Air Act's requirements.

"We are witnessing an onslaught of proposed EPA regulations that may significantly impact many aspects of our state - from farming and ranching to power generation," said Governor Dalrymple. "We have on many occasions very clearly let the EPA know when its proposals have crossed the line in terms of either the law or good government decision making," he continued.

The EPA had unsuccessfully challenged in federal court a nearly identical technical determination made by the Health Department. In 2012, US District Court Judge Daniel Hovland rejected EPA's challenge and upheld the Department's technical determination on the grounds the State acted within the authority granted to it under federal law. Stenehjem said that "the federal Clean Air Act gives states the primary role in making certain key technical and other decisions to both preserve air quality and assure the availability of affordable and reliable electricity for North Dakota citizens and businesses."

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