

Congress of the United States
Washington, DC 20515

November 17, 2011

Honorable Lisa P. Jackson
Administrator
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

We are contacting you regarding concerns about the Environmental Protection Agency's (EPA) proposed decision to disapprove a portion of North Dakota's State Implementation Plan (SIP) and issue a Federal Implementation Plan (FIP) because of the ramifications of such a decision on our home state of Wyoming. The State of North Dakota took into account all of the factors specified in the Clean Air Act regional haze regulations and provided a reasoned explanation for its plan. Wyoming has taken similar care in drafting its plan. These plans balance the need to improve air quality with the need to take a reasonable approach that recognizes the effects of regulation on our economy. The approach insisted by the EPA is neither reasonable nor necessary. We are concerned that the EPA's insistence on moving forward with a FIP will increase energy prices and cost jobs in both North Dakota and Wyoming. At a time of high unemployment nationwide, this result is unacceptable.

The EPA's decision to issue a FIP ignores the reasoned approach taken by North Dakota and sets a precedent that could translate to the upcoming decision on Wyoming's efforts to meet the EPA's regional haze requirements. Rather than ignore the carefully constructed work of state regulatory agencies, the EPA should accept North Dakota's SIP to address regional haze. Wyoming should receive similar treatment when the EPA has finished evaluating its plan.

In Wyoming, we rely heavily on coal mining and coal-based generation to sustain and grow our economy. This nation's prosperity was built largely on the basis of reliable, affordable electricity. We have made great gains in reducing emissions from coal-based generation while increasing the supply of electricity. The coal industry supplies good paying jobs in our state. The affordable electricity provided by coal will help our economy grow.

If the EPA moves forward with its FIP, the cost of implementing such a plan will be tremendous. The electric generating industry of North Dakota will be forced to expend hundreds of millions of dollars on technology that has not been proven on North Dakota lignite coal. These costs will be passed on to consumers. We are told that, even if the emissions reductions are successful, the visibility differences will be imperceptible to the human eye. Should the EPA follow a similar path with Wyoming's plan, we are told that similar results will occur. As a nation, we must have solutions that justify the cost. The FIP proposed by the EPA does not appear to meet that test.

States like Wyoming and North Dakota should be given deference to develop a regional haze plan based on sound science, sound policy, and what the law requires. The people in the State are those who are most impacted by the regulations, so it makes sense that the State regulatory agency would be given deference. The EPA's FIP for North Dakota appears to ignore such an approach in favor of a costly, job killing proposal. We urge you to reject the FIP from the EPA's Region 8 in favor of allowing North Dakota to move forward with its SIP. When you make a decision about Wyoming's efforts, we hope you will allow for Wyoming to regulate regional haze within its borders.

Sincerely,



Michael B. Enzi
United States Senator



John Barrasso, MD
United States Senator



Cynthia Lummis
U.S. Representative