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# United States Senate

WASHINGTON, DC 20510

November 9, 2015

Mr. Terry O'Clair, P.E.  
Director, Division of Air Quality  
ND Department of Health  
918 E. Divide Ave.  
Bismarck, ND 58501-1947

Dear Director O'Clair,

Thank you for soliciting public comments on the state's plan for compliance with the recently finalized Clean Power Plan.

Every single North Dakotan would feel the impact of this rule through higher utility costs, but those hit the hardest would be the workers, families, and communities in North Dakota coal country.

As the Department gathers public comments tonight, I urge them to listen to the concerns they hear at these public meetings and move forward in a way that is best for North Dakota and acknowledges the progress we've already made in our energy industries and environmental stewardship. In the meantime, I will continue the fight in Congress to stop this rule completely.

In Washington, I am leading several legislative efforts to halt and repeal this rule. I worked to include language in the Fiscal Year (FY) 2016 Interior and Environment funding bill to block the EPA from implementing the rule. We are working right now to include this priority in the FY 2016 omnibus appropriations bill Congress will consider later this year.

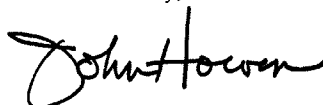
In the Senate we have introduced the Affordable Reliable Energy Now Act (ARENA Act). This legislation would empower state governors to protect ratepayers from increases and ensure the reliability of the electricity grid while also preventing the EPA from mandating unproven technology or withholding highway funds from states not in compliance with the rule.

I have also co-sponsored two Resolutions of Disapproval under the Congressional Review Act to repeal the new EPA regulations on both New and Existing Sources.

In September, I brought members of North Dakota's coal industry together with EPA officials to express our opposition to the rule. EPA officials agreed to provide flexibility for the state to submit its State Implementation Plan (SIP), giving us an additional two years to submit the final SIP. We also received a commitment from the EPA to send staff to North Dakota to hear firsthand about the challenges in complying with the agency's mandates.

With these efforts at the state and federal level – together with litigation in the courts – we have a good chance to stop this rule. Thank you for being here to make your voice heard to our state's leaders. As the state must move forward with compliance, I will continue working to stop this rule from going forward.

Sincerely,



John Hoeven  
US Senator