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Environmental Defense Fund

RECORDS OBTAINED BY EDF SHOW THE TRUMP ADMINISTRATION'S "FREE PASSES TO POLLUTE" WERE EVEN MORE SWEEPING THAN WHAT COAL PLANTS ASKED FOR

An overview of the requests submitted by coal plants for exemptions from the Mercury and Air Toxics Standards

Last year, President Trump made expansive use of an obscure Clean Air Act provision that allows the president to temporarily exempt sources from pollution standards in narrow circumstances. These exemptions are meant to protect national security interests during emergency situations when pollution control equipment is unavailable. In a series of proclamations, the president invoked this authority — which has never before been used by any president — to grant 180 industrial facilities nationwide sweeping waivers from Clean Air Act protections for highly dangerous pollutants. More information on these exemptions can be found on EDF's Trump EPA Pollution Pass Map.

EDF obtained, through litigation under the Freedom of Information Act, copies of the correspondence from power plants to EPA seeking exemptions. The Clean Air Act allows the president to issue exemptions *only if* the technology needed is not available, but we found that President Trump exempted plants from requirements that coal plants did not ask to be excused from, and requirements coal plants admitted they *could* comply with. These records confirm that President Trump blatantly violated the Clean Air Act by issuing exemptions for pollution standards that coal plants can implement with available technology.

This fact sheet summarizes key findings from that review that underscore **there was no lawful basis for the president to grant these sweeping exemptions.**

Background

- The Clean Air Act allows the president to exempt sources from pollution standards for hazardous air pollutants "for a period of not more than 2 years if the president determines that the technology to implement such standard is not available and that it is in the national security interests of the United States to do so."
- Last spring, the Trump EPA created a webpage inviting power plants and other industrial sources to send an email to the agency to request an exemption from strengthened pollution standards for mercury, arsenic, nickel, chromium, and other highly toxic pollutants. Dozens of coal plants responded, and 71 coal plants were eventually granted exemptions from the 2024

Mercury and Air Toxics Standards via two presidential proclamations issued on April 8 and July 17.

  - Records previously obtained by EDF show that the decision to offer exemptions to polluting industries was driven by Trump administration political appointees with industry ties; that before the exemptions were granted, Trump EPA appointees met with representatives of industries that subsequently received exemptions; and that the development of the webpage was rushed and confused.

- Before these presidential exemptions, in 2024, the Mercury and Air Toxics Standards for coal-fired power plants had been strengthened in four ways. The 2024 changes:
  - Reduced allowable emissions of nickel, arsenic, lead and other toxic metals from coal plants by two-thirds (the "fPM" standard)
  - Lowered the mercury limit for the dirtiest plants — lignite coal plants — by 70% (the mercury or "Hg" standard)
  - Required coal plants to install and use modern pollution monitoring systems to improve compliance and to provide the public with more information about how much pollution these plants emit (the continuous emissions monitoring or "CEMS" requirement)
  - Removed a previously available compliance testing option for certain coal plants emitting below the old pollution limits allowing them to test and report their emissions only once every three years
- Each power plant received the same sweeping exemption from the 2024 Mercury and Air Toxics Standards for two years — the maximum period the Clean Air Act allows — beginning after the compliance deadline from July 8, 2027 to July 8, 2029. The proclamations stated that "during this 2-year period, these stationary sources are subject to the compliance obligations that they are currently subject to under the MATS as the MATS existed prior to the Rule."

Key findings

- The president gave coal plants broader exemptions from pollution standards than they themselves asked for. ***Every* coal plant that requested an exemption from *any* of the 2024 rule's requirements received an exemption from *all* of the 2024 rule's requirements.**
- Many of the coal plants' requests for exemptions admitted that they already had the control technologies needed to lower their pollution to the tighter limits for mercury and other toxic metals—but they still got a pass.
- Coal plants that admitted they already had the real-time, improved pollution monitoring systems required by the 2024 rule were nevertheless excused from having to use them.
- Every coal plant that asked for an exemption received the same two-year free pass (the maximum allowed by law) — even coal plants that asked for shorter exemption periods and plants with formal plans to retire their coal units on quicker timelines.

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- In purporting to justify why granting an exemption was in the national security interests of the United States, most coal plants relied solely on President Trump's own unsupported assertions in Executive Orders 14154 ("Unleashing American Energy") and 14156 ("Declaring a National Energy Emergency") and/or relied on vague, generalized claims about grid reliability, energy scarcity, and future demand from data centers and AI *without* evidence or meaningful explanation of why complying with pollution standards would implicate these concerns.

    - In one demonstration of circular reasoning wherein unsupported presidential statements were relayed back to the president to justify these exemptions, Talen Energy and Northwestern, operators and owners of the Colstrip plant in Montana, asserted: "The slew of passages in the Executive Orders make clear: The President has already determined that any reduction of regulatory burden when it comes to energy production including an emergency exemption of the 2024 MATS Rule for any power plant—would be in the national security interest." (ED_018388_00000306-00010).

- Once the first presidential proclamation was released, additional plants that had *not* initially requested an exemption wrote in to demand one also — without even attempting to assert that relevant technology was not available or that they met the Clean Air Act's criteria. City Water, Light and Power of Springfield emphasized "Dallman Unit 4 is not included in the list of nationally exempted units, CWLP seeks an individual exemption based on parity" and a need for "near-term regulatory flexibility while national energy and environmental policy is reassessed." The plant was granted an exemption. The Clean Air Act does not allow the president to waive required pollution limits for highly toxic emissions in order to provide power plants "regulatory flexibility."

- None of the requests for exemptions contained *any* meaningful analysis of the human health harms that might occur from the pollution increases.

Application excerpts: plants admitting they already meet (or can meet with existing technology) the lower pollution limits of the 2024 rule

- **American Bituminous Power Partners, L.P. Grant Town Power Plant: "**As a first point of information, the pending 0.01 lb/MMIltu limit is likely technically feasible under the current compliance demonstration methods of a periodic Method 5 Performance Test, which consists of approximately 3-hours of testing as frequently as once per calendar quarter, or in the case of LEE units, once LEE status is demonstrated, once every 36 months." (ED_018388_00000320-00002).

- **City Water, Light and Power of Springfield, Dallman Unit 4:** "Across multiple stack tests conducted between 2020 and 2024, Dallman Unit 4 has recorded emissions as low as 0.00025 lb/mmBtu and has consistently remained below 0.0009 lb/mmBtu. These levels are not only well under the previous limit but are also substantially below the revised standard, underscoring the unit's exceptional performance and continued eligibility—on a technical

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basis-for a low-emitting designation."

- **Colver Green Energy, Colver Generating Station**: "The plant continues to meet LEE criteria and are in compliance with not only the current PM emission limit of 0.030 lbs/mmbtu and would also be in compliance with 'new' compliance limit of 0.010 lbs/mmbtu." (ED_OI 8388_00000272-00002).

- **Ebensburg Power Station, EPC Generating Station**: "The plant continues to meet LEE criteria and are in compliance with not only the current PM emission limit of 0.030 lbs/mmbtu and would also be in compliance with 'new' compliance limit of 0.010 lbs/mmbtu." The application also provides a "recent tested PM emission value" of 0.00188 lbs/mmbtu. (ED_018388_00000269-00001).

- **Olympus Power, LLC, Northampton: "**In the case of Northampton Generating Unit 1, the unit is already required to meet an FPM limit of 0.0088 lbs. FPM/MMBtu." (ED_018388_00000245-00002).

- **Otter Tail Power Co, Big Stone Plant**: "Big Stone has been able to demonstrate very low PM emission rates with its current control technology. It initially demonstrated compliance via quarterly stack testing. After meeting the criteria to attain LEE status under the MATS Rule for PM, Big Stone has demonstrated compliance on an every 3-year basis. Notably, Big Stone Plant's previous two LEE qualification stack test results have been 0.0003 lb/MMBtu and 0.0005 lb/MMBtu, respectively. These test results are at least 9.5% less than the 0.010 lb/MMBtu limit being advanced by the MATS RTR." (ED_018388_00000190-00005).

- **Otter Tail Power Co, Coyote Station**: "Coyote Station has had some short-term success (on the order of one-week) using PAC to reach mercury emissions levels in the range of the new mercury limit." (ED_018388_00000194-00005).

- **Panther Creek, Panther Creek Energy Facility**: "As a first point of information, the pending 0.01 lb/MMBtu limit is likely technically feasible under the current compliance demonstration methods of a periodic Method 5 Performance Test, which consists of approximately 3-hours of testing as frequently as once per calendar quarter, or in the case of LEE units, once LEE status is demonstrated, once every 36 months. Ongoing compliance is demonstrated by opacity monitors in the stack." (ED_018388_00000253-00002).

- **Rainbow Energy Center, Coal Creek Station**: "The results from the currently required fPM stack testing at Coal Creek Station have demonstrated emission rates below the MATS Rule's emissions limit, but it is not technologically sound to assume that Coal Creek could demonstrate compliance with the emissions limit on a continuous basis with a reasonable margin of compliance using PM CEMS." (ED_018388_00000048-00003002).

- **Schuylkill Energy Resources, St. Nicholas Cogeneration Project**: "As a first point of information, the pending 0.01 lb/MMBtu limit is likely technically feasible under the current compliance demonstration methods of a periodic Method 5 Performance Test, which consists of approximately 3-hours of testing as frequently as once per calendar quarter, or in the case of LEE units, once LEE status is demonstrated, once every 36 months. Ongoing compliance is

demonstrated by opacity monitors in the stack." (ED_Ol 8388_00000286-00003).

- **Scrubgrass Reclamation Co. LP, Scubgrass Generating Plant:** "As a first point of information, the pending 0.01 lb/MMBtu limit is likely technically feasible under the current compliance demonstration methods of a periodic Method 5 Performance Test, which consists of approximately 3-hours of testing as frequently as once per calendar quarter, or in the case of LEE units, once LEE status is demonstrated, once every 36 months. Ongoing compliance is demonstrated by opacity monitors in the stack." (ED_018388_00000251-00002).

- **Seward Generation LLC, Seward Generating Station**: "The plant continues to meet LEE criteria and are in compliance with not only the current PM emission limit of 0.030 lbs/mmhtu and would also be in compliance with "new" compliance limit of 0.010 lbs/mmbtu." (ED_018388_00000267-00001). The application notes a "Recent Tested PM Emission Value" of 0.00736 lbs/mmbtu. (ED_018388_00000267-00002).

- **Southern Company, Bowen Steam Electric Generating Plant & Scherer Steam Electric Plant**: "Georgia Power Company (GPC) does not anticipate the installation of additional controls to comply with the revised standards." (ED_018388_00000098-00008).

Plants that admitted they already had continuous emissions monitoring technology

- **Arizona Electric Power Coop Inc., Apache Steam Station**: "AEPCO currently maintains a particulate matter continuous emissions monitoring system. . ." (EO_018388_00005754_00002).

- **Cardinal Operating Co., Cardinal Plant: "**Units 1 and 2 both have PM CEMS installed as required by a 2007 Consent Decree."

- **Golden Valley, Healy Power Plant:** "Per a 2012 Consent Decree, GVEA operates PM CEMS on both Healy EGUs to demonstrate compliance with a PM emission limit of 0.020 lbs/MMBtu." (ED_0l 8388_00005662-00003).

- **Kincaid, Kincaid Power Plant**: Although Kincaid has a PM CEMS, it is not utilized for MATS compliance and Kincaid would be faced with upgrading the existing PM CEMS or installing a new one that could be used for compliance with the MATS fPM standard." (ED_018388_00000161-00003).

- **Luminant, Martin Lake Steam Electric Station**: "Martin Lake does have PM CEMS; however, these CEMS have not been calibrated and certified to reflect the revised, lower standard." (ED_018388_00000157-00003).

- **Oak Grove, Oak Grove Steam Electric Station**: "Oak Grove does have PM CEMS; however, these CEMS have not been calibrated and certified to reflect the revised, lower standard." (ED_018388_00000159-00004).

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Plants that received exemptions longer than the expected life of their coal units

- **Cleco Power LLC, Brame Energy Center:** Requested and was granted a two-year exemption despite a planned closure of the coal unit by October 17, 2028. (ED_018388_00000055-00001).

- **Entergy Arkansas, White Bluff Steam Electric Station:** Requested an 18-month exemption for Unit 1. Is under a federally-enforceable requirement to cease coal-fired operations by December 31, 2028. (ED_018388_00005692-00001).

- **Granite Shore Power (GSP) Merrimack, Merrimack Station:** Requested a one-year exemption starting July 6, 2027. Has committed to cease coal-fired operations by June 2028. (ED_018388_00000229-00003).

- **Southern Company, Barry Steam Electric Generating Facility, Unit 5**: "On October 13, 2021, Alabama Power submitted a Notice of Planned Participation (NOPP) for Barry Unit 5. The NOPP indicated plans to retire Barry Unit 5 by December 31, 2028, to qualify for the permanent cessation of coal combustion subcategory under EPA's 2020 Effluent Limitation Guidelines. Nevertheless, Alabama Power is requesting a two-year exemption, beginning July 6, 2027, for Barry Unit 5, while preparing to cease operation of the unit." (ED_018388_00000098-00006).

- **Tennessee Valley Authority, Cumberland:** Requested an exemption until the end of 2028. Plans to replace coal-fired units with gas-fired units. (ED_018388_00000315-00002).

Analysis of waiver requests: *every* coal plant that requested an exemption from *any* of the 2024 rule's requirements received an exemption from *all* of the 2024 rule's requirements

The table below charts the 2024 rule requirements for which individual plants requested exemptions. KEY**:**
fPM = coal plant asked to be exempted from the strengthened limit for arsenic, nickel, chromium, and other toxic metals
Hg = coal plant asked to be exempted from the strengthened mercury limit for lignite coal plants
CEMS = coal plant asked to be exempted from the requirement to use continuous emissions monitoring systems to assure compliance with the standard for arsenic, nickel, chromium, and other toxic metals
LEE = coal plant asked to continue to demonstrate compliance through the "low emitting EGU" program which allowed certain plants to test only once every three years, and which was removed by the 2024 rule
All = coal plant requested a general exemption from requirements of the 2024 rule (other "yes" responses in these rows mean the coal plant spoke specifically to that standard or requirement).

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Plant Name *Exemption requests linked where available*	Did the plant request an exemption from this requirement?				
	fPM	Hg	CEMS	LEE	All
Ameren Missouri, Labadie Energy Center, Units 3 & 4	No	No	Yes	No	No
Ameren Missouri, Sioux Energy Center	No	No	Yes	No	No
American Bituminous Power Partners, Grant Town Power Plant, Source 1S-Boiler #1A, 2S Boiler #1B	Yes	No	Yes	Yes	No
Arizona Electric Power Cooperative Inc., Apache Station, Steam Unit 3	Yes	No	Yes	No	No
Associated Electric Cooperative Inc., New Madrid Power Plant, Units 1 and 2	No	No	Yes	Yes	No
Associated Electric Cooperative Inc., Thomas Hill Energy Center, Units 1-3	No	No	Yes	Yes	No
Basin Electric Power Coop, Leland Olds Station, Units 1 & 2	Yes	Yes	Yes	No	Yes
Basin Electric Power Coop, Laramie River Station, Units 1-3	Yes	Yes	Yes	No	Yes
Basin Electric Power Coop, Antelope Valley Station, Units 1 & 2	Yes	Yes	Yes	No	Yes
Basin Electric Power Coop, Dry Fork Station, Unit 1	Yes	Yes	Yes	No	Yes
Big Rivers Electric Co, D. B. Wilson Station	Yes	No	Yes	No	No
Cardinal Operating Company, Cardinal Plant, Units 1-3	Yes	No	Yes	Yes	No
Choctaw Generation LLLP, Red Hills Generating Facility	Yes	No	Yes	No	No

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City Utilities of Springfield (MO), John Twitty Energy Center, Units 1 and 2	No	No	Yes	Yes	No
City Water, Light and Power of Springfield (IL), Dallman, Unit 4	No	No	Yes	Yes	Yes
Cleco Power LLC, Brame Energy Center, Unit 2	Yes	No	Yes	No	Yes
Coleto Creek Power, LLC, Coleto Creek Power Station, Unit 1	Yes	No	Yes	No	No
Colver Green Energy, Colver Generating Station	No	No	Yes	Yes	Yes
Dominion Energy, Mt. Storm, All 3	Yes	No	No	No	No
Dynegy Midwest Generation LLC, Baldwin, Units 1, 2	Yes	No	Yes	No	No
East Kentucky Power Cooperative, H.L. Spurlock, Units 1-4	Yes	No	Yes	No	Yes
East Kentucky Power Cooperative, J.S. Cooper, Units 1-2	Yes	No	Yes	No	Yes
Ebensburg Power Station, EPC Generating Station	Yes	No	Yes	Yes	Yes
Entergy Arkansas, White Bluff Steam Electric Station, Unit 1	Yes	No	No	No	No
Entergy Louisiana LLC, R. S. Nelson Plant, Unit 6	Yes	No	No	No	No
Golden Valley, Healy Power Plant, Units 1 & 2	Yes	Yes	Yes	No	No
Granite Shore Power (GSP) Merrimack, Merrimack Station, All 2 units	Yes	No	Yes	No	No
Hallador Power, Merom Generating Station	Yes	No	Yes	No	Yes
Illinois Power Generating Company, Newton Power Station, Unit 1	Yes	No	Yes	No	No
Keystone-Conemaugh Projects LLC, Conemaugh Generating Station	Yes	No	Yes	No	No

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Keystone-Conemaugh Projects LLC, Keystone Generating Station	Application not yet produced				
Kincaid, Kincaid Power Plant, Units 1 & 2	Yes	No	Yes	No	No
Luminant, Martin Lake Steam Electric Station, Units 1, 2, and 3	Yes	No	Yes	No	No
Miami Fort, Miami Fort Power Plant, Units 1 (B015) & 2 (BO16)	Yes	No	Yes	No	No
Minnkota Power Coop Inc., Milton R. Young Station, Units 1 & 2	Yes	Yes	Yes	No	Yes
Monongahela Power, Fort Martin Power Station	Yes	No	Yes	No	No
Monongahela Power, Harrison Power Station	Yes	No	Yes	No	No
Mount Carmel Cogen, Mount Carmel Cogen Power Plant	Application not yet produced				
NRG Energy, Limestone Electric Generating Station, Units 1 & 2	Yes	No	No	No	Yes
NRG Energy, Plum Point Electric Generating Station	Yes	No	No	No	Yes
NRG Energy, Powerton Electric Generating Station, Units 1 & 2	Yes	No	No	No	Yes
NRG Energy, W.A. Parish Electric Generating Station, Units 1-4	Yes	No	No	No	Yes
Oak Grove, Oak Grove Steam Electric Station, Unit 1 & 2	Yes	Yes	Yes	No	No
Oklahoma Gas & Electric Co, Muskogee Station, Unit 6	Application not yet produced				
Oklahoma Gas & Electric Co, Sooner Station, Units 1 & 2	Application not yet produced				
Oklahoma Gas & Electric Co, River Valley, CS 1	Application not yet produced				

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Olympus Power, LLC, Northampton, Generating Unit 1	Yes	No	Yes	Yes	No
Olympus Power, LLC, Walleye Power LLC, Bay Shore Unit 1	Yes	No	Yes	Yes	No
Otter Tail Power Co, Big Stone Plant	No	No	Yes	Yes	Yes
Otter Tail Power Co, Coyote Station	No	Yes	Yes	Yes	Yes
Panther Creek, Panther Creek Energy Facility, Source 031-Pyropower Unit 1 & Source 032-Pyropower Unit 2	Yes	No	Yes	Yes	No
Rainbow Energy Center, Coal Creek Station, Units 1 & 2	Yes	No	Yes	No	No
Rausch Creek Generation LLC, Westwood Generation, Source 031—Fluidized Bed Boiler	Yes	No	Yes	Yes	No
Ri-Corp Development Inc., Gilberton Power Company, John B. Rich Memorial Power station 1, 2	Yes	No	Yes	Yes	No
San Miguel Electric Cooperative	Application not yet produced				
Schuylkill Energy Resources, St. Nicholas Cogeneration Project	Yes	No	Yes	Yes	No
Scrubgrass Reclamation Co. LP, Scrubgrass Generating Plant, Source 031-#1 CFB Boiler & 032 #2 CFB Boiler	Yes	No	Yes	Yes	No
Seward Generation LLC, Seward Generating Station	No	No	Yes	Yes	Yes
Southern Company, Barry Steam Electric Generating Facility, Unit 5	Yes	No	Yes	No	No
Southern Company, Bowen Steam Electric Generating Plant, Units 1-4	Yes	No	Yes	No	No
Southern Company, Daniel Electric Generating Plant, Units 1 and 2	Yes	No	Yes	No	No

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Southern Company, Miller Steam Electric Generating Facility, Units 1-4	Yes	No	Yes	No	No
Southern Company, Scherer Steam Electric Generating Plant, Units 1-3	Yes	No	Yes	No	No
Sunflower Electric Power Corporation, Holcomb Station	Yes	No	Yes	No	No
Talen Montana LLC & NorthWestern Energy, Colstrip Stream Electric Station, Units 3 and 4	Yes	No	No	No	No
Tennessee Valley Authority, Cumberland, All units	No	No	Yes	No	No
Tennessee Valley Authority, Gallatin	No	No	Yes	No	No
Tennessee Valley Authority, Shawnee	No	No	Yes	No	No
Tennessee Valley Authority, Kingston	No	No	Yes	No	No
Tri-State Generation and Transmission Association, Craig Generating Station Unit 2 and Unit 3	Application not yet produced				
Western Farmers Electric Cooperative (WFEC), Hugo Generation Station, HU-UNIT1	Yes	No	Yes	No	No

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