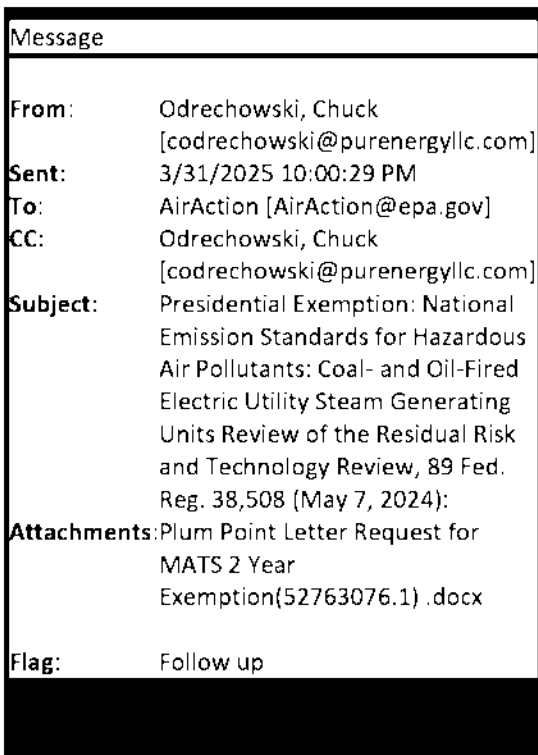




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Presidential Exemption: National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review, 89 Fed. Reg. 38,508 (May 7, 2024):

Plum Point Power Station

We appreciate your attention to this matter and are prepared to provide any additional information or documentation required to support our request. Should you have any questions or concerns regarding the attached information, please contact me at (469) 325 7386.

For more information, please visit www.pureenergyllc.com

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Plum Point Energy Station, Osceola, AR

2732 South County Road 623
Osceola, AR 72370

March 31, 2025

[[HYPERLINK "mailto:Submittedviaemailtoairaction@epa.gov"](mailto:Submittedviaemailtoairaction@epa.gov)]

President Donald J. Trump
c/o Administrator Lee M. Zeldin
Office of the Administrator (1101A)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: Presidential Exemption: Clean Air Act Section 112(i)(4)
"National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric
Utility Steam Generating Units Review of the Residual Risk and Technology Review"
(89 FR 38508; May 7, 2024) (MATS Rule)
Plum Point Energy Station, Osceola, AR

Dear President Trump and Administrator Zeldin:

Please accept this letter on behalf of Plum Point Energy Station requesting a Presidential exemption under Section 112(i)(4) of the Clean Air Act ("CAA") from compliance with the filterable particulate matter ("fPM") surrogate emission standard for non-mercury metal hazardous air pollutants ("HAP") and the requirement to install continuous emissions monitoring systems ("CEMS" or "PM CEMS") under the above-referenced rule (the "MATS revisions" or the "Rule") for the Plum Point Energy Station in Osceola, AR ("PPES"). Plum Point is requesting a two-year exemption, beginning July 6, 2027, from these requirements for PPES.

The MATS revisions became effective on July 8, 2024. Under the Rule, coal-fired electric generating units ("EGUs") would be required to meet a revised fPM standard that is 66% lower than the previous limitation in Subpart UUUUU established in 2012. In addition, the Rule requires all coal-fired EGUs to install PM CEMS to comply with the revised fPM standard, rather than allowing EGUs to continue to use stack testing to demonstrate compliance. The compliance deadline for meeting the revised fPM standard and for installing and using PM CEMS is July 6, 2027. *See* 89 Fed. Reg. at 38,519.

Under Section 112(i)(4) of the Clean Air Act, the President may issue exemptions "from compliance with any standard or limitation under this section 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." 42 U.S.C. § 7412(i)(4). Accordingly, the President is authorized to exercise his discretion to provide an exemption from the MATS revisions where (1) the technology required for compliance is not available and (2) where it is in the national security interests of the nation to do so. In light of this authority and the significant

unresolved challenges associated with the requirement to demonstrate compliance with the revised fPM limitation via PM CEMS, EPA has announced the potential availability of such exemptions and asked that requests for exemptions be submitted by March 31. *See* [[HYPERLINK "https://www.epa.gov/stationary-sources-air-pollution/clean-air-act-section-112-presidential-exemption-information"](https://www.epa.gov/stationary-sources-air-pollution/clean-air-act-section-112-presidential-exemption-information)]

Consistent with that announcement, and for the reasons set forth below, PPES requests a two-year exemption from the fPM standard and the requirement to install and use CEMS.

Section I of this request explains that the technology required to meet the Rule's lower fPM standard on a continuous basis is not considered available and Section II explains that the type of CEMS that can measure the lower fPM standard are likewise unavailable. Section III finds that it is in the national security interest to issue an exemption from compliance with the MATS revisions.

The Particulate Control Technology Required to Implement the Rule's fPM Standard is Not Available

The MATS revisions require coal-fired units to meet a more stringent fPM limit of 0.010 lb/MMBtu. There are technological and operational limitations, as well as substantial costs, that make it difficult to meet the revised limit by July 8, 2027.

There are technological and economic barriers that make upgrades to existing fPM controls or the addition of new fPM controls "not available." During rulemaking, EPA did not fully consider the availability of upgrades to fPM control technologies that could be required to meet the revised limit and the costs associated with those controls. *See* Pet'rs' Brief at 68-69, *North Dakota v. EPA*, No. 24-1119, Doc. 2077742 (Oct. 1, 2024). Whether a control technology is available includes consideration of the emission reductions achievable, as well as the economic impacts and costs associated with the control technology.

PPES currently has a baghouse it uses to control fPM emissions. Even with the current baghouse—which, without upgrades may not be able to meet the revised fPM limit—operational realities can hinder the ability to continuously comply with the revised fPM limit. Notably, EPA based its decision to lower the fPM limit on select data from only a few units, *see* Pet'rs' Brief at 65-68. Moreover, the variable characteristics of coal (e.g. ash content) can impact the ability of a unit to continuously comply with the revised fPM limit, regardless of the effectiveness of the control technologies in place, without equipment upgrades. Other operational factors, such as cleaning frequency, operational duration, and filter change-out frequency of baghouses, impact the performance of fPM controls and, thus, the ability for a unit to implement the revised fPM limit without upgrades or additional technology.

PPES is currently conducting an evaluation to determine the required technical upgrades to the baghouse PM emission controls needed to comply with the more stringent fPM limitation. To implement the most effective and sustainable solution, PPES will need additional evaluation of available technologies. This process is crucial for identifying the best possible upgrades that will meet regulatory standards without causing significant downtime and disruption to our operations. Implementing any possible upgrades without a thorough feasibility study and adequate planning could lead to operational inefficiencies and potential compliance issues. Plus, any potential upgrade

will necessitate a significant investment. Such an investment cannot be undertaken if it is not fully developed to ensure compliance with the more stringent fPM standard. Additionally, the economic burden of these upgrades would impose financial strain on the facility, potentially leading to operational disruptions. The financial burden of implementing the required upgrades, alongside the necessary feasibility studies, within the compliance deadline is prohibitive. The estimated cost of the upgrades, including procurement, installation, and operational adjustments, could exceed our current financial capabilities. The immediate financial strain of these upgrades could jeopardize our ability to continue operations and place a significant burden on the local economic community, which provides the labor force for PPES. Therefore, an extension to the compliance deadline is necessary to allow for a comprehensive evaluation and careful execution of the necessary upgrades.

PM CEMS Technology is Not Available

There are technological limitations that also make PM CEMS “not available” and make demonstrating *continuous* compliance with an fPM limit of 0.010 lb/MMBtu via CEMS nearly impossible. CEMS for fPM does not provide direct measurements; instead, it uses correlation curves to indirectly calculate estimated emissions levels based on the measurement of some other value. However, the low fPM limit in the Rule makes developing this correlation curve “virtually impossible.” *PGEN Comments on EPA’s Proposed Rule: NESIAP Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review*, Docket No. EPA-HQ-OAR-2018-0794-5994, at 22 (June 28, 2023) [hereinafter “PGEN Comments”] (citing and attaching Ralph L. Roberson, *Technical Comments on EPA’s Proposed Rule: Mercury and Air Toxics Standards Risk and Technology Review*, at 3 (2023) [hereinafter “PM CEMS Technical Memo”]). EPA admits as much—it explains that 0.010 lb/MMBtu is the “lowest achievable fPM limit that allows for the use of PM CEMS for compliance.” 89 Fed. Reg. at 38,530. And EPA’s analysis ignores the need for a compliance margin below 0.010 lb/MMBtu in order to “implement” that limitation in practice.

Similarly, the quality assurance/quality control (“QA/QC”) criterion for fPM CEMS are extremely difficult to meet at such low levels. *See Comments of the Class of ’85 Regulatory Response Group on the Proposal on National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review*, Docket No. EPA-HQ-OAR-2018-0794-5989, at 16 (June 28, 2024) [hereinafter “Class of ’85 Comments”]. In fact, at the time of the proposed MATS revisions, no commercially available fPM CEMS would have been able to meet the tight confidence and tolerance intervals associated with the low proposed fPM limitation. PGEN Comments at 23 (citing PM CEMS Technical Memo at 5). EPA was, thus, forced to address these issues in the final MATS revisions by adjusting the QA criterion and correlation procedures. *See* 89 Fed. Reg. at 38,528-29 (“PM CEMS currently correlated for the 0.030 lb/MMBtu fPM emission limit may experience difficulties should re-correlation be necessary . . . those concerns are also ascribed to yet-to-be installed PM CEMS”). However, these changes are not enough to address the fundamental issue: that fPM CEMS is simply not able to reliably measure such low fPM levels—the error rates of the instrument prohibit it. *See* PGEN Comments at 23 (finding insurmountable the “uncertainties inherent in the measurement device” and the “problems associated with relative size of the uncertainty to the limited data range of fPM concentrations and the confidence levels and tolerances”); *see also* Class of ’85 Comments at

18. And, units would need to shoot for emissions below 0.010 lb/MMBtu in order to comply. *See* Pet'rs' Brief at 72. Therefore, the fPM CEMS technology needed to demonstrate compliance with the new fPM limitation is "not available."

The costs and market limitations associated with fPM CEMS also make it "not available." Installing, certifying, and operating fPM CEMS is very costly—far more costly than quarterly stack testing and far more costly than EPA estimates in the Rule. *See* PGEN Comments at 25-26. Costs include purchasing and installation of fPM CEMS, as well as potential modifications to the units to accommodate CEMS, extended correlation testing, and annual operational costs. *See id.* at 26; *see also* Class of '85 Comments at 18 (estimating \$180,000 to \$400,000 for "site preparation and engineering analysis, analyzer equipment and installation costs, and initial PS-11 correlation testing"). Market factors also limit the availability of fPM CEMS by the compliance deadline. There are a limited number of vendors for fPM CEMS, as well as a limited number of professionals certified to install and test fPM CEMS. Currently, two-thirds of facilities subject to the MATS revisions utilize stack testing and would need to install fPM CEMS by July 2027, which would overwhelm the current supply of fPM CEMS equipment, and the availability of professionals certified to inspect and test the newly installed systems. *See* Class of '85 Comments at 16. Supply chain constraints will also extend the lead times for obtaining and certifying new systems. Consequently, meeting the MATS revision compliance dates is not practicable.

Finally, we are aware of alternative sorbent trap monitoring that could potentially be used to meet the non-mercury metal HAPs standard. However, this technology is not yet available or proven. Thus, currently, units must adopt the more complex and costly PM CEMS.

It is in the Interest of National Security to Issue an Exemption for the Rule

The requested exemptions from the MATS revisions' amended fPM limit and mandatory fPM CEMS requirement align with President Trump's stated views on the national security interests of the United States. The fPM limit and fPM CEMS requirements burden the nation's energy generation capacity and threatens grid stability and the supply of affordable, reliable energy. The stringent new limits and the high costs associated with compliance, particularly in combination with other rulemakings impacting coal-fired EGUs, could lead source owners to consider prematurely retiring coal-fired EGUs before there is sufficient new dispatchable generation to replace them, endangering grid reliability. *See* PGEN Comments at 2, 5, 7, 21. Coal-fired EGUs play a critical role in maintaining grid stability and ensuring a reliable supply of electricity to both residential and industrial consumers. A disruption in PPES' operations could lead to grid instability. We provide a consistent and dependable source of energy that is essential for meeting the electricity demands of critical infrastructure and key industrial sectors. The operation of our facility is essential for meeting peak energy demands, particularly during extreme weather conditions or other emergencies. This reliability is crucial for the overall resilience of the national energy infrastructure. Any disruption to our operations could compromise the energy security of the region.

Energy generation and grid reliability have been identified by the President as critical for national security. President Trump's Executive Order ("E.O.") 14156, *Declaring a National Energy Emergency*, the "generation capacity of the United States [is] . . . far too inadequate to meet our

Nation's needs" and "a reliable, diversified, and affordable supply of energy" is necessary to ensure "military preparedness." 90 Fed. Reg. 8,433, 8,433 (Jan. 29, 2025). The E.O. continues, "integrity . . . of our Nation's energy infrastructure from coast to coast is an immediate and pressing priority for the protection of the United States' national and economic security," while "insufficient energy production . . . constitutes an unusual and extraordinary threat to our Nation's economy, national security, and foreign policy." *Id.* at 8,433-34. As explained above, the MATS revisions are one of the "policies" that has been identified as contributing to the "inadequate and intermittent energy supply" and "increasingly unreliable grid." *Id.* at 8,433.

Similarly, in E.O. 14154, *Unleashing American Energy*, President Trump acknowledged that prior regulations which includes this Rule have "limited the generation of reliable and affordable electricity" and, in turn, "weaken[ed] our national security." 90 Fed. Reg. 8,353, 8,353 (Jan. 29, 2025). This E.O. plainly states it is "the national interest to unleash America's affordable and reliable energy" and that ensuring "an abundant supply of reliable energy" will help "protect the United States's economic and national security and military preparedness." *Id.* Providing an exemption for compliance with the MATS revisions will achieve these goals of ensuring national security through the supply of reliable energy. Moreover, E.O. 14154 specifically calls for the review and potential rescission of rules like this one, which "impose an unburden on the . . . use of domestic energy resources." *Id.* at 8,354.

Thus, in order to ensure a sufficient and reliable supply of energy, President Trump should use his statutory authority under Section 112(i)(4) of the CAA to grant the requested exemptions from compliance with the MATS revisions.

Conclusion

Given the technical and economic challenges outlined above, and in consideration of the national security implications, PPES respectfully requests that the EPA support our application for a Presidential exemption under Section 112(i)(4) of the Clean Air Act. This exemption would provide the necessary relief to allow us to continue our operations while exploring feasible alternatives and solutions to achieve compliance with the MATS rule in a manner that does not compromise our economic stability or national security interests. We believe that this extension will enable us to achieve the desired environmental outcomes while maintaining the integrity of our operations.

We appreciate your attention to this matter and are prepared to provide any additional information or documentation required to support our request. Should you have any questions or concerns regarding the enclosed information, please contact myself at (469) 325-7386.

Sincerely,



Charles Odrechowski
Project Director and Asset Manager

PurEnergy, LLC