

mercury emissions increases were not directly traceable to a cause, even upon data analysis.

35. One of Minnkota's conclusions, based on recent testing experience, is that known and unknown variables cause mercury emissions fluctuation, such that a standard for mercury must include a minimum compliance margin of 25%.

36. Minnkota is irreparably harmed by the final MATS RTR because MRY's existing mercury controls cannot achieve the New Mercury Limitation of 1.2 lb/TBtu on an hourly or sustained basis at full load. In fact, the MRY testing data predicts that increased injection of brominated PAC beyond the capabilities of the existing mercury control system will not achieve the New Mercury Limitation due to the leveling off of mercury removal at less than an 80% removal rate.

37. The Final Rule places Minnkota in an urgent and untenable position, given the Rule's impending compliance date. Noncompliance with the Clean Air Act is not an option. Therefore, prior to making a shutdown decision regarding critical assets, Minnkota would determine