property (i.e., light scatter or beta attenuation) that must be correlated to actual stack PM measurements.[16] But at lower emissions levels, PM CEMS have not been demonstrated to have the sensitivity needed to accurately account for lower emissions levels. Technological feasibility has not been proven.

In addition, PM CEMS correlation testing will be lengthy and expensive to correlate to the new emissions standard. These monies must be spent prior to the compliance date to ensure the instrument is prepared to serve as the compliance measure by July 2027.[17]

EPA's requirement of PM CEMS measurement in combination with the EPA correlation standard method and the revised MATS RTR fPM limit result in technology that is not available. The technology is not available to demonstrate compliance at the low levels required by the new fPM limit. The technological limitations of PM CEMS to accurately measure fPM at the low levels required by the MATS RTR when required to perform performance correlation standards results in probable failure to obtain meaningful correlations over a limited data range. If a unit fails the correlation test, then its monitoring instrument is out of compliance, and the unit cannot operate with noncompliant monitoring instruments.

B. National Security Interests of the United States Strongly Support Granting the Exemption for the Young Station.

Executive Order 14156 (E.O. 14156) declares a national energy emergency. That E.O. properly ties an affordable supply of energy to the national defense. As to North Dakota, the MATS RTR impacts the state even more profoundly than other areas of the country. Lignite coal powers the majority of the electric power generated and consumed in North Dakota. For this reason, the rule has more intense impacts on North Dakota than other areas of the country. It affects the ability of the North Dakota utilities to maintain adequate generation resources and sustain national security efforts. In turn, the regional economy will be harmed by an unstable grid, affecting countless businesses, families, military operations, and productivity.

The root of the MATS RTR's impacts arise from the changes that most North Dakota lignite plants must undertake to comply with the Rule. Units must retire if they cannot meet the new mercury or fPM limitations that will go into effect in 2027. Multiple environmental regulations that EPA promulgated last year directly and profoundly impact generation resources in North Dakota. The MATS RTR is part of the cumulative reliability and cost impacts on coal-fired generation.

Without adequate generation, the grid is in jeopardy within the region North Dakota is a primary exporter. Multiple unit retirements, without sufficient replacement generation, in a short time frame compound the problem. The North American Electric Reliability Corporation (NERC) estimates continued future shortfalls in North Dakota.[18] NERC reports with respect to the MISO region: "Resource additions are

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[16] The EPA statement at 88 Fed. Reg. at 24,872, that a beta gauge "detector measures the amount of radiation emitted by the sample" is categorically incorrect and illustrative of several uninformed statements (e.g., cost estimates) about PM CEMS in the preamble to the proposed rule.

[17] *See* RLR Consulting, LLC, "Technical Comments on EPA's Proposed Rule: Mercury and Air Toxics Standards Risks and Technology Review – PM CEMS," June 16, 2023 (RLR Report), Attachment C.

[18] NERC, 2024 Long-term Reliability Assessment, Dec. 2024, https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_Long%20Term%20Reliability%20Assessment_2024.pdf