



13. Requests

As a result of the foregoing general deficiencies in the Proposed Rule and specific injuries to NorthWestern, NorthWestern respectfully requests the following actions. These are consistent with the concurrent requests by Talen.

(A). EPA should abandon the Proposed Rule until technological developments that warrant a new RTR have occurred

As explained above, the Proposed Rule is unlawful. As a result, and because of the significant prejudice and injury NorthWestern will suffer, EPA should withdraw the Proposed Rule until such time as a revised form of the Rule can be justified, if at all, by advancements in practices, processes, or control technologies, as envisioned by Section 112(d)(6).

(B). If rulemaking proceeds, EPA should create a subcategory exempting facilities with wet scrubbers only

In the event the Proposed Rule is finalized, at a minimum the Final Rule should create a subcategory for those facilities that employ wet scrubber control technologies without additional ESP or fabric filter controls, and exempt them from the Proposed Rule. The rationale of the Proposed Rule is that significant performance improvements can be obtained through minimal equipment upgrades and costs, and that is plainly not true of facilities that only employ wet scrubbers without additional controls. Therefore such facilities should be subject to subcategory treatment and exempted.

(C). If rulemaking proceeds, EPA should also create an opt-out option for facilities that decide, within one year of the publication of the Final Rule, to enforceably commit to closure by December 31, 2035.

If the Final Rule does not create an exempt subcategory for facilities with wet scrubbers alone, EPA should create a retirement subcategory allowing units to continue to meet the existing 0.03 lb/MMBtu fPM standard so long as they opt-in to the retirement subcategory within 18 months after finalization of the rule, with a retirement date no later than December 31, 2035 (and where continued operation after 2035 would later be permitted if (i) the unit is essential to maintain regional grid reliability, as determined by the Western Regional Adequacy Program, Regional Transmission Organizations, Independent System Operators, North American Electric Reliability Corporation, or other similar system reliability authorities; or (ii) or if EPA determines that additional time is required to allow the unit to transition to renewable or clean energy generation). This would provide units another compliance option and needed flexibility.