

BY ELECTRONIC MAIL

March 28, 2025

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Office of Air and Radiation

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue N.W.

Washington, DC 20460

RE: 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)): Mt. Storm Power Station, Grant County, West Virginia

Dear Madam or Sir:

Virginia Electric and Power Company dba Dominion Energy Virginia (“Dominion”) respectfully submits this request for a Presidential Exemption for **two years** under Section 112(i)(4) of the Clean Air Act for the **Mt. Storm Power Station**, in Grant County, West Virginia. Specifically, Dominion requests this exemption from the **revised filterable particulate matter (“fPM”) standard under the Mercury and Air Toxics Standards (“MATS”)**, which is the regulation setting forth national hazardous air pollutant standards (“NESHAPs”) for coal- and oil-fired electric utility steam generating units (“EGUs”) under Section 112 of the Clean Air Act. The MATS fPM standard, which is a surrogate for non-mercury metal Hazardous Air Pollutants (“HAPs”), was revised down by two-thirds (from 0.030 lb/MMBtu to 0.010 lb/MMBtu) in a Risk and Technology Review (“RTR”) rulemaking undertaken last year.¹

The Mt. Storm Power Station (“Mt. Storm”) is a coal-fired power plant in Grant County, West Virginia. The Station consists principally of three coal-fired Electric Generating Units (“EGUs”), with a total generation capacity of about 1,600 MW. Each of the three units is equipped with flue gas desulfurization (“FGD”) equipment for reducing sulfur dioxide (“SO₂”) emissions by more

¹ *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) (“2024 MATS RTR Rule”). MATS is codified at 40 C.F.R. Part 63, Subpart UUUUU. The RTR rule was challenged in court, *North Dakota v. EPA*, No. 24-1119 (D.C. Cir.), and is being reconsidered by EPA. See *Mercury and Air Toxics Standards (MATS): Powering the Great American Comeback Fact Sheet*.

than 95%; low-NOx burners and selective catalytic reduction (“SCR”) equipment to reduce nitrogen oxide (“NO_x”) by over 85%; and electrostatic precipitators (“ESP”) to reduce particulate matter emissions by more than 99%. The plant meets or exceeds all applicable emission limitations under the Clean Air Act, including the currently applicable fPM and other hazardous air pollutant NESHAPs under MATS.

As explained in more detail below, Mt. Storm is unable to meet the revised NESHAP for fPM without major control equipment upgrades and/or other substantial modifications of the EGUs at the plant. Such upgrades and actions are not available by the 2024 MATS RTR Rule compliance deadline of July 6, 2027. If the 2024 MATS RTR Rule remains in place, the only option for Mt. Storm is to shut down temporarily, if not permanently. Even a temporary shutdown would span several years to complete the construction of equipment necessary to meet the revised fPM standard or convert the plant to natural gas firing. Shutting down Mt. Storm, even temporarily for a period of years, is not in the national security interest of the United States. For these reasons, we request a two-year Presidential Exemption, as provided in Section 112(i)(4) of the Clean air Act.

I. A Presidential Exemption for Mt. Storm is in the National Security Interests of the United States.

The President of the United States has issued several Executive Orders making unmistakably clear that preserving the nation’s electric generating capacity is in the national security interest of the United States. Most notably, the President has issued the following executive orders:

- Executive Order 14156 “Declaring a National Energy Emergency”: This Executive Order explains, “[a]n affordable and reliable domestic supply of energy is a fundamental requirement for the national and economic security of any nation.” The Executive Order defines “generation” as including “the use of energy to produce electricity.” In short, this Executive Order specifically identifies the preservation and expansion of the generation capacity of the nation, including coal-fired generation, as vital for the national security of the United States.
- Executive Order 14154 “Unleashing American Energy”: This Executive Order explains, “It is ... in the national interest to unleash America’s affordable and reliable energy and natural resources.” In directing all federal agencies to review their actions, the Executive Order requires “particular attention to ... coal,” among other energy resources.
- Executive Order 14213 – “Establishing the National Energy Dominance Council”: This Executive Order establishes a National Energy Dominance Council, the principal charge of which is to expand, not limit, the nation’s production of energy.

- Executive Order 14179 “Removing Barriers to American Leadership in Artificial Intelligence”: This executive order provides that “[i]t is the policy of the United States to sustain and enhance America’s global [Artificial Intelligence (“AI”)] dominance in order to promote human flourishing, economic competitiveness, and national security.” Although this order is not explicitly about energy resources, it is closely tied to them. AI systems require a substantial amount of electric power – indeed, the rapid development of artificial intelligence is largely driving ever increasing demand for electric power all over the United States not seen in decades.

The continued operation of Mt. Storm falls squarely within the objectives of the Executive Orders listed above and, therefore, is in the national security interests of the United States. Mt. Storm’s location is critical for a major transmission line that supports the Pennsylvania-New Jersey-Maryland Interconnection, LLC (“PJM”), the Regional Transmission Organization (“RTO”) that coordinates the movement of wholesale electricity in all or parts of 13 states and the District of Columbia—primarily in the mid-Atlantic and eastern part of the Midwest.

In January 2025, Dominion not only surpassed its previous winter peak, but also exceeded the all-time peak set in July 2024. January 2025 set new records for peak demand, with 7 of the 10 highest winter peak days and accounting for 5 of the top 10 all-time peak days, including both summer and winter peaks. These record-breaking numbers highlight the significant demand for electricity during extreme seasonal conditions and reinforce the need for system reliability and capacity planning. If Mt. Storm is forced to shut down prematurely as a result of the revised MATS, even for a few years while it completes the construction of expensive control equipment despite the existing rule providing an ample margin for safety² or while replacement generation or transmission lines are constructed, it will have significant consequences for the reliability and stability of the electric grid in Dominion’s service territory and for swaths of the PJM region. Moreover, reliable generation from Mt. Storm is critical for operations at more than 75 federal installations directly related to security operations, including the Department of Defense, Army, Navy, and Homeland Security facilities across the Commonwealth of Virginia. Finally, reliability provided by Mt. Storm is critical to the infrastructure necessary to achieve the AI and national security objectives of the Administration.

A Presidential Exemption under Section 112(i)(4) from the revised fPM standard of the 2024 MATS RTR rule for the Mt. Storm Power Station is in the national security interest of the United States.

² EPA acknowledges that, at least after MATS was implemented, emissions of hazardous air pollutants from power plants are at a level that “provide[s] an ample margin of safety to protect public health ... and ... prevent[s] ... any adverse environmental effect.” 42 U.S.C. § 7412(f)(2)(A). Indeed, EPA in both the 2020 MATS RTR rulemaking (under the first Trump Administration) and the 2024 MATS RTR rulemaking reconsidering the previous rule found that the residual risk from the hazardous air pollutants of every coal-fired EGU is less than 1 in one million,” the level at which the statute supports delisting the entire source category of coal-fired generation. *See* 2020 MATS RTR Rule, 85 Fed. Reg., 31,286 (May 22, 2020), *reaffirmed in* 2024 MATS RTR Rule, 89 Fed. Reg. 38,508 (May 7, 2024).

II. The Technology Necessary to Meet the Revised fPM Standard in the 2024 MATS RTR Rule Is Not Available for Mt. Storm by the July 2027 Compliance Deadline.

- A. Installing the Control Equipment Necessary to Meet the Revised fPM Standard at Mt. Storm by the Rule's Compliance Deadline Is Not Feasible and May Be Economically Unavailable.

The Mt. Storm coal-fired EGUs cannot meet the revised fPM standard without new emission controls. Based on Dominion's evaluation of control options to date, if the Mt. Storm coal-fired EGUs are to continue operating past the 2024 MATS RTR Rule compliance deadline, Dominion would have to design, procure, and construct baghouses and new scrubbers for these units. Each of these types of control equipment (baghouses and scrubbers) are major construction projects that are not only very expensive, but they would also take several years to design, procure, and construct.

Based on a preliminary assessment, controls construction could not be completed for more than two years after the July 6, 2027, compliance deadline for the 2024 MATS RTR Rule. Based on this fact alone, the emission control technology that Mt. Storm will need to comply with the revised fPM standard of the 2024 MATS RTR Rule is not available by the rule's compliance date.

Installing baghouses and scrubbers requires significant capital investment. At this time, Dominion estimates the cost for all three Mt. Storm units to exceed \$1.5 billion. Putting aside the considerations of such a capital expenditure for Dominion's ratepayers and the PJM region, such a high price tag necessitates consideration of whether it would be economically rational to incur that cost, as opposed to taking other action. Such other action might include, for example, shutting down the plant permanently (and replacing the power, by constructing a new plant) or converting the Mt. Storm Power Station to natural gas instead of coal firing. In other words, the technology that would be needed to meet the revised fPM standard may be economically unavailable.

- B. Converting Mt. Storm to Combust Natural Gas Instead of Coal Is Not Feasible by the Rule's Compliance Deadline.

In evaluating compliance obligations under the 2024 MATS RTR Rule, to account for the possibility that the installation of baghouses and new scrubbers may prove economically irrational, Dominion has explored the possibility of converting the Mt. Storm coal-fired EGUs to natural gas-fired EGUs, which would then exempt Mt. Storm from MATS altogether. A potential coal-to-natural-gas conversion would require, in addition to modifying the boilers, the construction of a natural gas pipeline which cannot be completed by the July 2027 compliance deadline. Indeed, based on evaluations to date, conversion of Mt. Storm to natural gas firing cannot be completed before about 2030.

In short, this option, which involves converting the Mt. Storm coal-fired EGUs to natural gas-fired EGUs, is not available by the compliance deadline of the 2024 MATS RTR Rule.³

C. There Are No Technically Available Means for Demonstrating Compliance with the 2024 MATS RTR Rule.

In the 2024 MATS RTR Rule, EPA proposed not only to lower the fPM standard by two-thirds to a very low limit of 0.010 lb/MMBtu, but also to require all coal-fired EGUs to use particulate matter continuous emissions monitoring systems (PM CEMS) equipment to demonstrate compliance. Under the existing standard of 0.030 lb/MMBtu, PM CEMS are optional and some EGUs have opted into using them for MATS compliance, including Mt. Storm but they are not required. The current fPM standard is high enough that there is an acceptably small margin of error when using PM CEMS for compliance. Dominion is an early adopter of PM CEMS; our lengthy experience demonstrates that PM CEMS can be successfully used for accurate PM emission measurements (when the standard is high enough to allow it), but also that these are difficult instruments to operate and maintain and that these instruments are currently operating at the very edge of their capability for accuracy.

For those reasons, many industry commenters filed comments on the rulemaking, including from technical experts, explaining that PM CEMS do not directly measure the amount of fPM particles in the flue gas and instead are indirect measurements that require correlation to function properly. The revised MATS fPM standard is extremely low, and PM CEMS equipment is already operating at the very edge of its capability for a limit that is three times higher. As a result, it will be extremely difficult, if not impossible, to properly correlate PM CEMS, making the technology practically unusable. EPA rejected those comments in the final rule and forged ahead with the revised fPM standard and the requirement to use PM CEMS technology to demonstrate compliance.

Notwithstanding EPA's decision in the final 2024 Rule, Dominion's experience, internal experts, and experts for the industry at large all agree: PM CEMS are not an available technology to demonstrate compliance with a standard as low as 0.010 lb/MMBtu standard for fPM. For this reason also, "the technology to implement [the revised fPM] standard is not available." See 42 U.S.C. § 7412(i)(4).

* * *

For the reasons set forth above, Dominion respectfully requests that the President issue a Presidential Exemption for **two years** under Section 112(i)(4) of the Clean Air Act for the fPM standard promulgated under the 2024 MATS RTR Rule for the **Mt. Storm Power Station**, specifically Units, 1, 2 and 3, in Grant County, West Virginia. "[T]he technology to implement such standard is not available and ... it is in the national security interests of the United States to do so." 42 U.S.C. § 7412(i)(4).

³ To the extent a permanent shutdown of Mt. Storm could be considered a compliance option, it would take even more time than the gas conversion option to construct replacement generation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cedric F. Green".

Cedric F. Green

Senior Vice President, Power Generation