

Dynegy Midwest Generation, LLC

Dynegy Midwest Generation, LLC
Baldwin Power Plant
10901 Baldwin Road
Baldwin, IL 62217

March 31, 2025

Submitted via email to airaction@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: *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): Baldwin Power Plant Units 1 & 2.

Dear President Trump:

Please accept this letter on behalf of Dynegy Midwest Generation, LLC 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 RTR” or the “Rule”) for Baldwin Power Plant Units 1 and 2 (“Baldwin”). Dynegy Midwest Generation, LLC is requesting a two-year exemption, beginning July 6, 2027, from these requirements for the Baldwin facility.

The MATS RTR amended 40 C.F.R. Part 63 Subpart UUUUU and became effective on July 8, 2024. Under the Rule, Baldwin’s electric generating units (“EGUs”) are required to reduce fPM emissions from 0.030 lb/MMBtu to 0.010 lb/MMBtu. Compliance is based on a continuous, 30-day rolling limit. In addition, the Rule requires all coal-fired EGUs to install costly CEMS to implement 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 fPM CEMS is July 6, 2027, but work to design, purchase, install, and/or test any necessary controls or changes to operating procedures, as well as install new CEMS would need to begin much sooner.

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 exempt Baldwin Units 1 & 2 from complying with the MATS RTR where (1) the technology required “to implement” the standard is not available and (2) where it is in the interest of national security. In light of this authority, and in light of the burden imposed on