

March 28, 2025

Honorable Lee Zeldin
Office of the Administrator (1101A)
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
airaction@epa.gov

Re: Request for Presidential Exemption Pursuant to CAA Section 112(i)(4) for EPA's Final Rule Amending the National Emission Standards for Hazardous Air Pollutants For Coal- and Oil-Fired Electric Utility Steam Generating Units.

Dear Administrator Zeldin:

Pursuant to the Clean Air Act ("CAA") Section 112(i)(4), 42 U.S.C. § 7412(i)(4), Basin Electric Power Cooperative ("Basin Electric") respectfully requests two-year Presidential Exemptions from compliance with the standards under the Environmental Protection Agency's ("EPA") final rule amending the National Emission Standards for Hazardous Air Pollutants ("NESHAP") for coal- and oil-fired electric utility steam generating units—the Mercury and Air Toxics Standards ("MATS"), 89 Fed. Reg. 38,508 (May 7, 2024) ("2024 MATS Rule"). Basin Electric is a not-for-profit power generation and transmission cooperative, operating in nine states and serving 3 million consumers.

EPA published the 2024 MATS Rule on May 7, 2024. The 2024 MATS Rule imposed the following strict amendments to the MATS:

1. Lowering the filterable particulate matter ("fPM") emission limit from 0.030 lb/MMBtu to 0.010 lb/MMBtu for existing coal-fired electric generating units ("EGUs");
2. Requiring coal- and oil-fired EGUs to demonstrate compliance with the fPM standard using particulate matter continuous emissions monitoring ("PM CEMS"); and
3. Lowering the mercury emission standard from 4.0 lb/TBtu to 1.2 lb/TBtu for existing lignite-fired EGUs.¹

The 2024 MATS Rule established July 8, 2027 as the deadline to demonstrate compliance with these requirements.

As both industry groups and EPA have recognized, these regulatory amendments impose burdensome requirements on power plants across the country—including the coal-fired EGUs that Basin Electric operates—as well as the nation's energy grid systems.

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, 38,510 (May 7, 2024).