

numerical value of the FPM limit from 0.030 lbs. FPM/MMBtu to 0.010 lbs. FPM/MMBtu. This request is especially important because while the revised MATS rule is currently held in abeyance, it is not stayed.

The revised MATS rule also eliminates the category of Filterable Particulate Matter Low Emitting Electric Generating Unit (FPM LEE). The FPM LEE designation was contained in the original MATS rule as a "reward" for a unit consistently achieving emissions rates of 0.015 lbs. FPM/MMBtu or less during quarterly testing conducted over a three-year period. If the FPM LEE criteria were achieved by a unit, then the source emissions testing program frequency was changed from quarterly to once every three years. This construct relieved the generating units of costly (burdensome) testing obligations as a reward for consistently lower emissions. The new proposal discards that benefit and imposes new substantial costs. Contrary to EPA's justification of the change in requirement to FPM CEMS which used quarterly emissions testing which would have been required by non-FPM LEE units, the FPM LEEs they represented as already meeting the revised limit of 0.010 lbs. FPM/MMBtu were all conducting emissions testing once each three years. Consequently, the EPA grossly overestimated the cost of the current FPM emissions testing by representing quarterly emissions testing to inappropriately justify the extreme cost burden of the design, procurement, installation, certification, operation and quality assurance requirements of the FPM CEMS.

Northampton Generating Unit 1 includes a circulating fluidized bed boiler and a fabric filter for collection of FPM. Importantly, fabric filters are the most effective device for the collection of FPM. In the case of Northampton Generating Unit 1, the unit is already required to meet an FPM limit of 0.0088 lbs. FPM/MMBtu. However, that Title V permit limit is specified and required to be demonstrated using filterable particulate matter source emissions testing, similar to the filterable particulate matter source emissions testing required by the original MATS Rule as opposed to being obligated to demonstrate compliance using an FPM CEMS which would make the numerical FPM emission limit much more stringent. Consequently, it is uncertain if Northampton Generating Unit 1 will be able to achieve the revised FPM emission limit because a specified emission limit is not only dependent upon the numerical value of the limit but also upon the compliance demonstration method(s) and the averaging period of the limit.

At this time, it is unknown whether an additional technology that could be added beyond the already existing fabric filter to ensure continuous compliance and accomplish whatever additional FPM emissions control might be necessary under the revised MATS FPM standard is even commercially available. Consequently, additional time is necessary to investigate, and if necessary, implement projects to discover, test and implement this unknown technology. Further, the cost of this unknown FPM control equipment that might be necessary is unknowable. This is an important point because Northampton Generating is located in Pennsylvania, a restructured electric generating market.

Pennsylvania in the late 1990's restructured its electric market and consequently, electric generators in Pennsylvania are merchant generators and are not guaranteed cost recovery or a