

challenging.”³ In developing the 2012 MATS Rules, EPA emphasized that PM CEMS may impose unique compliance challenges because their operation is site-specific and must be individually calibrated against an accepted reference test, where each PM CEMS must be tested multiple times against a wide range of PM emissions to determine the correlation between the CEMS output and the PM standard.⁴ EPA has failed to show how correlation curves can be developed to produce data sets that are shown to be valid and repeatable at such low fPM emission levels. In the NESHAP for the Portland Cement Manufacturing Industry, 78 Fed. Reg. 10,006 (February 12, 2012), EPA changed the compliance basis for PM standards from continuous monitoring using a PM CEMS to stack testing or continuous parameter monitoring due to concerns raised over the low level of PM emissions and the technical feasibility of the PM CEMS equipment at the time. The same equipment is commercially available today, with no significant monitoring capability improvements.

Given these monitoring challenges, achieving compliance with the Final Rule’s continuous monitoring requirements is infeasible. Other continuous monitoring methods to measure non-mercury hazardous air pollutant metals directly, such as non-mercury sorbent trap technology, are still being developed and are not currently available on the market.⁵ In the absence of available technologies that can achieve the Final Rule’s monitoring requirements for fPM emissions, EPA should grant a two-year compliance exemption.

Lastly, WFEC recommends that EPA take a broad approach in evaluating whether “technology to implement [a] standard is not available,” pursuant to CAA Section 112(i)(4). While EPA has not identified specific circumstances that would support a finding that technology is unavailable, the Agency’s prior related actions suggest that this finding should be treated liberally, based on a variety of circumstances related to supply chain issues and reliability challenges. For example, a 2025 Presidential Memorandum directed the EPA Administrator to consider “shortages of labor, parts, control technology supply, supply-chain disruption, or other factors out of the facility’s control” as grounds supporting an exemption.⁶

As stated above, achieving compliance with the Final Rule’s requirements by 2027 is infeasible due to several challenges related to the availability of technology, including: (1) the inability of existing PM CEMS to measure fPM emissions at the level required by the Final Rule; and (2) the lack of existing control technology capable of achieving the Final Rule’s fPM emissions standard on a continuous basis.

Item 2: An Extension is in the National Security Interests of the United States

The reliability of the energy grid is critical to the national security interests of the United States. In establishing the revised standard, EPA failed to consider normal fluctuations in unit operations that are necessary to support the reliability of the nation’s energy grid, to support future growth in demand, and to maintain fuel flexibility. HU-UNIT1 would need to commit in excess of \$5,000,000 in capital investments

³ EPA, *Summary of Public Comments and Responses on Proposed Rule*, 58 (Apr. 2024), <https://www.regulations.gov/document/EPA-HQ-OAR-2018-0794-6922>.

⁴ Memorandum from Connisue Oldham, Group Leader, OAQPS/AQAD, to Bob Schell, Group Leader, OAQPS/SPPD, *Particulate Matter Continuous Emissions Monitoring System (PM CEMS) Capabilities*, 3 (Jun. 13, 2023), <https://www.regulations.gov/document/EPA-HQ-OAR-2018-0794-5828>.

⁵ See, e.g., EPRI, *Demonstration of Sorbent Traps for Continuous Measurement of Metal Hazards Air Pollutants (HAPS)* (Oct. 2024), <https://msites.epri.com/spn/research/056617/demonstration-of-sorbent-traps-for-continuous-measurement-of-metal-hazards-air-pollutants-haps>.

⁶ *Memorandum on the Orderly Implementation of the Air Toxics Standards for Ethylene Oxide Commercial Sterilizers*, Section 2(b)(i) (Jan. 16, 2025).