

equipment, test, obtain approval, and implement any new maintenance activity processes to comply with the new standard.

30. **Other Section 112(d) requirements will increase the time needed to implement the Section 112(f) Control Projects.** The Section 112(f) Control Projects are not the only projects that I, or the Facility, must evaluate and implement within timeframes prescribed in the Final Rule. In addition to the Section 112(f) Control projects, DPE will be required to plan for the implementation of Section 112(d) requirements of the Final Rule. The engineer members of DPE's ERP Task Force must also consider any potential impacts of the Section 112(d) projects when planning, designing, and implementing the Section 112(f) Control Projects.

31. DPE personnel will need to account for the Section 112(d) requirements in planning the Section 112(f) Control Projects which further contributes to the need for at least two years for safe implementation of the Section 112(f) Control Projects.

32. **Opinion 2: A compliance period of less than two years would likely require a shutdown of the Facility and increase the complexity and dangers of implementing the requirements.**

33. As discussed above, Section 112(f) Control Projects cannot be technically or safely designed, approved, constructed, and tested at the Facility in less than two years. The extensive analysis performed by DPE and its outside experts demonstrates that anything less than two years is infeasible and unsafe.²⁶ If DPE is not provided at least two years to complete the Section 112(f)

²⁶ I also note that EPA's timing estimates for emission controls in the Section 303 Litigation also demonstrate that a 90-day compliance period for the Final Rule is infeasible. I explained in a prior declaration submitted in response to EPA's March 2023 preliminary injunction motion in the Section 303 Litigation (Case No. 2:23-cv-00735) ("Meyers PI Decl."), why ERP implementation timelines put forth in EPA's preliminary injunction motion were dramatically underestimated, infeasible, and failed to consider safety. Nevertheless, the timelines put forth in EPA's injunctive relief at that time determined that 90 days is an insufficient period to comply with the proposed