

Luminant Generation Company LLC

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Martin Lake Steam Electric Station
6555 Sierra Drive
Irving, TX 75039

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); Martin Lake Steam Electric Station Units 1, 2, and 3.

Dear President Trump:

Please accept this letter on behalf of Luminant Generation Company LLC (“Luminant”) 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 the Martin Lake Steam Electric Station (“Martin Lake”). Luminant is requesting a two-year exemption, beginning July 6, 2027, from these requirements for Martin Lake Units 1, 2, and 3.

The MATS RTR amended 40 C.F.R. Part 63 Subpart UUUUU and became effective on July 8, 2024. Under the Rule, Martin Lake is required to reduce fPM emissions from 0.030 lb/MMBtu to 0.010 lb/MMBtu. Compliance with this revised limit is based on a continuous, 30-day rolling limit. In addition, the Rule requires all coal-fired EGUs to use CEMS to implement the revised fPM standard, which may not be technically feasible at the lower fPM standard. The compliance deadline for meeting the revised fPM standard and for using PM CEMS is July 6, 2027, but work to design, purchase, install, and/or test any necessary controls or changes in operating procedures or maintenance practices, and implement required adjustments to the 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 Martin Lake Units 1-3 from complying with the standards set forth in the MATS RTR where (1) the technology required “to implement” the Rule’s 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 electric generating facilities by the MATS RTR, EPA has announced the potential availability of such exemptions and asked that requests for exemptions be submitted by March 31. *See* <https://www.epa.gov/stationary-sources-air-pollution/clean-air-act-section-112-presidential-exemption-information>. Consistent with that announcement, and for the reasons set forth below, Luminant requests a 2-year exemption for Martin Lake from the fPM standard and the requirement to implement changes to the CEMS.

Section I explains that the technology required to implement the Rule’s revised fPM standard is not considered available on a continuous basis and that the related CEMS changes are likewise unavailable. Section II concludes that it is in the national security interest to issue an exemption from compliance with the MATS RTR.

I. Particulate Control Technology and CEMS Technology is Not Available

As an initial matter, EPA has been very clear that the revised fPM standard and CEMS requirement are completely integrated, such that any exemption must cover both requirements in the Rule. Specifically, EPA explained “that a fPM standard of 0.010 lb/MMBtu . . . is the lowest fPM emission limit possible at this time with use of PM CEMS.” 89 Fed. Reg. at 38,534. And EPA identified the revised fPM standard and the PM CEMS requirement as a combined “two-pronged approach,” stating that “requiring PM CEMS in addition to a lower fPM limit . . . is the most stringent option that balances the benefits of using PM CEMS with the emission reductions associated with the tightened fPM emission standard.” *Id.* at 38,530. In other words, EPA’s effort “to implement” its revised standard depends equally on both the more stringent numeric standard for fPM and on the obligation to install new monitoring equipment. Part A explains that the technology required to implement the Rule’s revised fPM standard is “not available,” and Part B explains that changes to the CEMS are likewise unavailable. Given the interdependence of these requirements, however, the unavailability of technology as to either component makes “implementation” of the standard likewise unavailable for the other.

a. The Particulate Control Technology Required to Implement the Rule’s fPM Standard is Not Available

There are technological and operational limits at Martin Lake that make it extremely difficult and expensive to meet the revised fPM standard. EPA based its decision to lower the fPM standard on data from only a select few units, *see* Pet’rs’ Brief at 65-68, *North Dakota v. EPA*, No. 24-1119, Doc. 2077742 (Oct. 1, 2024), but not all units can meet the revised limit under all operating conditions. In fact, EPA specifically identified Martin Lake Units 1 and 3 as units that they believe would require changes to their controls to meet the revised fPM limits. Martin Lake currently utilizes an Electrostatic Precipitator (“ESP”) for particulate control, and EPA estimates that the upgrades for only two of the three Martin Lake units would be \$100 million. *See* EPA, *2023 Technology Review for the Coal- and Oil-Fired Source Category*, Docket No. EPA-HQ-OAR-2018-0794-5789, at 2 (Jan. 2023). Even these cost estimates underestimate the actual costs

for the necessary ESP upgrades. *See PGEN Comments on EPA's Proposed Rule: NESIAP Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review*, Docket No. EPA-HQ-OAR-2018-0794-5994, at 12 (June 28, 2023) [hereinafter "PGEN Comments"]. In addition, operational limitations hinder the units' ability to continuously comply with the fPM standard. Although some units may be able to achieve a rate of 0.010 lb/MMBtu under certain conditions, the Rule requires continuous compliance. Even units that can achieve the limit in ideal conditions may not be able to continuously meet that limit during peak load conditions when they cannot do power off rapping or maintenance and cleaning of PM controls. During peak conditions, most units operate at base load and run at high-capacity factors. It may be difficult to maintain optimal operation of control technologies during peak conditions unless there are additional outages scheduled for such maintenance, which may not always be feasible. Moreover, the characteristics of coal vary depending on location. Ash content of the coal being fired may impact the ability of units to comply with the fPM limit, regardless of the effectiveness of the control technologies in place. Other operational factors such as cleaning frequency, operational duration, and maintenance frequency of ESPs impact the performance of controls and, thus, the facility's ability to comply with the proposed limit. These issues make continuous compliance with the fPM standard difficult to ensure.

b. CEMS Technology is Not Available

The MATS RTR requires coal-fired units to implement the revised fPM standard using CEMS. As explained above, this requirement is an integral part of the numeric limit itself. Martin Lake does have PM CEMS; however, these CEMS have not been calibrated and certified to reflect the revised, lower standard. There are technological limitations, as well as costs and market limits, that make using the existing CEMS to demonstrate compliance with a significantly lower fPM standard by July 2027 unavailable.

PM CEMS does not provide direct measurements; it uses correlation curves to calculate emissions levels. However, the low fPM standard in the Rule makes developing this correlation curve "virtually impossible." PGEN Comments at 22 (citing PM CEMS Technical Memo at 3). Similarly, the QA/QC criterion for CEMS are extremely difficult to meet at such low levels. *See Comments of the Class of '85 Regulatory Response Group on the Proposal on National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review*, Docket No. EPA-HQ-OAR-2018-0794-5989, at 16 (June 28, 2024) [hereinafter "Class of '85 Comments"]. In fact, at the time of the proposed MATS RTR, no commercially available PM CEMS would have been able to meet the tight confidence and tolerance intervals associated with the low proposed fPM standard. PGEN Comments at 23 (citing PM CEMS Technical Memo at 5). EPA was, thus, forced to address these issues in the final MATS RTR by loosening the QA criterion and correlation procedures. *See* 89 Fed. Reg. at 38,528-29. However, it has not yet been shown that these changes are enough to address the fundamental issue that PM CEMS have difficulty reliably measuring such low fPM levels due to the error rates of the instrument. *See* PGEN Comments at 23 (finding insurmountable the "uncertainties inherent in the measurement device" and the "problems associated with relative size of the uncertainty to the limited data range of fPM concentrations and the confidence levels and tolerances"); *see also* Class of '85 Comments at 18. And, in reality, units would need to target

emissions below 0.010 lb/MMBtu in order to ensure compliance. *See* Pet’rs’ Brief at 72. Therefore, the CEMS technology to demonstrate compliance with the revised fPM standard is unavailable.

II. It is in the Interest of National Security to Issue an Exemption for the Rule

The requested exemptions from the Rule’s revised fPM standard and CEMS requirement are in the national security interests of the United States. The Rule adversely affects the nation’s energy generation capacity and threatens grid stability and the supply of affordable, reliable energy. The Rule’s stringent revised limits and the high costs associated with compliance, particularly in combination with other rulemakings impacting coal-fired EGUs, places a considerable burden on the operation of the Martin Lake Units. And MATS rules have historically resulted in the loss of generation capabilities—the 2012 MATS rule resulted in the retirement of approximately 60,000 MW of coal-fired capacity. Pet’rs’ Brief at 23. As explained in Luminant’s Comments, coal plants “continue to be of paramount importance for grid reliability during the transition to renewables.” *Id.* at 29.

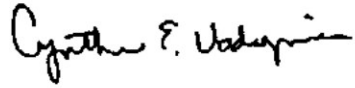
The President has identified energy generation and grid reliability as issues of national security, and it is, therefore, in the interest of the nation to exempt these units from compliance with the MATS RTR. As set forth in President Trump’s Executive Order (“E.O.”) 14156, *Declaring a National Energy Emergency*, the “generation capacity of the United States [is] . . . far too inadequate to meet our Nation’s needs” and “a reliable, diversified, and affordable supply of energy” is necessary to ensure “military preparedness.” 90 Fed. Reg. 8,433, 8,433 (Jan. 29, 2025). The E.O. continues, “integrity . . . of our Nation’s energy infrastructure—from coast to coast—is an immediate and pressing priority for the protection of the United States’ national and economic security,” while “insufficient energy production . . . constitutes an unusual and extraordinary threat to our Nation’s economy, national security, and foreign policy.” *Id.* at 8,433-34. As explained above, the MATS RTR is one of the “policies” that the President has indicated will contribute to the “inadequate and intermittent energy supply” and “increasingly unreliable grid.” *Id.* at 8,433.

Similarly, in E.O. 14154, *Unleashing American Energy*, President Trump acknowledged that prior regulations—which include this Rule—have “limited the generation of reliable and affordable electricity” and, in turn, “weaken[ed] our national security.” 90 Fed. Reg. 8,353, 8,353 (Jan. 29, 2025). This E.O. plainly states it is in “the national interest to unleash America’s affordable and reliable energy” and that ensuring “an abundant supply of reliable energy” will help “protect the United States’s economic and national security and military preparedness.” *Id.* Providing the requested exemptions will achieve these goals of ensuring national security through the supply of reliable energy. Moreover, E.O. 14154 specifically calls for the review and potential rescission of rules like this one, which “impose an undue burden on the . . . use of domestic energy resources.” *Id.* at 8,354.

Thus, in order to ensure a sufficient and reliable supply of energy, President Trump should use his lawful authority under Section 112(i)(4) of the CAA to grant the requested exemptions from compliance with the standards set forth in the MATS RTR.

If you have any questions regarding this submittal, please contact Renee Collins at Renee.Collins@vistracorp.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Cynthia F. Vodopivec". The signature is fluid and cursive, with the first name "Cynthia" being more prominent.

Cynthia Vodopivec
Senior Vice President, Environmental, Health & Safety