

Olds Station Unit 2 and Laramie River Station Unit 2, the next available planned outages will not occur until 2028 and 2029, respectively. These planned outages are strictly controlled by grid management entities and require approval to adjust. This could be a serious issue if the installation of baghouses is necessary. Indeed, at the Leland Olds Station, the footprint for installation of a new baghouse simply does not exist, while Laramie River Station Unit 2 sits in the middle of two other units. In either case, Basin Electric would have to gut the current precipitators and rework entire systems in an unreasonably short period of time in order to comply with the standard.

Finally, completing any upgrades may be impacted by potential parts and labor shortages. While Basin Electric cannot predict at this time whether such shortages will occur, shortages certainly may be likely to occur if EGUs around the country are required to install similar technology at the same time to comply with the 2024 MATS Rule. Based on the steps that Basin Electric must take to study, procure, and construct necessary emission control technology, compliance with the 2027 implementation deadline is simply infeasible for Basin Electric's affected EGUs.

Under previously established EPA policy, such "shortages of labor, parts, control technology supply, supply-chain disruption, or other factors out of the facility's control" are an appropriate basis for granting exemptions from NESHAP requirements. Based on this policy, the timeline needed to modify Basin Electric's affected EGUs provides an additional basis to conclude that the technology necessary to comply with the fPM standard under the 2024 MATS Rule is not "available."

3. The 2024 MATS Rule is likely to result in operational restrictions and cause significant reliability challenges.

EPA's 2024 MATS Rule requires coal-fired EGUs to meet the stringent new standards in three years or to commit to retirement.¹¹ Basin Electric's affected EGUs will risk operational constraints based on the unavailability of necessary PM CEMS technology and the infeasibility of the 2027 deadline. As a result, Basin Electric will be forced to significantly curtail operation of the EGUs which will harm the transmission infrastructure and threaten the reliability of the electricity grids that they serve, as discussed above.

EPA has previously found that circumstances where (1) generation from impacted units is needed to maintain reliability and (2) transmission upgrades are necessary but cannot be timely completed can provide reasonable bases for granting a one-year compliance extension of the MATS.¹² As explained in the Class of '85 Letter, there is significant overlap between the availability of a one-year compliance extension and circumstances supporting a two-year Presidential Exemption. Under CAA Section 112(i)(3)(B), a one-year extension is available if it is "necessary for the installation of controls." A Presidential Exemption under CAA Section 112(i)(4)

¹¹ 89 Fed. Reg. at 38,519.

¹² 77 Fed. Reg. at 9,410.