

Performance Testing Requirements, 1. Filterable Particulate matter (PM), Emissions Testing. 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 that were 50% 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 were all conducting emissions testing once every three years. Consequently, the EPA grossly overestimates 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.

Bay Shore 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 Bay Shore Unit 1, the unit was designated as an FPM LEE using the test methods identified in Table 5 to Subpart UUUUU of Part 63 – Performance Testing Requirements, 1. Filterable Particulate matter (PM), Emissions Testing. Those are the test methods required by the original MATS Rule and not using FPM CEMS. FPM CMS requirements would make the numerical FPM emission limit much more stringent. Consequently, it is uncertain if Bay Shore Unit 1 will be able to continue to achieve the solid oil-derived fuel FPM emission limit on a continuous basis 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 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 itself unknowable. This is an important point because Bay Shore Unit 1 is located in Ohio, a restructured electric generating market.

Ohio in the late 1990’s restructured its electric market and consequently, electric generators in Ohio are merchant generators and are not guaranteed cost recovery or a return on investment to accomplish these projects at these facilities. Funding for these projects must be provided from private sources and these additional costs would have to be recovered in the