

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