

Ri-Corp. Development, Inc.
Gilberton Power Company

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March 28, 2025

Mr. Lee Zeldin, Administrator
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Mail Code 1101A
Via Email: airaction@epa.gov

Subject: Presidential Exemption: National Emissions Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review (89 FR 38508; May 7, 2024) ("MATS Rule"): RI-CORP. DEVELOPMENT, INC d/b/a GILBERTON POWER CO / JOHN B. RICH MEM POWER STA

Dear Administrator Zeldin:

Ri-Corp. Development, Inc. d/b/a Gilberton Power Company ("GPC") is requesting a Presidential Exemption to the MATS Rules as set forth in this letter. In accordance with President Trump's offer to consider an exemption request on the pending changes to the MATS rule, GPC is providing information for your evaluation in granting an exemption and providing additional time for us to meet these requirements.

Rule related to the request

"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 FR 38508; May 7, 2024) (MATS Rule)

40 CFR Part 63 Subpart UUUUU – Effective Date July 6, 2027

Emission standards subject to the request

- 0.01 Lb/MMBtu of filterable particulate matter (PM) per million BTU heat input

Limitations subject to the request

- General requirement to use a PM CEMS or HAP metals CEMS
- Prohibition of using the LEE option for filterable PM or non-mercury HAP metals.

Facility and Affected Sources

Requesting Facility: Ri-Corp. Development, Inc. d/b/a Gilberton Power Company's John B. Rich Memorial Power Station, PFID: 494374; ORIS ID: 10113

Affected Sources: CU 031, CFB Boiler 1 & CU 032, CFB Boiler 2

Length of compliance period being requested: Delayed compliance until July 6, 2029

Background of GPC

GPC is an 88-megawatt (net 80-megawatt) anthracite waste coal-fired Cogeneration (CHP) facility located in West Mahanoy Township, Schuylkill County. GPC uses anthracite waste coal, known as culm, from existing abandoned waste coal banks to generate energy. GPC is a base-load power generation facility.

GPC is part of the small waste coal to energy power generation industry. GPC converts culm into reliable source of electricity, while simultaneously improving land, air, and water quality by remediating waste coal banks, thereby reducing acid mine drainage as well as GHG and pollutant emissions, fugitive dust, and physical hazards. GPC & affiliated subcontractors work in close conjunction with the Pennsylvania Department of Environmental Protection (PADEP) in its reclamation efforts, and uses PADEP-certified Beneficial-Use ash to restore many acres of abandoned mine lands, and ultimately revegetating them and further supporting regional air and water quality.

GPC's Facility is unlike most other solid fuel fired generators in that it consumes an anthracite waste coal material, also referred to as culm, of a low Btu value and high ash content; up to 65% by weight. Other than being used as fuel for the Facility and similar facilities in the waste coal to energy industry, these culm banks have little to no value and/or use. GPC successfully complied with the limitations originally enforceable under the MATS rule, but not without a great deal of effort, cost, and time. GPC currently maintains PM Compliant status, despite a flue gas that is laden with four-to-eight times the particulate load of a traditional solid fuel unit. To further reduce the MATS Rule limitations by 66% would be unreasonable and not technically or financially feasible. Further, beyond being technically impractical, it would likely be impossible to achieve this dramatic reduction in such a short timeframe, as would be simultaneously commissioning a PM CEMS at this new, likely unachievable, lower PM level.

Justification for Exemption

Technology

The three issues are interrelated regarding the standard, the technology to implement it, and the option to use existing compliance methods for low emitting EGU's (LEE Units). As a first point of information, the pending 0.01 lb/MMBtu limit is likely technically feasible under the current compliance demonstration methods of a periodic Method 5 Performance Test, which consists of approximately 3-hours of testing as frequently as once per calendar quarter, or in the case of LEE units, once LEE status is demonstrated, once every 36 months. Ongoing compliance is demonstrated by opacity monitors in the stack.

The ability to meet an emission standard is based on the numerical limit of that standard, the reliability of the test method for that standard, and the frequency of the testing. In the case at hand the requirement to use a PM CEMS introduces a significant question of technical feasibility to meet the more restrictive standard on a continuous basis. PM CEMS do not measure PM directly but use methods such as light scatter or beta attenuation to estimate the PM concentration. Many of these device's outputs are adversely affected by particle size, density, and shape changes. The output of the PM CEMS must be correlated to the particulate concentration in the stack by using the currently approved test Method (Method 5) and developing correlation curves to convert the PM CEMS output to an estimated concentration. Of all of EPA's specifications for continuous emission monitors, PS-11, the performance specification for these instruments, is the only one that uses correlation methods to derive an estimated emission concentration.

The issue of varying particle size, density, and shape changes, which affect the correlation on many types of PM CEMS, could have a great impact on coal-fired power plants burning waste coal, such as is the case with this request. Coal-refuse fired power plants combust a fuel supply that has great variation in fuel chemistry as different waste coal piles are reclaimed and used for fuel. This is a far different situation than in the case of conventional virgin coal-fired power plants which use a much more consistent fuel supply. PM CEMS have not been demonstrated to be technically feasible at these extremely low emissions levels, nor is there currently any calibration method available that can accurately verify continuous measurements of fPM at levels as low as 0.01 lb/MMBtu; thus neither the technical feasibility of using these monitors, nor the ability to demonstrate compliance employing them with the lower standard on a continuous basis have been established as technical matters, to date.

Furthermore, there are no technically feasible add-on control devices that can be employed on these units, beyond those currently in use, that could provide additional controls to further reduce emissions should the new requirements for monitoring show an inability to comply with the reduced emission standard based on the new monitoring requirements.

Most importantly, based on EPA's own analysis, the reduced PM standard was not implemented for any reasons of health impact or risk¹, but simply because EPA determined, in the Residual Risk and Technology Review, (incorrectly we believe, at least as to the sources burning coal refuse), that the lower standard was promulgated to reflect "the control levels currently achieved by the vast majority of regulated units."²

As to the removal of the option to qualify as a LEE unit, the pending change to the regulation imposes a significant financial burden on the cleanest of the coal-fired units, removing an option for less frequent testing after showing that the emissions are significantly less than the current standard.

National Security Interests of the United States

As President Trump has expressed on many occasions, reliable and cost-effective energy is in the national security interest of the United States. The entire United States is facing an unprecedented surge in energy demand, driven by the rapid expansion of data centers supporting artificial intelligence, widespread electrification of vehicles and heating systems, as well as demand from the new manufacturing industries that this Administration is promoting. At the same time, the energy landscape is undergoing a major transition, with many thermal and dispatchable generation units retiring while new capacity additions are largely dominated by intermittent renewable resources such as solar and wind projects, as well as short-term storage solutions based on battery storage systems.

PJM, the ISO in which this facility operates, has expressed concerns about the increasing load and decreasing generation in its region. PJM predicts that 40 GW of its existing supply, largely, thermal based generation will retire by 2030. The PJM Long Term Growth Forecast expects loads to increase by over 55 GW by 2035. Finally, PJM's reliability study assumes a major contribution from offshore wind projects in New Jersey, an uncertain resource given the public's opposition to these projects.

The Trump Administration recognizes the urgent need for a balanced, reliable, and affordable power grid, as well as the need to rein in regulations that are not needed to protect public health. Granting of an extension for this facility will provide financial relief to allow a full evaluation of the technical and financial feasibility of the benefits and costs of the more restrictive regulations and allow our plant to continue to provide a dispatchable generation resource for the security of the United States and give us, and PJM more time to plan for the continued operation of this critical resource and continue to provide a stable energy supply for the PJM grid. The PJM-RTO is already warning of serious impending Capacity shortfalls (as are other RTOs), and actions like the implementation of MATS RTR will serve to further

¹ 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 Federal Register 38508.

² 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 Federal Register 38510

accelerate the problem. Pervasive capacity shortfalls throughout the United States would have obvious and tremendous national security ramifications.

Granting the requested Presidential Exemptions to GPC, and other generators like it, would be in the best national security interests of the United States for a number of reasons, including a secure, reliable power grid, the ability to power the growth of our domestic economy, and unique to our industry, the improvement of land, water, and air while protecting natural resources necessary for sustaining our population. Above and beyond that, our industry is heavily-involved in REE/REM research and analysis with NETL/DOE/Academia. We have worked on a variety of projects exploring the viability of a variety of feedstocks which could all be candidates for decreasing our reliance on foreign-sourced REE/REM.

Therefore, it is in the United States' national security interests to ensure the viability and continuity of base load power generation facilities, like GPC, in order to provide reliable and constant power to our industries and communities.

GPC appreciates the opportunity to make this request and thank you for your consideration of this request. If there are any questions or additional information required, please contact me at ABrush@culm2energy.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Alexander Brush", is positioned above the printed name.

Alexander Brush
General Manager