

will necessitate a significant investment. Such an investment cannot be undertaken if it is not fully developed to ensure compliance with the more stringent fPM standard. Additionally, the economic burden of these upgrades would impose financial strain on the facility, potentially leading to operational disruptions. The financial burden of implementing the required upgrades, alongside the necessary feasibility studies, within the compliance deadline is prohibitive. The estimated cost of the upgrades, including procurement, installation, and operational adjustments, could exceed our current financial capabilities. The immediate financial strain of these upgrades could jeopardize our ability to continue operations and place a significant burden on the local economic community, which provides the labor force for PPES. Therefore, an extension to the compliance deadline is necessary to allow for a comprehensive evaluation and careful execution of the necessary upgrades.

PM CEMS Technology is Not Available

There are technological limitations that also make PM CEMS “not available” and make demonstrating *continuous* compliance with an fPM limit of 0.010 lb/MMBtu via CEMS nearly impossible. CEMS for fPM does not provide direct measurements; instead, it uses correlation curves to indirectly calculate estimated emissions levels based on the measurement of some other value. However, the low fPM limit in the Rule makes developing this correlation curve “virtually impossible.” *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 22 (June 28, 2023) [hereinafter “PGEN Comments”] (citing and attaching Ralph L. Roberson, *Technical Comments on EPA’s Proposed Rule: Mercury and Air Toxics Standards Risk and Technology Review*, at 3 (2023) [hereinafter “PM CEMS Technical Memo”]). EPA admits as much—it explains that 0.010 lb/MMBtu is the “lowest achievable fPM limit that allows for the use of PM CEMS for compliance.” 89 Fed. Reg. at 38,530. And EPA’s analysis ignores the need for a compliance margin below 0.010 lb/MMBtu in order to “implement” that limitation in practice.

Similarly, the quality assurance/quality control (“QA/QC”) criterion for fPM 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 revisions, no commercially available fPM CEMS would have been able to meet the tight confidence and tolerance intervals associated with the low proposed fPM limitation. PGEN Comments at 23 (citing PM CEMS Technical Memo at 5). EPA was, thus, forced to address these issues in the final MATS revisions by adjusting the QA criterion and correlation procedures. *See* 89 Fed. Reg. at 38,528-29 (“PM CEMS currently correlated for the 0.030 lb/MMBtu fPM emission limit may experience difficulties should re-correlation be necessary . . . those concerns are also ascribed to yet-to-be installed PM CEMS”). However, these changes are not enough to address the fundamental issue: that fPM CEMS is simply not able to reliably measure such low fPM levels—the error rates of the instrument prohibit it. *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