

problems with operating their PM CEMS with regard to (i) meeting the Quality Assurance-Quality Control (QA-QC) criteria; and (ii) establishing the correlation curve.

PM CEMS also fail to meet the QA/QC criteria. When a PM CEMS fails to meet the QA-QC criteria, the collected data are considered out-of-control and are no longer considered valid. An owner/operator has no real time indication that its EGU might have failed the required QA-QC criteria until several weeks after the testing has been completed. This could result in hundreds of hours of monitor downtime being created retroactively after the QA-QC criteria failure has been identified and is required to be reported as a deviation under the MATS rule. Most states have minimum data availability requirements that could result in enforcement actions. At the more stringent fPM standard of 0.010 lb/MMBtu, the likelihood of out-of-control periods increases. This downtime is not reflective of poor maintenance or operation but rather the difficulties associated with the quality assurance procedure at such low emission levels and is not accounted for in the EPA analysis.

Finally, there currently is no calibration procedure available that can accurately verify continuous measurements of fPM at levels as low as 0.010 lb/MMBtu. Moreover, PM CEMS is not a direct measure of compliance with the applicable emission limitation; rather, emissions are correlated and as such can be in error as much as +/- 25% when having to correlate to standards as low as 0.010 lbs/MMBtu.

National security interests of the United States to provide the exemption

Several of President Trump's Executive orders support the national security interest in granting this exemption, including:

EO 14156, Declaring a National Energy Emergency

- o "Our nation's current inadequate development of domestic energy resources... poses an imminent and growing threat to the United States'... national security."
- o "The United States' in sufficient energy production, transportation, refining, and generation constitutes an ... extraordinary threat to our... national security."

EO14154, Unleashing American Energy

- o "It is the policy of the United States... to protect the (Nation's) economic and national security... by ensuring that an abundant supply of reliable energy is readily accessible."
- o "High energy costs... weaken our national security."

Executive Order 14213 - "Establishing the National Energy Dominance Council"

Accordingly, Colver believes that a Presidential Exemption is in the national security interests of the United States. There is growing demand for electricity to support the grid. Many states need additional electricity supply due to data centers, artificial intelligence, and manufacturing. To