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

- "Our nation's current inadequate development of domestic energy resources… poses an imminent and growing threat to the United States'… national security."

- "The United States' in sufficient energy production, transportation, refining, and generation constitutes an … extraordinary threat to our… national security."

EO14154, Unleashing American Energy

- "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."

- "High energy costs… weaken our national security."

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

Accordingly, EPC 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 illustrate, the Department of Energy recently released a new report indicating that domestic energy usage (and therefore demand) from data centers is expected to double, or even triple, by 2028. The power sector also continues to break daily peak load records due to extreme weather events and generation shifting. In sum, there is significant demand for electricity and a concomitant need to reinforce system reliability and capacity.