Big Rivers

D.B. Wilson Station
5663 State Route 85 West
Centertown, KY 42328
www.bigrivers.com

March 28, 2025

Mr. Lee Zeldin, Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

airaction@epa.gov

Subject: **Presidential Exemption - D.B. Wilson Station, Ohio County, Kentucky**
National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review
(Federal Register - May 7, 2024)

Dear Mr. Zeldin,

D.B Wilson Station is a 440 megawatt coal-fired electric generating unit that is owned and operated by Big Rivers Electric Corporation (BREC). BREC is a member-owned, not-for-profit, G&T Cooperative that supplies wholesale electric power to three distribution members across 22 rural counties in western Kentucky.

BREC is respectfully requesting a two-year exemption from compliance with the 0.010 lb/mmBtu filterable Particulate Matter (fPM) emission limitation that was codified in the Federal Register on May 7, 2024 as referenced in the Subject line above. The current deadline for meeting this new standard is July 6, 2027.

A new scrubber was installed at D.B. Wilson Station in December 2022 that enhanced the control efficiency of air emissions including SO_2, fPM, and acid gases (HCl). In spite of this multi-million dollar investment by BREC, compliance with the new limit of 0.010 lb/mmBtu cannot be reliably achieved at D.B. Wilson Station. EPA's own analysis corroborated this finding as documented in Appendix A of EPA's PowerPoint presentation dated April 25, 2024, which is attached for review.

The intent of the reconsidered rule is to reduce the emissions of Hazardous Air Pollutants (HAPs). fPM is considered a surrogate to HAPs, but not an actual HAP. EPA provides no evidence that periods of increased fPM concentrations correlate to an actual increase in HAP emissions at the levels of the revised standard. In addition, the basis of the fPM / non-Hg metal surrogacy was established during performance testing at full load. EPA has failed to provide supporting documentation that HAP emissions increase during periods of control device upset that may result in higher fPM concentration.

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Furthermore, EPA failed to consider the accuracy limitations of the measurement techniques used as the basis of the revised standard. EPA relied upon performance test data (representing only full load operation during discreet time periods) to establish a revised limitation that would apply at all times. EPA also relied on PM CEMS data in which the PM CEMS response is correlated to actual fPM measurements. On an ongoing basis, the response of the PM CEMS was considered acceptable within a broad tolerance range (the allowable measurement error was approximately ±0.0075 lb/mmBtu).

Moreover, EPA "selectively" picked data to support their desired narrative but failed to consider normal fluctuations in unit operations that are necessary to support the reliability of the nation's energy grid and did not consider normal fluctuations in control device capabilities. EPA's revised standard removed all compliance margin such that the cost of compliance was grossly under-estimated in the reconsidered rule.

The reliability of the nation's energy grid is critical to the national security interests of the United States. In establishing the revised standard, EPA failed to consider normal fluctuations in unit operations that are necessary to support the reliability of the nation's energy grid, to support future growth in demand, and to maintain fuel flexibility. Sites subject to this standard, such as D.B. Wilson Station, must commit to millions of dollars in capital investments to meet the 2027 standard, all while being faced with the regulatory uncertainty of other regulatory actions which are also being reconsidered by your Administration.

The factors noted above necessitate that companies invest significant time, money, and research to develop additional control technologies prior to July 6, 2027 knowing that emission standards in the reconsidered rule were not based on sound science, a comprehensive set of operational data, or appropriate financial considerations. We ask for the 2-year exemption to allow adequate time for your Administration to reconsider those aspects of the rule that are significantly flawed.

BREC would like to thank you in advance for the opportunity to make this request. Please contact me at mark.bertram@bigrivers.com if you have questions or need additional information.

Best Regards,

Mark W. Bertram
Director, Environmental Services
Big Rivers Electric Corporation