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U.S. Environmental Protection Agency
EPA Docket Center
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1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: COMMENTS OF THE LARGE PUBLIC POWER COUNCIL ON THE NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS: COAL- AND OIL-FIRED ELECTRIC UTILITY STEAM GENERATING UNITS, PROPOSED RULE; Docket ID No. EPA-HQ-OAR-2018–0794

The Large Public Power Council (LPPC) appreciates the opportunity to submit these comments to the U.S. Environmental Protection Agency (EPA or the Agency) on the proposed rule, *National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units*, *Proposed Rule*, published at 90 Fed. Reg. 25535 (June 17, 2025) (Proposed Rule or 2025 Proposed Rule), in which EPA is considering the repeal of certain requirements included in the residual risk and technology review for the Mercury and Air Toxics Standards (MATS) for coal- and oil-fired electric utility steam generating units (EGUs), finalized on May 7, 2024, at 89 Fed. Reg. 38508 (2024 MATS RTR). Among other changes, the 2025 Proposed Rule would reinstate the option for EGUs to demonstrate compliance with the filterable particulate matter (fPM) standard using periodic stack testing and continuous parametric monitoring systems (CPMS), in addition to the currently required particulate matter (PM) continuous emissions monitoring systems (CEMS). The rule would also reinstate the Low Emitting EGU (LEE) program for fPM and non-mercury (non-Hg) hazardous air pollutant (HAP) metals. In addition, EPA requests comments on whether it should retain the updated minimum volume per run or minimum mass per run requirements for the fPM compliance demonstration for coal-fired and integrated gasification combined cycle (IGCC) EGUs. LPPC will be focusing its comments on these specific technical compliance issues.

LPPC is an association consisting of the 29 largest, non-federal public power systems in the nation. Together, our members serve 30.5 million American consumers across 22 states and territories. As not-for-profit utilities owned by and accountable to the communities we serve, our members deliver some of the cleanest, most reliable, most affordable energy in the United States. LPPC supports strong federal and state action to expand generation technology options, support advanced grid capabilities, and enhance end-user services. Continued federal and state investments in research, development, and demonstration of the full range of technologies are needed to achieve a reliable, clean electric grid.

Many LPPC members are expanding electric supply to meet soaring demand from data centers and advanced manufacturing, while leading the nation in decarbonizing electric generation and adopting new technologies, fuels, and investments in beneficial electrification and grid modernization.

In keeping with these policy and energy perspectives, LPPC is submitting the following comments on EPA's proposal to expand the technical compliance flexibilities available under the MATS rule. As EPA finalizes this proposal package, it is essential that the requirements are practical, effective, and transparent. LPPC members are supportive of revisions that provide operational flexibility and improve the workability of the MATS requirements for owners and operators of EGUs. Furthermore, LPPC underscores the importance of maintaining regulatory flexibility and certainty for public power utilities. LPPC members serve a diverse customer base, including rural and economically disadvantaged communities, and emphasize that any changes to the MATS rule should account for the operational realities and unique challenges faced by public power providers.

I. OVERVIEW OF LPPC'S COMMENTS

LPPC supports EPA's proposal to reinstate the compliance options for fPM that were included in the 2012 MATS final rule, 77 Fed. Reg. 9304 (Feb. 16, 2012) (2012 MATS Rule), including periodic stack testing and CPMS. These methods offer effective and less burdensome alternatives to PM CEMS. LPPC also supports reinstating the LEE program as well as recommending that the stack testing volume provisions from the 2012 MATS Rule be restored. The 2012 provisions ensure reliable emissions measurement while preserving implementation flexibility and avoiding the added cost and burden of longer, more intensive test runs.

LPPC comments will focus on Questions #3, #4, and #5 in the 2025 Proposed Rule:

- **Question #3:** Should the quarterly stack testing and PM CPMS compliance demonstration options for the fPM standard be reinstated, as proposed, because other air pollution control indicators can adequately inform operators of malfunctions and that the

higher costs for PM CEMS do not outweigh the advantages of more efficient pollutant abatement and more transparency of EGU fPM emissions?

- **Question #4:** Should the LEE program for fPM and non-Hg HAP metals be reinstated, as proposed?
- **Question #5:** Should the EPA retain, as proposed, the updated minimum volume per run or minimum mass per run requirements for fPM compliance demonstration for coal-fired and IGCC EGUs?

2025 Proposed Rule at 25545–46.

II. RESPONSE TO QUESTION #3: THE 2012 MATS RULE PROVIDED SUFFICIENT FPM COMPLIANCE DEMONSTRATION OPTIONS.

LPPC supports reinstating the 2012 MATS Rule provisions allowing periodic stack testing and CPMS as alternatives to PM CEMS for demonstrating compliance with the fPM standard. The 2024 MATS RTR eliminated these options, making PM CEMS the sole monitoring method for purposes of demonstrating compliance with the fPM standard. 2024 MATS RTR at 38510. These alternatives are effective, less burdensome, and legally sound. As the D.C. Circuit has recognized, "the Clean Air Act does not require continuous monitoring." *Sierra Club v. EPA*, 353 F.3d 976, 991 (D.C. Cir. 2004). EPA itself reached a similar conclusion in the 2012 MATS Rule, stating that "frequent stack emissions testing" and "monitoring using a PM CPMS" are appropriate for ensuring ongoing compliance. 2012 MATS Rule at 9420. Periodic stack testing and CPMS have long provided a reliable and well-established means of demonstrating compliance with the fPM standard. These methods have been used successfully for over a decade to evaluate emissions and control device performance, producing consistent results and supporting transparent oversight. By reinstating these options, EPA would be restoring proven tools that are both practical and cost-effective for many facilities. *See* 2025 Proposed Rule at 25541-42.

While PM CEMS may be an appropriate option for some sources, the shift to a single monitoring method introduced new cost and operational challenges for many facilities that had previously demonstrated compliance effectively using other approaches. EPA cited several benefits of PM CEMS in support of the 2024 requirement, including the ability to generate continuous, real-time emissions data; improve public transparency; and enhance regulatory oversight. *See id*. at 38510, 38520, 38535. These are legitimate goals, and LPPC supports retaining PM CEMS as one of the compliance options available to affected EGUs. However, reinstating the 2012 MATS Rule's full suite of compliance methods—including stack testing and CPMS—would better accommodate site-specific considerations while still achieving robust and reliable emissions oversight. The 2025 Proposed Rule takes a constructive step toward restoring the balanced compliance framework established in the 2012 MATS Rule, which recognized that multiple methods—

including stack testing and CPMS—could serve as appropriate tools for ensuring compliance with the fPM standard. *See* 2012 MATS Rule at 9420.

Higher Costs of PM CEMS Is Not Justified by the Benefits and Costs Are Appropriate to Consider. Regarding the costs associated with installing PM CEMS, one member estimates that converting to PM CEMS and conducting initial correlation testing would cost approximately $2 million for eight units. Annual testing and ongoing QA/QC could add another $260,000 or more per year. As further detailed below, other members report similar cost burdens associated with Response Correlation Audit (RCA) and Relative Response Audit (RRA) testing requirements. Retaining the option to use periodic stack testing or CPMS would allow sources to avoid these substantial expenditures while still demonstrating compliance effectively.

The high costs and limited market availability of PM CEMS also raise serious feasibility concerns. Installing, certifying, and operating PM CEMS is significantly more expensive than either quarterly stack testing or EPA's own cost estimates. These expenses include not only the purchase and installation of the equipment, but also necessary modifications to existing EGU infrastructure, extended correlation testing, and ongoing operational costs. One LPPC member estimates in the range of $180,000 to $400,000 in total costs per unit for site preparation, equipment, installation, and initial PS-11 correlation. In addition to cost, limited vendor capacity and a shortage of qualified professionals to install and test PM CEMS further constrain the ability of affected sources to meet the July 2027 compliance deadline, especially in the event of a surge in demand that is likely to outpace available supply and personnel.

It is also important to point out that there is a substantial disparity in ongoing quality assurance costs between PM CPMS and PM CEMS. Under current requirements, operating a PM CPMS requires an annual modified Method 5 test consisting of three one-hour runs, with an average cost of approximately $10,000. In contrast, PM CEMS require not only an annual RRA—comparable in cost to the CPMS test—but also a more burdensome RCA every third year. These RCAs currently require 12 to 15 one-hour test runs and may exceed $100,000 per RCA due to the need for control device manipulation or PM spiking. Under the 2024 MATS RTR, RCA testing was expanded to require 12 to 15 three-hour runs over an estimated nine-day period. This duration imposes serious economic dispatch challenges for low-capacity-factor units, as more economical generation sources must be curtailed to maintain the required load output for testing. The member reports that continued operation of these instruments as PM CPMS would avoid these burdens while still ensuring reliable compliance oversight.

EPA's decision in the 2025 Proposed Rule to repeal the PM CEMS-only requirement also reflects an updated balancing of costs and benefits. The Agency acknowledged that the intangible benefits cited in support of the CEMS-only mandate in the 2024 MATS RTR no longer outweigh the associated compliance costs. Notably, EPA did not revise the 2024

Regulatory Impact Analysis (RIA) but stated that repealing the requirement would avoid the costs that would otherwise have been incurred. According to EPA, the avoided costs of quarterly CEMS-related testing alone are approximately $2.8 million annually across affected units, based on a per-unit reduction from $87,000 to $73,000. *See* 2025 Proposed Rule RIA at 23. Restoring stack testing and CPMS as compliance options is therefore not only consistent with the original MATS framework but also responsive to updated cost considerations.

Importantly, EPA's authority to consider costs when revising standards under Clean Air Act § 112(d)(6), 42 U.S.C. § 7412(d)(6), is well established. The D.C. Circuit has upheld EPA's interpretation of this provision to allow consideration of costs, health and environmental effects, and energy requirements when revisiting standards. *See Ass'n of Battery Recyclers, Inc. v. EPA*, 716 F.3d 667, 673 (D.C. Cir. 2013) (holding that EPA is authorized to consider costs when revising standards under Section 112(d)(6)); *Nat. Res. Def. Council v. EPA*, 529 F.3d 1077, 1081–82 (D.C. Cir. 2008) (holding that EPA's consideration of costs does not invalidate the Agency's determination under Section 112(d)(6)).

Stack Tests Have the Same Level of Transparency as PM CEMS. Compliance results from stack testing and CPMS are widely available to the public. Importantly, since April 2015, compliance results from stack testing and CPMS have been submitted electronically to EPA and made publicly accessible through systems such as WebFIRE, supporting transparency and effective oversight. *See* 80 Fed. Reg. 15510 (Mar. 24, 2015).

In addition to EPA's reporting platforms like WebFIRE and the Clean Air Markets Division (CAMD) database, some states operate their own publicly accessible websites that display CEMS or CPMS data relevant to MATS-covered EGUs. For example, the Florida Department of Environmental Protection (FDEP) maintains a publicly available electronic document management system known as OCULUS, which includes all air emissions test reports submitted to the agency—including quarterly MATS PM stack test reports. Another example is the website maintained by Nebraska's Department of Water, Energy, and Environment, which provides access to all the correspondence between sources and the Department, including MATS stack test results.

Stack Tests and CPMS Effectively Inform Operators of Malfunctions. Both stack testing and CPMS enable owners and operators to evaluate control device performance and emissions trends without requiring continuous instrumentation. *See, e.g.*, 2012 MATS Rule at 9304. These tools also offer practical and cost-effective means of compliance for units where PM CEMS may be unnecessary or less feasible. Reinstating them as options—alongside CEMS—ensures that the fPM standard can be met without imposing a one-size-fits-all requirement on a diverse EGU fleet.

Owners and operators have multiple tools beyond CEMS to identify malfunctions in air pollution control equipment. As EPA explains in the 2025 Proposed Rule, facilities equipped with electrostatic precipitators (ESPs) can monitor parameters such as opacity levels which can indicate higher than normal levels of particulates in the exhaust gas; secondary corona power, secondary voltage, and secondary current (indicating the collection of particulates on the plates and wires) to verify proper operation; power levels to the rappers and vibrators (used to clean the plates and wires); and the continued operation of the ash removal system to prevent system backup. For units with fabric filters (FFs), operators can rely on bag leak detection systems (BLDS); pressure differential (indicates a bag leak or excessive buildup of the ash layer on the filters); temperature differential (for optimal bag/filter conditions); exhaust gas flow rate to detect unfiltered gas escaping the system; power levels and operations of the bag vibrators or reverse-air systems to ensure proper bag cleaning activity; fan current which can indicate plugged bags; and opacity monitors, as indicators of control performance. These monitoring practices, which are already in use across the industry, provide meaningful and timely insight into equipment condition and emissions performance without necessitating continuous emissions data.

III. RESPONSE TO QUESTION #4: THE LEE PROGRAM PROVIDES TARGETED BURDEN REDUCTION FOR LOW-EMITTING UNITS.

LPPC supports the proposal to reinstate the LEE program for fPM and non-Hg HAP metals and agrees that EPA's plan to allow units that have already qualified for LEE status to retain that status without re-demonstration is a sound approach that reduces compliance costs for owners and operators of EGUs. The LEE program was originally adopted in the 2012 MATS Rule to reduce compliance burdens for sources with consistently low emissions. Under the program, units that demonstrate emissions below 50 percent of the applicable limit for 12 consecutive quarters may reduce their performance testing frequency from annual to once every three years. This targeted flexibility reduces compliance costs for well-controlled units while ensuring adherence to applicable standards. 2012 MATS Rule at 9373.

EPA repealed the LEE provisions in the 2024 MATS RTR on the grounds that they were no longer necessary under a monitoring regime requiring PM CEMS:

> As the EPA explained in the 2023 Proposal, by requiring facilities to use PM CEMS, the current compliance method for the LEE program becomes superfluous since LEE is an optional program in which stack testing occurs infrequently, and

> the revised fPM limit is below the current fPM LEE program limit. Therefore, the EPA is finalizing, as proposed, the removal of the fPM LEE program.

2024 MATS RTR at 38510. In short, EPA viewed the LEE program as unnecessary given the changes included in the 2024 MATS RTR.

However, under the 2025 Proposed Rule—which would reinstate periodic stack testing and CPMS—the LEE program once again plays a meaningful role in reducing compliance burdens without compromising environmental protections. Reinstating the program would provide appropriate relief for units with a strong compliance record, while maintaining more frequent testing for less consistently performing sources.

As one example, an LPPC member reports that three of its generating units achieved LEE status in December 2020 and retained that status in 2023 pursuant to 40 C.F.R. § 63.10005(h)(1)(i). The member supports retaining LEE status for these units, which have consistently demonstrated emissions well below the applicable fPM limit. According to the member, continued compliance under the LEE program costs approximately $30,000 every three years (or $10,000 annually). In contrast, converting the same units to PM CEMS would require an upfront capital investment of approximately $250,000 per unit, along with $25,000 to $63,000 for initial correlation testing per unit and up to $55,000 per unit for spiking services. Ongoing RCA and RRA testing would also impose substantially higher recurring costs—more than ten times greater than the member's current LEE compliance expenses.

It is also important to point out that the LEE provisions include safeguards to ensure emissions remain minimized. For example, units with bypass stack configurations that allow emissions to avoid pollution control devices are not eligible for LEE status. EGUs claiming LEE status may only bypass control devices during emergencies for up to two percent of annual operating hours. *See* 2025 Proposed Rule at 25541 n.18. Furthermore, all affected EGUs, including those with LEE status, must continuously comply with the MATS limits.

IV. RESPONSE TO QUESTION #5: EPA SHOULD REINSTATE THE 2012 TESTING VOLUME REQUIREMENTS FOR FPM STACK TESTING.

To ensure workability, LPPC also supports restoring the 2012 MATS Rule's testing volume provisions for fPM stack testing, which ensured accurate and reliable measurements without imposing excessive costs or operational burden. By contrast, the updated requirements introduced in the 2024 MATS RTR—though intended to increase data volume—significantly increase testing time and cost, especially for units with historically low emissions variability. Reinstating the 2012 approach would preserve implementation flexibility while maintaining the integrity of emissions oversight. Furthermore, reinstating the 2012 MATS Rule's testing volume

provisions also is consistent with the restoration of the stack testing and CPMS compliance demonstration options.

Specifically, the required sample volume for PM tests used by coal-fired units to demonstrate compliance under the MATS rule is set to increase in July 2027 from 1 dscm to 4 dscm, which would translate to a minimum sampling collection time of about three hours per run based on a typical sampling rate of 0.75 ft^3/min. Based on this requirement, sources would need over nine hours at full load to conduct a quarterly PM performance test or annual PM test in conjunction with PM CPMS should EPA, as proposed, repeal the removal of these compliance demonstration options.

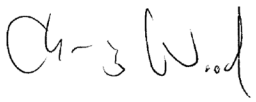
Blocking over nine hours at full load is a difficult prospect for the many coal-fired EGUs that now operate under load following dispatch, which is often dictated by the availability of intermittent renewable generation sources. Planning for the extended tests would not only be problematic but also carry the unintended environmental consequence of forcing the operation of coal-fired units at higher loads. LPPC members understand that extending the sample run time may be useful in some cases where the unit operates near the limit to reduce the uncertainty associated with those measurements; however, LPPC recommends that the choice of increasing the sample volume be left to the EGU operator's discretion.

V. CONCLUSION

LPPC appreciates the opportunity to comment on EPA's proposed amendments to the MATS rule. LPPC supports the reinstatement of periodic stack testing and parametric monitoring as compliance options for the fPM standard, as well as the return of the LEE program for fPM and non-Hg HAP metals. These proposals reflect a practical, balanced approach that improves compliance flexibility while maintaining strong environmental oversight. LPPC also urges EPA to restore the testing volume provisions from the 2012 MATS Rule, which provided reliable compliance measurements without imposing unnecessary costs or operational burden.

LPPC stands ready to support EPA in this rulemaking. Should you have any questions about these comments or require additional information, please do not hesitate to contact me at woodc@prpa.org or (970) 218-2517.

Respectfully Submitted,



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