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**ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

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June 23, 2023

Jeaneanne Gettle, Acting Regional Administrator  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street SW  
Atlanta, GA 30303

**Re: Comments Relating to *Emissions Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review*; Docket ID: EPA-HQ-OAR-2018-0794; FRL-6716.3-01- OAR**

Dear Ms. Gettle:

On behalf of the Commonwealth of Kentucky and the Energy and Environment Cabinet, the Division for Air Quality (Division) respectfully submits the following comments relating to the United States Environmental Protection Agency's (EPA) proposed action in the April 24, 2023 Federal Register, soliciting comments on the proposed *Emissions Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review*.<sup>1</sup> This is commonly referred to as the Mercury and Air Toxics Rule (MATS).

EPA is proposing to revise the filterable particulate matter (fPM) emission standard from 0.030 lb/MMBtu to 0.010 lb/MMBtu.<sup>2</sup> Additionally, EPA seeks comment on whether it should propose an increasingly more stringent standard of 0.006 lb/MMBtu. EPA did not provide sufficient information for the Division to fully evaluate the 0.006 lb/MMBtu standard. The Division would be required to speculate the possible combinations of emission limits that would be appropriate and, therefore, an accurate evaluation is not achievable.

The Division believes that EPA should provide additional information to allow commenters to fully evaluate the more stringent standard of 0.006 lb/MMBtu. If EPA believes that a more stringent standard is necessary to protect human health and the environment, then EPA should make a subsequent proposal with the necessary information to allow for informed comment and full participation.

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<sup>1</sup> 88 Fed. Reg. 24,854 (April 24, 2023).

<sup>2</sup> 88 Fed. Reg. 24854, 24869.

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Additionally, EPA is seeking comment on whether its control technology effectiveness and cost assumptions are correct. Information collection requests are more appropriate for information and data regarding control technologies cost and effectiveness, not a proposed rulemaking.

In recent months, EPA has issued proposed and final rulemakings that greatly impact the power sector in the Commonwealth. These rulemakings have overlapping deadlines, requirements, and retirement dates. With multiple rulemakings and compliance deadlines looming, EPA runs the risk of inaccurately accounting for the costs and benefits of the proposed rule. EPA cannot ignore the fact that other rulemakings will either force the retirement of coal- and oil-fired electric generating units (EGUs), or a conversion to alternative fuel sources. There are costs, and potentially stranded assets, that will result from these decisions. The associated costs of compliance with these rulemakings will be passed along as increases to ratepayers.

The Division appreciates EPA's consideration of these comments. If you have questions or comments, please contact me at, [Michael.Kennedy@ky.gov](mailto:Michael.Kennedy@ky.gov), at your convenience.

Sincerely,

 Recoverable Signature

X *Michael Kennedy*

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Signed by: Michael Kennedy

Michael Kennedy, P.E., Director  
Kentucky Division for Air Quality