



April 26, 2016

Ms. Kyra Moore  
Director Air Program  
Missouri Department of Natural Resources  
1659 Elm Street  
Jefferson City, MO 65101

Re: Request for Variance: Continuous Opacity Monitoring at Ameren Missouri Energy Centers

Dear Kyra,

Ameren with the attached request is asking the Department of Natural Resources, Air Program to grant a variance from the monitoring requirements under 10 CSR 10 6-220. The Air Program has already begun a rule making to include this exemption for facilities that are required to meet the Mercury and Air Toxics Rule (MATS) and are using PM CEMs for compliance. Ameren is requesting this variance only until the proposed rule is finalized; which is scheduled for December 2016.

Ameren appreciates your prompt consideration of this request and asks that this request for a variance be presented to the MACC at the May 26, 2016 meeting in Jefferson City.

Please direct any questions or responses to Steve C. Whitworth at 314-554-4908.

Sincerely,

Ajay Arora  
Vice President  
Environmental Services & Generation Resource Planning

Cc: Darcy Bybee - Air Quality Planning Section Chief  
Richard Swartz -- Compliance/Enforcement Section Chief

**Re: Request for Variance: Opacity Monitoring at Ameren Missouri Energy Centers**

In accordance with the requirement set forth in 40 CFR Part 63, Subpart UUUUU - *National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units* (i.e. MATS rule), Ameren Missouri has installed continuous emission monitors for particulate matter (PM CEMS) at the following facilities:

<u>Energy Center</u>	<u>State Operating Permit #</u>
Labadie – Units 1-4	OP2011-020C
Rush Island – Units 1-2	OP2010-047
Meramec – Units 3-4	OP2009-017
Sioux – Units 1- 2	OP2011-001C

In the MATS rule, EPA acknowledges that a source that employs PM CEMS as a compliance option may discontinue the use of continuous opacity monitoring systems (COMS) (77 Fed. Reg. 9304, 9448 (Feb 16, 2012)). In addition, we understand that the Missouri Department of Natural Resources (MDNR) has proposed for publication in the *Missouri Register* changes in 10 CSR 10-6.220, *Restriction of Emission of Visible Air Contaminants* (opacity rule) that provide for an exemption from 10 CSR 10-6.220 for sources that choose to comply with the MATS rule by using PM CEMS. It is our understanding that MDNR intends to finalize that proposed regulation later this year following public comment and approval by the Missouri Air Conservation Commission (MACC).

All of the PM CEMS at the above facilities have been certified and Ameren Missouri is in compliance with the PM emission standard designated as a surrogate for hazardous air pollutants (HAPs) set forth in the MATS rule. Such surrogate standard is well below the PM emission limitation established by Missouri regulations and as reflected in the State Operating Permits.

Until such time as the rulemaking is completed, Ameren Missouri requests MDNR and the MACC to authorize the Company to discontinue usage of the COMS and exempt the above Energy Centers from the opacity requirements set forth in 10 CSR 10-6.220, and as included in the State Operating Permits. The variance period requested herein would terminate upon the effective date of the proposed rule revision or two years, whichever is earlier.

Ameren Missouri provides USEPA with quarterly reports demonstrating compliance with the MATS rule. Compliance with the state PM standard will be demonstrated through a Compliance Assurance Monitoring plan utilizing the PM CEMS installed for MATS compliance.

Ameren Missouri appreciates your attention to this matter and asks that this request be presented to the MACC at their next available meeting.

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jed) Nixon, Governor • Sara Parker Pauley, Director

www.dnr.mo.gov

MEMORANDUM

DATE: MAY 16 2016

TO: Missouri Air Conservation Commission

FROM: Sara Parker Pauley, Director  
Department of Natural Resources

SUBJECT: Variance Request – Ameren Energy Centers  
10 CSR 10-6.220 “*Restriction of Emission of Visible Air Contaminants*”

Ameren has requested that the Department grant a variance from the monitoring requirements specified in 10 CSR 10-6.220 “*Restriction of Emission of Visible Air Contaminants*,” for the following electric generating units located at four of their Missouri energy centers:

<u>Energy Center</u>	<u>County/Plant Number</u>
Labadie – Units 1-4	071/0003
Rush Island – Units 1-2	099/0016
Meramec – Units 3-4	189/0010
Sioux – Units 1-2	183/0001

These sources are subject to 10 CSR 10-6.220, which requires the installation and maintenance of a continuous opacity monitoring system (COMS) as the means to demonstrate compliance with the opacity limits specified in the rule. The Department is currently in the process of revising this rule; the revision is expected to be final sometime this year. Specifically, the rule revision will exempt these sources, and other similar sources, from the requirement to use a COMS if these sources use a particulate matter continuous emission monitoring system (PM-CEMS) to demonstrate compliance with 40 CFR Part 63, Subpart UUUUU – “*National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units*”, commonly referred to the “mercury air toxics rule.” Ameren requests this variance for a period of two years, or until the rule revision comes into effect, whichever comes first.

The sources that are the subject of this request are subject to Subpart UUUUU, and Ameren has installed and certified PM-CEMS on these sources.



Upon certain conditions, the Commission may grant a variance, pursuant to state law (Section 643.055 and 643.110, RSMo). The Department has reviewed each of these conditions and compared them with the facts of this situation. State law authorizes the Commission to grant a variance if the person applying for the variance can show that compliance with the rule:

- “would cause economic hardship” (643.055.2(1), RSMo);
- “is physically impossible” (643.055.2(2), RSMo);
- “is more detrimental to the environment than the variance would be” (643.055.2(3), RSMo);
- “is impractical or of insignificant value under the existing conditions” (643.055.2(4), RSMo);
- “will result in taking of property without just compensation” (643.110.1, RSMo); or
- “will result in the closing and elimination of any lawful business, occupation, or activity, without sufficient corresponding benefit or advantage to the people” (643.110.1, RSMo).

The Department believes this variance request meets the conditions of 643.055.2 in that continued use of the COMS is impractical or of insignificant value under the existing conditions. The Commission has previously approved similar requests in regard to similar electric generating units, for example the Empire District Electric Company’s Asbury Power Plant.

The Department recommends granting the variance.

SPP:ewc