



MEMORANDUM

DATE:

TO: Missouri Air Conservation Commission

FROM: Sara Parker Pauley, Director
Department of Natural Resources

SUBJECT: Variance Request – Kansas City Power & Light
10 CSR 10-6.220 “*Restriction of Emission of Visible Air Contaminants*”

Kansas City Power & Light (KCP&L) has requested that the Department grant a variance from the monitoring requirements and opacity requirements specified in 10 CSR 10-6.220 “*Restriction of Emission of Visible Air Contaminants*,” and as included in the state operating permits, for the following electric generating units located at three of their Missouri facilities:

<u>Energy Center</u>	<u>County/Plant Number</u>	<u>Operating Permit Number</u>
Iatan – Units 1 & 2	165/0007	OP2014-034
Montrose – Units 2 & 3	083/0001	OP2006-070
Sibley– Units 1, 2 & 3	083/0001	OP2012-056

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 opacity requirements specified in the rule, and 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 as the “mercury air toxics rule.” KCP&L requests this variance until the rule revision comes into effect.

The sources that are the subject of this request are subject to Subpart UUUUU, and KCP&L 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