

**Archived:** Thursday, May 31, 2012 4:00:32 PM  
**From:** Tom Shaw  
**Sent:** Tuesday, February 21, 2012 11:02:23 AM  
**To:** Bob Berry; Eric M. Robeson; Albert Yockey  
**Cc:** Mark Bailey; Jim Garrett; Wayne O'Bryan; Ron Gregory  
**Subject:** RE: Mercury Rule  
**Importance:** Normal  
**Attachments:** [EnforcementResponsePolicyforCAA113.pdf](#) ;

---

Bob,

I just received additional information from John Lyons with KYDAQ on the 5<sup>th</sup> year extension for MATS compliance and as I suspected EPA expects that very few utilities will not be able to comply within 4 years. Utilities that request the 5<sup>th</sup> year must prove there were issues with reliability that prevented the utility from complying during the first 4 years. Based upon a quick read of this policy, I would not expect that BREC will be able to utilize the 5<sup>th</sup> year extension. I have attached the policy the EPA intends to follow for the 5<sup>th</sup> year option in case you would like to understand the detail.

To better understand how the state will approach permitting for the new rules, Mark Bertram and I will be meeting with KYDAQ next week to informally discuss the permitting process.

If you have additional questions please do not hesitate to call me.

Tom

**From:** Bob Berry  
**Sent:** Tuesday, February 21, 2012 7:36 AM  
**To:** Tom Shaw; Eric M. Robeson; Albert Yockey  
**Cc:** Mark Bailey; Jim Garrett; Wayne O'Bryan; Ron Gregory  
**Subject:** RE: Mercury Rule

Tom, When should we start the process of requesting the one year extension to comply? Also I have read some articles stating the EPA has outlined a procedure for utilities to request an additional year for a total of 5 years to comply.

Bob

**From:** Tom Shaw

**Sent:** Thursday, February 16, 2012 3:54 PM

**To:** Mark Bailey; Eric M. Robeson; Bob Berry; Jim Garrett; Ron Gregory; Wayne O'Bryan; Albert Yockey

**Subject:** Mercury Rule

To All:

In case you have not already heard, EPA published in today's Federal Register the Mercury and Air Toxics (MATs) rule. This means the compliance time clock begins today and we will need all of the control equipment in place and operating no later than February 16, 2016 (assuming we get the promised 1 year extension). If I find any changes from the pre-published rule I will let the group know. If you have any questions please do not hesitate to ask.

Tom