

March 6, 2008

Paul W. Thompson
Senior Vice President, Energy Services
E.ON-US
220 West Main Street
Louisville, KY 40202

Re: Petition for Waiver of COMS Requirements under the Acid Rain Program for Units 1 and 3 at the Ghent Station (Facility ID (ORISPL) 1356)

Dear Mr. Thompson:

The United States Environmental Protection Agency (EPA) has reviewed the November 16, 2007 petition submitted under 40 CFR 75.66 by Kentucky Utilities Company (KU), requesting an exemption from the Acid Rain Program requirement for KU to install, certify, maintain, and operate continuous opacity monitoring systems (COMS) on Units 1 and 3 at the Ghent Station in Carroll County, Kentucky. EPA denies this petition because, for the reasons given below, it is moot.

On January 24, 2008, EPA promulgated revisions to 40 CFR Part 75, the Acid Rain Program Continuous Emission Monitoring regulation. Included among these rule revisions was the addition of the following new paragraph (e) to 40 CFR 75.14:

- (e) Unit with a certified particulate matter (PM) monitoring system. If, for a particular affected unit, the owner or operator installs, certifies, operates, maintains, and quality-assures a continuous particulate matter (PM) monitoring system in accordance with Procedure 2 in appendix F to part 60 of this chapter, the unit shall be exempt from the opacity monitoring requirement of this part.

On February 5, 2008, KU informed EPA by e-mail that KU has installed continuous particulate matter (PM) monitoring systems on Ghent Units 1 and 3 and will certify, operate, maintain, and quality-assure these monitoring systems in accordance with Procedure 2 in Appendix F of 40 CFR Part 60. Assuming that KU completes the process of certifying the monitoring systems as it has stated, Ghent Station Units 1 and 3 will soon meet the requirements for an exemption from the COMS requirement of Part 75. Therefore, KU's request for such an exemption is moot.

However, EPA notes that, although KU qualifies for the exemption from the opacity monitoring requirement of the Acid Rain Program, this does not preclude a COMS from being required by another federal or State program. Thus, KU must still

comply with any such COMS requirement. Moreover, in order to continue to qualify for the COMS exemption under the Acid Rain Program for each unit, KU must continue to operate, maintain, and quality-assure the PM monitoring system on that unit.

EPA's determination concerning KU's November 16, 2007 petition relies on the accuracy and completeness of the information provided by KU on February 5, 2008 and is appealable under Part 78. If you have any questions regarding this determination please contact Venu Ghanta at (202) 343-9009. Thank you for your continued cooperation.

Sincerely,

/s/

Sam Napolitano, Director
Clean Air Markets Division

cc: Kevin Flowers, Kentucky DEP
Dave McNeal, EPA Region IV
Beverly Bannister, EPA Region IV
Venu Ghanta, CAMD