

December 18, 2025

**Via OnBase DEP Upload Module**

Mr. Justin C. Dickey, P.E.  
Environmental Program Manager – Clean Water Program  
Pennsylvania Department of Environmental Protection  
Northwest Regional Office  
230 Chestnut Street  
Meadville, PA 16335-3407

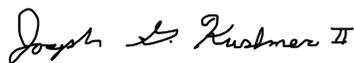
**Re: Keystone Generating Station – NPDES Permit No. PA0002062  
Code of Fed. Regulations Title 40 Subchapter N -Effluent Guidelines and Standards  
Part 423 – Steam Electric Power Generating Point Source Category  
Notice of Planned Participation (NOPP, Rev. 01) pursuant to §423.19 requirements**

Dear Mr. Dickey:

In September 2021, Keystone Generating Station (“Keystone Station,” “Keystone,” or the “Station”) informed the Department of the Station’s intent to *achieve permanent cessation of coal combustion by December 31, 2028* (40 C.F.R. § 423.19(f)<sup>1</sup>) for the Station’s two existing coal-fired steam turbine-driven electric generating units (EGUs) Nos. 1 and 2. With this revised (No. 1) NOPP, Keystone Station is informing the Department that the Station has elected to change its strategy for complying with the requirements under Part 423. The contents of this revised notice, pursuant to 40 C.F.R. § 423.19(l) requirements, are presented on the following pages.

Please contact me at (724) 354-5591 or [jkushner@keyconops.com](mailto:jkushner@keyconops.com) with questions or concerns related to this notice.

Respectfully submitted,



Joseph G. Kushner, P.E.  
Strategy & Compliance Manager  
Conemaugh and Keystone Generating Stations (KEY-CON)

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<sup>1</sup> Now codified under 40 C.F.R. § 423.19(g).

**Subchapter N                      Effluent Guidelines and Standards**  
**Part 423                              Steam Electric Power Generating Point Source Category**

**§ 423.19 Reporting and recordkeeping requirements.**

**(1) Requirements for facilities seeking to transfer between applicable limitations in a permit under this part –**

*(1) **Notice of Planned Participation.** For sources which have filed a Notice of Planned Participation under [paragraph \(f\)\(1\)](#), [\(g\)\(1\)](#), or [\(j\)\(1\)](#) of this section and intend to make changes that would qualify them for a different set of requirements under [§ 423.13\(o\)](#), a Notice of Planned Participation shall be made to the permitting authority, or to the control authority in the case of an indirect discharger, no later than the dates stated in [§ 423.13\(o\)\(1\)](#).*

*(2) **Contents.** A Notice of Planned Participation shall include a list of the electric generating units for which the source intends to change compliance alternatives. For each such electric generating unit, the notice shall list the specific provision under which this transfer will occur, the reason such a transfer is warranted, and a narrative discussion demonstrating that each electric generating unit will be able to maintain compliance with the relevant provisions.*

**Keystone Station’s Satisfaction of 40 C.F.R. § 423.19(l) Requirements**

**1. General Eligibility for Change in ELG Compliance Strategy**

The Station’s initial NOPP was filed pursuant to what is now 40 C.F.R. § 423.13(g)(1), and by this notice, the Station is notifying the Department that it intends to make changes that would qualify it for a different set of requirements under 40 C.F.R. § 423.13(o).

**2. NPDES Permit Content Issues**

40 C.F.R. § 423.13(o)(1) covers *transfer between applicable limitations in a permit*, stating, *Where, in the permit, the permitting authority has included alternative limits subject to eligibility requirements, upon timely notification to the permitting authority under [§ 423.19\(l\)](#), a facility can become subject to the alternative limits under the following circumstances...*

The Station’s current NPDES permit was issued on December 10, 2018 and became effective on January 1, 2019. Although the current permit does not explicitly include the Part 423 requirements that became effective on December 14, 2020, the permit includes the following clauses:

*In the event the U.S. Environmental Protection Agency (EPA) publishes notice of the modification of the ELGs at 40 CFR § 423.13(k)(1)(i) prior to December 31,*

*2023, the permittee shall achieve compliance with the modified ELGs as soon as possible but no later than the date established by federal regulations.*

*In the event the U.S. Environmental Protection Agency (EPA) publishes a rulemaking that modifies the ELGs at 40 CFR § 423.13(g)(1)(i) prior to December 31, 2023, the permittee shall achieve compliance with the modified ELGs as soon as possible but no later than the date established by federal regulations.*

The above-listed permit clauses satisfy the 40 C.F.R. § 423.13(o)(1) requirement related to permit contents.

### **3. ELG Compliance Strategy Change**

*Under 40 C.F.R. § 423.13(o)(1)(ii)(B), [o]n or before December 31, 2025, a facility may convert from limitations for electric generating units permanently ceasing coal combustion under [paragraph \(g\)\(2\)\(i\)](#) or [\(k\)\(2\)\(ii\)](#) of this section to voluntary incentives program limitations under [paragraph \(g\)\(3\)\(i\)](#) of this section or generally applicable limitations under [\(k\)\(1\)\(i\)](#) of this section.*

This revised NOPP is being submitted prior to December 31, 2025.

Keystone Station Unit No. 1 and Unit No. 2 are the applicable EGUs for this NOPP; the Station has elected to change the compliance strategy from permanently ceasing coal combustion by December 31, 2028 to the voluntary incentives program (VIP) for FGD wastewater and the generally applicable limitations for bottom ash transport water, as further described below.

### **4. Current Discharge Limits for FGD Wastewater and Bottom Ash Transport Water**

*Under 40 C.F.R. § 423.13(o)(1)(ii)(B), [o]n or before December 31, 2025, a facility may convert from limitations for electric generating units permanently ceasing coal combustion under [paragraph \(g\)\(2\)\(i\)](#) or [\(k\)\(2\)\(ii\)](#) of this section to voluntary incentives program limitations under [paragraph \(g\)\(3\)\(i\)](#) of this section or generally applicable limitations under [\(k\)\(1\)\(i\)](#) of this section.*

Paragraph (g)(2)(i) requires that *the quantity of pollutants discharged in FGD wastewater shall not exceed the quantity determined by multiplying the flow of FGD wastewater times the concentration listed for total suspended solids (TSS) in [§ 423.12\(b\)\(11\)](#)*. The TSS limits under 40 C.F.R. § 423.12(b)(11) are 100.0 mg /L for any one day and 30.0 mg /L average of daily values for 30 consecutive days. The discharge of treated FGD wastewater occurs via Outfall 001 as included in the Station's NPDES permit. The TSS limits for Outfall 001 (20.0 mg /L daily maximum and 10.0 mg /L monthly average) are as stringent as the limits under 40 C.F.R. § 423.12(b)(11).

Paragraph (k)(2)(ii) requires that *the quantity of pollutants discharged in bottom ash transport water shall not exceed the quantity determined by multiplying the flow of the applicable wastewater times the concentration for TSS listed in [§ 423.12\(b\)\(4\)](#)*. The TSS limits under 40 C.F.R. § 423.12(b)(4) are 100.0 mg /L for any 1 day and 30.0 mg /L average of daily values for

30 consecutive days. The discharge of bottom ash transport water (usually commingled with cooling tower blowdown) occurs via Internal Monitoring Point (IMP) 503, which ultimately discharges via Outfall 003 in the Station's NPDES permit. The TSS limits for IMP 503 and Outfall 003 (100.0 mg / L daily maximum and 30.0 mg / L monthly average) are at least as stringent as the limits under 40 C.F.R. § 423.12(b)(4).

## **5. Current ELG Compliance Status**

§ 423.13(o)(2) states that *a facility must be in compliance with all of its currently applicable requirements to be eligible to file a notice under § 423.19(l) and to become subject to a different set of applicable requirements under paragraph (o)(1) of this section.*

Keystone Station has been compliant with the above-listed TSS limits at Outfalls 001, IMP 503, and Outfall 003 during the term of the current NPDES permit.

The Station provided timely notices of these events to the Department; the notices included the probable cause of the event and actions undertaken to prevent future events.

The initial NOPP and subsequent annual progress reports are posted to the Station's CCR Rule website, ELG Rule Compliance Data and Information section per § 423.19(c)(2) requirements.

## **6. Support for Change in ELG Compliance Strategy**

Under 40 C.F.R. § 423.19(1)(2), the NOPP must include *the reason such a transfer is warranted.* Since the initial NOPP was submitted in 2021, the supply/demand landscape within PJM has changed significantly.<sup>2</sup> The *PJM 2025 Long-Term Load Forecast Report*<sup>3</sup> predicts significant growth in electricity demand over a 20-year planning horizon. And PJM has warned that a capacity shortage could affect the PJM system as early as the 2026/2027 Delivery Year, which begins June 1, 2026.<sup>4</sup> Factors driving this concern include:

- The demand for electricity is growing at the fastest pace in years, primarily from the proliferation of datacenters, electrification of buildings and vehicles, and manufacturing.
- Thermal generators – which provide the dispatchable generation needed to maintain reliability – are retiring at a rapid pace due to government and private sector policies as well as economics.
- New replacement resources with the needed reliability attributes aren't being built fast enough.

PJM's "Scenario Analysis" projects probable outcomes where the necessary reserve margin requirements cannot be met by 2030. Referencing its September 15, 2025 Scenario Analysis

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<sup>2</sup> <https://insidelines.pjm.com/2025-long-term-load-forecast-report-predicts-significant-increase-in-electricity-demand/#:~:text=2025%20Long%20Term%20Load%20Forecast,PJM%20is%20about%20183%2C000%20MW.>

<sup>3</sup> <https://www.pjm.com/-/media/DotCom/library/reports-notices/load-forecast/2025-load-report.pdf>

<sup>4</sup> <https://services.pjm.com/annualreport2024/>

Supporting Statement<sup>5</sup>, PJM states that “*Meeting projected demand in 2030 is likely to require new generation beyond what is in the current queue, no further deactivations, additional Demand Response, and even then, there may be unmet demand, requiring the need for some form of non-capacity backed service.*”

Given the significant change in the demand/supply outlook since its initial NOPP, Keystone has decided to convert to an ELG compliance option that would allow operations beyond 2028.

## **7. Compliance with Newly Applicable Limitations**

### **(a) FGD Wastewater**

40 C.F.R. § 423.13(g)(3) – Voluntary incentives plan, subsection (i) states, *For dischargers who voluntarily choose to meet the effluent limitations for FGD wastewater in this paragraph (g)(3)(i), the quantity of pollutants in FGD wastewater shall not exceed the quantity determined by multiplying the flow of FGD wastewater times the concentration listed in table 7 to this paragraph (g)(3)(i). Dischargers who choose to meet the effluent limitations for FGD wastewater in this paragraph (g)(3)(i) must meet such limitations by December 31, 2028. The effluent limitations in this paragraph (g)(3)(i) apply to the discharge of FGD wastewater generated on and after December 31, 2028.*

Keystone Station commenced engineering studies in 2025 that will be used in support of a water quality management permit application to install and operate wastewater control technologies designed to meet the limits listed in the above-mentioned Table 7 by December 31, 2028. Keystone Station expects to submit the water quality management permit application to the Department in December 2025, and upon receipt of the required permit from the Department, initiate construction activities soon thereafter. In the interim, Keystone will continue to meet the FGD wastewater limits established in 40 C.F.R. § 423.12(b)(11) until the new control technologies are commissioned. Keystone has developed preliminary schedules that support meeting the December 31, 2028 compliance deadline.

### **(b) Bottom Ash Transport Water**

§ 423.13(k)(1) – 2020 BAT, subsection (i) – states that *except for those discharges to which paragraph (k)(2) of this section applies, or when the bottom ash transport water is used in the FGD scrubber, there shall be no discharge of pollutants in bottom ash transport water. Dischargers must meet the discharge limitation in this paragraph (k)(1)(i) by a date determined by the permitting authority that is as soon as possible beginning October 13, 2021, but no later than December 31, 2025. The limitation in this paragraph (k)(1)(i) applies to the discharge of bottom ash transport water generated on and after the date determined by the permitting authority for meeting the discharge limitation, as specified in this paragraph (k)(1)(i), until the date determined by the permitting authority for meeting the effluent limitations in paragraph (k)(4) of this section. Except for those discharges to which paragraph (k)(2) of this section applies, whenever bottom ash transport water is used in any other plant process or is sent to a*

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<sup>5</sup> <https://www.pjm.com/-/media/DotCom/committees-groups/cifp-lla/2025/20250915/20250915-item-05---cifp-scenario-analysis---presentation.pdf>

*treatment system at the plant (except when it is used in the FGD scrubber), the resulting effluent must comply with the discharge limitation in this paragraph (k)(1)(i). When the bottom ash transport water is used in the FGD scrubber, it ceases to be bottom ash transport water, and instead is FGD wastewater, which must meet the requirements in paragraph (g) of this section.*

In its recent proposed rulemaking concerning select deadline extensions included in the Part 423 regulation, EPA noted:

*While the EPA is aware that several utilities have already pushed back plans to retire coal units by 2028 in order to support regional resource adequacy, trade associations and regional transmission organizations have discussed further scenarios with the EPA that could lead to impractical timeframes for the installation of technologies needed to meet applicable limits. 90 Fed. Reg. at 47706.*

The proposed rulemaking included an example which helps to highlight the “impracticable timeframes”:

*... a plant that had submitted a NOPP for permanent cessation of coal combustion by 2028 may learn through the IRP process or capacity auctions that its continued operation is necessary to support local resource adequacy. Such facilities can still use the transfer flexibilities in 40 CFR 423.13(o) to transfer to the VIP limitations for FGD wastewater and the generally applicable limitations for BA transport water by December 31, 2025. However, if a plant had not taken significant steps to design, bid, and procure these technologies prior to the transfer deadline, it would not be practicable for the plant to in do so by the deadlines in the 2020 rule, particularly where the generally applicable BA transport water limitations have the same deadline as the transfer itself. 90 Fed. Reg. at 47706<sup>6</sup>.*

The scenario described above applies at Keystone. Recent capacity auctions and PJM projections have demonstrated that continued operation of Keystone is necessary to support local resource adequacy. The timing of these recent developments prevents Keystone from meeting the bottom ash transport water standards compliance deadline of December 31, 2025. Keystone has begun engineering, drafting permit applications, and leveraging internal and external resources to upgrade the bottom ash transport water system at Keystone as expeditiously as possible. Given the work to date, future work that must be completed to upgrade the Station’s bottom ash transport water system to comply with the requirements of 40 C.F.R. § 423.13(k)(1), and the fact that permits from the Department are needed to complete this work, Keystone expects to demonstrate compliance with the requirements under 40 C.F.R. § 423.13(k)(1)(i) by December 31, 2026, assuming timely permitting issuance and no unforeseeable delays.

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<sup>6</sup> EPA’s proposed rulemaking includes an approach for addressing the deadlines issue described in the scenario above. KEY-CON has submitted comments to EPA on the proposed rulemaking, which support allowing for greater flexibility and time to meet the requirements of 40 C.F.R. § 423.13(k)(1)(i).

Keystone Station requests that the Department work with the Station to develop an enforceable agreement with milestones that will allow Keystone to continue operating while taking necessary actions to come into compliance with the requirements of 40 C.F.R. § 423.13(k)(1)(i) as soon as practicable.

Completion of work to upgrade the existing bottom ash transport water system will require large expenditures and resource commitments. While Keystone is notifying the Department of its intent to select different compliance options that will allow the Station to operate beyond 2028 to meet projected electricity demands, it reserves the right to select a different compliance path in the future should Keystone and the Department not timely reach a mutually acceptable agreement on an enforceable schedule for the Station to come into compliance with the requirements of 40 C.F.R. § 423.13(k)(1)(i), or if PJM capacity market conditions or other circumstances materially change.

#### **8. Keystone Station Notice of Planned Participation Under 40 CFR § 423.19(h)**

Through this notice and solely to preserve this right, Keystone is also informing the Department that it intends to seek to qualify Unit No. 1 and Unit No. 2 as units that plan to achieve permanent cessation of coal combustion by December 31, 2034. Pursuant to 40 C.F.R. § 423.10(h) and the current deadline of December 31, 2025 set forth therein, Keystone is making this election. At present, Keystone expects that Units No. 1 and 2 will achieve permanent cessation of coal combustion by December 31, 2034, by retiring. A copy of PJM's (i.e., the regulatory body) most recent integrated resource plan is enclosed. We note, however, that PJM's approval of the Keystone Station's projected December 31, 2034 retirement date has not been requested, as PJM currently requires no more than one year's notice for such an approval. Furthermore, potentially permanently ceasing coal combustion by retiring Unit Nos. 1 and 2 at Keystone does not require completion of any milestones or interim actions at the Station.

Keystone has explained the compliance status with respect to the BA transport requirements in 40 CFR § 423.13(k), above. Furthermore, as indicated above, through this Notice, Keystone is also electing to meet the requirements for FGD wastewater in 40 CFR § 423.13(g)(3).

Keystone reserves the right to change this election. Currently, EPA has proposed to extend the deadline for submitting a Notice of Planned Participation under 40 C.F.R. § 423.19(h) from December 31, 2025 to December 31, 2031. Keystone fully supports this proposal, but because it is not yet final, is submitting this Notice pursuant to 40 C.F.R. § 423.19(h).

**Responsible Official Certification pursuant to  
Code of Fed. Regulations Title 40 Subchapter D §122.22(d)**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: *John Kosinski*  
Name: John Kosinski  
Official Title: General Manager – Keystone Station  
Telephone Number: (724) 354 - 5493