

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**Dockets UE-190882  
Puget Sound Energy  
Prudency of Outage and Replacement Power Costs**

**PUBLIC COUNSEL DATA REQUEST NO. 339:**

**Re: Rebuttal Testimony of Ronald Roberts, Exh. RJR-4CCT at 20.**

Provide specific reference to the lines and pages in MDEQ documents where MDEQ stated that Talen's response to the MATS PM noncompliance issue, both prior to official testing and after noncompliance, "was prudent." If no such statement from MDEQ exists, provide specific reference to all lines and pages in MDEQ documents relied upon by Mr. Roberts to conclude that MDEQ believed that Talen's actions were prudent.

**Response:**

It was the interpretation Ronald J. Roberts that, from MDEQ's statements, a reasonable person would conclude that Talen MT's actions related to the 2018 Q2 MATS PM noncompliance event were prudent. Please see below the statements from the Stipulation for Consent Decree that support Mr. Roberts' interpretation.

*Department of Environmental Quality - Enforcement Division  
Penalty Calculation Worksheet*

**II. ADJUSTED BASE PENALTY**

**A. Circumstances (up to 30% added to Base Penalty)**

"The results yielded a weighted average emission rate equal to the permit limit of 0.030 lb/MMBtu, prompting Talen to investigate possible reasons for the elevated PM emissions. Talen reviewed indicators in the CAM plan, reviewed operations and maintenance, scrubber plumb bob dP, opacity and PM GEMS data and found no indicators of abnormal operations and no causes of higher PM emissions"

"There are circumstances that warrant an increase in the base penalty; however, prior to the second quarter 2018 Talen had no history of noncompliance with the MATS. Talen made efforts to understand the PM emission performance once the compliance margin was reduced."

B. Good Faith and Cooperation (up to 10% subtracted from Base Penalty)

“Talen reported the violation in a prompt manner via telephone on June 28, 2018 and provided a written notification on July 27, 2018, as required by its Title V Operating Permit #OP0513-14 Section V.E. Talen promptly and voluntarily ceased operation of Units 3 and 4 after discovery of the violation. In an effort to minimize emissions and their impacts as the cause of the deviation was investigated, Talen only operated Units 3 and 4 as needed for diagnosis and evaluation.”

“The information indicated that Talen treated the violation as a high priority and employed significant outside resources in addition to its own work on solving the issue. The actions and information provided by Talen communicate a timely and high-quality investigation into the issue”

C. Amounts Voluntarily Expended (AVE) (up to 10% subtracted from Base Penalty)

“Talen treated the noncompliance with a high priority and undertook significant expense to research and address the issue.”

*Department of Environmental Quality - Enforcement Division  
Penalty Calculation Summary*

“\*Talen does not have a prior history of violations of the Clean Air Act of Montana documented in either an administrative order, judicial order, or judgment within the last three years.”