

EPA Releases Proposed Power Plant Effluent Limitations Guidelines

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On Friday, April 19, 2013, EPA announced that it had proposed a rule to address wastewater discharges from steam electric power plants. If finalized, the rule would be the first update of the effluent limitations guidelines (ELGs) since 1982. EPA had conducted a study of wastewater discharges from this sector in 2009, and concluded that the increased use of air pollution controls had increased the nature and strength of power plant wastewater discharges. According to the pre-publication version of the proposed rule, EPA is selecting comment on several options for regulating wastewater discharges from steam electric power plants, including five options EPA has identified as its preferred alternatives (four for existing sources and one for new sources). The preferred alternatives would reduce pollutants from the following wastewater streams: flue gas desulfurization, fly ash, bottom ash, flue gas mercury control, landfills and surface impoundments, nonchemical metal cleaning wastes, and fuel gasification. EPA has also proposed best management practices for coal ash ponds, and a voluntary program that would provide incentives to power plants that close their coal ash ponds or eliminate all process wastewater discharges.

EPA's announcement of the proposed rule seeks to alleviate industry concerns regarding the costs of complying with the new ELGs. Although the rule applies to all steam electric power plants, coal-fired power plants are the primary sources that will be impacted by the rule. EPA has claimed that less than half of all coal-fired power plants would incur any costs under any of the proposed options, because those facilities already have technologies in place to meet the standards.

EPA also confirmed that it is coordinating the proposed ELG regulation with the proposed coal combustion residual rule issued in 2010, focusing on areas where the two rules would regulate the same type of unit.

EPA will accept public comments on the proposed rule beginning 60 days after publication in the *Federal Register*. In addition, a public hearing on the proposed pretreatment standards will be held on July 9, 2013.

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