
U.S. EPA – Tribal Consultation Process

Rulemaking Process to Revise the
Steam Electric Power Generating Effluent Guidelines



March 28, 2012

Office of Water

Purpose of the Meeting

- Provide information about the development of proposed revisions to the steam electric effluent limitations guidelines and standards (ELGs)
- Discuss how revisions to the ELGs may affect tribes
- Review the ways that tribes can provide input to the rulemaking process



Background

- Effluent Limitations Guidelines (ELGs)
 - National standards that establish the maximum quantity of pollutants in wastewater discharges to surface water and municipal sewage treatment plants
 - Required by the Clean Water Act; developed on an industry-by-industry basis
 - Represent pollutant reductions that are *economically achievable* for an industry using the *best available technology*.
- History
 - Power plants are one of the top polluting industry sectors to waters of the U.S.
 - Current regulations fail to control the pollutants causing environmental impacts
 - Large source of toxic metals (mercury, selenium, arsenic, etc.)
 - Steam Electric ELGs were last updated 30 years ago and have not kept pace with changes in the industry
 - Development of new technologies for generating electric power (e.g., coal gasification)
 - The implementation of air pollution controls which have altered existing or created new wastewater streams

Environmental and Human Health Concerns

➤ Environmental Concerns

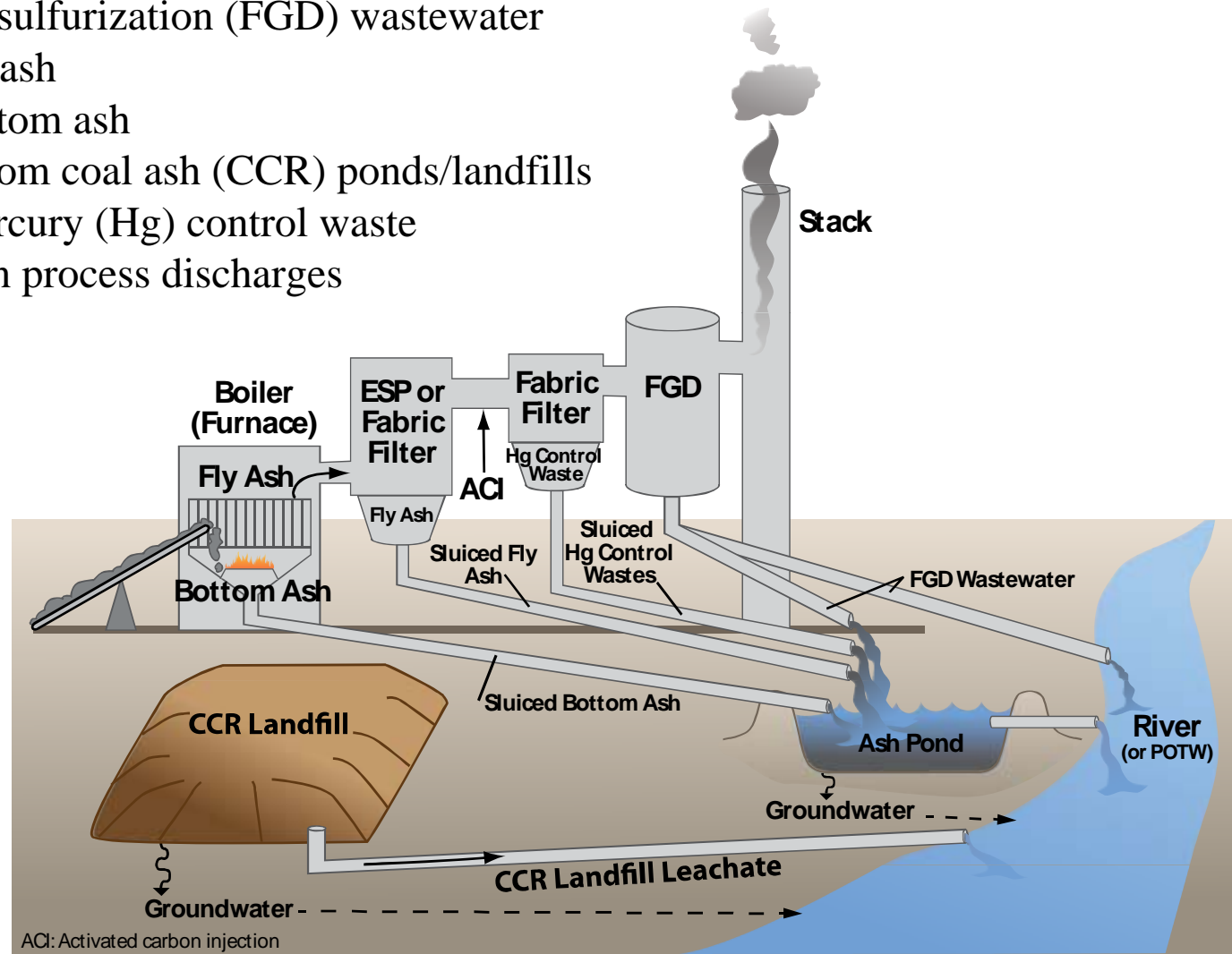
- Impacts to ground water and surface water
- Contaminated sediments and drinking water
- Fish mortality & non-lethal effects (e.g., altered populations)
- Bioaccumulation in aquatic organisms
- Fish advisories

➤ Documented impacts:

- Polluted surface water
 - Belews Lake – entire fish community damaged
- Contaminated sediments downstream of ash ponds
- Sites where birds have elevated levels of mercury, selenium & other metals
- Ash pond contamination of groundwater and drinking water wells

Scope of Rulemaking – Wastestreams

- Flue gas desulfurization (FGD) wastewater
- Sluiced fly ash
- Sluiced bottom ash
- Leachate from coal ash (CCR) ponds/landfills
- Sluiced mercury (Hg) control waste
- Gasification process discharges

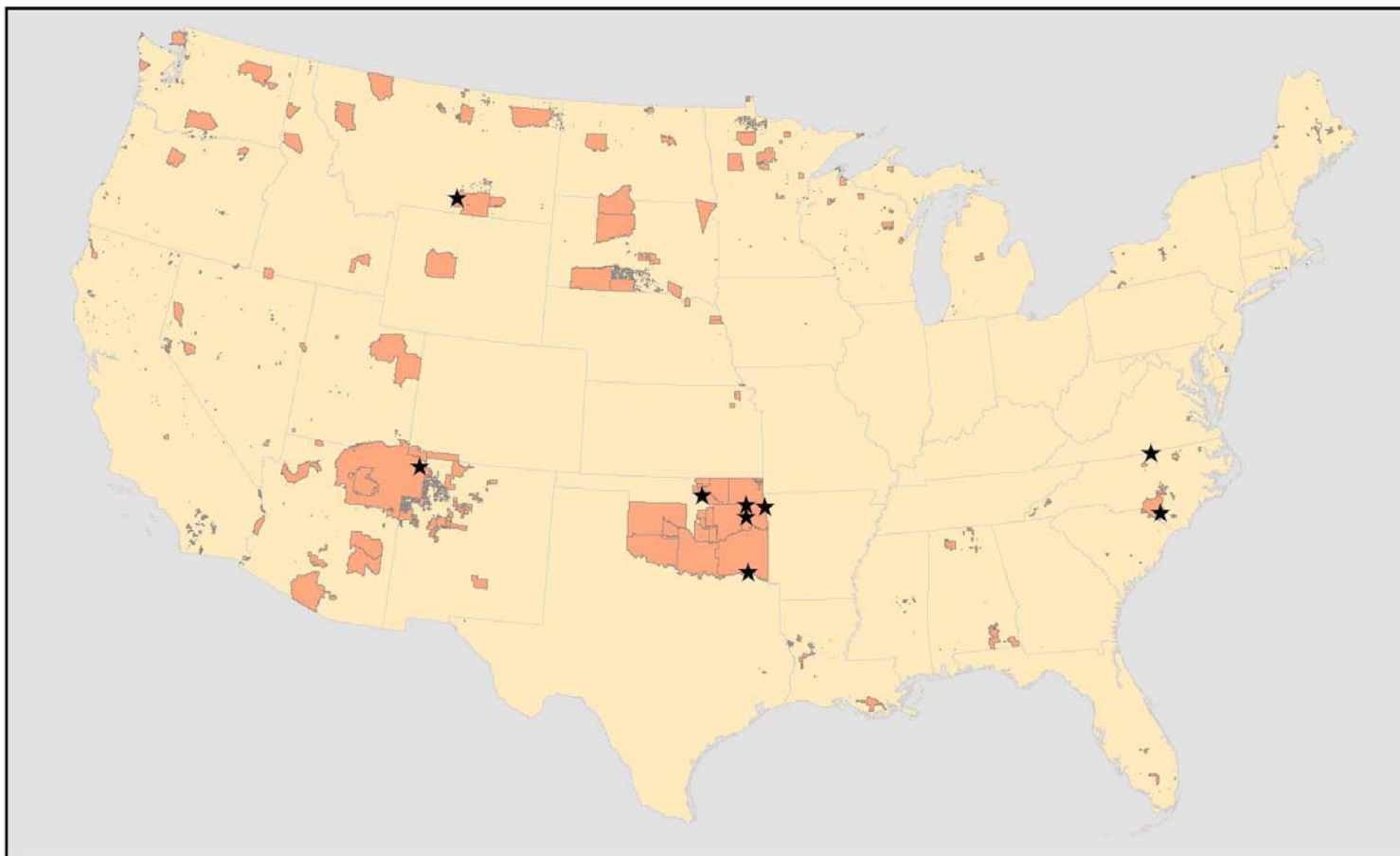


Potential Affected Power Plants within Proximity of Tribal Lands

- Coal fired/petcoke fuel plants that have wastestreams under consideration

Facilities on Tribal Lands	
Facility Name	Tribal Land
J.E. Corette Treatment Plant	Crow Reservation
Four Corners Steam Electric Station	Navajo Nation Reservation
Hugo	Choctaw OTSA
Flint Creek Power Plant	Cherokee OTSA
GRDA	Cherokee OTSA
Muskogee Generating Station	Cherokee OTSA
Sooner Power Plant	Otoe-Missouria OTSA
Mayo Electric Generating Plant	Sappony SDTSA
W H Weatherspoon Steam Electric Plant	Lumbee SDTSA
Facilities within 10 miles of Tribal Lands	
Facility Name	Tribal Land
George Neal North	Winnebago Reservation
Boswell Energy Center	Leech Lake Reservation
Valley Power Plant	Forest County Potawatomi Off-Reservation Trust Land
Presque Isle Power Plant	Sault Sainte Marie Off-Reservation Trust Land
Shiras	Sault Sainte Marie Off-Reservation Trust Land
San Juan Generation Plant Station	Navajo Nation Off-Reservation Trust Land
Innerstate Power & Light/Lansing Generating Station	Ho-Chunk Nation Off-Reservation Trust Land
Brame Energy Center	Clifton Choctaw SDTSA
Roxboro Steam Plant	Sappony SDTSA
C R Huntley Generating Station	Cayuga Nation TDSA

FGD/Ash/Leachate Discharges on Tribal Lands

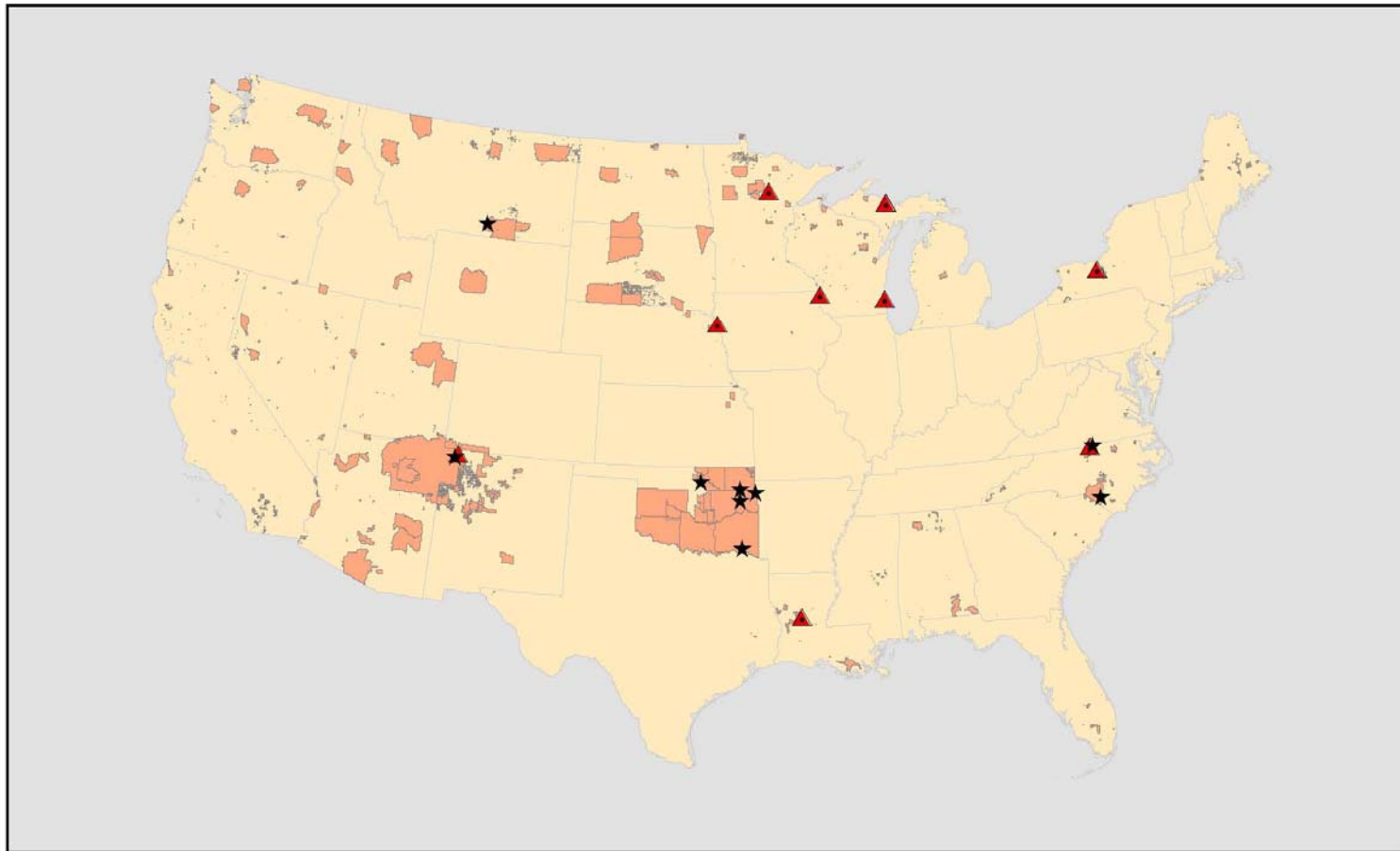


Legend

- ★ Plant located on Indian Land
- 2010 American Indian Land

Projected Coordinate System: USA Contiguous Lambert Conformal Conic
Projection: Lambert Conformal Conic
Data Sources: Steam Electric Power Generating
Facilities (US EPA), American Indian Land
(US Census Bureau),
States (US Geological Survey (USGS))
Produced By: US EPA Office of Water, Office of Science and Technology
Date: 25JUL2011

FGD/Ash/Leachate Discharges within 10 miles on Tribal Lands



Legend

- ★ Plant located on Indian Land
- ▲ Plant distance > 0 miles and < or equal to 10 miles of Indian Land
- 2010 American Indian Land

Projected Coordinate System: USA Contiguous Lambert Conformal Conic
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How Could Steam Electric ELG Revisions Affect Tribes?

Potential Topics for Discussion are included in Enclosure II of the consultation letter invitation. Please see Appendix A.

- Does your tribe play any role in the ownership or operation of any power plant located on or near your tribe's land? If so, please elaborate.
- How does your tribe use the waterbody to which the plant near you discharges? Drinking water source, recreational, etc?
- Are you aware of any negative consequences on the uses described above due to the plant's current discharge?
- How might those uses change if the water contains less pollutants?
- How many of your members are employed by a steam electric power plant?

Opportunities for Tribes to Provide Input

- Tribal consultation process
 - August 2011 conference calls
 - National Tribal Caucus
 - National Tribal Water Council
 - Today's conference call
 - Deadline for providing written input: April 17, 2012
- Public comment period for the proposed rule
- Other opportunities for dialogue



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APPENDIX A – Potential Topics for Discussion

- Does your Tribe have a coal-fired, oil-fired or petroleum coke-fired steam electric power plant either on the Tribal lands or nearby?
- If so, please provide the name of the power plant and the plant's owner.
- Is your Tribe an owner of the plant? If so, what is the Tribe's percent ownership?
- Does your Tribe have an oversight role of the power plant? If so, please describe what role that is.
- Does the power plant discharge to a nearby river, stream, lake or reservoir?
- Does the Tribe use the waterbody? For what purposes? Fishing, ceremonial purposes, recreational, irrigation, livestock watering, drinking water source, etc.
- Does your Tribe have ground water drinking water wells in the vicinity of the power plant? If so, how many wells and how many Tribal members do these serve for drinking water?
- Has your Tribe conducted any monitoring of the river, stream, lake or reservoir into which the power plant discharges?
- Does the Tribe have its own water quality standards program? If so can you describe which Tribal water quality standards apply to the water body that the power plant discharges into?
- Has the Tribe measured water quality in the water body to determine if violations of Tribal water quality standards or other criteria have occurred?
- Has the Tribe conducted any groundwater monitoring to determine whether the ground water meets drinking water standards or if contamination of the groundwater has occurred?
- Is the power plant a source of employment for members of the Tribe? If so, please estimate the number of Tribal members employed.
- Please describe any other manner in which the power plant affects your Tribe.