

Proposed Revisions to the Steam Electric Effluent Guidelines

Summary

EPA is proposing revisions to the 2015 final rule's effluent limits for flue gas desulfurization (FGD) wastewater and for bottom ash (BA) transport water applicable to existing steam electric power generators to protect public health and the environment by limiting wastewater discharges into surface waters and wastewater treatment plants.

EPA's proposal would achieve pollution reductions that are greater than the 2015 rule would have achieved – to the tune of an estimated 105 million pounds of lead, arsenic, mercury, and other pollutants prevented from entering our nation's waters annually.

This proposal would only revise the FGD wastewater and BA transport water waste stream limits for existing facilities and not limits for any other waste streams covered by the 2015 rule. In the few years since finalizing the 2015 rule, more affordable technologies capable of removing a similar amount of discharges have become available. The proposed rule would make key changes to the 2015 rule, including:

- Changing the technology-basis for treatment of FGD wastewater and BA transport water, which lowers costs for utilities and rate payers by using newer pollutant control systems and providing more flexibility in the operation and maintenance of those systems.
- Revising the voluntary incentives program for FGD wastewater to provide a lower cost option and help reduce the amount of pollutants

discharged to our nation's waters by approximately 105 million pounds per year.

- Adding subcategories for high-flow facilities, low utilization units and facilities nearing retirement to reduce costs for utilities and ratepayers by imposing less stringent requirements.

The proposed modifications to the 2015 rule will reduce compliance costs, saving approximately \$175 million pre-tax annually, while also further reducing the pollutant discharges over the 2015 rule. Cost savings are primarily attributable to lower technology costs associated with the pollutant control systems available today to effectively treat and manage the wastewater, flexibility in the management of those systems, additional subcategorization of affected power plants, and establishing new compliance timeframes.

Who is affected by this regulation?

The Steam Electric Power Generating ELGs apply to a major portion of the electric power industry, and the proposed regulation would revise requirements applicable to certain coal-fired steam electric power plants.

What would the proposal require?

EPA took an open and inclusive approach to the rulemaking process and considered a wide range of data, information, and input. The agency also conducted a limited information request and collected voluntarily provided sampling data. Based on this information, the proposed rule would establish the following effluent limitations based on Best Available Technology Economically Achievable (BAT).

- For the discharge of FGD wastewater, there are two sets of BAT limitations: a numeric effluent limitation on Total Suspended Solids (TSS); and numeric effluent limitations on mercury, arsenic, selenium, and nitrate/nitrite as nitrogen.
- For the discharge of BA transport water, there are two sets of BAT limitations: a numeric effluent limitation on TSS; and a not-too-exceed 10 percent volumetric purge limitation.

The proposed rule includes subcategories for high flow facilities, low utilization boilers, and boilers retiring by 2028. For high flow facilities or low utilization boilers, the proposed rule would establish numeric effluent limitations on mercury and arsenic for FGD wastewater discharges. For low utilization boilers, the proposed rule would establish numeric limitations for TSS and would also require those facilities to implement a best management practices plan for BA transport water. For boilers retiring by 2028, the proposed rule would establish numeric limitations for TSS in FGD wastewater and BA transport water.

Where BAT limitations in this rule are more stringent than previously established BPT limitations, EPA proposes that those limitations do not apply until a date determined by the permitting authority that is as soon as possible on or after Nov. 1, 2020, but that is no later than Dec. 31, 2023, (for BA transport water) or Dec. 31, 2025 (for FGD wastewater).

The proposal also includes a voluntary incentives program that provides the certainty of more time (until Dec. 31, 2028) for plants to adopt additional process changes and controls that achieve more stringent limitations on mercury, arsenic, selenium, nitrate/nitrite, bromide, and total dissolved solids in FGD wastewater.

Background

Under the Clean Water Act, EPA establishes regulations that apply to categories of industrial wastewater dischargers. Known as Effluent Limitations Guidelines and Pretreatment Standards, these regulations are technology-based and protect

public health and the environment by limiting wastewater discharges into surface waters and wastewater treatment plants. EPA finalized a rule, on Sept. 30, 2015, that provided ELGs for discharges from steam electric power plants. That rule was subject to legal challenge and the agency received multiple petitions for administrative reconsideration, including a request for reconsideration from the U.S. Small Business Administration's Office of Advocacy. In response, EPA announced the decision to undertake a rulemaking to potentially revise the new, more stringent BAT effluent limitations and pretreatment standards for existing sources in the 2015 rule that apply to BA transport water and FGD wastewater. This action contains the proposed revisions.

Where can I find more information on this proposal?

For technical information about the proposed rule, contact Richard Benware by telephone at 202-566-1369 or by email at benware.richard@epa.gov. For economic information, contact James Covington by telephone at 202-566-1034 or by email at covington.james@epa.gov. EPA will be accepting written public comments on the proposed revisions via Regulations.gov for 60 days upon publication of the proposal in the Federal Register. EPA will conduct a public hearing about the proposed rule during the public comment period. The hearing will be conducted online. Registration and additional information is available on EPA's website at <https://www.epa.gov/eg/steam-electric-power-generating-effluent-guidelines-2019-proposed-revisions>.