

**Proposed Rule:**  
**Effluent Limitations Guidelines and Standards for the**  
**Steam Electric Power Generating Category**  
March 2023

EPA is proposing to strengthen the wastewater discharge standards that apply to coal-fired power plants. The agency's proposal follows the latest science and applies EPA's authority under the Clean Water Act to reduce discharges of toxic metals and other pollutants from these power plants into waterbodies. The proposed rule would help protect our nation's vital water resources that support safe drinking water, agriculture, industry, recreation activities, and thriving communities.

### **Context**

Coal-fired power plants discharge wastewater containing pollutants into our nation's waters. The discharges include toxic and bioaccumulative pollutants such as selenium, mercury, arsenic, and nickel, halogen compounds such as bromide, chloride, and iodide, nutrients, and total dissolved solids. These pollutants can contaminate drinking water sources, recreational waters, and aquatic life. In people, health risks may include cancer and non-cancer effects and, in children, lowered IQs. In fish and wildlife, the pollutants may cause deformities and reproductive harm. Many of these pollutants can remain in the environment for years.

EPA estimates that the proposed regulation would reduce pollutants discharged through wastewater from coal-fired power plants by approximately 584 million pounds per year. EPA's proposed wastewater discharge limits would foster less polluting electricity generation that supports clean air, healthy lands, and safe water for communities. The health and environmental protections of this action would especially benefit low-income communities and communities of color that are disproportionately impacted by pollution from coal-fired power plants.

### **What are Effluent Limitations Guidelines and Standards?**

Under the Clean Water Act, EPA publishes Effluent Limitations Guidelines and Standards (ELGs), which are national industry-specific wastewater regulations based on the performance of demonstrated wastewater treatment technologies (also called "technology-based limits"). These technology-based regulations are intended to represent the greatest pollutant reductions that are economically achievable for an entire industry.

The Steam Electric Power Generating ELGs apply to power plants that generate electricity through the creation of steam. This rulemaking is focused on a subset of steam electric plants that burn coal to create steam. EPA's most recent updates to the ELGs for this industry were promulgated in 2015 and in 2020. Under the 2020 regulation, plants are eligible for alternative, less stringent, wastewater pollution limits if they agree to permanently stop burning coal by 2028. In 2021, EPA identified further pollutant

reductions that can be achieved through affordable and available treatment technologies that form the basis for this proposed regulation.

### What is EPA proposing?

This proposed regulation would establish more stringent discharge standards for three wastewaters generated at coal fired power plants: flue gas desulfurization wastewater, bottom ash transport water, and combustion residual leachate. The proposed regulation would also establish a new set of definitions for various legacy wastewaters, which may be present in surface impoundments prior to more stringent limitations in a discharge permit going into effect. EPA is soliciting comment on whether the agency should develop more stringent discharge standards for these newly defined legacy wastewaters.

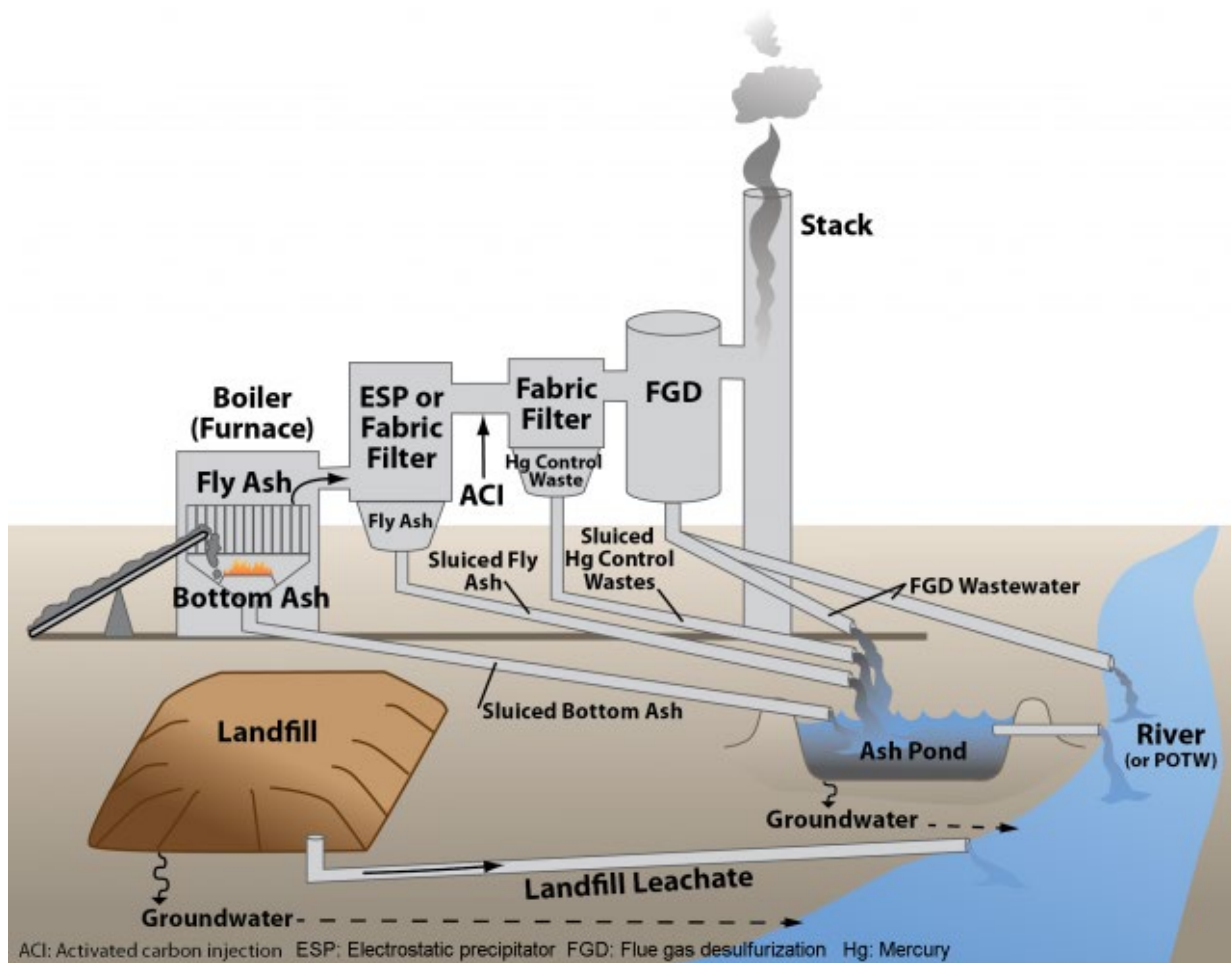


Diagram 1. Key wastewaters produced by coal-fired steam electric power plants

The proposed rule also includes implementation flexibilities where appropriate. For example, acknowledging that some plants have installed, or are in the process of installing, additional treatment technologies to meet the 2015 and 2020 regulations, the proposed regulation includes flexibilities to allow additional time for these plants to come into compliance with the requirements in this proposed regulation. In addition, recognizing that some coal-fired power plants are in the process of closing or

switching to less polluting fuels such as natural gas, the proposed regulation also includes flexibilities to allow these plants to continue to meet the 2015 and 2020 regulation requirements instead of the requirements contained in this proposal.

EPA is simultaneously publishing a direct final regulation to extend the deadline for plants to opt-in to the 2028 early retirement subcategory promulgated in the 2020 regulation. While the period to opt-in expired in late 2022, EPA is aware that additional plants would choose to opt-in to this subcategory if additional time to do so were granted. The direct final regulation would extend the period to opt-in to this subcategory, possibly providing flexibility for some plants to cease burning coal earlier than they might otherwise do so.

### **How can I comment on the proposed regulation?**

EPA is accepting written comments from the public and is offering two online public hearings so that interested parties may provide oral comments. The comment period is 60-days. For more details, including how to provide written comments or register for the online public hearings, please visit: <https://www.epa.gov/eg/steam-electric-power-generating-effluent-guidelines>.

### **Where can I find more information?**

To access the proposed and direct final rule Federal Register notices and supporting documents, visit EPA's Steam Electric Effluent Guidelines website at: <https://www.epa.gov/eg/steam-electric-power-generating-effluent-guidelines>. For questions, contact Richard Benware at (202) 566-1369 or [benware.richard@epa.gov](mailto:benware.richard@epa.gov).