

# ADMINISTRATIVE WATCH

ADDRESSING ENVIRONMENTAL, ENERGY AND NATURAL RESOURCE ISSUES



## EPA Releases Final Rule Amending Steam Electric Power Generating ELGs

On September 30, 2015, the U.S. Environmental Protection Agency (EPA) released a pre-publication version of the final rule to amend the Steam Electric Power Generating Effluent Limitation Guidelines and Standards (ELGs) at 40 C.F.R. Part 423. The final rule imposes more stringent effluent limitations for many types of wastewater discharges from both existing and new coal-fired steam electric power plants, and contains significant changes from the proposed rule.

For direct discharges of fly ash transport water, bottom ash transport water, combustion residual leachate from landfills and surface impoundments, and flue gas mercury control (FGMC), flue gas desulfurization (FGD) and gasification wastewaters from existing affected sources, the final rule establishes numeric Best Available Technology (BAT)-based effluent limits for Total Suspended Solids (TSS) equal to the limits in the prior Best Practicable Technology Currently Available determination. The final rule also establishes a zero discharge limitation for all other parameters in fly ash and bottom ash transport water and FGMC wastewater, as well as numeric BAT-based effluent limits for several other parameters and media, including mercury, arsenic, and selenium effluent limits in FGD and gasification wastewater discharges. These limits are based upon BAT implementation of chemical precipitation plus biological treatment (for FGD wastewater) and evaporation (for gasification wastewater). For discharges to publicly-owned treatment works (POTWs), the final rule also imposes Pretreatment Standards for Existing Sources (PSES) that are analogous to the BAT-based effluent limitations for direct discharges from existing sources. Oil-fired generating units and other generating units with a nameplate capacity of 50 megawatts or less are exempt from these limits.

New coal-fired steam electric power plants, under the final rule, will be subject to effluent limitations based upon EPA's determination of the greatest achievable degree of effluent reduction. Under EPA's determination of new source performance standards (NSPS) to apply this standard, the final rule imposes a zero discharge limitation for all parameters in fly ash and bottom ash transport waters and FGMC wastewater. In addition, the final rule establishes numeric limits on mercury, arsenic, selenium, and total dissolved solids (TDS) in FGD wastewater discharges, and mercury and arsenic effluent limits for discharges of combustion residual leachate. These standards also apply for new source discharges to POTWs, in the form of pretreatment standards for new sources (PSNS).

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Development of the final rule was driven through a consent decree between EPA and environmental groups, and is likely to face significant challenges from industry groups, particularly considering that the final rule is estimated by EPA to impose costs of up to \$480 million. The new limits are to be incorporated into NPDES permits between November 1, 2018 and December 31, 2023.

If you have any questions regarding the final rule or other issues relating to management of coal-fired power plant wastewaters, please contact Donald C. Bluedorn II at (412) 394-5450 or [dbluecorn@babstcalland.com](mailto:dbluecorn@babstcalland.com), or Varun Shekhar at (412) 394-5679 or [vshekhar@babstcalland.com](mailto:vshekhar@babstcalland.com).