

Advocacy comments on EPA's proposal to change 2015 wastewater standards for coal-fired power plants

On January 21, 2020, the Office of Advocacy submitted comments to the Environmental Protection Agency (EPA) on its proposed rule revising the Steam Electric Effluent Limitation Guidelines Limitations (ELG). The regulation imposes technology-based standards on power plants operating as utilities to control wastewater under the Clean Water Act (CWA).

- On November 3, 2015, EPA published a final rule revising its effluent limitations guidelines and standards for the steam electric power generating point source category. Prior to this rule, EPA had not updated the guidelines since 1982.
- On April 5, 2017, Advocacy submitted to EPA a petition to reconsider the 2015 steam electric ELG. Advocacy supported reopening the rulemaking for reconsideration, provided specific recommendations for regulatory alternatives and identified concerns with compliance with the Regulatory Flexibility Act
- On November 22, 2019, EPA published a proposed rule in response to Advocacy's petition and another petition for reconsideration from the Utility Water Act Group. EPA proposes to relieve some of the requirements of the 2015 rule for power plants that are not running full time or that have committed to closing by 2028. The agency also proposes to allow new technologies that are expected to be cheaper but equally effective at removing pollution from wastewater.
- Advocacy commends the work EPA has done in this reconsideration of the 2015 steam electric rule. However, Advocacy believes that EPA should be considering additional regulatory alternatives are more cost-effective for each affected power plant rather than on an industry-wide basis. Advocacy also notes that this proposed rule does not resolve the problems with Regulatory Flexibility Act compliance in the 2015 rule, which Advocacy identified in previous comment letters.

For more information, visit Advocacy's website at advocacy.sba.gov, or contact Assistant Chief Counsel Dave Rostker by email at david.rostker@sba.gov or by phone at 202-205-6966.

