

January 21, 2020

The Honorable Andrew Wheeler, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

Submitted via www.regulations.gov

RE: Proposed Revised Effluent Limitations Guidelines and Standards for the Steam Electric Power Source Category (Docket ID No. EPA-HQ-OW-2009-0819)

Dear Administrator Wheeler:

The undersigned 133 organizations, on behalf of our millions of members and supporters across the country, appreciate the opportunity to provide these comments to the U.S. Environmental Protection Agency (EPA) on its proposed revisions for the *Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category*. Steam electric power plants, mostly coal plants, are responsible for the majority of arsenic, lead, mercury, selenium and other toxic metals discharged into our nation's rivers, lakes, and streams every year. These plants also discharge high levels of nutrients, bromide, and other harmful pollutants. Power plant wastewater discharges have made it unsafe to eat fish from many rivers, contaminated the lakes and rivers where people swim, damaged aquatic ecosystems, and created treatment challenges for drinking water systems.

If finalized as proposed, EPA's revisions would gut long overdue protections established in 2015 that prohibited the dumping of coal ash wastewater into our nation's waters and imposed stringent limits on toxic metals and other pollutants in scrubber sludge discharges. Weakening these standards is unjustified and will result in more pollution in our nation's precious water resources. We therefore urge EPA to abandon its misguided proposal to weaken the 2015 standards. Instead, the agency should reaffirm the zero discharge requirements for coal ash wastewater and strengthen limits for scrubber sludge discharges to control bromide and other pollutants.

Weakening of bottom ash limits is unjustified: EPA is proposing to allow power plants to discharge millions of gallons of contaminated bottom ash wastewater daily, up to 10 percent of a facility's total volume. The 2015 standards required coal plants to eliminate bottom ash wastewater discharges, which the agency determined plants could achieve by installing dry handling systems or by using closed-loop wet handling systems. This requirement meant that any water used to flush bottom ash had to be treated and reused, instead of pulling additional fresh water from a nearby river or lake and then discharging contaminated wastewater back into that body of water. Some power companies claim this 10 percent purge allowance is needed because it is too difficult and expensive to achieve zero discharge of bottom ash wastewater. But this claim is not grounded in reality. In 2015 EPA documented that more than 80 percent of all coal plants built in the last 20 years did not discharge bottom ash wastewater and that more than half of all older plants had already installed closed-loop or dry handling systems for bottom ash. The record clearly shows zero discharge technologies for bottom ash wastewater are available and achievable and therefore EPA must reaffirm the 2015 prohibition on these discharges.

Weakening of scrubber sludge/Flue gas desulfurization (FGD) wastewater limits is unjustified and EPA record shows they must be strengthened: EPA is also proposing to allow power plants to discharge higher levels of arsenic and selenium in FGD wastewater, based on the use of less robust biological treatment systems. The 2015 standards were based on the use of chemical precipitation plus advanced biological treatment to drastically reduce the amount of metals, selenium, and nutrients in these

discharges. Instead of weakening FGD wastewater limits, EPA should require plants to install membrane or equivalent available technology that cost-effectively eliminate metals, selenium, and nutrients, as well as bromide and other total dissolved solids. Bromide present in source water creates treatment challenges for drinking water systems because it reacts with the disinfectant chemicals used to kill harmful pathogens to form carcinogenic disinfectant byproducts. EPA's own record clearly documents the tremendous public health benefits of reducing bromide discharges from power plants, but its proposal lacks any requirement for plants to actually limit bromide discharges. EPA's record also shows that membrane technology to treat FGD wastewater is available and achievable and therefore EPA must require power plants to use it.

Proposed sub-categories to allow weaker limits for some plants are unjustified: EPA is also proposing new loopholes that will allow certain power plants to discharge even more pollution into our nation's waters. For example, if a plant operator claims a plant will retire by 2028, that plant would be completely exempt from these newer pollution limits. This would allow plants to unjustifiably continue to contaminate rivers, lakes, and streams across the country for five more years. EPA's proposal would also exempt plants that claim to only operate for a limited number of hours per year. EPA must abandon these loopholes that put utility profits above public health and the environment.

EPA's claim that the Voluntary Incentive Program (VIP) will result in significant pollution reductions lacks merit: Instead of requiring power plants to use the best available membrane technology to control FGD discharges, EPA is proposing to provide plants that voluntarily install this technology an additional five years (until 2028) to comply with these standards. EPA included a similar voluntary incentive program in its 2015 final steam electric ELG rule but it does not appear any power plants opted into that program. EPA's claim that its latest VIP "would achieve greater pollution reductions than the 2015 rule would have achieved" is baseless.

In conclusion, the record before EPA plainly demonstrates that technologies to eliminate bottom ash wastewater discharges and technologies to limit heavy metals, selenium, nutrients, and bromide in FGD wastewater discharges are available, achievable, and affordable. Requiring power plants to use these proven technologies would prevent more than a billion pounds of pollutants from entering U.S. waters every year, and provide hundreds of millions of dollars per year in public health and environmental benefits. Our organizations urge EPA to abandon its plan to gut the strong 2015 standards and instead act swiftly to strengthen them.

Thank you for considering our concerns.

Sincerely,

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