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,

**National Organizations**

Leslie Tamminen  
7th Generation Advisors

Aimee Erickson  
Citizens Coal Council

Jennifer Peters  
Clean Water Action

Brigid Lawlor  
Congregation of Our Lady of the Good Shepherd, U.S. Provinces

Thomas Cmar  
Earthjustice

Aaron Mintzes  
Earthworks

Tara Thornton  
Endangered Species Coalition
John Rumpler  
Environment America  

Lisa Hallowell  
Environmental Integrity Project  

Fran Teplitz  
Green America  

Jessica Loya  
GreenLatinos  

Mark Antoniewicz  
Hip Hop Caucus  

Steven Gilbert  
Institute of Neurotoxicology and Neurological Disorders (INND)  

Mary Beth Gallagher  
Investor Advocates for Social Justice  

Madeleine Foote  
League of Conservation Voters  

Gerald H. Meral  
Natural Heritage Institute  

Lawrence E. Couch  
National Advocacy Center of the Sisters of the Good Shepherd  

Jon Devine  
Natural Resources Defense Council  

Adrian Shelley  
Public Citizen  

Bob Musil  
Rachel Carson Council  

Katherine Baer  
River Network  

Carol Campbell  
Save EPA  

Dalal Aboulhosn  
Sierra Club  

Barbara J. Jennings  
Sisters of St. Joseph of Carondelet  

Jose Pablo Ortiz Partida  
Union of Concerned Scientists  

Pablo DeJesús  
Unitarian Universalists for Social Justice (UUSJ)  

Sandy Sorenson  
United Church of Christ, Justice and Witness Ministries  

Ellette Gibson  
Ursuline Sisters, Central Province  

Regional Organizations  

Molly Flanagan  
Alliance for the Great Lakes  

Amy Adams  
Appalachian Voices  

Eliza Cava  
Audubon Naturalist Society  

Evan Isaacson  
Chesapeake Legal Alliance  

Alan Levine  
Coast Action Group  

Adam Sheridan  
Cooper River Indivisible  

Pamela J. Richart  
Eco-Justice Collaborative  

Dan Silver  
Endangered Habitats League  

Glenda Booth  
Friends of Dyke Marsh
Judith Striibling  
**Friends of the Nanticoke River**  
Joseph Campbell  
**Gas Free Seneca**  
Cynthia Sarthou  
**Healthy Gulf (formerly Gulf Restoration Network)**  
Sandy Bihn  
**Lake Erie Waterkeeper**  
Terry R. Miller  
**Lone Tree Council**  
Alexandra DySard  
**MOM’s Organic Market**  
Greg Remaud  
**New York/New Jersey Baykeeper**  
Jason Flickner  
**Ohio River Waterkeeper**  
Vivian Stockman  
**OVEC-Ohio Valley Environmental Coalition**  
Chris G. Miller  
**Piedmont Environmental Council**  
Jen Pelz  
**Rio Grande Riverkeeper (WildEarth Guardians)**  
Yvonne Taylor  
**Seneca Lake Guardian**  
Frank Holleman  
**Southern Environmental Law Center (SELC)**  
Claire Miller  
**Toxics Action Center**  
Andy Hill  
**Watauga Riverkeeper**  
Robin Broder  
**Waterkeepers Chesapeake**  
Lubna Ahmed  
**WE ACT for Environmental Justice**  
Bob LaResche  
**Western Organizations of Resource Councils**  
Christine Ellis  
**Winyah Rivers Alliance**  

**State Organizations**  

**Alabama**  
Cindy Lowry  
**Alabama Rivers Alliance**  

**California**  
Larry Hanson  
**California River Watch**  
Bill Jennings  
**California Sportfishing Protection Alliance**  
Laura Deehan  
**CALPRIG**  
Jonas Minton  
**Planning and Conservation League**  

**Georgia**  
Jennette Gayer  
**Environment Georgia**  

**Illinois**  
Clark Bullard  
**Committee on the Middle Fork Vermilion River**  
Edward L. Michael  
**Illinois Council of Trout Unlimited**  
Andrew Rehn  
**Prairie Rivers Network**  

**Indiana**  
Indra Frank  
**Hoosier Environmental Council**
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<tr>
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<tr>
<td>Maine</td>
<td>Tracy Gregorie</td>
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<td>Mark T. Southerland</td>
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<td>Amanda Strawderman</td>
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<td>R John Dawes</td>
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<td>Rev. Sandra L. Strauss</td>
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<td>Katie Nekola</td>
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<td>Local or Watershed Organizations</td>
<td>Roberta Tsukahara</td>
<td>350 Austin</td>
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Dean Wilson  
**Atchafalaya Basinkeeper**  
Plaquemine, Louisiana

Lori Sackler  
**Bergen Indivisible**  
Englewood, New Jersey

Charles Scribner  
**Black Warrior Riverkeeper**  
Birmingham, Alabama

Jennifer Aiosa  
**Blue Water Baltimore**  
Baltimore, Maryland

Myra Crawford  
**Cahaba Riverkeeper**  
Birmingham, Alabama

Beth K. Stewart  
**Cahaba River Society**  
Birmingham, Alabama

Shayla Woolfort  
**Cape May County Indivisible**  
Cape May, New Jersey

Joe Laszlo  
**Central Illinois Healthy Community Alliance**  
Peoria, Illinois

Emily Norton  
**Charles River Watershed Association**  
Weston, Massachusetts

Michael Mullen  
**Choctawhatchee Riverkeeper**  
Troy, Alabama

Mary Ellen DeClue  
**Citizens Against Longwall Mining**  
Litchfield, Illinois

Larry Baldwin  
**Coastal Carolina Riverwatch**  
New Bern, North Carolina

Ruth Santiago  
**Comite Dialogo Ambiental, Inc.**  
Salinas, Puerto Rico

Jesse Demonbreun-Chapman  
**Coosa River Basin Initiative/Upper Coosa Riverkeeper**  
Rome, Georgia

Steven Dudley  
**Coosa Riverkeeper**  
Birmingham, Alabama

Jim Scernmbeck  
**Downwinders at Risk**  
Dallas-Fort Worth, Texas

Katherine Helms Cummings  
**Fall-Line Alliance for a Clean Environment (FACE)**  
Sandersville, Georgia

Denise DeOrio  
**Friends of the Bohemia**  
Chesapeake City, Maryland

Marian Dombroski  
**Friends of Quincy Run**  
Cheverly, Maryland

Karen Anderson  
**Friends of the Shenandoah**  
Winchester, Virginia

Emmy Tiderington  
**Hudson County Progressive Alliance**  
Jersey City, New Jersey

Dave Williams  
**Indivisible New Jersey 3rd District**  
Waretown, New Jersey

Han Broekman  
**Indivisible New Jersey 5th District**  
Paramus, New Jersey

Marya Czech  
**Junction Coalition**  
Toledo, Ohio
Patricia Schuba
_Labadie Environmental Organization (LEO)_
Labadie, Missouri

Earl L. Hatley, Grand Riverkeeper
_LEAD Agency, Inc._
Vinita, Oklahoma

Cheryl Nenn
_Milwaukee Riverkeeper_
Milwaukee, Wisconsin

Gary Jernigan
_Mountain True_
Ashville, North Carolina

Eleanna Little
_New Jersey-08 for Progress_
Jersey City, New Jersey

Eleanor Holmes
_North Sound Baykeeper at RE Sources for Sustainable Communities_
Bellingham, Washington

Damon Mullis
_Ogeechee Riverkeeper_
Savannah, Georgia

Brent Walls
_Potomac Riverkeeper Network_
Williamsport, Virginia

Kim Hosen
_Prince William Conservation Alliance_
Woodbridge, Virginia

Arthur Norris
_Quad Cities Waterkeeper INC_
Davenport, Iowa

Phil Irwin
_Rappahannock League for Environmental Protection_
Flint Hill, Virginia

Leonard Smock
_Richmond Audubon Society_
Richmond, Virginia

Lisa Wittenborn
_Rivanna Conservation Alliance_
Charlottesville, Virginia

Diane Wilson
_San Antonio Bay Estuarine Waterkeeper_
Seadrift, Texas

Bobby Levinski
_Save Our Springs Alliance_
Austin, Texas

Elle Basset
_ShoreRivers_
Easton, Maryland

Larry Baldwin
_White Oak-New Riverkeeper Alliance_
Jacksonville, North Carolina