

EPA'S COAL PLANT WASTEWATER ROLLBACK REMOVES HEALTH PROTECTIONS FOR RIVERS, LAKES, AND STREAMS

Rule Would Allow Utilities to Continue to Use Outdated, Ineffective Water Treatment

The Trump Administration has weakened wastewater treatment standards for coal-fired power plants set by a 2015 rule issued by the Obama administration. The rule was issued after Earthjustice and our partners sued the Obama administration to force those standards to be updated for the first time in 30 years.

A draft version of the rollback was issued in November 2019, and the final version was announced on August 31, 2020.

The 2015 rule the Trump administration changed required power plants to use modern, affordable wastewater treatment technologies that are already widely used in other industries. The EPA found that these long-overdue improvements would prevent 1.4 billion pounds of pollutants from entering U.S. waters each year and provide between \$451 million and \$566 million per year in public health and environmental benefits. The Trump administration had delayed the 2015 rule from going into effect and has now weakened it so much that a substantial portion of the benefits will be eliminated in order to protect coal power industry profits. The EPA's rollback of these requirements will result in utilities dumping hundreds of millions of pounds of additional pollutants each year.

This rule will affect virtually every coal-fired power plant across the country that is still operating. In addition to weakening standards across the board for the largest sources of pollution dumping, the final rule will create loopholes that will allow many plants to avoid significant investments in new wastewater treatment altogether. One of these key loopholes is for plants whose owners say that they plan to retire the power plants by 2028 – for those plants, EPA through the new rule will allow them to avoid making any investments in modern wastewater treatment.

As a report released by Earthjustice and our partners in 2013, [Closing the Floodgates: How the Coal Industry Is Poisoning Our Water and How We Can Stop It](#), found:

- **Coal plants are by far the largest source of toxic water pollution in the country, because there had been no effective pollution limits on coal plant wastewater for decades.**
- Most coal plants had no limits on toxic pollutants commonly found in their wastewater discharges such as arsenic, boron, cadmium, lead, mercury, and selenium that pollute water bodies supplying drinking water to millions of people across the United States.
- Dozens of rivers, lakes, streams, and bays that received these discharges have been declared impaired because of poor water quality.

Even though the Clean Water Act requires polluters to use the most modern and effective pollution control technology available to treat wastewater, the EPA had been shirking enforcement of this requirement for coal plants for decades. Though the 2015 rule on “effluent limitation guidelines,” or ELGs, set more stringent limits on the largest wastewater streams from power plants, the EPA exempted smaller waste streams from requirements to use modern technology.

In April 2019, Earthjustice won a lawsuit confirming the EPA's duty to strengthen limits on toxic wastewater even on these smaller waste streams. Yet, even as a federal court has ordered the EPA to

make the ELG rule stronger, it has instead issued a rule to substantially weaken treatment requirements with a host of loopholes and exceptions.

WEAKENED RULE MEANS MORE TOXIC POLLUTION IN OUR WATER

Coal plants generate wastewater when they use water to flush out the ash that is left over after they burn coal, as well as the pollutants that are scrubbed out of their smokestacks. Historically, coal power plants have often used leaking, unlined pits to manage these flows of polluted water, and have been allowed to dump this waste into nearby lakes, rivers, and streams.

Bottom ash: The 2015 rule required a closed-loop system for water used to flush out accumulated bottom ash in combustion chambers. That water had to be treated and reused, rather than drawing fresh water from a nearby waters source and then discharging the contaminated water back. Under the new rule, up to 10 percent of that water could be purged regularly.

Scrubber sludge: Smokestack scrubbers are important pollution controls that have kept many toxins out of the air, but without effective treatment of the water used to clean them, the net effect is simply to transfer pollution from one place to another. For a very long time, utilities used unlined coal ash pits to separate solids in the water — a very low-tech and ineffective approach for handling toxic wastewater. At the time of the 2015 rule, more utilities were using chemical treatments, but the 2015 rule required more advanced biological treatment or evaporation and filtration systems. The new rollback both weakens these requirements and introduces new loopholes for power plants that, among other things, claim they will be retiring or only operating for a limited number of hours per year — unjustifiably allowing utilities to continue dumping toxic pollution with minimal treatment if they can fit into one of these loopholes.

PUTTING PROFITS ABOVE PUBLIC HEALTH AND THE ENVIRONMENT

The Trump Administration is up-front about its rationale: The rollback isn't meant to enhance public health or protect the environment; it will only enhance and protect the profits of the utility industry. This rollback ignores both recent court rulings and the Clean Water Act itself.

By allowing ancient coal plants to keep operating without requiring the necessary investment to put modern pollution controls in place, the Trump Administration is helping prevent these dirty, uneconomical plants from retiring.

Because there are coal plants across the nation, the rollback of the 2015 rule will negatively impact tens of millions of Americans, robbing them of the hope of relief from updated pollution control standards that would substantially reduce the amount of pollutants that power plants are permitted to dump in our waters.