

EPA'S COAL PLANT WASTEWATER RULE CONTAINS MORE LOOPHOLES THAN PROTECTIONS

Proposed Rule Would Allow Utilities To Continue To Use Outdated, Ineffective Water Treatment

The Trump Administration is proposing to weaken wastewater treatment standards for coal-fired power plants set by a 2015 rule that 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.

The 2015 rule requires power plants to be using modern, affordable wastewater treatment technologies that are already widely used in other industries. 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.

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 have become by far the largest source of toxic water pollution in the country, based on toxicity, because there had been no effective pollution limits on coal plant wastewater.
- Most coal plants had no limits on toxins commonly found in their wastewater discharges such as arsenic, boron, cadmium, lead, mercury and selenium.
- 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, EPA exempted smaller waste streams from requirements to use modern technology. Earthjustice [recently won a lawsuit](#) confirming EPA’s duty to strengthen limits on toxic wastewater even on these smaller waste streams. Yet even as a federal court has ordered EPA to make the rule stronger, EPA has instead issued a proposal to substantially weaken treatment requirements with a host of loopholes and exceptions.

WEAKENED RULE MEANS MORE TOXIC POLLUTION IN OUR WATER

Two of the biggest sources of wastewater from coal plants come from systems to clean ash residue and pollutants. Water used to flush coal ash residue from combustion chambers and sludge from the scrubbers that remove pollutants from smokestack emissions often flows from leaking, unlined pits 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 proposal, 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 new rule required more advanced biological treatment or evaporation and filtration systems. The new proposal 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 dump toxic pollution 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 proposal isn't meant to enhance public health or protect the environment; it will only enhance and protect the profits of the utility industry. This proposal 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 most Americans, robbing them of the hope of relief from updated pollution control standards.