

Environmental Protection Agency

Online Public Hearing Transcript:

**2023 Proposed Supplemental Effluent Limitations Guidelines and Standards
for the
Steam Electric Power Generating Category**

10:00 AM to 12:15 PM EDT

Thursday, April 20, 2023

Proceedings:

- S1: 00:10 Good morning to those joining us. We will get started shortly as people begin to filter into the webinar.
- S2: 00:18 [Spanish translation].
[silence]
- S1: 00:36 If you're just joining us, welcome. We will get started shortly as people continue to filter in.
- S2: 00:43 [Spanish translation].
[silence]
- S1: 01:11 Right. People are still joining us. We'll pause just for another moment or two, and we'll get started shortly.
- S2: 01:19 [Spanish translation].
[silence]
- S1: 01:49 We'll wait just for another couple of seconds, let people join us, and we'll get started shortly.
- S2: 01:56 [Spanish translation].
- S1: 02:09 Alright. Good morning. Well, to begin, we are going to have our interpreters provide us with direction on the language channels in Zoom.
- S2: 02:18 [Spanish translation]. Hi, my name is Lilia, and along with my co-interpreter, Constance, we will be interpreting in English and Spanish during today's session. [Spanish translation]. For those presenting today, you can help by speaking at a moderate pace, loudly and clearly. If we need you to speak a little bit more slowly or a little bit louder, we will let you know through the chat. If you see those messages in the chat, please help us by letting the person that is speaking know that we need them to slow down or speak louder. [Spanish translation]. For our participants, please do not suffer in silence. If the interpretation is not working or you're having any technical difficulties, please let us know in the chat so we can help you. [Spanish translation]. In a moment, the Zoom interpretation will be turned on, and you will see a globe in the lower part of your screen with a message about language interpretation. You may click on the globe and select the language in which you would like to participate and listen to in this session. [Spanish translation]. If you are joining through your smartphone or tablet, you can click on the three dots at the bottom right corner of your screen, select Language Interpretation, and then choose your language. Make sure to click on Done, and you will be set. [Spanish translation]. The organizers may now turn on the interpretation function, and we will start interpreting in a moment. Thank you.
[silence]
- S1: 05:39 Alright. Now that everyone has hopefully selected their appropriate language channel, EPA would like to welcome you to the online public hearing for the Proposed Supplemental Effluent Limitations Guidelines and Standards for the

Steam Electric Power Generating Category. My name is Kellie DuBay and I'm a contractor with ERG. I'll be serving today as the moderator for the public hearing with the assistance of my ERG colleagues who are providing webinar technical support for the hearing. Before we get started, I would like to review a few housekeeping items with everyone. Audio is available for the hearing through your computer's mic and speakers or by telephone. Currently, all attendees have been muted by default to minimize background noise. To call in by phone, select Audio Options in your control panel at the bottom of your screen and choose Switch to Phone Audio. Zoom will provide you with a phone number and call-in information on your screen. You'll then be able to listen via your phone and still see the presentation on your computer screen. If you pre-registered to speak during the hearing, the host, one of my colleagues who was providing tech support, will enable your microphone before your scheduled time to speak. You'll hear me call your name, and then you'll be able to unmute yourself and share your comments out loud.

S1: 07:07

If you're calling in and you're scheduled to speak, we ask that you hit star nine on your phone. And that's going to raise your digital hand, and then we'll be able to unmute you when we call your name because we won't be able to see your name in the list of participants. So please remember, star nine if you're participating via phone. All attendees' webcams have been disabled for this webinar. You'll also notice that the webinar is being recorded so that a transcript can be published on EPA's website after the hearing and included in EPA's public docket. EPA will also make the slides available. If you're experiencing any technical difficulties or have any questions, please contact us via the chat box, or you can email my colleagues at meetings@erg.com. And together, our team will work to troubleshoot the issues with you. So the format for today's public hearing will flow like this: we're going to start with opening remarks from EPA, followed by an overview of the proposed rule, and then we'll proceed to the public comment portion of the hearing. At that point, we'll have some additional instructions for all of you to better orient our speakers to the sequence and procedures of making comments. So with that, I'm now going to turn it over to Jesse Pritts, U.S. EPA's Office of Water, Engineering and Analysis Division Branch Chief. Jesse will provide opening remarks. Thanks, Jesse.

S3: 08:40

Yeah. Thank you, Kellie. Hello and good morning, everyone. Welcome to the first of two virtual public hearings for the Proposed Supplemental Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category. My name is Jesse Pritts, and I am a Branch Chief in the Environmental Protection Agency's Office of Water with responsibility for the rulemaking. The effluent limitations guidelines program establishes national regulations developed under the Clean Water Act, which reduce the pollutants from industrial sources in the surface waters, such as lakes, rivers, and streams. We do this by setting technology-based standards for wastewater discharges.

S3: 09:22

The steam electric effluent limitations guidelines set standards for treating wastewater from power plants that use coal, oil, natural gas, or nuclear fuel to produce electricity. The current proposal would establish standards, specifically for wastewater, resulting from the combustion of coal. In addition to this rulemaking, EPA is undertaking a suite of power sector regulations to ensure that all Americans are protected from the power plant pollution that harms public health in our economy. Excuse me. Through this comprehensive approach, the agency is looking to provide regulatory certainty and a long-term planning horizon. Excuse me.

[silence]

S3: 10:49

In addition to this rulemaking, EPA is undertaking a suite of power sector regulations to ensure that all Americans are protected from the power plant pollution that harms public health and our economy. Through this comprehensive approach, the Agency is looking to provide regulatory certainty in a long-term planning horizon that protects public health and communities, allows states, great operators, and power companies to make informed investment in planning decisions, and preserves the ability of the industry to deliver reliable and affordable electricity. EPA also recognizes that the Agency is taking these actions at an incredibly dynamic and historic time for the power sector. State policies, market forces, power company leadership and commitments, and now the Inflation Reduction Act are all reshaping the landscape. EPA wants to make sure we are working in concert with these trends, and it is vitally important that we engage with all of the regulators, institutions, and stakeholders who are shaping the future of this sector in order to understand this landscape and how our rules fit into it. As EPA develops these rules, the Agency is committed to moving forward in a transparent and orderly way to provide industry, states, grid operators, and other stakeholders with regulatory certainty in a clear, long-term planning horizon, to assist their decision-making as they continue in accelerating transition to cleaner energy sources. Today, we are here to listen to you, the public. After a brief presentation on this proposal, we look forward to hearing your thoughts and concerns. In addition to written public comments provided to the docket, EPA will consider the input received during these public hearings as the Agency moves towards a final regulation. Thank you for your time, and interest and with that, I would like to turn things over to the Project Manager Richard Benware. Richard.

S4: 12:45

Thank you, Jesse. I am Richard Benware. I'm the project lead for steam electric effluent limitations guidelines. I'll be doing just a short presentation today to really overview the rulemaking for those of you who haven't had a chance to read it or to read in as much detail as you'd like, just to make sure that people are all on the same page and have a good grounding as they prepare to potentially speak or submit written comments. Next slide. So first, I'll walk through some background. Then I'll go into individual waste streams that we're regulating. These are wastewaters that include bottom ash transport water, flue gas desulfurization wastewater, combustion residual leachate, legacy wastewater. Then we'll move on to subcategorization, or essentially where EPA sets different limitations for a subcategory of the power plants. And then we'll talk about timing for all of these different regulatory provisions. Next slide.

S4: 13:47

So this slide provides an overview for the current proposal. It compares, side by side, the proposed rule versus the baseline as it exists today, which is a combination of two rules that EPA issued in 2015 and 2020. Just in quick summary, we have changed the technology basis for FGD wastewater from biological treatment to membrane filtration, the technology basis for bottom ash transport water from high recycle rate with a purge to closed-loop systems with no discharge. Combustion residual leachate, we propose upgrading from our vacated 2015 rule limitations, which were voided by the courts, vacated, and replacing that with chemical precipitation-based limits for mercury and arsenic, vacated limitations for legacy wastewaters, and we proposed to keep the current default case-by-case determination by pruning authorities. And then you can see here that we do propose to remove a couple of the subcategories, low utilization, high flow, retain the permanent cessation of coal combustion subcategory from the previous

rule, and to add a new subcategory for early adopters of the previous technologies. In overall kind of summary, what is this expected to accomplish? We expect that if we finalize the proposal as is, we would remove an additional 584 million pounds per year of pollutants. We would also impose on industry a cost of approximately \$200 million per year. We expect that this would lead to 0.3 gigawatts of coal capacity being retired and an incremental electricity price of just six-hundredths of a cent per kilowatt-hour. Next slide.

S1: 15:33

Richard, this is Kellie. Sorry to interrupt. We just have a request by our interpreters to slow our pace a little for them if possible.

S4: 15:41

Of course. My apologies.

S1: 15:43

No worries. Thank you.

S4: 15:47

So this image here is an image of kind of a standard coal-fired power plant. There's no two exactly the same, and so the configuration you might see for various combustion and pollution control equipment will be different. But in this model plant, you can see the various wastewaters that we've regulated in our previous and current rulemakings. In particular, we have bolded the four wastewaters that we'll be covering in this proposal, and in the image here, we've grayed out the other wastewaters that have been covered in 2015. So again, these wastewaters are bottom ash transport water, flue gas desulfurization wastewater, combustion residual leachate - and this can come either from ash ponds or landfills - and legacy wastewaters, which already exist prior to new limitations. Next slide, please.

S4: 16:38

So diving into the bottom ash transport water waste stream, in our previous rule, the 2020 rulemaking, EPA selected high recycle rate systems as the basis of its limitations. These limitations then included a site-specific purge allowance, which was capped at 10% of system volume for direct discharges. And these limitations had to be met as soon as possible, beginning October 2021, but no later than December 31st, 2025. These limitations currently remain in effect and facilities around the country are continuing to implement these as they are permitted. These limitations did not establish a nationwide best available technology basis for the purge water, though. So to the extent that facilities did purge between 0 and 10 percent of their bottom ash transport water, state permitting authorities currently have to do a case-by-case, best professional judgment analysis to determine what level of technological treatment is necessary.

S4: 17:41

So how are we proposing to change the waste stream's current technology requirements? Well, on the proposed rule, we're proposing to go back to a similar technology basis as the 2015 rule, the original rulemaking that we did. And there, we proposed a combination of technologies, including dry handling - these are typically under boiler systems that do not have bottom ash transport water and may even be completely dry - or closed-loop systems. And these are systems where bottom ash is still sluiced away from the boiler or transported via water. And that bottom ash transport water is then recycled to collect more bottom ash. This would establish a zero discharge limitation of pollutants in bottom ash transport water for direct discharges. And it would have to be met as soon as possible, beginning 60 days after the rule is finalized in 2024, but no later than December 31st, 2029. As proposed, it would retain the 2015 rule exemptions for discharges related to minor maintenance and leaks, and we solicit comment on modifications to these. We expect that this change would remove an additional 25.9 million pounds per year of pollutants. Next slide, please.