



May 24, 2023

Comment Clerk
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Docket ID: EPA-HQ-OW-2009-0819-9025

RE: *Effluent Limitations Guidelines and Standards: Steam Electric Power Generating Point Source Category*

The Association of State Drinking Water Administrators (ASDWA) is the professional association representing the collective interests of the 57 state and territorial drinking water programs serving as the primacy agencies who administer the Safe Drinking Water Act (SDWA). Formed in 1984 to address a growing need for drinking water administrators to have national representation, ASDWA is a respected voice for primacy agencies with Congress, the Environmental Protection Agency (EPA), and other professional organizations. ASDWA appreciates the opportunity to provide these comments on EPA's proposed regulation to establish more stringent wastewater discharge standards for coal-fired power plants under the Clean Water Act (CWA).

ASDWA has always been supportive of EPA's CWA regulatory actions to protect sources of drinking water. ASDWA supports EPA's action to reinstate the requirements from the 2015 rule (that were modified in 2020) to create more stringent Effluent Limitation Guidelines (ELGs) for bottom ash (BA) transport water and flue gas desulfurization (FGD) wastewater at existing sources. The establishment of a zero-discharge limitation for all pollutants in FGD wastewater and BA transport water in the proposed rule based on Best Available Technology (BAT), will effectively restrict discharges of bromide and other harmful chemicals such as selenium, mercury, arsenic, nickel, chloride, and iodide, nutrient pollution, and total dissolved solids from entering our nation's waterways. Bromide discharges from coal-fired power plants have particularly impacted downstream drinking water utilities by causing the formation of carcinogenic disinfection by-products (DBPs) during drinking water treatment processes. The formation of DBPs from bromide in source waters has invariably increased public health risks and treatment costs for water utilities and their customers.

For legacy wastewater, ASDWA recommends that the final rule transfer the proposed zero-discharge limitations for FGD wastewater and largely supports more stringent limitations for all legacy wastewater contained in surface impoundments used for coal ash disposal. These disposal sites, in addition to discharges, can also contaminate drinking water sources and cause detrimental environmental impacts, as was seen with the [2014 Dan River coal ash spill](#). This spill significantly impacted downstream drinking water systems.

For this reason, ASDWA also supports the Agency's interpretation of the rule to apply to legacy wastewater at inactive/retired steam electric power plants and recommends that Combustion Residual

Leachate (CRL) generated after their retirement should continue to remain subject to the rule. ASDWA further recommends that the final rule require permitting authorities to carefully consider all contaminants in legacy wastewater, along with the proximity and vulnerability of both surface and groundwater sources of drinking water, as part of the coordinated implementation process with the Coal Combustion Residuals Disposal Rule under the Resource Conservation and Recovery Act (RCRA). Considerations for drinking water sources, in addition to considering BAT that is economically achievable and acceptable non-water quality environmental impacts for these effluent limitations, will be essential for reducing potential impacts to public health from legacy wastewater sites.

Protecting drinking water sources (and preventing contamination) is essential for sustaining safe drinking water supplies, protecting public health and the economy, and has many additional environmental benefits. The Agency's estimated reduction of approximately 584 million pounds of pollutants per year for this rule, along with retaining compliance paths for coal-fired power plants that will commit or have committed to stop burning coal, will help remove the threat from these chemical discharges to harm people and ecosystems through contamination of drinking water sources, recreational waters, and aquatic life.

If you have questions or would like to discuss these comments in more detail, please contact Deirdre White at dwhite@asdwa.org or myself at aroberson@asdwa.org.

Sincerely,



J. Alan Roberson, P.E.
Executive Director
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Cc: Jennifer McLain – EPA OGWDW
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