



June 14, 2018

The Honorable Scott Pruitt
U.S. Environmental Protection Agency Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460

RE: Steam Electric Power Plant Effluent Limitations Guidelines Rulemaking and Safe Drinking Water

Administrator Pruitt,

On behalf of the National Association of Water Companies (NAWC), I am writing to express support for the Office of Water's rulemaking to reconsider the Effluent Limitations Guidelines (ELG) for Steam-Electric Power Plants published in the Federal Register on November 3, 2015. (80 Fed. Reg. 67838). By revising certain aspects of the ELG as discussed below, EPA can improve public health protections in a cost-effective way for many communities and assist state agencies in fulfilling their missions under the Safe Drinking Water Act and Clean Water Act.

It is critical that the revised ELG provide adequate protections for drinking water supplies. Such measures are essential to EPA's fundamental goal of protecting public health. Further, consideration of impacts of bromide discharges from steam electric power plants on water systems downstream of power plants is required by the agreement between EPA and the American Water Works Association (AWWA) in response to AWWA's Petition for Review of the previous Administration's final ELG.¹

¹ Counsel for AWWA sent a letter to counsel for EPA and DOJ dated October 26, 2017, confirming the understanding that AWWA agreed to forgo its rights to continue pending litigation in exchange for EPA's "commitment to consider appropriate technology options to control bromide in FGD wastewater discharged from steam electric power plants in the new rulemaking EPA has committed to conducting." Counsel for DOJ confirmed that understanding in an e-mail reply on that same day.

There are currently 407 coal-fired power plants with the potential to impact at least 573 drinking water treatment facilities downstream from them. Half of these water treatment facilities are within 20 river miles of power plant discharges, and 85% of them are within 60 river miles. These discharges have a direct impact on the brominated disinfection byproduct levels reaching more than 20 million people, potentially increasing bladder cancer risks.

Your administration is properly focused on EPA actions that provide efficient regulatory actions and meaningful protection of public health. Revising the ELG to limit steam power plant outfall impacts on downstream drinking water providers through the Clean Water Act would achieve these important goals. Allowing the state agencies administering these programs to mitigate the impacts on the downstream community water systems prevents saddling these community drinking water systems with costly treatment requirements.

NAWC urges EPA to take the following facts and considerations into account when reconsidering the ELG:

- The contribution of bromide from steam power plants to the waters of the United States (WOTUS) results in elevated brominated disinfection byproducts at downstream water systems. Research published since EPA's 2015 rulemaking process confirms that the bromide loading from coal-fired power plant flue gas desulfurization (FGD) wastewater increases in-stream bromide levels. Excess bromide in source waters can lead to public health risks for customers of downstream drinking water utilities.
- Absent CWA controls, bromide loadings to WOTUS from steam-power plant effluent will continue and increase. Bromide is naturally present in coal, added to coal to reduce mercury air emissions, and added to coal in response to federal tax incentives. Where wet scrubbers are used, much of this bromide is discharged in wastewater. It is reduced in concentration only through dilution.
- Managing a few, relatively low-volume wastewater streams internal to steam power plants will substantially reduce bromide release from steam-power plants. FGD wastewater is typically less than half a million gallons per day, approximately 7% of the ELG-regulated wastewater discharged from a typical coal-fired steam-power plant. Consequently, zero-liquid discharge (ZLD) is a viable management strategy, as demonstrated by more than 50 planned installations. These installations are described in the ELG docket for the 2015 final rule and the technologies and growing market of these solutions are noted in numerous industry articles.
- Failing to control power plant discharges only pushes the cost of treatment on to downstream water systems and the communities they serve. By failing to control the FGD wastewater to prevent the introduction of excess bromide into source waters, the costs of addressing the issue will fall to water systems. AWWA's

estimates are that the annual cost of compliance for water systems could be \$470 million to \$1.2 billion per year if all impacted water systems need to install additional treatment. It is much less costly to prevent bromide discharges from reaching water systems in the first place and will eliminate these costs from being imposed on community drinking water systems. This approach is equitable because it places the cost of control on the source of the discharge – the power plants.

- Management of FGD wastewater is a key opportunity in advancing cooperative federalism. State drinking water and clean water agencies do exceptional work on limited resources. By addressing FGD wastewater through straightforward treatment requirements on the steam electric power plants producing the discharges, these agencies will be able to better focus their attention on the many other critical needs impacting WOTUS and drinking water. This maximizes the combined federal and state benefit to public health while making the best available use of resources.
- Steam power plants represent a significant risk to downstream community drinking water systems. There is sufficient data available to support requiring the following control options:
 1. ZLD solutions for FDG wastewater
 2. Should ZLD not be chosen for FGD wastewater, then:
 - a. Treatment to remove bromide (such as reverse osmosis) is needed.
 - b. Precautions should be taken to prevent facilities from treating coal with iodide-based additives, which like bromide, will increase the toxicity of disinfection byproducts formed during drinking water treatment.
 - c. Require on-line monitoring for bromide in FGD wastewater prior to blending with other wastewaters if that wastewater is discharged to WOTUS. This monitoring will support evaluation of additional facility-appropriate NPDES permit requirements.

Note: These additional measures would not be needed in ZLD discharge solutions.

3. All facilities subject to the effluent guidelines should submit data to state primacy agencies to allow calculation of bromide loadings and dilution upstream of drinking water intakes. This monitoring will support evaluation of additional facility-appropriate NPDES permit requirements.

NAWC has a substantial interest in clean, safe drinking water and public health and safety and urges EPA to protect drinking water sources in the ELG proposal. NAWC stands ready and willing to assist you in this important work.

Sincerely,

A handwritten signature in black ink that reads "Chris H. Franklin". The signature is written in a cursive, flowing style.

Christopher H. Franklin
Chairman, CEO and President, Aqua America
President, National Association of Water Companies

cc: David Ross
Deborah Nagle
Andrew Sawyers
Peter Grevatt