Effluent Guidelines/Clean Water Act: U.S. Environmental Protection Agency Notices Availability of Program Plan 14

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The United States Environmental Protection Agency ("EPA") published in the January 11th Federal Register a notice referencing the availability of Effluent Guidelines Program Plan 14 ("Plan 14"). See 86 Fed. Reg. 1960.

Section 304(m) of the Clean Water Act requires that EPA biennially publish a plan for new and revised effluent limitations guidelines, after public review and comment.

Plan 14 has been described as identifying:

. . . any new or existing industrial categories selected for effluent guidelines or pretreatment standards and provides a schedule for their development.

By way of background, Section 301(b) of the Clean Water Act authorizes EPA to promulgate national categorical standards or limits to restrict discharges of specific pollutants on an industry-by-industry basis. These effluent limits are incorporated into a point source discharger's National Pollution Discharge Elimination System permit as a baseline minimum requirement.

Clean Water Act effluent limits are derived from research regarding pollution control technology used in the industry. The analysis will include the degree of reduction of the pollutant that can be achieved through the use of various levels of technology. The applicable standard is dictated by the kind of pollutant discharged (i.e., toxic, conventional, or non-conventional) and whether a new or existing point source is involved.

Industrial categories are often further divided into subcategories. The effluent limits/conditions for the subcategories will be tailored to the performance capabilities of the wastewater treatment or control technologies used by the subcategory.

EPA's development of categorical effluent limits is an ongoing process. The agency continues to promulgate categorical standards for facilities that have not been addressed. Existing categorical standards are also assessed to determine if revisions are warranted. The motivation for a change to an existing standard will often be the need to incorporate evolving technological developments.

EPA states in the January 11th Notice of Availability that Plan 14 provides:

- Preliminary results from some new analyses/updates on the agency's review of industrial wastewater discharges and treatment technologies that have been discussed in preliminary Plan 14
- Updates on ongoing point source category studies, including information regarding the Petroleum Refining Category

- Planned next steps for the detailed study on the Electrical and Electronic Components Category
- Update on the Pre- and Polyfluoroalkyl Substances ('PFAS") Multi-Industry study (which is stated to include organic chemical manufacturers, airports, rug and textile manufacturers, pulp and paper manufacturers, and the metal finishing point source category
- The types of information regarding PFAS that has been received to date
- Several actions included in EPA's s Fall Regulatory Agenda, including initiating an effort to evaluate the best available technology economically available limitations for two waste streams (landfill leachate and legacy wastewater) for the steam electric power generating point source category
- Advance notice of proposed rulemaking for the Organic Chemicals, Plastics, and Synthetic Fibers point source category

A copy of the Federal Register Notice can be downloaded here.