Preliminary Effluent Guidelines Program Plan 15: U.S. Environmental Protection Agency Announces Initiation of Meat and Poultry Products Category

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A United States Environmental Protection Agency ("EPA") news release states the agency has released the Preliminary Effluent Guidelines Program 15 ("Plan 15") which identifies the initiation of a Clean Water Act rulemaking to address nutrient discharges from the Clean Water Act Meat and Poultry Products category.

Two other categories that will be addressed include:

- Organic chemicals, plastics and synthetic fibers categories to address per- and polyfluoroalkyl substances discharges from facilities manufacturing PFAS
- Metal finishing category to address PFAS discharges from chromium electrode plating facilities

Section 301(b) of the Clean Water Act authorizes the EPA to promulgate national categorical standards or limits to restrict discharges of specific pollutants on an industry-by-industry basis. The effluent limits are derived from research regarding the pollution control technology used in the industry. The analysis would include the degree of reduction of a 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.

EPA's development of Clean Water Act categorical effluent limits is an ongoing process. The federal 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 Center for Biological Diversity, Earthjustice and a number of other organizations had filed a December 18, 2019, Petition for Review challenging an EPA determination that revision of the effluent limitation guidelines, revision of associated effluent limitations, and promulgation of pretreatment standards for the Meat and Poultry Products industrial point source category (40 C.F.R. Part 432) was not appropriate at this time. (See 84 Fed. Reg. 57,019.)

EPA initially promulgated the Meat and Poultry Products Effluent Limitation Guidelines and Standards in 1974. They were amended in 2004. They cover wastewater directly discharged by slaughterhouses, further processors, independent renderers, and poultry processes. Pretreatment requirements are also included.

A copy of the EPA news release can be downloaded here.