

Effluent Guidelines/Clean Water Act: U.S. Environmental Protection Agency Pre-Publication Notices Program Plan 15



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The United States Environmental Protection Agency (“EPA”) issued a pre-Federal Register Notice referencing the availability of preliminary Effluent Guidelines Program Plan 15 (“Plan 15”).

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

Plan 15 addresses:

- EPA’s 2021 annual review of effluent limitations guidelines and pretreatment standards
- Presents EPA’s preliminary review of certain specific point source categories
- Provides an update on the analyses and tools being developed related to effluent limitation guidelines and pretreatment standards
- Discusses several new and ongoing rulemaking actions

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 Pollutant 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 describes Plan 15 as including the evaluation of the extent and nature of both nutrient and Per- and Polyfluoroalkyl Substances (“PFAS”) discharges. It is described as advancing EPA’s commitment in its PFAS Strategic Roadmap to restrict PFAS discharges from industrial sources through its Effluent Limitations Guideline program.

Plan 15 announces EPA’s determination that revised effluent limitations guidelines and pretreatment standards (“ELGs”) are necessary for reducing PFAS in leachate discharges from landfills.

Several new and expanded studies are also announced which include:

- An expansion of the ongoing study of PFAS discharges from textile manufacturers
- A new study of Publicly Owned Treatment Works (“POTW”) influent to characterize the PFAS concentrations from industrial dischargers of PFAS to POTWs and inform implementation of pretreatment programs to address them
- A new study on concentrated animal feeding operations (“CAFOs”) to make an informed, reasoned decision on whether to undertake rulemaking to revise the ELGs for CAFOs

Plan 15 states that EPA is not pursuing further action for the Electrical and Electronic Components (40 CFR Part 469) at this time. However, the agency states it will continue monitoring the category for PFAS discharge data through a POTW Influent Study. Further, it will continue to be monitoring of PFAS use and discharges from the Pulp, Paper, and Paperboard Category and airports.

A link to the pre-publication notice of Plan 15 can be downloaded [here](#).