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Effluent Guidelines/Clean Water Act: U.S. Environmental Protection Agency Public Notices Availability of Program Plan 16

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The United States Environmental Protection Agency ("EPA") announced in a pre-publication Federal Register notice the availability for public comment Preliminary Effluent Guidelines Program Plan 16 ("Plan 16").

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.

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 technologies 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 discharge (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 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.

Preliminary Plan 16 addresses the agency's upcoming wastewater studies and data collection efforts which include:

- Findings from 2022 and 2023 annual reviews of effluent guidelines.
- Results from a preliminary review of the Battery Manufacturing, Centralizes Waste Treatment, and Oil and Gas Extraction Categories.
- Update on the analyses and tools that the EPA is continuing to enhance to further improve its annual review and biennial planning process.

EPA also is announcing its intent to initiate new detailed studies of certain industrial categories after analyzing available data which will include:

- Battery Manufacturing Category.
- Centralized Waste Treatment Category.
- Oil and Gas Extraction Category.
- PFAS Processors (industrial facilities engaged in processing raw PFAS into commercial products).

Updates related to several regulatory revision actions include:

- Meat and Poultry Products Category to address nutrient discharges.
- Organic Chemicals, Plastics, & Synthetic Fibers Categories to address PFAS discharges.
- Metal Finishing and Electroplating Categories to address PFAS discharges.
- Landfills Category to address PFAS discharge from landfill leachate.
- Recently finalized Steam Electric Power Generating Category rulemaking to strengthen certain wastewater pollution discharge limitations for coal-fired powerplants that use steam to generate electricity.

Updates are provided on three ongoing studies that address:

- Concentrated Animal Feeding Operations Category.
- Textile Mills Category.
- POTW Influent for PFAS.

EPA does note that the commencement and pace of the referenced activity depends on its Fiscal Year 2025 Appropriations and Operating Plan.

A copy of the public notice for Preliminary Program Plan 16 can be downloaded [here](#).