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Clean Water Act: U.S. Environmental Protection Agency Announces Preliminary 2016 Effluent Guidelines Program Plan

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The United States Environmental Protection Agency ("EPA") published a June 27th Federal Register Notice announcing the availability of the agency's Preliminary 2016 Effluent Guidelines Program Plan ("Plan"). See 81 Fed. Reg. 41535.

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

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 and Elimination System permits 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.

The 2016 Plan in the June 27th Federal Register Notice identifies the new or existing industrial categories EPA has selected for effluent guidelines or pretreatment standards and provides a schedule for their development. It is initiating or continuing to review wastewater discharges for the following industry categories:

- Iron and Steel Manufacturing
- Organic Chemicals, Plastics, and Synthetic Fibers
- Pulp, Paper, and Paperboard

- Battery Manufacturing
- Electrical and Electronic Components Manufacturing

EPA also states that it will continue to study Centralized Waste Treatment (“CWT”) facilities along with:

- Conventional Extraction in the Oil and Gas Industry
- Produced Water Discharges in the Oil and Gas Industry

[A copy of the Federal Register Notice can be downloaded here.](#)

[The EPA's 2016 Plan can be downloaded here.](#)