



# **Upcoming Regulations and Current Trends for Power Plant Waste Streams**

**Coal Ash Ponds and Wastewater Treatment Issues**

McIlvaine Company Hot Topic Hour

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# Overview

- Coal Combustion Residuals Rulemaking
- Effluent Limitations Guidelines Rulemaking
- Citizen Actions



# CCR Rulemaking: Two Co-Proposed Regulatory Options

- “Special Waste” under Subtitle C
- Solid Waste under Subtitle D

*Both regulatory proposals attempt to accomplish the same goals; the major differences involve implementation, enforcement, and costs*



# RCRA Hazardous Waste Subtitle C

- Special Waste v. Hazardous Waste
- Typical RCRA “Cradle to Grave” program
- Retroactive
- *Effectively*, no new surface impoundments
- Existing surface impoundments
  - All existing surface impoundments that have not been closed in accordance with RCRA performance standards are subject to all Subtitle C closure requirements (e.g. obtain a Part A permit and comply with interim status regulations)

# RCRA Hazardous Waste Subtitle C

- Existing Surface Impoundments (Section 268.14)
  - Active
    - Must cease receiving CCRs within 5 years from the effective date.
    - Must close within 2 years after cessation.
  - Inactive
    - Must close within 2 years from the effective date.

*The preamble and Section 264.1300 suggest that inactive existing facilities are subject to the proposal.*

# RCRA Hazardous Waste Subtitle D

- CCRs continue to be exempt from hazardous waste designation.
- Beneficial uses not subject to regulation.
- No “Cradle to Grave” regulation.
- Only covers disposal.
- Many of the performance criteria established under the Subtitle C co-proposal apply.
- Existing surface impoundments without liners would have to retrofit or close within 5 years.

# RCRA Hazardous Waste Subtitle D

- Establishes national criteria “to ensure safe disposal of CCRs”
- Self implementing
  - However, states may adopt conforming regulations.
- State lead on enforcement; citizens suits.

# Proposed ELG Rulemaking

- Signed on April 19, 2013.
- Amends the steam electric effluent guidelines and standards under the Clean Water Act.
- Applies to nuclear, coal, oil, and natural gas-fired power plants that generate more than 50 megawatts of power.
- Regulates certain waste streams for the first time.





Waste Stream	Current	Proposed
Low-volume waste	✓	
Fly-ash transport	✓	✓
Bottom ash transport	✓	✓
Once-through cooling	✓	
Cooling tower blowdown	✓	
Coal pile runoff	✓	
Metal chemical cleaning wastes	✓	
Metal non-chemical cleaning wastes	✓	✓
FGD waste water		✓
Flue gas mercury control waste water		✓
Residual leachate from landfills and surface impoundments		✓
Fuel gasification		✓

# Proposed ELG Rulemaking

- Sets very stringent effluent limitations for those waste streams that will continue to have a discharge (*e.g.* Hg, Se, Ar, and N-N)
- In many cases, applies “zero discharge” as Best Available Technology.



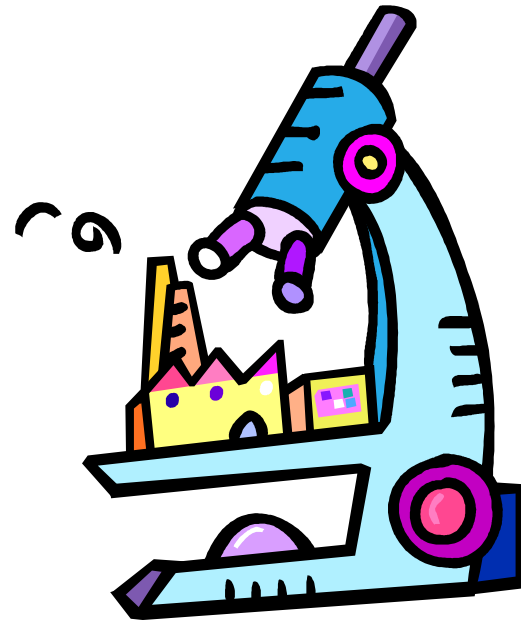
# Proposed ELG Rulemaking

- USEPA states that: a pending risk assessment for the CCR rule + the ELG rulemaking could = strong support for regulating CCR disposal under RCRA Subtitle D.
- USEPA is under consent decree to take final action by May 22, 2014.
- Phased into NPDES permits between 2017 and 2022.



# Best Management Practices

- Structural integrity inspections
  - Weekly inspections
- Corrective action
  - Stringent notification requirements

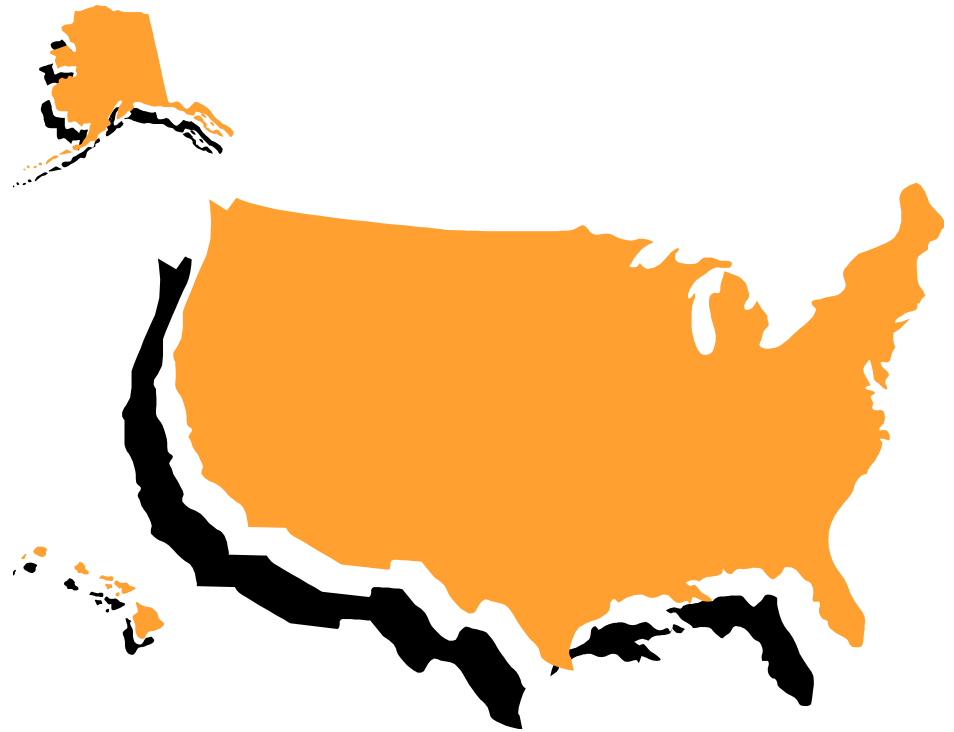


# Coordination of the Two Rules

- USEPA seeks to coordinate the rules.
- Scope differs:
  - Both regulate the disposal of CCW to and from ash ponds
  - Only the CCR rule regulates the disposal of CCRs in landfills.
- In evaluating how to coordinate, USEPA is focusing on surface impoundments so facilities can evaluate whether it makes business sense to continue to operate or close any surface impoundment.

# State Legal Battles: Citizen Actions

- Illinois
- North Carolina
- South Carolina
- Tennessee
- Alabama
- Montana
- Georgia
- Pennsylvania



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