

EPA regulations of power plant discharges one step closer to passage

By Rachel Morgan rmorgan@timesonline.com | Posted: Tuesday, April 23, 2013 10:00 pm

WASHINGTON, D.C. -- The Environmental Protection Agency is one step closer to enacting stricter regulation of power plant discharges into waterways.

A federal court Tuesday denied the industry challenge of these new proposed requirements, and ruled that the EPA will have to meet the court-ordered deadline of May 2014 for issuing new regulations. This deadline for new regulations was a result of a consent decree filed by a coalition of environmental groups, who sued the EPA in 2010 for what they say was a failure to regulate power plant water pollution.

The environmental groups -- which included Appalachian Voices, Clean Water Action, Environmental Integrity Project, Earthjustice, Prairie Rivers Network, Sierra Club, Southern Alliance for Clean Energy and Waterkeeper Alliance -- paired with the EPA to create the timeline for the consent decree to create new federal regulations for power plant discharges.

The consent decree was then challenged by the Utility Water Act Group (UWAG), an industry group. According to court documents, UWAG said the consent decree gave “too little time for notice and comment such that its members will not have an adequate opportunity to participate in the rulemaking, making it more likely that EPA will promulgate a rule economically harmful to its members.”

But the U.S. Court of Appeals for the District of Columbia Circuit denied the industry group’s challenge Tuesday.

“Last week, the EPA took long overdue action to propose a series of regulatory options to clean up water pollution from power plants,” said Earthjustice attorney Abigail Dillen. “Power companies have been successful in evading needed regulation for more than three decades, but we are heartened that they have not succeeded in this latest effort to derail critically important clean water standards for arsenic, mercury and other toxic pollutants. The court has put to rest any question whether a final rule will be required next year.”

WHAT ABOUT FIRSTENERGY?

Akron-based FirstEnergy is a member of the Utility Water Act Group, company

officials said. The company's Bruce Mansfield plant in Shippingport, as well as their 10 other operational coal-fired plants in Pennsylvania, West Virginia and Ohio, would be subject to the new rules.

"It's important to remember challenges such as this are a typical part of the checks and balances involved in the rulemaking process," said FirstEnergy spokeswoman Jennifer Young. "Any party -- including environmental groups -- can and do issue such challenges during rulemaking to ensure their interests are being represented."

Young said they will study what impacts proposed regulations will have on FirstEnergy facilities should the rule pass.

"We are currently assessing the impacts, if any, of the proposed rules on our facilities," she said. "All of the plants would be subject to the rules. Whether or not the rule will affect current plant operations has yet to be determined."

WHAT WOULD THESE NEW RULES DO?

Steam electric power plants account for more than half of all toxic pollutants discharged into waterways from permitted industrial facilities in the U.S., and high exposure to these pollutants has been linked to neurological damage and damage to the circulatory system, kidneys and liver. These metals also do not break down in the environment and can impact aquatic life and wildlife.

The new EPA regulations would decrease pollution discharges by about 470 million to 2.62 billion pounds and would reduce water use by 50 billion gallons to 103 billion gallons annually, EPA officials said.

According to EPA data, half of the nation's coal-fired plants would be in compliance with any of the four options without incurring any additional costs.

The proposals would update the current standards, which have been in place since 1982. Any new requirements would be done in phases, from 2017 to 2022, EPA officials said. The agency also said the four options differ in the number of waste streams covered, the size of the units controlled and the stringency of the treatment controls adopted.