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Plastic Manufacturing Facilities/Clean Water Act: Environmental Organizations Petition U.S. Environmental Protection Agency Seeking Revised Effluent Limitations Guidelines/Standards

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Approximately 270 environmental and community organizations submitted a July 23rd Petition to the United States Environmental Protection Agency (“EPA”) seeking the review and revision of certain Clean Water Act (“CWA”) Effluent Limitations Guidelines and Standards (“Standards”) applicable to facilities that convert natural gas liquids into plastics.

The Standards addressed by the Petition include:

- Part 419 Petroleum Refining and Industrial Category (Subpart B Cracking and Subpart C Petrochemical)
- Part 414 Organic Chemicals, Plastics, and Synthetic Fibers

The Petition is filed pursuant to the Administrative Procedures Act and the CWA.

Section 301(b) of the CWA authorizes the EPA to promulgate national categorical standards or limits to restrict discharges of specific pollutants on an industry-by-industry basis. The effluent limits are derived from research regarding the pollution control technology used in the industry. The analysis will include the degree of reduction of a 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 nonconventional) and whether a new or existing point source is involved.

EPA’s development of categorical effluent limits is in theory an ongoing process. The federal 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 may be the need to incorporate technological developments in a given industry.

The organizations submitting the Petition argue EPA has not revised or updated the Standards for petroleum refining (Cracking and Petrochemical subcategories) in any way since 1985. They further state that EPA has not revised or updated the Organic Chemicals, Plastics, and Synthetic Fibers Standards in any way since 1993. Such revisions are argued to be warranted because of their submission that there have

been advancements in scientific knowledge and technology as well as changes in the petro-plastic industry and related pollution. Such developments are stated to warrant an update of the technology-based Standards.

The Petitioners specifically seek:

- A zero plastic (in pellet, flake, powder, granule, or other form) discharge standard for all wastewater and stormwater streams;
- A detectible discharge requirement for new sources of all pollutants in the wastewater and stormwater streams of new sources;
- For existing sources, the promulgation of Effluent Limitations Guidelines and Standards for wastewater and stormwater pollutants of concern not currently regulated; and
- For existing sources, an update of decades-old Effluent Limitations Guidelines and Standards to ensure they reflect the best available technology.

A link to the Petition can be found [here](#).