

Annual Review of Effluent Limitation Guidelines/Clean Water Act: September 22nd Environmental Integrity Project Letter to EPA Addressing Process



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The Environmental Integrity Project and a number of other organizations (collectively “EIP”) submitted a September 22nd letter to United States Environmental Protection Agency (“EPA”) Administrator Michael Regan addressing the agency’s annual review of Effluent Limitation Guidelines (“ELGs”) under the Clean Water Act.

The other organizations signing the letter include:

• Waterkeeper Alliance	• Waterkeepers Chesapeake
• Earthjustice	• Center for Biological Diversity
• Clean Water Action	• Natural Resources Defense Council
• Food & Water Watch	• Sierra Club
• Environment America	• Animal Legal Defense Fund
• Chesapeake Bay Foundation	• Virginia Conservation Network
• PennFuture	• Chesapeake Legal Alliance
• SouthWings	• Cape Fear River Watch
• ShoreRivers	• Friends of the Chemung River Watershed
• Coosa Riverkeeper	• Hurricane Creekkeeper
• Lower Susquehanna Riverkeeper Association	• Anacostia Riverkeeper
• Patuxent Riverkeeper	• Potomac Riverkeeper Network
• Alamosa River Foundation	• Apalachicola Riverkeeper
• Assateague Coastal Trust	• Atchafalaya Basinkeeper

• Bayou City Waterkeeper	• Black Warrior Riverkeeper
• Cahaba Riverkeeper	• Calusa Waterkeeper
• Chattahoochee Riverkeeper	• Choctawhatchee Riverkeeper
• Congaree Riverkeeper	• Kootenai Environmental Alliance
• Los Angeles Waterkeeper	• Matanzas Riverkeeper
• Mobile Baykeeper	• NY/NJ Baykeeper
• Ogeechee Riverkeeper	• Raritan Riverkeeper
• San Antonio Bay Estuarine Waterkeeper	• San Francisco Baykeeper
• Environment in the Public Interest	• Seneca Lake Guardian
• Snake River Waterkeeper	• South Platte River Waterkeeper
• Suncoast Waterkeeper	• Tennessee Riverkeeper
• Three Rivers Waterkeeper	• Upper Allegheny River Project
• Waccamaw Riverkeeper	• West Virginia Rivers Coalition
• Yellow Dog Riverkeeper	• Youghiogheny Riverkeeper
• Kissimmee Waterkeeper	• Hudson Riverkeeper
• South Yuba River Citizens League	• Chesapeake Climate Action Network

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. The effluent limits are derived from research regarding the pollution control technology used in the industry.

The analysis includes 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 non-conventional) and whether a new or existing point source is involved.

EPA's development of Clean Water Act categorical effluent limits is supposed to be an ongoing process. The federal agency continues to promulgate categorical standards for facilities that have not been addressed. In addition, existing categorical standards are required to be assessed to determine if revisions are warranted.

EIP's letter is focused on its belief that EPA has neglected revisiting many of the existing ELGs.

The organizations acknowledge EPA's recent decision to initiate rulemaking addressing three categories which include:

- Meat and Poultry Category to address nutrient discharges
- Organic Chemicals, Plastics and Synthetic Fiber Categories to address PFAS from facilities manufacturing PFAS
- Metal Finishing Category to address PFAS discharges from chromium electroplating facilities

Nevertheless, EIP expresses concern about prior progress in determining whether existing ELGs warrant revision.

EIP states that EPA promulgated national water pollution limits for 50 out of the 59 industries currently subject to ELGs in the 1970s and 1980s. However, it states that since then:

. . . EPA has failed to lower these limits as new, more effective treatment methods become available, which is one of the reasons so many rivers, streams, and estuaries are so far from achieving the goals promised by the Clean Water Act.

EIP claims that 39 of the 59 industries were last updated more than 30 years ago. The average of the national water pollution limits is argued to be 31 years.

EIP requests that EPA:

. . . prioritize the ELG program, given its effectiveness in reducing water pollution across the country, and reconsider its approach to reviewing and revising these national limits for industries, as the current pace is far too slow to keep up with even the most obvious improvements in wastewater treatment methods.

Recommendations include:

- Examination of whether existing limits currently reflect the degree of pollution reduction achievable through today's modern technology
- Application of the data and information EPA has already obtained regarding current technology in reviewing recurring wastewater treatment issues that are common to multiple industries

The letter contains a chart sorting from oldest to newest (in terms of year of last revision) of ELGs.

A copy of the letter can be downloaded [here](#).