

News & Insights

Environmental Attorney Joel Johnston in POWER - EPA Will Strengthen Limits on Wastewater Pollution from Coal-Fired Plants

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POWER

<https://www.powermag.com/epa-will-strengthen-limits-on-wastewater-pollution-from-coal-fired-plants/>

The Environmental Protection Agency (EPA) is set to establish more stringent standards on water pollution from coal-fired power plants. The EPA on July 26 announced it would reinstate Obama-era regulations that were rolled back by the Trump administration.

An EPA official on Monday said the new rule would impact about 100 coal-fired plants. The agency said it would begin the rule-making process to reduce pollution, including toxic metals such as mercury, arsenic and selenium, though changes could take a few years to go into effect—meaning the current standards, which include dozens of environmental regulations that were weakened by the Trump EPA—will remain in place.

Joel Johnston, an attorney at national law firm Hall Estill who specializes in environmental and regulatory issues and large infrastructure projects, in an email to POWER said, “The announcement these rules will be revised isn’t surprising. The Biden administration was clear upfront that it had a focus on climate change and environmental justice. It is hard to predict whether the revised wastewater rules will go farther than the prior Obama-era rules did to curb the discharge of coal plant wastes, or not, but with the current Trump-era rules left in place for now, it is business as usual on the discharge side.”

Johnston said “it is certain” that any new rules will lower the “allowable limits of contaminants in discharged wastewater ... with an almost certain focus on those compounds most closely associated with coal power generation. I would also anticipate substantially strengthened compliance reporting obligations. In terms of the extent and types of plant infrastructure upgrades and capital projects that will be required to meet the future new rules, it’s largely unknown until there is some certainty as to what the rules will ultimately be changed to, so that does create a great deal of business and regulatory uncertainty. There will be a lot more to say when the draft rules come out in fall 2022, though industry and environmental stakeholders will certainly be working tirelessly in the interim to get their respective positions heard.”

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