

April 25, 2025

Honorable Lee M. Zeldin  
Administrator  
U.S. Environmental Protection Agency  
Mail Code 1101A  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Zeldin:

I am writing on behalf of the members of America's Power which include electricity generators, coal producers, other owners of coal assets, equipment manufacturers, and companies that transport coal. Our mission is to advocate for the nation's fleet of coal-fired power plants because they support economic growth and national security by providing reliable and affordable electricity.

As you know, the Effluent Limitations Guideline (ELG) Rule is one of six EPA rules that will cause more coal-fired generating capacity to retire prematurely, unless these rules are repealed or revised. Coal retirements are directly contrary to warnings that large regions of the country are at risk of electricity shortages over the next 5 years, in large part, because of coal retirements. While the Clean Power Plan 2.0 poses the greatest threat to the coal fleet and grid reliability, the 2020 and 2024 ELG Rules could also force a significant number of coal-fired power plants to retire. We appreciate EPA's reconsideration of all six rules as quickly as possible, and we are writing to respectfully urge the agency to treat the 2020 and 2024 Rules as high priorities because of upcoming compliance deadlines, specifically the 2029 compliance deadline in the 2024 Rule and the 2028 retirement deadline in the 2020 Rule.

### **Repeal But Not Replace the 2024 Rule**

We urge the agency to promptly repeal the zero-liquid-discharge (ZLD) limitations that the 2024 Rule established for three major categories of wastewater from coal-fired power plants: flue gas desulfurization (FGD) wastewater, combustion residual leachate (CRL), and bottom ash transport water (BATW). The 2024 Rule requires coal-fired power plants to meet the ZLD limitations for all three wastewater streams as soon as possible but no later than December 31, 2029, unless they commit to retire or cease combusting coal by December 31, 2034.

The 2024 Rule is the third time EPA has revised the effluent discharge limitations for coal-fired power plants within the last 10 years. Previous rules were issued in 2015 and 2020. In both the 2015 and 2020 Rules, EPA considered membrane and evaporator systems as possible ZLD control technologies for FGD wastewater and CRL. Both technologies, however, were rejected as the basis for setting ZLD limitations because EPA concluded that the two technologies were not "available" at commercial scale for use by large coal-fired power plants and were not "economically achievable." Instead, the agency set effluent limits based on advanced technologies that use physical, chemical, and biological

techniques. Both technologies were “economically achievable” and “available.” For similar reasons, EPA rejected a ZLD limitation for BATW from coal-fired power plants that use wet ash handling systems to remove bottom ash from the boiler. In short, EPA rejected the use of ZLD technologies in the 2020 Rule.

However, EPA reversed course in the 2024 Rule and set stringent ZLD performance standards for the three wastewater streams. EPA’s decision to adopt ZLD limitations was not based on any technological advancement or any new evidence altering its previous conclusion that membrane filtration and evaporator systems are neither commercially available nor economically achievable. As explained in comments submitted by America’s Power and other industry groups during the 2024 ELG rulemaking, the costs of these technologies are just as exorbitant now as they were in 2020. For example, the capital cost of membrane filtration technology – only one of the three ZLD technologies – for a single coal-fired generating unit could exceed \$100 million, assuming the plant could comply with the ZLD mandate by 2029. In addition, major technical challenges remain for unproven technologies to eliminate discharges of these three waste streams at coal-fired power plants.

For these reasons, EPA should repeal but not replace the ZLD limitations under the 2024 Rule for all three wastewater streams (i.e., FGD wastewater, CRL, and BATW). This means that coal-fired power plants would still be subject to the 2020 Rule which will protect water quality by requiring installation of state-of-the-art technology.

### **Revise the 2020 Rule**

The 2020 Rule also requires prompt action because 29 coal-fired generating units have made federally enforceable commitments to retire by 2028 because of the rule. The 2020 Rule provided coal-fired generators with two compliance options: meet stringent FGD discharge limits by 2025 (the end of this year) or retire by 2028. These mandatory retirement commitments were made before the recent explosion in electricity demand that now requires coal-fired power plants to continue to operate well beyond 2028. Therefore, we urge EPA to release these 29 coal-fired generating units from this binding commitment to retire by 2028 so they can continue to provide reliable and affordable electricity. In addition, EPA should establish a process to quickly extend the December 2025 deadline for meeting the 2020 discharge limitation for FGD wastewater. Since these coal units committing to retire have not yet begun to install FGD wastewater treatment systems in most (if not all) cases, EPA should extend the 2025 compliance deadline an additional 3 years to the end of 2028.

The quickest way for EPA to provide such an extension may be for the agency to reopen the process for coal-fired generating units that voluntarily elect to meet the more stringent performance standards set for FGD wastewater under the Voluntary Incentive Program (VIP). This option would allow EPA to quickly extend the compliance deadline for FGD wastewater by an additional 3 years until 2028 without having to complete a notice and comment rulemaking before the end of this year (which is the compliance deadline for the generally applicable FGD wastewater performance standards). Furthermore, the reopening of the VIP election process should not be limited to only those coal units that have elected to retire by 2028 but also include other units that may need additional time in meeting the generally applicable FGD wastewater performance standards by December 31, 2025. In both cases, the election would provide an additional 3 years for coal units to comply with the FGD performance standards so long as they elect to meet the more stringent VIP discharge limitations by the end of 2028.

Finally, some coal-fired power plants may be unable to meet the 2025 compliance deadline that the 2020 Rule established for units that use wet ash handling systems to remove bottom ash from their boilers. To ensure that these units can continue to operate and not be forced to idle, EPA should extend the 2025 compliance deadline for units that cannot complete installation of the high-recycle-rate-systems needed to meet the performance standards for bottom ash transport water under the 2020 Rule. The BATW compliance deadline should be extended up to 3 years to December 31, 2028, for coal-fired generating units that need additional time to continue operating to ensure grid reliability.

EPA's prompt action is necessary to avoid the forced retirement of more coal-fired generating units due to the 2024 and 2020 Rules. We look forward to working with the agency to address these threats to the coal fleet and the reliability of the grid. If you or your staff have any questions, please contact me at [mbloodworth@americaspower.org](mailto:mbloodworth@americaspower.org) or Paul Bailey at [pbailey@americaspower.org](mailto:pbailey@americaspower.org).

Sincerely,

A handwritten signature in black ink, reading "Michelle A. Bloodworth". The signature is fluid and cursive, with the first name "Michelle" being more prominent.

Michelle Bloodworth  
President and CEO

Copy to Travis Voyles, Assistant Deputy Administrator