Non-responsive - Ex. 5 Delib Process, Atty/Client

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From: Webster, David
Sent: Monday, April 28, 2014 9:39 AM
To: Stein, Mark
Cc: Houlihan, Damien
Subject: RE: Another FYI

Non-responsive - Ex. 5 Delib Process, Atty/Client

From: Stein, Mark
Sent: Monday, April 28, 2014 8:51 AM
To: DeMeo, Sharon M.; Houlihan, Damien; Webster, David; Moraff, Kenneth; Nelson, Eric
Cc: Dierker, Carl; Williamson, Timothy
Subject: Another FYI

FYI –

Monday, April 28, 2014

KEY ISSUES: Air Transport LCFS Climate NSPS Pollinators

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Daily News

Environmentalists See EPA's Revised Power Plant Permit Backing Strict ELG

Posted: April 25, 2014

Environmentalists are applauding a recently revised draft permit for a New Hampshire power plant, arguing the permit's requirement for a zero liquid discharge (ZLD) system for treating scrubber wastewater helps make the case for the strictest technology option in EPA's pending revision to the effluent limitation guidelines (ELG) for the power sector.

The April 18 revised proposal for the coal-fired Merrimack Station plant finds that primary and secondary treatment technologies capable of operating as a ZLD system qualify as best available technology (BAT) for the facility. An earlier draft had required chemical and biological treatment for the waste stream.

Although the agency says the permit only sets a site-specific technology finding, advocates say it provides additional justification for the strongest option in the proposed ELG.

"It provides even further support for EPA's proposal that this is the best standard under the Clean Water Act," an environmentalist says, adding that EPA must show a technology is available and economically achievable by the industry before determining it is BAT. As more plants install ZLD systems, the source says, the agency is able to say, "Yes, it works for power plants and they can afford it."

A second environmentalist adds: "This permit, at least upon initial review, would strongly suggest that zero liquid discharge technology is achievable and has been achieved in practice."

Industry has pushed back against a ZLD requirement in the effluent rule, arguing in comments on the proposal that both that treatment option and biological treatment are not cost effective and are difficult to implement to treat flue gas desulfurization (FGD) wastewater.

In addition to the permit's potential implication for the national rulemaking, advocates also note that the agency's use of best professional judgment to set technology-based limits underscores the need for states to conduct similar reviews for wastewater permits at power plants across the country.

Waste Treatments

The treatments are needed for FGD waste from scrubbers installed to meet new air toxics rules. Following initial chemical treatment, Merrimack's vapor compression evaporation system creates a "relatively clean distillate" as well as solid effluent that can be disposed of in a licensed landfill, according to a fact sheet released alongside the draft permit.

EPA notes that after the initial draft discharge permit was issued in 2011, plant owner Public Service Company of New Hampshire "of its own accord" installed a ZLD system that has been operating since June 2012. That development, along with comments it received on the technology, led the agency to determine the technology is BAT for the facility.

"This is a site-specific, case-by-case determination based on the facts at Merrimack Station and this determination neither applies to nor establishes that this technology is that BAT at any other facility or group of facilities," EPA says.

The agency is accepting comments on the revised draft until June 17. It will also offer an additional 35-day comment period so that people can respond to material filed during the initial period.

Industry had previously criticized EPA's initial requirement of biological treatment at Merrimack, saying it did not account for variations in concentrations of contaminants from different sources of coal and relied on too small of a data sample of other biological treatment systems, rendering the limits "arbitrary and capricious."

Although environmentalists are pushing for the strictest option in the effluent rule, EPA has said it is unlikely to move forward with that option. During an August webinar summarizing the rule, Ron Jordan of EPA's water office said the agency did not list the option among its preferred options because of "the high total cost of the rule and actually some potential concerns about economic achieve-ability," especially concerning the proposal's provisions for FGD wastewater.

"I don't think we reached the conclusion that it was not economically achievable, but certainly at time of proposal we came to the conclusion that it looked like this did not represent BAT, which again is a national standard," he added.

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