

June 17, 2026

The Honorable Lee Zeldin, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Submitted via www.regulations.gov

RE: Proposed Revision to Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category-Unmanaged Combustion Residual Leachate (Docket ID No. EPA-HQ-OW-2009-0819)

Dear Administrator Zeldin:

The undersigned 64 organizations submit these comments to the U.S. Environmental Protection Agency (EPA) on its proposed revision of the *Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category*. The proposed rule would threaten water quality, damage critical ecosystems, and put drinking water and the health of communities across the country at risk. Collectively, we oppose this proposal and urge EPA not to weaken the 2024 Steam Electric effluent limitation guidelines (ELGs).

For decades, steam electric power plants, mostly coal plants, were allowed to release hundreds of millions of pounds of toxic metals (like arsenic, mercury, and lead), nutrient pollution, bromides, and other harmful substances into our waterways each year. These pollutants have been linked to cancer, cardiovascular disease, and developmental impacts in children. Even small amounts can cause serious public health risks in drinking water, harm aquatic life, and damage ecosystems.

In 2024, EPA finalized more stringent Clean Water Act treatment requirements for the three largest waste streams of coal plant wastewater, which would (if implemented) significantly reduce the amount of toxic wastewater that these plants are allowed to release into our waterways. EPA's 2024 Rule was the result of over 15 years of scientific research, data collection, and technical analysis by the agency, as well as public and stakeholder engagement and advocacy. Even as many coal plants have retired or begun to clean up their wastewater, EPA found in 2024 that coal plants were still responsible for releasing toxic chemicals into drinking water sources for over 30 million Americans and that this pollution disproportionately impacts low-income communities and communities of color.

Coal plants were also found to impact the habitats for over 100 high-vulnerability threatened and endangered species.

Despite these known harms, EPA is proposing to weaken protections that would have required coal plants to treat toxic “unmanaged” leachate wastewater. This is pollution that has been released by coal ash dumps and contaminated groundwater that may then be discharged to waterbodies.

Rather than maintaining the 2024 federal limits for this toxic wastewater, EPA is proposing to roll back the standards and leave it to the permitting authorities to determine on a case-by-case basis using their best professional judgment (BPJ). But we know what this really means: this will ultimately let the coal industry off the hook for cleaning up this harmful waste stream because state permitting authorities, when left to act on their own, rarely set more stringent requirements. The proposed rule would weaken federal standards for unmanaged leachate at up to 113 coal plants across the country. This could mean the continued release of up to 601 million pounds of harmful pollution, like arsenic and mercury, into U.S. waterways each year.

The Clean Water Act is based on the principle that pollution should be addressed at its source and should not pass the burden onto downstream communities or drinking water systems to treat. EPA found in 2024 that affordable technologies are available to coal plants to significantly reduce this pollution. With this proposed rule, EPA is turning its back on its responsibility to protect public health, the environment, and the communities most impacted by this harmful pollution. The coal industry must be held accountable for the toxic pollution they release into our rivers, lakes, and streams.

We urge EPA to stop prioritizing cost savings for the coal industry over safe drinking water, critical habitats for threatened or endangered species, and the health of communities across the country. EPA must abandon this harmful proposal, and we strongly oppose any regulatory changes that would weaken the 2024 Steam Electric ELGs.

Sincerely,

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