

§ 422.66

section, which may be discharged by a point source subject to the provisions of this subpart after application of the standards of performance for new sources:

[Metric units (kg/kkg of product); English units (lb/1,000 lb of product)]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS	0.35	0.18
Total phosphorus (as P)56	.28
Fluoride (as F)21	.11
pH	(¹)	(¹)

¹ Within the range 6.0 to 9.5.

§ 422.66 [Reserved]

§ 422.67 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

Except as provided in §§ 125.30 through 125.32, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

[Metric units (kg/kkg of product); English units (lb/1,000 lb of product)]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS	0.35	0.18
pH	(¹)	(¹)

¹ Within the range 6.0 to 9.5.

[51 FR 25000, July 9, 1986]

PART 423—STEAM ELECTRIC POWER GENERATING POINT SOURCE CATEGORY

Sec.

423.10 Applicability and severability.

423.11 Specialized definitions.

423.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

40 CFR Ch. I (7–1–25 Edition)

423.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

423.14 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT). [Reserved]

423.15 New source performance standards (NSPS).

423.16 Pretreatment standards for existing sources (PSES).

423.17 Pretreatment standards for new sources (PSNS).

423.18 Permit conditions.

423.19 Reporting and recordkeeping requirements.

APPENDIX A TO PART 423—126 PRIORITY POLLUTANTS

AUTHORITY: 33 U.S.C. 1251 *et seq.*; 1311; 1314(b), (c), (e), (g), and (i)(A) and (B); 1316; 1317; 1318 and 1361.

SOURCE: 47 FR 52304, Nov. 19, 1982, unless otherwise noted.

§ 423.10 Applicability and severability.

(a) *Applicability.* The provisions of this part apply to discharges resulting from the operation of a generating unit by an establishment whose generation of electricity is the predominant source of revenue or principal reason for operation, and whose generation of electricity results primarily from a process utilizing fossil-type fuel (coal, oil, or gas), fuel derived from fossil fuel (*e.g.*, petroleum coke, synthesis gas), or nuclear fuel in conjunction with a thermal cycle employing the steam water system as the thermodynamic medium. This part applies to discharges associated with both the combustion turbine and steam turbine portions of a combined cycle generating unit.

(b) *Severability.* The provisions of this part are separate and severable from one another. If any provision is stayed or determined to be invalid, the remaining provisions shall continue in effect.

[89 FR 40293, May 9, 2024]

§ 423.11 Specialized definitions.

In addition to the definitions set forth in 40 CFR part 401, the following definitions apply to this part:

(a) The term *total residual chlorine* (or total residual oxidants for intake

Environmental Protection Agency

§ 423.11

water with bromides) means the value obtained using any of the “chlorine—total residual” methods in Table IB in 40 CFR 136.3(a), or other methods approved by the permitting authority.

(b) The term *low volume waste sources* means, taken collectively as if from one source, wastewater from all sources except those for which specific limitations or standards are otherwise established in this part. Low volume waste sources include, but are not limited to, the following: Wastewaters from ion exchange water treatment systems, water treatment evaporator blowdown, laboratory and sampling streams, boiler blowdown, floor drains, cooling tower basin cleaning wastes, recirculating house service water systems, and wet scrubber air pollution control systems whose primary purpose is particulate removal. Sanitary wastes, air conditioning wastes, and wastewater from carbon capture or sequestration systems are not included in this definition.

(c) The term *chemical metal cleaning waste* means any wastewater resulting from the cleaning of any metal process equipment with chemical compounds, including, but not limited to, boiler tube cleaning.

(d) The term *metal cleaning waste* means any wastewater resulting from cleaning [with or without chemical cleaning compounds] any metal process equipment including, but not limited to, boiler tube cleaning, boiler fireside cleaning, and air preheater cleaning.

(e) The term *fly ash* means the ash that is carried out of the furnace by a gas stream and collected by a capture device such as a mechanical precipitator, electrostatic precipitator, or fabric filter. Economizer ash is included in this definition when it is collected with fly ash. Ash is not included in this definition when it is collected in wet scrubber air pollution control systems whose primary purpose is particulate removal.

(f) The term *bottom ash* means the ash, including boiler slag, which settles in the furnace or is dislodged from furnace walls. Economizer ash is included in this definition when it is collected with bottom ash.

(g) The term *once through cooling water* means water passed through the

main cooling condensers in one or two passes for the purpose of removing waste heat.

(h) The term *recirculated cooling water* means water which is passed through the main condensers for the purpose of removing waste heat, passed through a cooling device for the purpose of removing such heat from the water and then passed again, except for blowdown, through the main condenser.

(i) The term *10 year, 24/hour rainfall event* means a rainfall event with a probable recurrence interval of once in ten years as defined by the National Weather Service in Technical Paper No. 40, *Rainfall Frequency Atlas of the United States*, May 1961 or equivalent regional rainfall probability information developed therefrom.

(j) The term *blowdown* means the minimum discharge of recirculating water for the purpose of discharging materials contained in the water, the further buildup of which would cause concentration in amounts exceeding limits established by best engineering practices.

(k) The term *average concentration* as it relates to chlorine discharge means the average of analyses made over a single period of chlorine release which does not exceed two hours.

(l) The term *free available chlorine* means the value obtained using any of the “chlorine—free available” methods in Table IB in 40 CFR 136.3(a) where the method has the capability of measuring free available chlorine, or other methods approved by the permitting authority.

(m) The term *coal pile runoff* means the rainfall runoff from or through any coal storage pile.

(n) The term *flue gas desulfurization (FGD) wastewater* means any wastewater generated specifically from the wet flue gas desulfurization scrubber system that comes into contact with the flue gas or the FGD solids, including but not limited to, the blowdown from the FGD scrubber system, overflow or underflow from the solids separation process, FGD solids wash water, and the filtrate from the solids dewatering process. Wastewater generated from cleaning the FGD scrubber, cleaning FGD solids separation equipment, cleaning FGD solids

dewatering equipment; FGD paste equipment cleaning water; treated FGD wastewater permeate or distillate used as boiler makeup water; water that is collected in floor drains in the FGD process area; wastewater removed from FGD wastewater treatment equipment within the first 120 days of decommissioning the equipment, or wastewater generated by a 10-year, 24-hour or longer duration storm event when meeting the certification requirements in § 423.19(o) is not considered FGD wastewater.

(o) The term flue gas mercury control wastewater means any wastewater generated from an air pollution control system installed or operated for the purpose of removing mercury from flue gas. This includes fly ash collection systems when the particulate control system follows sorbent injection or other controls to remove mercury from flue gas. FGD wastewater generated at plants using oxidizing agents to remove mercury in the FGD system and not in a separate FGMC system is not included in this definition.

(p) The term *transport water* means any wastewater that is used to convey fly ash, bottom ash, or economizer ash from the ash collection or storage equipment, or boiler, and has direct contact with the ash. Transport water does not include low volume, short duration discharges of wastewater from minor leaks (*e.g.*, leaks from valve packing, pipe flanges, or piping), minor maintenance events (*e.g.*, replacement of valves or pipe sections), FGD paste equipment cleaning water, bottom ash purge water, wastewater removed from ash handling equipment within the first 120 days of decommissioning the equipment, or wastewater generated by a 10-year, 24-hour or longer duration storm event when meeting the certification requirements in § 423.19(o).

(q) The term gasification wastewater means any wastewater generated at an integrated gasification combined cycle operation from the gasifier or the syngas cleaning, combustion, and cooling processes. Gasification wastewater includes, but is not limited to the following: Sour/grey water; CO₂/steam stripper wastewater; sulfur recovery unit blowdown, and wastewater resulting from slag handling or fly ash han-

dling, particulate removal, halogen removal, or trace organic removal. Air separation unit blowdown, noncontact cooling water, and runoff from fuel and/or byproduct piles are not considered gasification wastewater. Wastewater that is collected intermittently in floor drains in the gasification process area from leaks, spills, and cleaning occurring during normal operation of the gasification operation is not considered gasification wastewater.

(r) The term *combustion residual leachate* means leachate from landfills or surface impoundments containing combustion residuals. Leachate is composed of liquid, including any suspended or dissolved constituents in the liquid, that has percolated through waste or other materials emplaced in a landfill, or that passes through the surface impoundment's containment structure (*e.g.*, bottom, dikes, berms). Combustion residual leachate includes seepage and/or leakage from a combustion residual landfill or impoundment unit. Combustion residual leachate includes wastewater from landfills and surface impoundments located on non-adjointing property when under the operational control of the permitted facility. Combustion residual leachate does not include wastewater generated by a 10-year, 24-hour or longer duration storm event when meeting the certification requirements in § 423.19(o).

(s) The term oil-fired unit means a generating unit that uses oil as the primary or secondary fuel source and does not use a gasification process or any coal or petroleum coke as a fuel source. This definition does not include units that use oil only for start up or flame-stabilization purposes.

(t) The phrase "as soon as possible" means November 1, 2018 (except for purposes of § 423.13(g)(1)(i) and (k)(1)(i), in which case it means October 13, 2021), unless the permitting authority establishes a later date, after receiving site-relevant information from the discharger, which reflects a consideration of the following factors:

- (1) Time to expeditiously plan (including to raise capital), design, procure, and install equipment to comply with the requirements of this part.
- (2) Changes being made or planned at the plant in response to:

(i) New source performance standards for greenhouse gases from new fossil fuel-fired electric generating units, under sections 111, 301, 302, and 307(d)(1)(C) of the Clean Air Act, as amended, 42 U.S.C. 7411, 7601, 7602, 7607(d)(1)(C);

(ii) Emission guidelines for greenhouse gases from existing fossil fuel-fired electric generating units, under sections 111, 301, 302, and 307(d) of the Clean Air Act, as amended, 42 U.S.C. 7411, 7601, 7602, 7607(d); or

(iii) Regulations that address the disposal of coal combustion residuals as solid waste, under sections 1006(b), 1008(a), 2002(a), 3001, 4004, and 4005(a) of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. 6906(b), 6907(a), 6912(a), 6944, and 6945(a).

(3) For FGD wastewater requirements only, an initial commissioning period for the treatment system to optimize the installed equipment.

(4) Other factors as appropriate.

(u) The term “FGD paste” means any combination of FGD wastewater treated with fly ash, lime, Portland cement, and/or other pozzolanic material prior to being landfilled, and which is engineered to form a solid through pozzolanic reactions.

(v) The term “FGD paste equipment cleaning water” means any wastewater generated from the cleaning of pugmills, piping, or other equipment used to make, process, or transport FGD paste from its point of generation to a landfill.

(w) The term *permanent cessation of coal combustion* means the owner or operator certifies under § 423.19(g) or (h) that an electric generating unit will cease combustion of coal no later than December 31, 2028, or December 31, 2034.

(x) The term “high FGD flow” means the maximum daily volume of FGD wastewater that could be discharged by a facility is above 4 million gallons per day after accounting for that facility’s ability to recycle the wastewater to the maximum limits for the FGD system materials of construction.

(y) The term “capacity utilization rating” means the total MWh production of an electric generating unit over

a calendar year divided by the product of the number of hours in that year times the nameplate capacity.

(z) The term *low utilization electric generating unit* means any electric generating unit for which the facility owner certifies, and annually recertifies, under § 423.19(f) that the two-year average annual capacity utilization rating is less than 10 percent.

(aa) The term “primary active wetted bottom ash system volume” means the maximum volumetric capacity of bottom ash transport water in all non-redundant piping (including recirculation piping) and primary bottom ash collection and recirculation loop tanks (e.g., bins, troughs, clarifiers, and hoppers) of a wet bottom ash system, excluding the volumes of surface impoundments, secondary bottom ash system equipment (e.g., installed spares, redundancies, and maintenance tanks), and non-bottom ash transport systems that may direct process water to the bottom ash.

(bb) The term *tank* means a stationary device, designed to contain an accumulation of wastewater which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support and which is not a coal combustion residual surface impoundment.

(cc) The term “bottom ash purge water” means any water being discharged subject to § 423.13(k)(2)(i) or 423.16(g)(2)(i).

(dd) The term “30-day rolling average” means the series of averages using the measured values of the preceding 30 days for each average in the series.

(ee) The term *coal combustion residual surface impoundment* means a natural topographic depression, man-made excavation, or diked area, which is designed to hold an accumulation of coal combustion residuals and liquids, and the unit treats, stores, or disposes of coal combustion residuals.

(ff) The term *unmanaged combustion residual leachate* means combustion residual leachate which either:

(1) Is determined by the permitting authority to be the functional equivalent of a direct discharge to waters of the United States (WOTUS) through groundwater; or

§ 423.12

40 CFR Ch. I (7–1–25 Edition)

(2) Has leached from a waste management unit into the subsurface and mixed with groundwater prior to being captured and pumped to the surface for discharge directly to WOTUS.

[47 FR 52304, Nov. 19, 1982, as amended at 77 FR 29834, May 18, 2012; 80 FR 67893, Nov. 3, 2015; 82 FR 43500, Sept. 18, 2017; 85 FR 64716, Oct. 13, 2020; 89 FR 40293, May 9, 2024]

§ 423.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, utilization of facilities, raw materials, manufacturing processes, non-water quality environmental impacts, control and treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES Permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by

the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The phrase “other such factors” appearing above may include significant cost differentials. In no event may a discharger’s impact on receiving water quality be considered as a factor under this paragraph.

(b) Any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction by the application of the best practicable control technology currently available (BPT):

(1) The pH of all discharges, except once through cooling water, shall be within the range of 6.0–9.0.

(2) There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.

(3) The quantity of pollutants discharged from low volume waste sources shall not exceed the quantity determined by multiplying the flow of low volume waste sources times the concentration listed in the following table:

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day (mg/l)	Average of daily values for 30 consecutive days shall not exceed (mg/l)
TSS	100.0	30.0
Oil and grease	20.0	15.0

(4) The quantity of pollutants discharged in fly ash and bottom ash transport water shall not exceed the quantity determined by multiplying the flow of fly ash and bottom ash transport water times the concentration listed in the following table:

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day (mg/l)	Average of daily values for 30 consecutive days shall not exceed (mg/l)
TSS	100.0	30.0
Oil and grease	20.0	15.0

Environmental Protection Agency

§ 423.12

(5) The quantity of pollutants discharged in metal cleaning wastes shall not exceed the quantity determined by multiplying the flow of metal cleaning wastes times the concentration listed in the following table:

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day (mg/l)	Average of daily values for 30 consecutive days shall not exceed (mg/l)
TSS	100.0	30.0
Oil and grease	20.0	15.0
Copper, total	1.0	1.0
Iron, total	1.0	1.0

(6) The quantity of pollutants discharged in once through cooling water shall not exceed the quantity determined by multiplying the flow of once through cooling water sources times the concentration listed in the following table:

Pollutant or pollutant property	BPT effluent limitations	
	Maximum concentration (mg/l)	Average concentration (mg/l)
Free available chlorine	0.5	0.2

(7) The quantity of pollutants discharged in cooling tower blowdown shall not exceed the quantity determined by multiplying the flow of cooling tower blowdown sources times the concentration listed in the following table:

Pollutant or pollutant property	BPT effluent limitations	
	Maximum concentration (mg/l)	Average concentration (mg/l)
Free available chlorine	0.5	0.2

(8) Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than two hours in any one day and not more than one unit in any plant may discharge free available or total residual chlorine at any one time unless the utility can demonstrate to the Regional Administrator or State, if the State has NPDES permit issuing authority, that the units in a particular location cannot operate at or below this level of chlorination.

(9) Subject to the provisions of paragraph (b)(10) of this section, the following effluent limitations shall apply to the point source discharges of coal pile runoff:

Pollutant or pollutant property	BPT effluent limitations
	Maximum concentration for any time (mg/l)
TSS	50

(10) Any untreated overflow from facilities designed, constructed, and operated to treat the volume of coal pile runoff which is associated with a 10 year, 24 hour rainfall event shall not be subject to the limitations in paragraph (b)(9) of this section.

(11) The quantity of pollutants discharged in FGD wastewater, flue gas mercury control wastewater, combustion residual leachate, gasification wastewater, or bottom ash purge water shall not exceed the quantity determined by multiplying the flow of the applicable wastewater times the concentration listed in the table 7:

TABLE 7 TO PARAGRAPH (b)(11)

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day (mg/L)	Average of daily values for 30 consecutive days shall not exceed (mg/L)
TSS	100.0	30.0
Oil and grease	20.0	15.0

(12) At the permitting authority's discretion, the quantity of pollutant allowed to be discharged may be expressed as a concentration limitation instead of the mass-based limitations specified in paragraphs (b)(3) through (b)(7), and (b)(11), of this section. Concentration limitations shall be those concentrations specified in this section.

(13) In the event that wastestreams from various sources are combined for treatment or discharge, the quantity of each pollutant or pollutant property controlled in paragraphs (b)(1) through (b)(12) of this section attributable to each controlled waste source shall not

§ 423.13

40 CFR Ch. I (7-1-25 Edition)

exceed the specified limitations for that waste source.

(The information collection requirements contained in paragraph (a) were approved by the Office of Management and Budget under control number 2000-0194)

[47 FR 52304, Nov. 19, 1982, as amended at 48 FR 31404, July 8, 1983; 80 FR 67894, Nov. 3, 2015; 85 FR 64716, Oct. 13, 2020]

§ 423.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this part must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

(a) There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.

(b)(1) For any plant with a total rated electric generating capacity of 25 or more megawatts, the quantity of pollutants discharged in once through cooling water from each discharge point shall not exceed the quantity determined by multiplying the flow of once through cooling water from each discharge point times the concentration listed in the following table:

Pollutant or pollutant property	BAT Effluent Limitations
	Maximum concentration (mg/l)
Total residual chlorine	0.20

(2) Total residual chlorine may not be discharged from any single generating unit for more than two hours per day unless the discharger demonstrates to the permitting authority that discharge for more than two hours is required for macroinvertebrate control. Simultaneous multi-unit chlorination is permitted.

(c)(1) For any plant with a total rated generating capacity of less than 25 megawatts, the quantity of pollutants discharged in once through cooling water shall not exceed the quantity determined by multiplying the flow of

once through cooling water sources times the concentration listed in the following table:

Pollutant or pollutant property	BAT effluent limitations	
	Maximum concentration (mg/l)	Average concentration (mg/l)
Free available chlorine	0.5	0.2

(2) Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than two hours in any one day and not more than one unit in any plant may discharge free available or total residual chlorine at any one time unless the utility can demonstrate to the Regional Administrator or State, if the State has NPDES permit issuing authority, that the units in a particular location cannot operate at or below this level of chlorination.

(d)(1) The quantity of pollutants discharged in cooling tower blowdown shall not exceed the quantity determined by multiplying the flow of cooling tower blowdown times the concentration listed below:

Pollutant or pollutant property	BAT effluent limitations	
	Maximum concentration (mg/l)	Average concentration (mg/l)
Free available chlorine	0.5	0.2

Pollutant or pollutant property	Maximum for any 1 day - (mg/l)	Average of daily values for 30 consecutive days shall not exceed = (mg/l)
The 126 priority pollutants (Appendix A) contained in chemicals added for cooling tower maintenance, except:		
Chromium, total	(¹) 0.2	(¹) 0.2
Zinc, total	1.0	1.0

¹ No detectable amount.

(2) Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than two hours in any one day and not more than one unit in any plant may discharge free available or total residual chlorine at any one time unless the utility can demonstrate to the Regional Administrator or State, if the State has NPDES permit issuing authority, that the units in a particular

location cannot operate at or below this level of chlorination.

(3) At the permitting authority’s discretion, instead of the monitoring specified in 40 CFR 122.11(b) compliance with the limitations for the 126 priority pollutants in paragraph (d)(1) of this section may be determined by engineering calculations which demonstrate that the regulated pollutants are not detectable in the final discharge by the analytical methods in 40 CFR part 136.

(e) The quantity of pollutants discharged in chemical metal cleaning wastes shall not exceed the quantity determined by multiplying the flow of chemical metal cleaning wastes times the concentration listed in the following table:

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day (mg/l)	Average of daily values for 30 consecutive days shall not exceed – (mg/l)
Copper, total	1.0	1.0
Iron, total	1.0	1.0

(f) [Reserved—Nonchemical Metal Cleaning Wastes].

(g) *FGD wastewater*—(1) *2020 BAT*. (i) Except for those discharges to which paragraph (g)(2) or (3) of this section applies, the quantity of pollutants in FGD wastewater shall not exceed the quantity determined by multiplying the flow of FGD wastewater times the concentration listed in table 5 to this paragraph (g)(1)(i). Dischargers must meet the effluent limitations for FGD wastewater in this paragraph (g)(1)(i) by a date determined by the permitting authority that is as soon as possible beginning October 13, 2021, but no later than December 31, 2025. The effluent limitations in this paragraph (g)(1)(i) apply to the discharge of FGD wastewater generated on and after the date determined by the permitting authority for meeting the effluent limitations, as specified in this paragraph (g)(1)(i), until the date determined by the permitting authority for meeting the effluent limitations in paragraph (g)(4) of this section.

TABLE 5 TO PARAGRAPH (g)(1)(i)

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Arsenic, total (µg/L)	18	8
Mercury, total (ng/L)	103	34
Selenium, total (µg/L)	70	29
Nitrate/nitrite as N (mg/L) ..	4	3

(ii) For FGD wastewater generated before the date determined by the permitting authority, as specified in paragraph (g)(1)(i) of this section, the EPA is declining to establish BAT limitations and is reserving such limitations to be established by the permitting authority on a case-by-case basis using the permitting authority’s best professional judgment.

(2) *2020 BAT subcategories*. (i) For any electric generating unit with a total nameplate capacity of less than or equal to 50 megawatts, that is an oil-fired unit, or for which the owner has submitted a certification pursuant to § 423.19(g), the quantity of pollutants discharged in FGD wastewater shall not exceed the quantity determined by multiplying the flow of FGD wastewater times the concentration listed for total suspended solids (TSS) in § 423.12(b)(11).

(A) For any electric generating unit for which the owner has submitted a certification pursuant to § 423.19(g), where such unit has permanently ceased coal combustion by December 31, 2028, there shall be no discharge of pollutants in FGD wastewater after April 30, 2029.

(B) For any electric generating unit for which the owner has submitted a certification pursuant to § 423.19(g), where such unit has failed to permanently cease coal combustion by December 31, 2028, there shall be no discharge of pollutants in FGD wastewater after December 31, 2028.

(ii) For FGD wastewater discharges from a high FGD flow facility, the quantity of pollutants in FGD wastewater shall not exceed the quantity determined by multiplying the flow of FGD wastewater times the concentration listed in table 6 to this paragraph

§ 423.13

40 CFR Ch. I (7–1–25 Edition)

(g)(2)(ii). Dischargers must meet the effluent limitations for FGD wastewater in this paragraph (g)(2)(ii) by a date determined by the permitting authority that is as soon as possible beginning October 13, 2021, but no later than December 31, 2023. The effluent limitations in this paragraph (g)(2)(ii) apply to the discharge of FGD wastewater generated on and after the date determined by the permitting authority for meeting the effluent limitations, as specified in this paragraph (g)(2)(ii), until the date determined by the permitting authority for meeting the effluent limitations in paragraph (g)(4) of this section.

TABLE 6 TO PARAGRAPH (g)(2)(ii)

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Arsenic, total (µg/L)	11	8
Mercury, total (ng/L)	788	356

(iii) For FGD wastewater discharges from a low utilization electric generating unit, the quantity of pollutants in FGD wastewater shall not exceed the quantity determined by multiplying the flow of FGD wastewater times the concentration listed in table 6 to paragraph (g)(2)(ii) of this section. Dischargers must meet the effluent limitations for FGD wastewater in this paragraph (g)(2)(iii) by a date determined by the permitting authority that is as soon as possible beginning October 13, 2021, but no later than December 31, 2023. These effluent limitations apply to the discharge of FGD wastewater generated on and after the date determined by the permitting authority for meeting the effluent limitations, as specified in this paragraph (g)(2)(iii), until the date determined by the permitting authority for meeting the effluent limitations in paragraph (g)(4) of this section.

(3) *Voluntary incentives plan.* (i) For dischargers who voluntarily choose to meet the effluent limitations for FGD wastewater in this paragraph (g)(3)(i), the quantity of pollutants in FGD wastewater shall not exceed the quantity determined by multiplying the

flow of FGD wastewater times the concentration listed in table 7 to this paragraph (g)(3)(i). Dischargers who choose to meet the effluent limitations for FGD wastewater in this paragraph (g)(3)(i) must meet such limitations by December 31, 2028. The effluent limitations in this paragraph (g)(3)(i) apply to the discharge of FGD wastewater generated on and after December 31, 2028.

TABLE 7 TO PARAGRAPH (g)(3)(i)

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Arsenic, total (ug/L)	5	NA
Mercury, total (ng/L)	23	10
Selenium, total (ug/L)	10	NA
Nitrate/Nitrite (mg/L)	2.0	1.2
Bromide (mg/L)	0.2	NA
TDS (mg/L)	306	149

(ii) For discharges of FGD wastewater generated before December 31, 2023, the quantity of pollutants discharged in FGD wastewater shall not exceed the quantity determined by multiplying the flow of FGD wastewater times the concentration listed for TSS in § 423.12(b)(11).

(4) *2024 BAT.* (i) Except for those discharges to which paragraphs (g)(3) and (g)(4)(ii) through (iv) of this section applies, there shall be no discharge of pollutants in FGD wastewater.

(A) Dischargers must meet the effluent limitations for FGD wastewater in this paragraph (g)(4)(i) by a date determined by the permitting authority that is as soon as possible beginning July 8, 2024, but no later than December 31, 2029. These effluent limitations apply to the discharge of FGD wastewater generated on and after the date determined by the permitting authority for meeting the effluent limitations, as specified in this paragraph (g)(4)(i).

(B) A facility which submits a request under § 423.19(n) may discharge permeate or distillate from an FGD wastewater treatment system designed to achieve the limitations in this paragraph (g)(4)(i) for an additional period

of up to one year from the date determined in paragraph (g)(4)(i)(A) of this section.

(ii) For any electric generating unit with a total nameplate capacity of less than or equal to 50 megawatts or that is an oil-fired unit, the quantity of pollutants discharged in FGD wastewater shall not exceed the quantity determined by multiplying the flow of FGD wastewater times the concentration listed for TSS in § 423.12(b)(11).

(iii) For any electric generating unit for which the owner has submitted a certification pursuant to § 423.19(h), the quantity of pollutants discharged in FGD wastewater shall continue to be subject to limitations specified in paragraph (g)(1) or (g)(2)(ii) or (iii) of this section as incorporated into the existing permit.

(A) Where such unit has permanently ceased coal combustion by December 31, 2034, there shall be no discharge of pollutants in FGD wastewater after April 30, 2035.

(B) Where such unit has failed to permanently cease coal combustion by December 31, 2034, there shall be no discharge of pollutants in FGD wastewater after December 31, 2034.

(iv) For FGD wastewater discharged from any coal combustion residual surface impoundment which commences closure pursuant to 40 CFR 257.102(e) after July 8, 2024, the quantity of pollutants in FGD wastewater shall not exceed the quantity determined by multiplying the flow of FGD wastewater times the concentration listed in table 8 to this paragraph (g)(4)(iv).

TABLE 8 TO PARAGRAPH (g)(4)(iv)

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Arsenic, total (µg/L)	11	8
Mercury, total (ng/L)	788	356

(h) *Fly ash transport water.* (1)(i) *Fly ash transport water.* Except for those discharges to which paragraph (h)(2) of this section applies, or when the fly ash transport water is used in the FGD scrubber, there shall be no discharge of pollutants in fly ash transport water.

Dischargers must meet the discharge limitation in this paragraph by a date determined by the permitting authority that is as soon as possible beginning November 1, 2018, but no later than December 31, 2023. This limitation applies to the discharge of fly ash transport water generated on and after the date determined by the permitting authority for meeting the discharge limitation, as specified in this paragraph. Whenever fly ash transport water is used in any other plant process or is sent to a treatment system at the plant (except when it is used in the FGD scrubber), the resulting effluent must comply with the discharge limitation in this paragraph. When the fly ash transport water is used in the FGD scrubber, the quantity of pollutants in fly ash transport water shall not exceed the quantity determined by multiplying the flow of fly ash transport water times the concentration listed in the table in paragraph (g)(1)(i) of this section.

(ii) *Legacy fly ash transport water.* For fly ash transport water generated before the date determined by the permitting authority, as specified in paragraph (h)(1)(i) of this section, the EPA is declining to establish BAT limitations and is reserving such limitations to be established by the permitting authority on a case-by-case basis using the permitting authority's best professional judgment.

(2) For any electric generating unit with a total nameplate generating capacity of less than or equal to 50 megawatts or that is an oil-fired unit, the quantity of pollutants discharged in fly ash transport water shall not exceed the quantity determined by multiplying the flow of fly ash transport water times the concentration listed for TSS in § 423.12(b)(4).

(i) *Flue gas mercury control wastewater.* (1)(i) *Flue gas mercury control wastewater.* Except for those discharges to which paragraph (i)(2) of this section applies, there shall be no discharge of pollutants in flue gas mercury control wastewater. Dischargers must meet the discharge limitation in this paragraph by a date determined by the permitting authority that is as soon as possible beginning November 1, 2018, but no

§ 423.13

40 CFR Ch. I (7–1–25 Edition)

later than December 31, 2023. This limitation applies to the discharge of flue gas mercury control wastewater generated on and after the date determined by the permitting authority for meeting the discharge limitation, as specified in this paragraph. Whenever flue gas mercury control wastewater is used in any other plant process or is sent to a treatment system at the plant, the resulting effluent must comply with the discharge limitation in this paragraph.

(ii) *Legacy flue gas mercury control wastewater.* For flue gas mercury control wastewater generated before the date determined by the permitting authority, as specified in paragraph (i)(1)(i) of this section, the EPA is declining to establish BAT limitations and is reserving such limitations to be established by the permitting authority on a case-by-case basis using the permitting authority’s best professional judgment.

(2) For any electric generating unit with a total nameplate generating capacity of less than or equal to 50 megawatts or that is an oil-fired unit, the quantity of pollutants discharged in flue gas mercury control wastewater shall not exceed the quantity determined by multiplying the flow of flue gas mercury control wastewater times the concentration for TSS listed in § 423.12(b)(11).

(j)(1)(i) *Gasification wastewater.* Except for those discharges to which paragraph (j)(2) of this section applies, the quantity of pollutants in gasification wastewater shall not exceed the quantity determined by multiplying the flow of gasification wastewater times the concentration listed in the table following this paragraph (j)(1)(i). Dischargers must meet the effluent limitations in this paragraph by a date determined by the permitting authority that is as soon as possible beginning November 1, 2018, but no later than December 31, 2023. These effluent limitations apply to the discharge of gasification wastewater generated on and after the date determined by the permitting authority for meeting the effluent limitations, as specified in this paragraph.

Pollutant or pollutant property	BAT Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Arsenic, total (ug/L) ...	4	
Mercury, total (ng/L) ..	1.8	1.3
Selenium, total (ug/L) ..	453	227
Total dissolved solids (mg/L)	38	22

(ii) For discharges of gasification wastewater generated before the date determined by the permitting authority, as specified in paragraph (j)(1)(i) of this section, the quantity of pollutants discharged in gasification wastewater shall not exceed the quantity determined by multiplying the flow of gasification wastewater times the concentration for TSS listed in § 423.12(b)(11).

(2) For any electric generating unit with a total nameplate generating capacity of less than or equal to 50 megawatts or that is an oil-fired unit, the quantity of pollutants discharged in gasification wastewater shall not exceed the quantity determined by multiplying the flow of gasification wastewater times the concentration listed for TSS in § 423.12(b)(11).

(k) *Bottom ash transport water—(1) 2020 BAT.* (i) Except for those discharges to which paragraph (k)(2) of this section applies, or when the bottom ash transport water is used in the FGD scrubber, there shall be no discharge of pollutants in bottom ash transport water. Dischargers must meet the discharge limitation in this paragraph (k)(1)(i) by a date determined by the permitting authority that is as soon as possible beginning October 13, 2021, but no later than December 31, 2025. The limitation in this paragraph (k)(1)(i) applies to the discharge of bottom ash transport water generated on and after the date determined by the permitting authority for meeting the discharge limitation, as specified in this paragraph (k)(1)(i), until the date determined by the permitting authority for meeting the effluent limitations in paragraph (k)(4) of this section. Except for those discharges to which paragraph (k)(2) of this section applies, whenever bottom ash transport water is used in any other plant process or is sent to a

treatment system at the plant (except when it is used in the FGD scrubber), the resulting effluent must comply with the discharge limitation in this paragraph (k)(1)(i). When the bottom ash transport water is used in the FGD scrubber, it ceases to be bottom ash transport water, and instead is FGD wastewater, which must meet the requirements in paragraph (g) of this section.

(ii) For bottom ash transport water generated before the date determined by the permitting authority, as specified in paragraph (k)(1)(i) of this section, the EPA is declining to establish BAT limitations and is reserving such limitations to be established by the permitting authority on a case-by-case basis using the permitting authority's best professional judgment.

(2) *2020 BAT subcategories.* (i)(A) The discharge of pollutants in bottom ash transport water from a properly installed, operated, and maintained bottom ash system is authorized under the following conditions:

(1) To maintain system water balance when precipitation-related inflows are generated from storm events exceeding a 10-year storm event of 24-hour or longer duration (*e.g.*, 30-day storm event) and cannot be managed by installed spares, redundancies, maintenance tanks, and other secondary bottom ash system equipment; or

(2) To maintain system water balance when regular inflows from wastestreams other than bottom ash transport water exceed the ability of the bottom ash system to accept recycled water and segregating these other wastestreams is not feasible; or

(3) To maintain system water chemistry where installed equipment at the facility is unable to manage pH, corrosive substances, substances or conditions causing scaling, or fine particulates to below levels which impact system operation or maintenance; or

(4) To conduct maintenance not otherwise included in paragraph (k)(2)(i)(A)(1), (2), or (3) of this section and not exempted from the definition of transport water in §423.11(p), and when water volumes cannot be managed by installed spares, redundancies, maintenance tanks, and other secondary bottom ash system equipment.

(B) The total volume that may be discharged for the activities in paragraph (k)(2)(i)(A) of this section shall be reduced or eliminated to the extent achievable using control measures (including best management practices) that are technologically available and economically achievable in light of best industry practice. The total volume of the discharge authorized in this paragraph (k)(2)(i)(B) shall be determined on a case-by-case basis by the permitting authority and in no event shall such discharge exceed a 30-day rolling average of ten percent of the primary active wetted bottom ash system volume. The volume of daily discharges used to calculate the 30-day rolling average shall be calculated using measurements from flow monitors.

(ii) For any electric generating unit with a total nameplate generating capacity of less than or equal to 50 megawatts, that is an oil-fired unit, or for which the owner has certified to the permitting authority that it will cease combustion of coal pursuant to §423.19(g), the quantity of pollutants discharged in bottom ash transport water shall not exceed the quantity determined by multiplying the flow of the applicable wastewater times the concentration for TSS listed in §423.12(b)(4).

(A) Where a unit has certified that it will cease combustion of coal pursuant to §423.19(g) and such unit has permanently ceased coal combustion by December 31, 2028, there shall be no discharge of pollutants in bottom ash transport water after April 30, 2029.

(B) Where a unit has certified that it will cease combustion of coal pursuant to §423.19(g) and such unit has failed to permanently cease coal combustion by December 31, 2028, there shall be no discharge of pollutants in bottom ash transport water after December 31, 2028.

(iii) For bottom ash transport water generated by a low utilization electric generating unit, the quantity of pollutants discharged in bottom ash transport water shall not exceed the quantity determined by multiplying the flow of the applicable wastewater times the concentration for TSS listed

in § 423.12(b)(4), until the date determined by the permitting authority for meeting the effluent limitations in paragraph (k)(4) of this section, and shall incorporate the elements of a best management practices plan as described in paragraph (k)(3) of this section.

(3) *Best management practices plan.* Where required in paragraph (k)(2)(iii) of this section, the discharger shall prepare, implement, review, and update a best management practices plan for the recycle of bottom ash transport water, and must include:

(i) Identification of the low utilization coal-fired generating units that contribute bottom ash to the bottom ash transport system.

(ii) A description of the existing bottom ash handling system and a list of system components (*e.g.*, remote mechanical drag system, tanks, impoundments, chemical addition). Where multiple generating units share a bottom ash transport system, the plan shall specify which components are associated with low utilization generating units.

(iii) A detailed water balance, based on measurements, or estimates where measurements are not feasible, specifying the volume and frequency of water additions and removals from the bottom ash transport system, including:

(A) Water removed from the BA transport system:

(1) To the discharge outfall;

(2) To the FGD scrubber system;

(3) Through evaporation;

(4) Entrained with any removed ash; and

(5) To any other mechanisms not specified paragraphs (k)(3)(iii)(A)(1) through (4) of this section.

(B) Water entering or recycled to the BA transport system:

(1) Makeup water added to the BA transport water system.

(2) Bottom ash transport water recycled back to the system in lieu of makeup water.

(3) Any other mechanisms not specified in paragraphs (k)(3)(iii)(B)(1) and (2) of this section.

(iv) Measures to be employed by all facilities:

(A) Implementation of a comprehensive preventive maintenance program to identify, repair and replace equipment prior to failures that result in the release of bottom ash transport water.

(B) Daily or more frequent inspections of the entire bottom ash transport water system, including valves, pipe flanges and piping, to identify leaks, spills and other unintended bottom ash transport water escaping from the system, and timely repair of such conditions.

(C) Documentation of preventive and corrective maintenance performed.

(v) Evaluation of options and feasibility, accounting for the associated costs, for eliminating or minimizing discharges of bottom ash transport water, including:

(A) Segregation of bottom ash transport water from other process water.

(B) Minimization of the introduction of stormwater by diverting (*e.g.*, curbing, using covers) storm water to a segregated collection system.

(C) Recycling bottom ash transport water back to the bottom ash transport water system.

(D) Recycling bottom ash transport water for use in the FGD scrubber.

(E) Optimization of existing equipment (*e.g.*, pumps, pipes, tanks) and installing new equipment where practicable to achieve the maximum amount of recycle.

(F) Utilization of “in-line” treatment of transport water (*e.g.*, pH control, fines removal) where needed to facilitate recycle.

(vi) Description of the bottom ash recycle system, including all technologies, measures, and practices that will be used to minimize discharge.

(vii) A schedule showing the sequence of implementing any changes necessary to achieve the minimized discharge of bottom ash transport water, including the following:

(A) The anticipated initiation and completion dates of construction and installation associated with the technology components or process modifications specified in the plan.

(B) The anticipated dates that the discharger expects the technologies and process modifications to be fully implemented on a full-scale basis,

Environmental Protection Agency

§ 423.13

which in no case shall be later than December 31, 2023.

(C) The anticipated change in discharge volume and effluent quality associated with implementation of the plan.

(viii) Description establishing a method for documenting and demonstrating to the permitting/control authority that the recycle system is well operated and maintained.

(ix) Performance of weekly flow monitoring for the following:

(A) Make up water to the bottom ash transport water system.

(B) Bottom ash transport water sluice flow rate (*e.g.*, to the surface impoundment(s), dewatering bins(s), tank(s), remote mechanical drag system).

(C) Bottom ash transport water discharge to surface water or publicly owned treatment works (POTW).

(D) Bottom ash transport water recycle back to the bottom ash system or FGD scrubber.

(4) *2024 BAT.* (i) Except for those discharges to which paragraphs (k)(4)(ii) through (iv) of this section applies, or when the bottom ash transport water is used in the FGD scrubber, there shall be no discharge of pollutants in bottom ash transport water. Dischargers must meet the discharge limitation in this paragraph (k)(4)(i) by a date determined by the permitting authority that is as soon as possible beginning July 8, 2024, but no later than December 31, 2029. The limitation in this paragraph (k)(4)(i) applies to the discharge of bottom ash transport water generated on and after the date determined by the permitting authority for meeting the discharge limitation, as specified in this paragraph (k)(4)(i).

(ii) For any electric generating unit with a total nameplate generating capacity of less than or equal to 50 megawatts or that is an oil-fired unit, the quantity of pollutants discharged in bottom ash transport water shall not exceed the quantity determined by multiplying the flow of the applicable wastewater times the concentration for TSS listed in § 423.12(b)(4).

(iii) For any electric generating unit for which the owner has submitted a certification pursuant to § 423.19(h), the quantity of pollutants discharged in

bottom ash transport water shall continue to be subject to limitations specified in paragraph (k)(1) or (k)(2)(i) or (iii) of this section as incorporated into the existing permit.

(A) Where such unit has permanently ceased coal combustion by December 31, 2034, there shall be no discharge of pollutants in bottom ash transport water after April 30, 2035.

(B) Where such unit has failed to permanently cease coal combustion by December 31, 2034, there shall be no discharge of pollutants in bottom ash transport water after December 31, 2034.

(iv) For bottom ash transport water discharged from any coal combustion residual surface impoundment which commences closure pursuant to 40 CFR 257.102(e) after July 8, 2024, the quantity of pollutants in bottom ash transport water shall not exceed the quantity determined by multiplying the flow of bottom ash transport water times the concentration listed in table 10 to this paragraph (k)(4)(iv).

TABLE 10 TO PARAGRAPH (k)(4)(iv)

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Arsenic, total (µg/L)	11	8
Mercury, total (ng/L)	788	356

(1) *Combustion residual leachate—(1) 2024 BAT.* (i) Except for those discharges to which paragraph (1)(1)(i)(B) or (C) or (1)(2) of this section applies, there shall be no discharge of pollutants in combustion residual leachate.

(A) Dischargers must meet the effluent limitations for combustion residual leachate in this paragraph (1)(1)(i) by a date determined by the permitting authority that is as soon as possible beginning July 8, 2024, but no later than December 31, 2029. The effluent limitations in this paragraph (1)(1)(i) apply to the discharge of combustion residual leachate generated on and after the date determined by the permitting authority for meeting the effluent limitations, as specified in this paragraph (1)(1)(i).

(B) A facility which submits a request under § 423.19(n) may discharge permeate or distillate from a combustion residual leachate treatment system designed to achieve the limitations in this paragraph (1)(1)(i) for an additional period of up to one year from the date determined in paragraph (1)(1)(i)(A) of this section.

(C) After the retirement of all units at a facility, the quantity of pollutants in combustion residual leachate (CRL) shall not exceed the quantity determined by multiplying the flow of CRL permeate times the concentrations listed in the table 7 to paragraph (g)(3)(i) of this section or the flow of CRL distillate times the concentrations listed in the table following § 423.15(b)(13).

(ii) For combustion residual leachate generated before the date determined by the permitting authority, as specified in paragraph (1)(1)(i) of this section, the EPA is declining to establish BAT limitations and is reserving such limitations to be established by the permitting authority on a case-by-case basis using the permitting authority’s best professional judgment.

(2) *2024 BAT subcategories.* (i) Discharges of combustion residual leachate for which the owner has submitted a certification pursuant to § 423.19(h).

(A) Where such unit has permanently ceased coal combustion by December 31, 2034, the quantity of pollutants in combustion residual leachate shall not exceed the quantity determined by multiplying the flow of combustion residual leachate times the concentration listed in table 11 to this paragraph (1)(2)(i)(A) by a date determined by the permitting authority that is as soon as possible beginning 120 days after the facility permanently ceases coal combustion, but no later than April 30, 2035.

TABLE 11 TO PARAGRAPH (1)(2)(i)(A)

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Arsenic, total (µg/L)	11	8
Mercury, total (ng/L)	788	356

(B) Where such unit has failed to permanently cease coal combustion by December 31, 2034, there shall be no discharge of pollutants in combustion residual leachate after December 31, 2034.

(ii) For discharges of unmanaged combustion residual leachate, the quantity of pollutants in unmanaged combustion residual leachate shall not exceed the quantity determined by multiplying the flow of unmanaged combustion residual leachate times the concentration listed in the table 11 to paragraph (1)(2)(i)(A) of this section.

(A) Dischargers must meet the effluent limitations for unmanaged combustion residual leachate in this paragraph (1)(2)(ii) by a date determined by the permitting authority that is as soon as possible beginning July 8, 2024, but no later than December 31, 2029. The effluent limitations in this paragraph (1)(2)(ii) apply to the discharge of unmanaged combustion residual leachate generated on and after the date determined by the permitting authority for meeting the effluent limitations, as specified in this paragraph (1)(2)(ii).

(B) Discharges of unmanaged combustion residual leachate before the date determined in paragraph (1)(2)(ii)(A) of this section.

(iii) For combustion residual leachate discharged from any coal combustion residual surface impoundment which commences closure pursuant to 40 CFR 257.102(e) after July 8, 2024, the quantity of pollutants in combustion residual leachate shall not exceed the quantity determined by multiplying the flow of combustion residual leachate times the concentration listed in table 12 to this paragraph (1)(2)(iii).

TABLE 12 TO PARAGRAPH (1)(2)(iii)

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Arsenic, total (µg/L)	11	8
Mercury, total (ng/L)	788	356

(m) At the permitting authority’s discretion, the quantity of pollutant allowed to be discharged may be expressed as a concentration limitation instead of any mass based limitations

Environmental Protection Agency

§ 423.15

specified in paragraphs (b) through (l) of this section. Concentration limitations shall be those concentrations specified in this section.

(n) In the event that wastestreams from various sources are combined for treatment or discharge, the quantity of each pollutant or pollutant property controlled in paragraphs (a) through (m) of this section attributable to each controlled waste source shall not exceed the specified limitation for that waste source.

(o) *Transfers.* (1) Transfer between applicable limitations in a permit. Where, in the permit, the permitting authority has included alternative limits subject to eligibility requirements, upon timely notification to the permitting authority under § 423.19(1), a facility can become subject to the alternative limits under the following circumstances:

(i) On or before December 31, 2023, a facility may convert:

(A) From limitations for electric generating units permanently ceasing coal combustion under paragraph (g)(2)(i) or (k)(2)(ii) of this section to limitations for low utilization electric generating units under paragraph (g)(2)(iii) or (k)(2)(iii) of this section; or

(B) From voluntary incentives program limitations under paragraph (g)(3)(i) of this section or generally applicable limitations under paragraph (k)(1)(i) of this section to limitations for low utilization electric generating units under paragraph (g)(2)(iii) or (k)(2)(iii) of this section.

(ii) On or before December 31, 2025, a facility may convert:

(A) From voluntary incentives program limitations under paragraph (g)(3)(i) of this section to limitations for electric generating units permanently ceasing coal combustion under paragraph (g)(2)(i) of this section; or

(B) From limitations for electric generating units permanently ceasing coal combustion under paragraph (g)(2)(i) or (k)(2)(ii) of this section to voluntary incentives program limitations under paragraph (g)(3)(i) of this section or generally applicable limitations under (k)(1)(i) of this section; or

(C) From limitations for low utilization electric generating units under paragraph (g)(2)(iii) or (k)(2)(iii) of this

section to generally applicable limitations under paragraph (g)(1)(i) or (k)(1)(i) of this section; or

(D) From limitations for low utilization electric generating units under paragraph (g)(2)(iii) or (k)(2)(iii) of this section to voluntary incentives program limitations under paragraph (g)(3)(i) of this section or generally applicable limitations under paragraph (k)(1)(i) of this section; or

(E) From limitations for low utilization electric generating units under paragraph (g)(2)(iii) or (k)(2)(iii) of this section to limitations for electric generating units permanently ceasing coal combustion under paragraph (g)(2)(i) and (k)(2)(ii) of this section.

(2) A facility must be in compliance with all of its currently applicable requirements to be eligible to file a notice under § 423.19(1) and to become subject to a different set of applicable requirements under paragraph (o)(1) of this section.

(3) Where a facility seeking a transfer under paragraph (o)(1)(ii) of this section is currently subject to more stringent limitations than the limitations being sought, the facility must continue to meet those more stringent limitations.

(The information collection requirements contained in paragraphs (c)(2) and (d)(2) were approved by the Office of Management and Budget under control number 2040-0040. The information collection requirements contained in paragraph (d)(3) were approved under control number 2040-0033)

[47 FR 52304, Nov. 19, 1982, as amended at 48 FR 31404, July 8, 1983; 80 FR 67894, Nov. 3, 2015; 82 FR 43500, Sept. 18, 2017; 85 FR 64716, Oct. 13, 2020; 89 FR 40294, May 9, 2024]

§ 423.14 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT). [Reserved]

§ 423.15 New source performance standards (NSPS).

(a) *1982 NSPS.* Any new source as of November 19, 1982, subject to paragraph (a) of this section, must achieve the following new source performance standards, in addition to the limitations in § 423.13 of this part, established

§ 423.15

40 CFR Ch. I (7-1-25 Edition)

on November 3, 2015. In the case of conflict, the more stringent requirements apply:

(1) *pH*. The pH of all discharges, except once through cooling water, shall be within the range of 6.0-9.0.

(2) *PCBs*. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.

(3) *Low volume waste sources, FGD wastewater, flue gas mercury control wastewater, combustion residual leachate, and gasification wastewater*. The quantity of pollutants discharged in low volume waste sources, FGD wastewater, flue gas mercury control wastewater, combustion residual leachate, and gasification wastewater shall not exceed the quantity determined by multiplying the flow of low volume waste sources times the concentration listed in the following table:

Pollutant or pollutant property	NSPS	
	Maximum for any 1 day (mg/l)	Average of daily values for 30 consecutive days shall not exceed (mg/l)
TSS	100.0	30.0
Oil and grease	20.0	15.0

(4) *Chemical metal cleaning wastes*. The quantity of pollutants discharged in chemical metal cleaning wastes shall not exceed the quantity determined by multiplying the flow of chemical metal cleaning wastes times the concentration listed in the following table:

Pollutant or pollutant property	NSPS
	Maximum concentrations (mg/l)
Total residual chlorine	0.20

(ii) Total residual chlorine may only be discharged from any single generating unit for more than two hours per day when the discharger demonstrates to the permitting authority that discharge for more than two hours is required for macroinvertebrate control. Simultaneous multi-unit chlorination is permitted.

Pollutant or pollutant property	NSPS	
	Maximum for any 1 day (mg/l)	Average of daily values for 30 consecutive days shall not exceed (mg/l)
TSS	100.0	30.0
Oil and grease	20.0	15.0
Copper, total	1.0	1.0
Iron, total	1.0	1.0

(5) [Reserved]

(6) *Bottom ash transport water*. The quantity of pollutants discharged in bottom ash transport water shall not exceed the quantity determined by multiplying the flow of the bottom ash transport water times the concentration listed in the following table:

Pollutant or pollutant property	NSPS	
	Maximum for any 1 day (mg/l)	Average of daily values for 30 consecutive days shall not exceed (mg/l)
TSS	100.0	30.0
Oil and grease	20.0	15.0

(7) *Fly ash transport water*. There shall be no discharge of pollutants in fly ash transport water.

(8)(i) *Once through cooling water*. For any plant with a total rated electric generating capacity of 25 or more megawatts, the quantity of pollutants discharged in once through cooling water from each discharge point shall not exceed the quantity determined by multiplying the flow of once through cooling water from each discharge point times the concentration listed in the following table:

Pollutant or pollutant property	NSPS
	Maximum concentrations (mg/l)
Total residual chlorine	0.20

(9)(i) *Once through cooling water*. For any plant with a total rated generating capacity of less than 25 megawatts, the quantity of pollutants discharged in once through cooling water shall not exceed the quantity determined by multiplying the flow of once through cooling water sources times the concentration listed in the following table:

Environmental Protection Agency

§ 423.15

Pollutant or pollutant property	NSPS	
	Maximum concentration (mg/l)	Average concentration (mg/l)
Free available chlorine	0.5	0.2

(ii) Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than two hours in any one day and not more than one unit in any plant may discharge free available or total residual chlorine at any one time unless the utility can demonstrate to the Regional Administrator or state, if the state has NPDES permit issuing au-

thority, that the units in a particular location cannot operate at or below this level of chlorination.

(10)(i) *Cooling tower blowdown.* The quantity of pollutants discharged in cooling tower blowdown shall not exceed the quantity determined by multiplying the flow of cooling tower blowdown times the concentration listed below:

Pollutant or pollutant property	NSPS	
	Maximum concentration (mg/l)	Average concentration (mg/l)
Free available chlorine	0.5	0.2

Pollutant or pollutant property	NSPS	
	Maximum for any 1 day (mg/l)	Average of daily values for 30 consecutive days shall not exceed (mg/l)
The 126 priority pollutants (appendix A) contained in chemicals added for cooling tower maintenance, except:	(1)	(1)
Chromium, total ..	0.2	0.2
zinc, total	1.0	1.0

¹No detectable amount.

(ii) Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than two hours in any one day and not more than one unit in any plant may discharge free available or total residual chlorine at any one time unless the utility can demonstrate to the Regional Administrator or state, if the state has NPDES permit issuing authority, that the units in a particular location cannot operate at or below this level of chlorination.

(iii) At the permitting authority's discretion, instead of the monitoring in 40 CFR 122.11(b), compliance with the standards for the 126 priority pollutants in paragraph (a)(10)(i) of this section may be determined by engineering calculations which demonstrate that the regulated pollutants are not de-

tectable in the final discharge by the analytical methods in 40 CFR part 136.

(11) *Coal pile runoff.* Subject to the provisions of paragraph (a)(12) of this section, the quantity or quality of pollutants or pollutant parameters discharged in coal pile runoff shall not exceed the standards specified below:

Pollutant or pollutant property	NSPS for any time
TSS	not to exceed 50 mg/l.

(12) *Coal pile runoff.* Any untreated overflow from facilities designed, constructed, and operated to treat the coal pile runoff which results from a 10 year, 24 hour rainfall event shall not be subject to the standards in paragraph (a)(11) of this section.

(13) At the permitting authority's discretion, the quantity of pollutant allowed to be discharged may be expressed as a concentration limitation instead of any mass based limitations specified in paragraphs (a)(3) through (10) of this section. Concentration limits shall be based on the concentrations specified in this section.

(14) In the event that wastestreams from various sources are combined for treatment or discharge, the quantity of each pollutant or pollutant property controlled in paragraphs (a)(1) through (13) of this section attributable to each

§ 423.15

40 CFR Ch. I (7-1-25 Edition)

controlled waste source shall not exceed the specified limitation for that waste source.

(b) *2015 NSPS*. Any new source as of November 17, 2015, subject to paragraph (b) of this section, must achieve the following new source performance standards:

(1) *pH*. The pH of all discharges, except once through cooling water, shall be within the range of 6.0-9.0.

(2) *PCBs*. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.

(3) *Low volume waste sources*. The quantity of pollutants discharged from low volume waste sources shall not exceed the quantity determined by multiplying the flow of low volume waste sources times the concentration listed in the following table:

Pollutant or pollutant property	NSPS	
	Maximum for any 1 day (mg/l)	Average of daily values for 30 consecutive days shall not exceed (mg/l)
TSS	100.0	30.0
Oil and grease	20.0	15.0

(4) *Chemical metal cleaning wastes*. The quantity of pollutants discharged in chemical metal cleaning wastes shall not exceed the quantity determined by multiplying the flow of chemical metal cleaning wastes times the concentration listed in the following table:

Pollutant or pollutant property	NSPS
	Maximum concentration (mg/l)
Total residual chlorine	0.20

(ii) Total residual chlorine may only be discharged from any single generating unit for more than two hours per day when the discharger demonstrates to the permitting authority that discharge for more than two hours is required for macroinvertebrate control. Simultaneous multi-unit chlorination is permitted.

Pollutant or pollutant property	NSPS	
	Maximum for any 1 day (mg/l)	Average of daily values for 30 consecutive days shall not exceed (mg/l)
TSS	100.0	30.0
Oil and grease	20.0	15.0
Copper, total	1.0	1.0
Iron, total	1.0	1.0

(5) [Reserved]

(6) *Bottom ash transport water*. There shall be no discharge of pollutants in bottom ash transport water. Whenever bottom ash transport water is used in any other plant process or is sent to a treatment system at the plant, the resulting effluent must comply with the discharge standard in this paragraph.

(7) *Fly ash transport water*. There shall be no discharge of pollutants in fly ash transport water. Whenever fly ash transport water is used in any other plant process or is sent to a treatment system at the plant, the resulting effluent must comply with the discharge standard in this paragraph.

(8)(i) *Once through cooling water*. For any plant with a total rated electric generating capacity of 25 or more megawatts, the quantity of pollutants discharged in once through cooling water from each discharge point shall not exceed the quantity determined by multiplying the flow of once through cooling water from each discharge point times the concentration listed in the following table:

(9)(i) *Once through cooling water*. For any plant with a total rated generating capacity of less than 25 megawatts, the quantity of pollutants discharged in once through cooling water shall not exceed the quantity determined by multiplying the flow of once through cooling water sources times the concentration listed in the following table:

Environmental Protection Agency

§ 423.15

Pollutant or pollutant property	NSPS	
	Maximum concentration (mg/l)	Average concentration (mg/l)
Free available chlorine	0.5	0.2

(ii) Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than two hours in any one day and not more than one unit in any plant may discharge free available or total residual chlorine at any one time unless the utility can demonstrate to the Regional Administrator or state, if the state has NPDES permit issuing au-

thority, that the units in a particular location cannot operate at or below this level of chlorination.

(10)(i) *Cooling tower blowdown.* The quantity of pollutants discharged in cooling tower blowdown shall not exceed the quantity determined by multiplying the flow of cooling tower blowdown times the concentration listed below:

Pollutant or pollutant property	NSPS	
	Maximum concentration (mg/l)	Average concentration (mg/l)
Free available chlorine	0.5	0.2

Pollutant or pollutant property	NSPS	
	Maximum for any 1 day (mg/l)	Average of daily values for 30 consecutive days shall not exceed (mg/l)
The 126 priority pollutants (appendix A) contained in chemicals added for cooling tower maintenance, except:	(¹)	(¹)
Chromium, total	0.2	0.2
zinc, total	1.0	1.0

¹ No detectable amount.

(ii) Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than two hours in any one day and not more than one unit in any plant may discharge free available or total residual chlorine at any one time unless the utility can demonstrate to the Regional Administrator or state, if the state has NPDES permit issuing authority, that the units in a particular location cannot operate at or below this level of chlorination.

(11) *Coal pile runoff.* Subject to the provisions of paragraph (b)(12) of this section, the quantity or quality of pollutants or pollutant parameters discharged in coal pile runoff shall not exceed the standards specified below:

Pollutant or pollutant property	NSPS for any time
TSS	not to exceed 50 mg/l.

(12) *Coal pile runoff.* Any untreated overflow from facilities designed, constructed, and operated to treat the coal pile runoff which results from a 10 year, 24 hour rainfall event shall not be subject to the standards in paragraph (b)(11) of this section.

(iii) At the permitting authority's discretion, instead of the monitoring in 40 CFR 122.11(b), compliance with the standards for the 126 priority pollutants in paragraph (b)(10)(i) of this section may be determined by engineering calculations demonstrating that the regulated pollutants are not detectable in the final discharge by the analytical methods in 40 CFR part 136.

(13) *FGD wastewater.* The quantity of pollutants discharged in FGD wastewater shall not exceed the quantity determined by multiplying the flow of FGD wastewater times the concentration listed in the following table:

§ 423.16

40 CFR Ch. I (7-1-25 Edition)

Pollutant or pollutant property	NSPS	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Arsenic, total (ug/L) ...	4	
Mercury, total (ng/L) ..	39	24
Selenium, total (ug/L)	5	
TDS (mg/L)	50	24

(14) *Flue gas mercury control wastewater.* There shall be no discharge of pollutants in flue gas mercury control wastewater. Whenever flue gas mercury control wastewater is used in any other plant process or is sent to a treatment system at the plant, the resulting effluent must comply with the discharge standard in this paragraph.

(15) *Gasification wastewater.* The quantity of pollutants discharged in gasification wastewater shall not exceed the quantity determined by multiplying the flow of gasification wastewater times the concentration listed in the following table:

Pollutant or pollutant property	NSPS	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Arsenic, total (ug/L) ...	4	
Mercury, total (ng/L) ..	1.8	1.3
Selenium, total (ug/L)	453	227
Total dissolved solids (mg/L)	38	22

(16) *Combustion residual leachate.* The quantity of pollutants discharged in combustion residual leachate shall not exceed the quantity determined by multiplying the flow of combustion residual leachate times the concentration listed in the following table:

Pollutant or pollutant property	NSPS	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Arsenic, total (ug/L) ...	11	8
Mercury, total (ng/L) ..	788	356

(17) At the permitting authority's discretion, the quantity of pollutant allowed to be discharged may be expressed as a concentration limitation instead of any mass based limitations specified in paragraphs (b)(3) through (16) of this section. Concentration limits shall be based on the concentrations specified in this section.

(18) In the event that wastestreams from various sources are combined for treatment or discharge, the quantity of each pollutant or pollutant property controlled in paragraphs (b)(1) through (16) of this section attributable to each controlled waste source shall not exceed the specified limitation for that waste source.

(c) *2024 NSPS for combustion residual leachate.* (1) Except as provided in paragraph (c)(2) of this section, there shall be no discharge of pollutants in combustion residual leachate (CRL). Whenever CRL is used in any other plant process or is sent to a treatment system at the plant, the resulting effluent must comply with the discharge standard in this paragraph (c).

(2) After the retirement of all units at a facility, the quantity of pollutants in CRL shall not exceed the quantity determined by multiplying the flow of CRL permeate times the concentrations listed in table 7 to §423.13(g)(3)(i) or the flow of CRL distillate times the concentrations listed in the table in paragraph (b)(13) of this section.

(The information collection requirements contained in paragraphs (a)(8)(ii), (a)(9)(ii), and (a)(10)(ii), (b)(8)(ii), (b)(9)(ii), and (b)(10)(ii) were approved by the Office of Management and Budget under control number 2040-0040. The information collection requirements contained in paragraphs (a)(10)(iii) and (b)(10)(iii) were approved under control number 2040-0033.)

[80 FR 67896, Nov. 3, 2015, as amended at 89 FR 40299, May 9, 2024]

§ 423.16 Pretreatment standards for existing sources (PSES).

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR part 403 and achieve the following pretreatment standards for existing sources (PSES) by July 1, 1984:

(a) There shall be no discharge of polychlorinated biphenol compounds such as those used for transformer fluid.

(b) The pollutants discharged in chemical metal cleaning wastes shall not exceed the concentration listed in the following table:

Environmental Protection Agency

§ 423.16

Pollutant or pollutant property	PSES pretreatment standards
	Maximum for 1 day (mg/l)
Copper, total	1.0

(c) [Reserved—Nonchemical Metal Cleaning Wastes].

(d)(1) The pollutants discharged in cooling tower blowdown shall not exceed the concentration listed in the following table:

Pollutant or pollutant property	PSES pretreatment standards
	Maximum for any time (mg/l)
The 126 priority pollutants (Appendix A) contained in chemicals added for cooling tower maintenance, except:	(¹)
Chromium, total	0.2
Zinc, total	1.0

¹ No detectable amount.

(2) At the permitting authority's discretion, instead of the monitoring in 40 CFR 122.11(b), compliance with the limitations for the 126 priority pollutants in paragraph (d)(1) of this section may be determined by engineering calculations which demonstrate that the regulated pollutants are not detectable in the final discharge by the analytical methods in 40 CFR part 136.

(e) *FGD wastewater*—(1) *2020 PSES*. Except as provided for in paragraph (e)(2) of this section, for any electric generating unit with a total nameplate generating capacity of more than 50 megawatts, that is not an oil-fired unit, and that the owner has not certified that it will cease coal combustion pursuant to § 423.19(g), the quantity of pollutants in FGD wastewater shall not exceed the quantity determined by multiplying the flow of FGD wastewater times the concentration listed in table 3 to this paragraph (e)(1). Dischargers must meet the standards in this paragraph (e)(1) by October 13, 2023, except as provided for in paragraph (e)(2) of this section. The standards in this paragraph (e)(1) apply to the discharge of FGD wastewater generated on and after October 13, 2023.

TABLE 3 TO PARAGRAPH (e)(1)

Pollutant or pollutant property	PSES	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Arsenic, total (µg/L)	18	8
Mercury, total (ng/L)	103	34
Selenium, total (µg/L)	70	29
Nitrate/nitrite as N (mg/L) ..	4	3

(2) *2020 PSES subcategories*. (i) For FGD wastewater discharges from a low utilization electric generating unit, the quantity of pollutants in FGD wastewater shall not exceed the quantity determined by multiplying the flow of FGD wastewater times the concentration listed in the table 4 to paragraph (e)(2)(ii) of this section. Dischargers must meet the standards in this paragraph (e)(2)(i) by October 13, 2023.

(ii) If any low utilization electric generating unit fails to timely recertify that the two year average capacity utilization rating of such an electric generating unit is below 10 percent per year as specified in § 423.19(f), regardless of the reason, within two years from the date such a recertification was required, the quantity of pollutants in FGD wastewater shall not exceed the quantity determined by multiplying the flow of FGD wastewater times the concentration listed in the table 3 to paragraph (e)(1) of this section.

TABLE 4 TO PARAGRAPH (e)(2)(ii)

Pollutant or pollutant property	PSES	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Arsenic, total (µg/L)	11	8
Mercury, total (ng/L)	788	356

(3) *2024 PSES*. Except as provided for in paragraph (e)(4) of this section, for any electric generating unit with a total nameplate generating capacity of more than 50 megawatts and that is not an oil-fired unit, there shall be no discharge of pollutants in FGD wastewater. Dischargers must meet the standards in this paragraph (e)(3) by

May 9, 2027, except as provided for in paragraph (e)(4) of this section. The standards in this paragraph (e)(3) apply to the discharge of FGD wastewater generated on and after May 9, 2027.

(4) *2024 PSES subcategories.* (i) For any electric generating unit for which the owner has submitted a certification pursuant to §423.19(h), the quantity of pollutants discharged in FGD wastewater shall continue to be subject to standards specified in paragraph (e)(1) or (2) of this section as incorporated into the existing control mechanism.

(A) Where such unit has permanently ceased coal combustion by December 31, 2034, there shall be no discharge of pollutants in FGD wastewater after April 30, 2035.

(B) Where such unit has failed to permanently cease coal combustion by December 31, 2034, there shall be no discharge of pollutants in FGD wastewater after December 31, 2034.

(ii) For FGD wastewater discharged from any coal combustion residual surface impoundment which commences closure pursuant to 40 CFR 257.102(e) after July 8, 2024, the quantity of pollutants in FGD wastewater shall not exceed the quantity determined by multiplying the flow of FGD wastewater times the concentration listed in the table 5 to this paragraph (e)(4)(ii).

TABLE 5 TO PARAGRAPH (e)(4)(ii)

Pollutant or pollutant property	PSES	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Arsenic, total (µg/L)	11	8
Mercury, total (ng/L)	788	356

(f) *Fly ash transport water.* Except when the fly ash transport water is used in the FGD scrubber, for any electric generating unit with a total nameplate generating capacity of more than 50 megawatts and that is not an oil-fired unit, there shall be no discharge of pollutants in fly ash transport water. This standard applies to the discharge of fly ash transport water generated on and after November 1, 2018. Whenever fly ash transport water is used in any other plant process or is sent to a treatment system at the

plant (except when it is used in the FGD scrubber), the resulting effluent must comply with the discharge standard in this paragraph. When the fly ash transport water is used in the FGD scrubber, the quantity of pollutants in fly ash transport water shall not exceed the quantity determined by multiplying the flow of fly ash transport water times the concentration listed in the table in paragraph (e) of this section.

(g) *Bottom ash transport water—(1) 2020 PSES.* Except for those discharges to which paragraph (g)(2) of this section applies, or when the bottom ash transport water is used in the FGD scrubber, for any electric generating unit with a total nameplate generating capacity of more than 50 megawatts, that is not an oil-fired unit, that is not a low utilization electric generating unit, and that the owner has not certified that the electric generating unit will cease coal combustion pursuant to §423.19(g), there shall be no discharge of pollutants in bottom ash transport water. The standard in this paragraph (g)(1) applies to the discharge of bottom ash transport water generated on and after October 13, 2023. Except for those discharges to which paragraph (g)(2) of this section applies, whenever bottom ash transport water is used in any other plant process or is sent to a treatment system at the plant (except when it is used in the FGD scrubber), the resulting effluent must comply with the discharge standard in this paragraph (g)(1). When the bottom ash transport water is used in the FGD scrubber, the quantity of pollutants in bottom ash transport water shall not exceed the quantity determined by multiplying the flow of bottom ash transport water times the concentration listed in table 3 to paragraph (e)(1) of this section.

(2) *2020 PSES subcategories.* (i) The discharge of pollutants in bottom ash transport water from a properly installed, operated, and maintained bottom ash system is authorized under the following conditions:

(A) To maintain system water balance when precipitation-related inflows are generated from a 10-year

Environmental Protection Agency

§ 423.16

storm event of 24-hour or longer duration (*e.g.*, 30-day storm event) and cannot be managed by installed spares, redundancies, maintenance tanks, and other secondary bottom ash system equipment; or

(B) To maintain system water balance when regular inflows from wastestreams other than bottom ash transport water exceed the ability of the bottom ash system to accept recycled water and segregating these other wastestreams is feasible; or

(C) To maintain system water chemistry where current operations at the facility are unable to currently manage pH, corrosive substances, substances or conditions causing scaling, or fine particulates to below levels which impact system operation or maintenance; or

(D) To conduct maintenance not otherwise included in paragraphs (g)(2)(i)(A), (B), or (C) of this section and not exempted from the definition of transport water in §423.11(p), and when water volumes cannot be managed by installed spares, redundancies, maintenance tanks, and other secondary bottom ash system equipment.

(ii) The total volume that may be discharged to a POTW for the activities in paragraphs (g)(2)(i)(A) through (D) of this section shall be reduced or eliminated to the extent achievable as determined by the control authority. The control authority may also include control measures (including best management practices) that are technologically available and economically achievable in light of best industry practice. In no event shall the total volume of the discharge exceed a 30-day rolling average of ten percent of the primary active wetted bottom ash system volume. The volume of daily discharges used to calculate the 30-day rolling average shall be calculated using measurements from flow monitors.

(iii) For bottom ash transport water generated by a low utilization electric generating unit, the quantity of pollutants discharged in bottom ash transport water shall incorporate the elements of a best management practices plan as described in §423.13(k)(3).

(3) *2024 PSES*. Except for those discharges to which paragraph (g)(4) of this section applies, for any electric

generating unit with a total nameplate generating capacity of more than 50 megawatts, that is not an oil-fired unit, there shall be no discharge of pollutants in bottom ash transport water. The standard in this paragraph (g)(3) applies to the discharge of bottom ash transport water generated on and after May 9, 2027. Except for those discharges to which paragraph (g)(4) of this section applies, whenever bottom ash transport water is used in any other plant process or is sent to a treatment system at the plant, the resulting effluent must comply with the discharge standard in this paragraph (g)(3).

(4) *2024 PSES subcategories*. (i) For any electric generating unit for which the owner has submitted a certification pursuant to §423.19(h), the quantity of pollutants discharged in bottom ash transport water shall continue to be subject to standards specified in paragraph (g)(1) or (2) as incorporated into the existing control mechanism.

(A) Where such unit has permanently ceased coal combustion by December 31, 2034, there shall be no discharge of pollutants in bottom ash transport water after April 30, 2035.

(B) Where such unit has failed to permanently cease coal combustion by December 31, 2034, there shall be no discharge of pollutants in bottom ash transport water after December 31, 2034.

(ii) For bottom ash transport water discharged from any coal combustion residual surface impoundment which commences closure pursuant to 40 CFR 257.102(e) after July 8, 2024, the quantity of pollutants in bottom ash transport water shall not exceed the quantity determined by multiplying the flow of bottom ash transport water times the concentration listed in table 6 to this paragraph (g)(4)(ii).

TABLE 6 TO PARAGRAPH (g)(4)(ii)

Pollutant or pollutant property	PSES	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Arsenic, total (µg/L)	11	8
Mercury, total (ng/L)	788	356

§ 423.16

40 CFR Ch. I (7–1–25 Edition)

(h) *Flue gas mercury control wastewater.* For any electric generating unit with a total nameplate generating capacity of more than 50 megawatts and that is not an oil-fired unit, there shall be no discharge of pollutants in flue gas mercury control wastewater. This standard applies to the discharge of flue gas mercury control wastewater generated on and after November 1, 2018. Whenever flue gas mercury control wastewater is used in any other plant process or is sent to a treatment system at the plant, the resulting effluent must comply with the discharge standard in this paragraph.

(i) *Gasification wastewater.* For any electric generating unit with a total nameplate generating capacity of more than 50 megawatts and that is not an oil-fired unit, the quantity of pollutants in gasification wastewater shall not exceed the quantity determined by multiplying the flow of gasification wastewater times the concentration listed in the table following this paragraph (i). Dischargers must meet the standards in this paragraph by November 1, 2018. These standards apply to the discharge of gasification wastewater generated on and after November 1, 2018.

Pollutant or pollutant property	PSES	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Arsenic, total (µg/L) ...	4	1.3
Mercury, total (ng/L) ..	1.8	227
Selenium, total (µg/L)	453	
Total dissolved solids (mg/L)	38	22

(j) *Combustion residual leachate*—(1) *2024 PSES.* (i) Except for those discharges to which paragraph (j)(2) or (j)(1)(ii) of this section applies, there shall be no discharge of pollutants in combustion residual leachate. The standard in this paragraph (j)(1)(i) applies to the discharge of combustion residual leachate generated on and after May 9, 2027. Except for those discharges to which paragraph (j)(2) of this section applies, whenever combustion residual leachate is used in any other plant process or is sent to a treatment system at the plant, the resulting effluent must comply with the discharge standard in this paragraph (j)(1)(i).

(ii) After the retirement of all units at a facility, the quantity of pollutants in CRL shall not exceed the quantity determined by multiplying the flow of CRL permeate times the concentrations listed in the table 7 to § 423.13(g)(3)(i) or the flow of CRL distillate times the concentrations listed in the table in § 423.15(b)(13).

(2) *2024 PSES subcategories.* (i) Except as described in paragraph (j)(2)(i)(A) of this section, the EPA is declining to establish PSES for electric generating units for which the owner has submitted a certification pursuant to § 423.19(h) and is reserving such standards to be established by the control authority on a case-by-case.

(A) Where such unit has permanently ceased coal combustion by December 31, 2034, the quantity of pollutants in combustion residual leachate shall not exceed the quantity determined by multiplying the flow of combustion residual leachate times the concentration listed in the table 7 to this paragraph (j)(2)(i)(A) no later than April 30, 2035.

TABLE 7 TO PARAGRAPH (j)(2)(i)(A)

Pollutant or pollutant property	PSES	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Arsenic, total (µg/L)	11	8
Mercury, total (ng/L)	788	356

(B) Where such unit has failed to permanently cease coal combustion by December 31, 2034, there shall be no discharge of pollutants in FGD wastewater after December 31, 2034.

(ii) For combustion residual leachate discharged from any coal combustion residual surface impoundment which commences closure pursuant to 40 CFR 257.102(e) after July 8, 2024, the quantity of pollutants in combustion residual leachate shall not exceed the quantity determined by multiplying the flow of combustion residual leachate times the concentration listed in table 8 to this paragraph (j)(2)(ii).

Environmental Protection Agency

§ 423.17

TABLE 8 TO PARAGRAPH (j)(2)(ii)

Pollutant or pollutant property	PSES	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Arsenic, total (µg/L)	11	8
Mercury, total (ng/L)	788	356

[47 FR 52304, Nov. 19, 1982, as amended at 80 FR 67901, Nov. 3, 2015; 82 FR 43500, Sept. 18, 2017; 85 FR 64720, Oct. 13, 2020; 89 FR 40299, May 9, 2024]

§ 423.17 Pretreatment standards for new sources (PSNS).

(a) *1982 PSNS.* Except as provided in 40 CFR 403.7, any new source as of Oc-

tober 14, 1980, subject to paragraph (a) of this section, which introduces pollutants into a publicly owned treatment works, must comply with 40 CFR part 403, the following pretreatment standards for new sources, and the PSES in § 423.16, established on November 3, 2015. In the case of conflict, the more stringent standards apply:

(1) *PCBs.* There shall be no discharge of polychlorinated biphenyl compounds such as those used for transformer fluid.

(2) *Chemical metal cleaning wastes.* The pollutants discharged in chemical metal cleaning wastes shall not exceed the concentration listed in the following table:

Pollutant or pollutant property	PSNS
	Maximum for any 1 day (mg/L)
Copper, total	1.0

(3) [Reserved]

(4)(i) *Cooling tower blowdown.* The pollutants discharged in cooling tower

blowdown shall not exceed the concentration listed in the following table:

Pollutant or pollutant property	PSNS
	Maximum for any time (mg/L)
The 126 priority pollutants (appendix A) contained in chemicals added for cooling tower maintenance, except:	(¹)
Chromium, total	0.2
zinc, total	1.0

¹ No detectable amount.

(ii) At the permitting authority's discretion, instead of the monitoring in 40 CFR 122.11(b), compliance with the standards for the 126 priority pollutants in paragraph (a)(4)(i) of this section may be determined by engineering calculations which demonstrate that the regulated pollutants are not detectable in the final discharge by the analytical methods in 40 CFR part 136.

(5) *Fly ash transport water.* There shall be no discharge of wastewater pollutants from fly ash transport water.

(b) *2015 PSNS.* Except as provided in 40 CFR 403.7, any new source as of June

7, 2013, subject to this paragraph (b), which introduces pollutants into a publicly owned treatment works must comply with 40 CFR part 403 and the following pretreatment standards for new sources:

(1) *PCBs.* There shall be no discharge of polychlorinated biphenyl compounds such as those used for transformer fluid.

(2) *Chemical metal cleaning wastes.* The pollutants discharged in chemical metal cleaning wastes shall not exceed the concentration listed in the following table:

Pollutant or pollutant property	PSNS
	Maximum for 1 day (mg/L)
Copper, total	1.0

(3) [Reserved]

(4)(i) *Cooling tower blowdown.* The pollutants discharged in cooling tower

blowdown shall not exceed the concentration listed in the following table:

Pollutant or pollutant property	PSNS
	Maximum for any time (mg/L)
The 126 priority pollutants (appendix A) contained in chemicals added for cooling tower maintenance, except:	(¹)
Chromium, total	0.2
zinc, total	1.0

¹ No detectable amount.

(ii) At the permitting authority’s discretion, instead of the monitoring in 40 CFR 122.11(b), compliance with the standards for the 126 priority pollutants in paragraph (b)(4)(i) of this section may be determined by engineering calculations which demonstrate that the regulated pollutants are not detectable in the final discharge by the analytical methods in 40 CFR part 136.

fly ash transport water. Whenever fly ash transport water is used in any other plant process or is sent to a treatment system at the plant, the resulting effluent must comply with the discharge standard in this paragraph.

(5) *Fly ash transport water.* There shall be no discharge of pollutants in

(6) *FGD wastewater.* The quantity of pollutants discharged in FGD wastewater shall not exceed the quantity determined by multiplying the flow of FGD wastewater times the concentration listed in the following table:

Pollutant or pollutant property	PSNS	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Arsenic, total (µg/L)	4	
Mercury, total (ng/L)	39	24
Selenium, total (µg/L)	5	
TDS (mg/L)	50	24

(7) *Flue gas mercury control wastewater.* There shall be no discharge of pollutants in flue gas mercury control wastewater. Whenever flue gas mercury control wastewater is used in any other plant process or is sent to a treatment system at the plant, the resulting effluent must comply with the discharge standard in this paragraph.

(8) *Bottom ash transport water.* There shall be no discharge of pollutants in bottom ash transport water. Whenever bottom ash transport water is used in any other plant process or is sent to a treatment system at the plant, the resulting effluent must comply with the discharge standard in this paragraph.

Environmental Protection Agency

§ 423.18

(9) *Gasification wastewater.* The quantity of pollutants discharged in gasification wastewater shall not exceed the quantity determined by multiplying

the flow of gasification wastewater times the concentration listed in the following table:

Pollutant or pollutant property	PSNS	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Arsenic, total (µg/L)	4	
Mercury, total (ng/L)	1.8	1.3
Selenium, total (µg/L)	453	227
Total dissolved solids (mg/L)	38	22

(10) *Combustion residual leachate.* The quantity of pollutants discharged in combustion residual leachate shall not exceed the quantity determined by

multiplying the flow of combustion residual leachate times the concentration listed in the following table:

Pollutant or pollutant property	PSNS	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Arsenic, total (µg/L)	11	8
Mercury, total (ng/L)	788	356

(c) *2024 PSNS for combustion residual leachate.* (1) Except as provided in paragraph (c)(2) of this section, there shall be no discharge of pollutants in combustion residual leachate (CRL). Whenever CRL is used in any other plant process or is sent to a treatment system at the plant, the resulting effluent must comply with the discharge standard in this paragraph (c)(1).

(2) After the retirement of all units at a facility, the quantity of pollutants in CRL shall not exceed the quantity determined by multiplying the flow of CRL permeate times the concentrations listed in table 7 to §423.13(g)(3)(i) or the flow of CRL distillate times the concentrations listed in the table in § 423.15(b)(13).

[80 FR 67902, Nov. 3, 2015, as amended at 89 FR 40302, May 9, 2024]

§ 423.18 Permit conditions.

All permits subject to this part shall include the following permit conditions:

(a) An electric generating unit shall qualify as a low utilization electric generating unit, permanently ceasing the combustion of coal by December 31, 2028, or permanently ceasing the combustion of coal by December 31, 2034, if such qualification would have been demonstrated absent the following qualifying event:

(1) An emergency order issued by the Department of Energy under section 202(c) of the Federal Power Act;

(2) A reliability must run agreement issued by a Public Utility Commission; or

(3) Any other reliability-related order, energy emergency alert, or agreement issued by a competent electricity regulator (*e.g.*, an independent system operator) which results in that electric generating unit operating in a

§ 423.19

40 CFR Ch. I (7–1–25 Edition)

way not contemplated when the certification was made; or

(4) The operation of the electric generating unit was necessary for load balancing in an area subject to a declaration under 42 U.S.C. 5121 *et seq.*, that there exists:

- (i) An “Emergency”; or
- (ii) A “Major Disaster”; and

(iii) That load balancing was due to the event that caused the “Emergency” or “Major Disaster” in paragraphs (a)(4)(i) and (ii) of this section to be declared.

(b) Any facility providing the required documentation pursuant to § 423.19(i) may avail itself of the protections of the permit condition in paragraph (a) of this section.

(c) A facility discharging permeate or distillate from an FGD wastewater or combustion residual leachate treatment system and satisfying § 423.19(n) shall be deemed to meet the following requirements:

(1) The FGD wastewater requirements of § 423.13(g)(4) for up to one year after the date determined pursuant to § 423.11(t); and

(2) The combustion residual leachate requirements of § 423.13(1)(1) for up to one year after the date determined pursuant to § 423.11(t).

[89 FR 40302, May 9, 2024]

§ 423.19 Reporting and recordkeeping requirements.

(a) *In general.* Discharges subject to this part must comply with the reporting requirements in this section.

(b) *Signature and certification.* Unless otherwise provided in this section, all certifications and recertifications required in this part must be signed and certified pursuant to 40 CFR 122.22 for direct dischargers or 40 CFR 403.12(1) for indirect dischargers.

(c) *Publicly accessible internet site requirements.* (1) Except as provided in paragraph (c)(2) of this section, each facility subject to one or more of the reporting requirements in paragraphs (d) through (o) of this section must maintain a publicly accessible internet site (ELG website) containing the information specified in paragraphs (d) through (o), if applicable. This website shall be titled “ELG Rule Compliance Data and Information.” The facility must ensure

that all information required to be posted is immediately available to anyone visiting the site, without requiring any prerequisite, such as registration or a requirement to submit a document request. All required information must be clearly identifiable and must be able to be immediately downloaded by anyone accessing the site in a format that enables additional analysis (*e.g.*, comma-separated values text file format). When the facility initially creates, or later changes, the web address (*i.e.*, Uniform Resource Locator (URL)) at any point, they must notify EPA via the “contact us” form on EPA’s Effluent Guidelines website and the permitting authority or control authority within 14 days of creating the website or making the change. The facility’s ELG website must also have a “contact us” form or a specific email address posted on the website for the public to use to submit questions and issues relating to the availability of information on the website.

(2)(i) When an owner or operator subject to this section already maintains a “CCR Rule Compliance Data and Information” website pursuant to 40 CFR 257.107, the postings required under this section may be made to the existing “CCR Rule Compliance Data and Information” website and shall be delineated under a separate heading that shall state “ELG Rule Compliance Data and Information.” When electing to use an existing website pursuant to this paragraph (c)(2), the facility shall notify EPA via the “contact us” form on EPA’s Effluent Guidelines website and the permitting authority or control authority no later than July 8, 2024, or upon first becoming subject to paragraphs (d) through (o) of this section, whichever is later.

(ii) When the same owner or operator is subject to the provisions of this part for multiple facilities, the owner or operator may comply with the requirements of this section by using the same internet site for multiple facilities provided the ELG website clearly delineates information by the name of each facility.

(3) Unless otherwise required in this section, the information required to be posted to the ELG website must be made available to the public for at

Environmental Protection Agency

§ 423.19

least 10 years following the date on which the information was first posted to the ELG website, or the length of the permit plus five years, whichever is longer. All required information must be clearly identifiable and must be able to be immediately downloaded by anyone accessing the site in a format that enables additional analysis (e.g., comma-separated values text file format).

(4) Unless otherwise required in this section, the information must be posted to the ELG website:

(i) Within 30 days of submitting the information to the permitting authority or control authority; or

(ii) Where information was submitted to the permitting authority or control authority prior to July 8, 2024, by July 8, 2024.

(d) *Requirements for facilities discharging bottom ash transport water under this part*—(1) *Certification statement.* For sources seeking to discharge bottom ash transport water pursuant to § 423.13(k)(2)(i) or (g)(2)(i), an initial certification shall be submitted to the permitting authority by the as soon as possible date determined under § 423.11(t), or the control authority by October 13, 2023, in the case of an indirect discharger.

(2) *Signature and certification.* The certification statement must be signed and certified by a professional engineer.

(3) *Contents.* An initial certification shall include the following:

(i) A statement that the professional engineer is a licensed professional engineer.

(ii) A statement that the professional engineer is familiar with the requirements in this part.

(iii) A statement that the professional engineer is familiar with the facility.

(iv) The primary active wetted bottom ash system volume in § 423.11(aa).

(v) Material assumptions, information, and calculations used by the certifying professional engineer to determine the primary active wetted bottom ash system volume.

(vi) A list of all potential discharges under § 423.13(k)(2)(i)(A)(I) through (4) or § 423.16(g)(2)(i)(A) through (D), the expected volume of each discharge, and

the expected frequency of each discharge.

(vii) Material assumptions, information, and calculations used by the certifying professional engineer to determine the expected volume and frequency of each discharge including a narrative discussion of why such water cannot be managed within the system and must be discharged.

(viii) A list of all wastewater treatment systems at the facility currently, or otherwise required by a date certain under this section.

(ix) A narrative discussion of each treatment system including the system type, design capacity, and current or expected operation.

(e) *Requirements for a bottom ash best management practices plan*—(1) *Initial and annual certification statement.* For sources required to develop and implement a best management practices plan pursuant to § 423.13(k)(3), an initial certification shall be made to the permitting authority with a permit application or within two years of October 13, 2021, whichever is later, or to the control authority no later than October 13, 2023, in the case of an indirect discharger, and an annual recertification shall be made to the permitting authority, or control authority in the case of an indirect discharger, within 60 days of the anniversary of the original plan.

(2) *Signature and certification.* The certification statement must be signed and certified by a professional engineer.

(3) *Contents for initial certification.* An initial certification shall include the following:

(i) A statement that the professional engineer is a licensed professional engineer.

(ii) A statement that the professional engineer is familiar with the requirements in this part.

(iii) A statement that the professional engineer is familiar with the facility.

(iv) The best management practices plan.

(v) A statement that the best management practices plan is being implemented.

(4) *Additional contents for annual certification.* In addition to the required

contents of the initial certification in paragraph (e)(3) of this section an annual certification shall include the following:

(i) Any updates to the best management practices plan.

(ii) An attachment of weekly flow measurements from the previous year.

(iii) The average amount of recycled bottom ash transport water in gallons per day.

(iv) Copies of inspection reports and a summary of preventative maintenance performed on the system.

(v) A statement that the plan and corresponding flow records are being maintained at the office of the plant.

(f) *Requirements for low utilization electric generating units—(1) Notice of Planned Participation.* For sources seeking to qualify as a low utilization electric generating units, a Notice of Planned Participation shall be submitted to the permitting authority or control authority no later than October 13, 2021.

(2) *Contents.* A Notice of Planned Participation shall identify the potential low utilization electric generating unit. The notice shall also include a statement of at least two years' capacity utilization rating data for the most recent two years of operation of each low utilization electric generating unit and a statement that the facility has a good faith belief that each low utilization electric generating unit will continue to operate at the required capacity utilization rating. Where the most recent capacity utilization rating does not meet the low utilization electric generating unit requirement, a discussion of the projected future utilization shall be provided, including material data and assumptions used to make that projection.

(3) *Initial and annual certification statement.* For sources seeking to qualify as a low utilization electric generating unit under this part, an initial certification shall be made to the permitting authority, or to the control authority in the case of an indirect discharger, no later than December 31, 2023, and an annual recertification shall be made to the permitting authority, or control authority in the case of an indirect discharger, within 60 days of submitting annual elec-

tricity production data to the Energy Information Administration.

(4) *Contents.* A certification or annual recertification shall be based on the information submitted to the Energy Information Administration and shall include copies of the underlying forms submitted to the Energy Information Administration, as well as any supplemental information and calculations used to determine the two year average annual capacity utilization rating.

(g) *Requirements for units that will achieve permanent cessation of coal combustion by December 31, 2028—(1) Notice of Planned Participation.* For sources seeking to qualify as an electric generating unit that will achieve permanent cessation of coal combustion by December 31, 2028, under this part, a Notice of Planned Participation shall be made to the permitting authority, or to the control authority in the case of an indirect discharger, no later than June 27, 2023.

(2) *Contents.* A Notice of Planned Participation shall identify the electric generating units intended to achieve the permanent cessation of coal combustion. A Notice of Planned Participation shall include the expected date that each electric generating unit is projected to achieve permanent cessation of coal combustion, whether each date represents a retirement or a fuel conversion, whether each retirement or fuel conversion has been approved by a regulatory body, and what the relevant regulatory body is. The Notice of Planned Participation shall also include a copy of the most recent integrated resource plan for which the applicable state agency approved the retirement or repowering of the unit subject to the ELGs, certification of electric generating unit cessation under 40 CFR 257.103(b), or other documentation supporting that the electric generating unit will permanently cease the combustion of coal by December 31, 2028. The Notice of Planned Participation shall also include, for each such electric generating unit, a timeline to achieve the permanent cessation of coal combustion. Each timeline shall include interim milestones and the projected dates of completion.

(3) *Annual progress report.* Annually after submission of the Notice of

Environmental Protection Agency

§ 423.19

Planned Participation in paragraph (g)(1) of this section, a progress report shall be filed with the permitting authority, or control authority in the case of an indirect discharger.

(4) *Contents.* An annual progress report shall detail the completion of any interim milestones listed in the Notice of Planned Participation since the previous progress report, provide a narrative discussion of any completed, missed, or delayed milestones, and provide updated milestones. An annual progress report shall also include one of the following:

(i) A copy of the official suspension filing (or equivalent filing) made to the facility's reliability authority detailing the conversion to a fuel source other than coal;

(ii) A copy of the official retirement filing (or equivalent filing) made to the facility's reliability authority which must include a waiver of recission rights; or

(iii) An initial certification, or recertification for subsequent annual progress reports, containing either a statement that the facility will make the filing required in paragraph (g)(4)(i) of this section or a statement that the facility will make the filing required in paragraph (g)(4)(ii) of this section. The certification or recertification must include the estimated date that such a filing will be made.

(iv) A facility shall not include a certification or recertification under paragraph (g)(4)(iii) of this section in the final annual progress report submitted prior to permanent cessation of coal combustion. Rather, this final annual progress report must include the filing under paragraph (g)(4)(i) or (ii) of this section.

(h) *Requirements for units that will achieve permanent cessation of coal combustion by December 31, 2034—(1) Notice of Planned Participation.* For sources seeking to qualify as an electric generating unit that will achieve permanent cessation of coal combustion by December 31, 2034, under this part, a Notice of Planned Participation shall be made to the permitting authority, or to the control authority in the case of an indirect discharger, no later than December 31, 2025.

(2) *Contents.* A Notice of Planned Participation shall identify the electric generating units intended to achieve the permanent cessation of coal combustion. A Notice of Planned Participation shall include the expected date that each electric generating unit is projected to achieve permanent cessation of coal combustion, whether each date represents a retirement or a fuel conversion, whether each retirement or fuel conversion has been approved by a regulatory body, and what the relevant regulatory body is. The Notice of Planned Participation shall also include a copy of the most recent integrated resource plan for which the applicable state agency approved the retirement or repowering of the unit subject to the ELGs, or other documentation supporting that the electric generating unit will permanently cease the combustion of coal by December 31, 2034. The Notice of Planned Participation shall also include, for each such electric generating unit, a timeline to achieve the permanent cessation of coal combustion. Each timeline shall include interim milestones and the projected dates of completion. Finally, the Notice of Planned Participation shall also include, for each such electric generating unit, a certification statement that the facility is in compliance with the following limitations or standards:

(i) The applicable limitations or standards for FGD wastewater in § 423.13(g)(1) or (g)(2)(ii) or (iii) or § 423.16(e)(1) or (2); and

(ii) The applicable limitations or standards for bottom ash transport water in § 423.13(k)(1) or (k)(2)(i) or (iii) or § 423.16(g)(1) or (2).

(3) *Annual progress report.* Annually after submission of the Notice of Planned Participation in paragraph (h)(1) of this section, a progress report shall be filed with the permitting authority, or control authority in the case of an indirect discharger.

(4) *Contents.* An annual progress report shall detail the completion of any interim milestones listed in the Notice of Planned Participation since the previous progress report, provide a narrative discussion of any completed, missed, or delayed milestones, and provide updated milestones. An annual

progress report shall also include one of the following:

(i) A copy of the official suspension filing (or equivalent filing) made to the facility's reliability authority detailing the conversion to a fuel source other than coal;

(ii) A copy of the official retirement filing (or equivalent filing) made to the facility's reliability authority which must include a waiver of recission rights; or

(iii) An initial certification, or recertification for subsequent annual progress reports, containing either a statement that the facility will make the filing required in paragraph (h)(4)(i) of this section or a statement that the facility will make the filing required in paragraph (h)(4)(ii) of this section. The certification or recertification must include the estimated date that such a filing will be made.

(iv) A facility shall not include a certification or recertification under paragraph (h)(4)(iii) of this section in the final annual progress report submitted prior to permanent cessation of coal combustion. Rather, this final annual progress report must include the filing under paragraph (h)(4)(i) or (ii) of this section.

(i) *Requirements for facilities seeking protections under this part—(1) Certification statement.* For sources seeking to apply the protections of the permit conditions in §423.18(a), and for each instance that §423.18(a) is applied, a one-time certification shall be submitted to the permitting authority, or control authority in the case of an indirect discharger, no later than:

(i) In the case of an order or agreement under §423.18(a)(1), 30 days from receipt of the order or agreement attached pursuant to paragraph (i)(2)(ii) of this section; or

(ii) In the case of an "Emergency" or "Major Disaster" under §423.18(a)(2), 30 days from the date that a load balancing need arose.

(2) *Contents.* A certification statement must include the following:

(i) The qualifying event from the list in §423.18(a), the individual or entity that issued or triggered the event, and the date that such an event was issued or triggered.

(ii) A copy of any documentation of the qualifying event from the individual or entity listed under paragraph (i)(2)(i) of this section, or, where such documentation does not exist, other documentation with indicia of reliability for the permitting authority to confirm the qualifying event.

(iii) An analysis and accompanying narrative discussion which demonstrates that an electric generating unit would have qualified for the subcategory at issue absent the event detailed in paragraph (i)(2)(i) of this section, including the material data, assumptions, and methods used.

(3) *Termination of need statement.* For sources filing a certification statement under paragraph (i)(1) of this section, and for each such certification statement, a one-time termination of need statement shall be submitted to the permitting authority, or control authority in the case of an indirect discharger, no later than 30 days from when the source is no longer subject to increased production from the qualifying event.

(4) *Contents.* A termination of need statement must include a narrative discussion including the date the qualifying event terminated, or if it has not terminated, why the source believes the capacity utilization will no longer be elevated to a level requiring the protection of §423.18.

(j) *Requirements for facilities voluntarily meeting limits in this part—(1) Notice of Planned Participation.* For sources opting to comply with the Voluntary Incentives Program requirements of §423.13(g)(3)(i) by December 31, 2028, a Notice of Planned Participation shall be made to the permitting authority no later than October 13, 2021.

(2) *Contents.* A Notice of Planned Participation shall identify the facility opting to comply with the Voluntary Incentives Program requirements of §423.13(g)(3)(i), specify what technology or technologies are projected to be used to comply with those requirements, and provide a detailed engineering dependency chart and accompanying narrative demonstrating when and how the system(s) and any accompanying disposal requirements will be achieved by December 31, 2028.

(3) *Annual progress report.* After submission of the Notice of Planned Participation in paragraph (j)(1) of this section, a progress report shall be filed with the permitting authority, or control authority in the case of an indirect discharger.

(4) *Contents.* An annual progress report shall detail the completion of interim milestones presented in the engineering dependency chart from the Notice of Planned Participation since the previous progress report, provide a narrative discussion of completed, missed, or delayed milestones, and provide updated milestones.

(5) *Rollover certification.* Where, prior to October 13, 2020, a discharger has already provided a notice to the permitting authority of opting to comply with the Voluntary Incentives Program requirements of § 423.13(g)(3)(i), such notice will satisfy paragraph (j)(1) of this section. However, where details required by paragraph (j)(2) of this section were missing from the previously provided notice, those details must be provided in the first annual progress report, no later than October 13, 2021.

(k) *Requirements for facilities with discharges of unmanaged combustion residual leachate—(1) Annual combustion residual leachate monitoring report.* In addition to reporting pursuant to 40 CFR part 127, each facility with discharges of unmanaged combustion residual leachate meeting the definition in § 423.11(ff)(1) shall file an annual combustion residual leachate monitoring report each calendar year to the permitting authority.

(2) *Contents.* The annual combustion residual leachate monitoring report shall provide the following monitoring data for each pollutant listed in table 1 to paragraph (k)(2)(v) of this section. For paragraphs (k)(2)(ii) and (iii) of this section the report shall also describe the location of monitoring wells, screening depth, and frequency of sampling. The report shall include summary statistics including monthly minimum, maximum, and average concentrations for each pollutant. The report shall be supported by an appendix of all samples.

(i) A list of coal combustion residual landfills and surface impoundments which the permitting authority has de-

termined are point sources with functional equivalent direct discharges.

(ii) Groundwater monitoring data as the combustion residual leachate leaves each of the landfills or surface impoundment listed in paragraph (k)(2)(i) of this section.

(iii) Groundwater monitoring at the point the combustion residual leachate enters a surface waterbody.

(iv) Effluent monitoring data reported pursuant to 40 CFR part 127.

(v) Summary statistics for the data described in paragraphs (k)(2)(ii) through (iv) of this section including the monthly average and daily maximum of each pollutant in the table 1 to this paragraph (k)(2)(v) and a comparison to any limitation in § 423.13(l)(2)(ii).

TABLE 1 TO PARAGRAPH (k)(2)(v)

BAT Treated Pollutants in Combustion Residual Leachate	
Antimony	Magnesium
Arsenic	Manganese
Barium	Mercury
Beryllium	Molybdenum
Cadmium	Nickel
Chromium	Thallium
Cobalt	Titanium
Copper	Vanadium
Lead	Zinc

(1) *Requirements for facilities seeking to transfer between applicable limitations in a permit under this part—(1) Notice of Planned Participation.* For sources which have filed a Notice of Planned Participation under paragraph (f)(1), (g)(1), or (j)(1) of this section and intend to make changes that would qualify them for a different set of requirements under § 423.13(o), a Notice of Planned Participation shall be made to the permitting authority, or to the control authority in the case of an indirect discharger, no later than the dates stated in § 423.13(o)(1).

(2) *Contents.* A Notice of Planned Participation shall include a list of the electric generating units for which the source intends to change compliance alternatives. For each such electric generating unit, the notice shall list the specific provision under which this transfer will occur, the reason such a

transfer is warranted, and a narrative discussion demonstrating that each electric generating unit will be able to maintain compliance with the relevant provisions.

(m) *Notice of material delay*—(1) *Notice*. Within 30 days of experiencing a material delay in the milestones set forth in paragraph (g)(2), (h)(2), or (j)(2) of this section and where such a delay may preclude permanent cessation of coal combustion or compliance with the voluntary incentives program limitations by December 31, 2028, a facility shall file a notice of material delay with the permitting authority, or control authority in the case of an indirect discharger.

(2) *Contents*. The contents of such a notice shall include the reason for the delay, the projected length of the delay, and a proposed resolution to maintain compliance.

(n) *Requirements for facilities seeking a one-year flexibility to discharge permeate or distillate from an FGD wastewater or combustion residual leachate treatment system designed to achieve limitations in this part*—(1) *Initial request letter*. When filing a permit application or permit modification request, a facility seeking to discharge permeate or distillate during the first year of operations after the date determined in § 423.13(g)(4)(i)(A) or (l)(1)(i)(A) shall include a letter requesting this flexibility from the permitting authority. The initial request letter shall detail the expected type, frequency, duration, and necessity of discharge. The initial request letter shall also state that this period of discharge was not included for consideration in establishing the applicability timing under § 423.11(t)(3).

(2) *Discharge monitoring and reporting*. Upon inclusion in the permit of the flexibility to discharge the permeate or distillate as requested in paragraph (n)(1) of this section, the permitting authority shall also extend any existing monitoring and reporting requirements (e.g., arsenic monitoring).

(o) *Certification for wastewater generated by a 10-year, 24-hour or longer duration storm event*—(1) *Storm Event Discharge Certification Statement*. For sources seeking to discharge low volume wastewater which would otherwise be considered FGD wastewater, bottom

ash transport water, or combustion residual leachate but for a storm event exceeding a 10-year, 24-hour or longer duration storm event, a Storm Event Discharge Certification Statement shall be submitted to the permitting authority, or control authority in the case of an indirect discharger, no later than five business days from the last discharge.

(2) *Signature and certification*. The certification statement must be signed and certified by a professional engineer.

(3) *Contents*. A Storm Event Discharge Certification shall include the following:

(i) A statement that the professional engineer is a licensed professional engineer.

(ii) A statement that the professional engineer is familiar with the requirements in this part.

(iii) A statement that the professional engineer is familiar with the facility.

(iv) A statement that the facility experienced a storm event exceeding a 10-year, 24-hour or longer duration, including specifics of the actual storm event that are sufficient for a third party to verify the accuracy of the statement.

(v) A statement that a discharge of low volume wastewater that would otherwise meet the definition of FGD wastewater, bottom ash transport water, or combustion residual leachate was necessary, including a list of the best management practices at the site and a narrative discussion of the ability of on-site equipment and practices to manage the wastewater.

(vi) The duration and volume of any such discharge.

(vii) A statement that the discharge does not otherwise violate any other limitation or permit condition.

[85 FR 64721, Oct. 13, 2020, as amended at 88 FR 18442, Mar. 29, 2023; 89 FR 40303, May 9, 2024]

APPENDIX A TO PART 423—126 PRIORITY POLLUTANTS

001	Acenaphthene
002	Acrolein
003	Acrylonitrile
004	Benzene
005	Benzidine

Environmental Protection Agency

Pt. 423, App. A

006 Carbon tetrachloride (tetrachloromethane)		074 3,4-Benzofluoranthene (benzo(b) fluoranthene)
007 Chlorobenzene		075 1,12-benzofluoranthene (benzo(b) fluoranthene)
008 1,2,4-trichlorobenzene		076 Chrysene
009 Hexachlorobenzene		077 Acenaphthylene
010 1,2-dichloroethane		078 Anthracene
011 1,1,1-trichloroethane		079 1,12-benzoperylene (benzo(ghi) perylene)
012 Hexachloroethane		080 Fluorene
013 1,1-dichloroethane		081 Phenanthrene
014 1,1,2-trichloroethane		082 1,2,5,6-dibenzanthracene (dibenzo(h) anthracene)
015 1,1,2,2-tetrachloroethane		083 Indeno (,1,2,3-cd) pyrene (2,3-ophenylene pyrene)
016 Chloroethane		084 Pyrene
018 Bis(2-chloroethyl) ether		085 Tetrachloroethylene
019 2-chloroethyl vinyl ether (mixed)		086 Toluene
020 2-chloronaphthalene		087 Trichloroethylene
021 2,4, 6-trichlorophenol		088 Vinyl chloride (chloroethylene)
022 Parachlorometa cresol		089 Aldrin
023 Chloroform (trichloromethane)		090 Dieldrin
024 2-chlorophenol		091 Chlordane (technical mixture and metabolites)
025 1,2-dichlorobenzene		092 4,4-DDT
026 1,3-dichlorobenzene		093 4,4-DDE (p,p-DDX)
027 1,4-dichlorobenzene		094 4,4-DDD (p,p-TDE)
028 3,3-dichlorobenzidine		095 Alpha-endosulfan
029 1,1-dichloroethylene		096 Beta-endosulfan
030 1,2-trans-dichloroethylene		097 Endosulfan sulfate
031 2,4-dichlorophenol		098 Endrin
032 1,2-dichloropropane		099 Endrin aldehyde
033 1,2-dichloropropylene (1,3-dichloropropene)	(1,3-	100 Heptachlor
034 2,4-dimethylphenol		101 Heptachlor epoxide (BHC-hexachlorocyclohexane)
035 2,4-dinitrotoluene		102 Alpha-BHC
036 2,6-dinitrotoluene		103 Beta-BHC
037 1,2-diphenylhydrazine		104 Gamma-BHC (lindane)
038 Ethylbenzene		105 Delta-BHC (PCB-polychlorinated biphenyls)
039 Fluoranthene		106 PCB-1242 (Arochlor 1242)
040 4-chlorophenyl phenyl ether		107 PCB-1254 (Arochlor 1254)
041 4-bromophenyl phenyl ether		108 PCB-1221 (Arochlor 1221)
042 Bis(2-chloroisopropyl) ether		109 PCB-1232 (Arochlor 1232)
043 Bis(2-chloroethoxy) methane		110 PCB-1248 (Arochlor 1248)
044 Methylene chloride (dichloromethane)		111 PCB-1260 (Arochlor 1260)
045 Methyl chloride (dichloromethane)		112 PCB-1016 (Arochlor 1016)
046 Methyl bromide (bromomethane)		113 Toxaphene
047 Bromoform (tribromomethane)		114 Antimony
048 Dichlorobromomethane		115 Arsenic
051 Chlorodibromomethane		116 Asbestos
052 Hexachlorobutadiene		117 Beryllium
053 Hexachloromyclopentadiene		118 Cadmium
054 Isophorone		119 Chromium
055 Naphthalene		120 Copper
056 Nitrobenzene		121 Cyanide, Total
057 2-nitrophenol		122 Lead
058 4-nitrophenol		123 Mercury
059 2,4-dinitrophenol		124 Nickel
060 4,6-dinitro-o-cresol		125 Selenium
061 N-nitrosodimethylamine		126 Silver
062 N-nitrosodiphenylamine		127 Thallium
063 N-nitrosodi-n-propylamin		126 Silver
064 Pentachlorophenol		128 Zinc
065 Phenol		129 2,3,7,8-tetrachloro-dibenzo-p-dioxin (TCDD)
066 Bis(2-ethylhexyl) phthalate		
067 Butyl benzyl phthalate		
068 Di-N-Butyl Phthalate		
069 Di-n-octyl phthalate		
070 Diethyl Phthalate		
071 Dimethyl phthalate		
072 1,2-benzanthracene (benzo(a) anthracene)		
073 Benzo(a)pyrene (3,4-benzo-pyrene)		