



November 3, 2025

Richard Benware
U.S. Environmental Protection Agency
Office of Water Engineering and Analysis Division
Mail Code 4303T
1200 Pennsylvania Avenue NW
Washington, DC 20460

Submitted via regulations.gov

Re: Docket ID No. EPA-HQ-OW-2009-0819-10591

Dear Mr. Benware:

The American Water Works Association (AWWA) and Clean Water Action/Clean Water Fund appreciate the opportunity to comment on the Environmental Protection Agency's (EPA's) October 2, 2025 proposed rule titled "Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category – Deadline Extensions" (90 FR 47693). This proposal extends Clean Water Act (CWA) compliance deadlines of the 2024 "Supplemental Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category" (2024 rule). Our organizations share the common concern of protecting our nation's waters with a particular focus on the protection of public health through addressing and preventing concerns for drinking water supplies (source water protection).

The discharge of bromide and other halogens from steam electric power plants is a significant concern for drinking water. Bromide is conserved in water bodies, since it does not meaningfully degrade. When water containing elevated concentrations of bromide enters drinking water facilities, disinfection (which is essential for safety and required by the Safe Drinking Water Act [SDWA] Surface Water Treatment Rule) creates a larger concentration of brominated disinfection byproducts (DBPs). DBPs are regulated under SDWA and additional regulation is expected to be proposed in 2027 in an updated microbial and disinfection byproducts rule. Two technical studies previously submitted by AWWA, "Occurrence and consequences of increased bromide in drinking water sources" and "Methods to assess anthropogenic bromide loads from coal-fired power plants and their potential effect on downstream drinking water utilities" provide considerable detail on the mechanisms, challenges, impacts, and potential solutions for these concerns.¹

This issue spans across multiple sectors (energy and water) and across multiple statutes (the CWA and SDWA). It is inappropriate and inefficient for regulations to allow one sector to discharge pollutants in their wastewater that another sector is required to clean up under different regulations. Community efforts to manage disinfection byproducts are already significant, and a single power plant can substantially complicate disinfection byproduct control for numerous downstream water systems. The costs of addressing increased disinfection byproducts are borne by local drinking water systems and ultimately

¹ These technical documents, McTigue et al. 2014 and VanBriesen 2019, can be found on pages 5-114 of AWWA's April 5, 2022 comment in the docket at <https://www.regulations.gov/comment/EPA-HQ-OW-2009-0819-9018>.

paid for by drinking water customers, who may or may not receive their power from the facility that created the pollution in the first place.

AWWA and Clean Water Action/Clean Water Fund have long advocated for EPA to address the impacts of discharges from steam electric power plants into drinking water sources using best available technologies (BAT).

Clean Water Action/Clean Water Fund have engaged in this rulemaking process since 2013, providing public comment and facilitating non-governmental organization (NGO) engagement during several different regulatory processes. These included active involvement in the initial public comment period in 2013², opposition to the delay of compliance deadlines in 2017³, advocacy against the weakening of the steam electric rule in 2019-2020⁴, and support of strong wastewater treatment standards for steam electric power plants in 2023⁵.

During the 2013, 2019, and 2023 proposals for the Steam Power Effluent Limit Guideline (ELG)^{6,7,8}, as well as several other instances⁹, AWWA and its partners have identified bromide discharges upstream of drinking water facilities as a public health concern and encouraged EPA to take swift and comprehensive action to reduce or eliminate them.

In 2024, our organizations applauded the finalization of more stringent CWA wastewater treatment standards for coal-fired power plants. The 2024 rule¹⁰ requires coal-fired power plants to upgrade wastewater treatment technology to achieve zero discharge of pollutants from bottom ash transport water, combustion residual leachate, and flue gas desulfurization wastewater. Implementing zero-discharge limitations for flue gas desulfurization wastewater would significantly reduce the discharge of bromide into our nation's waterways from these facilities.

AWWA and Clean Water Action/Clean Water Fund strongly urge EPA not to delay compliance deadlines set forth in the 2024 rule. This delay would allow coal-fired power plants to avoid implementing the zero-discharge limitations mandated in the 2024 rule for an additional five years, or until 2034. Such a delay would unnecessarily prolong discharge of bromide and other contaminants into our waterways and subsequently into the water supplies of downstream public water systems. This delay may also pose compliance challenges for downstream drinking water systems as the next stage of the microbial/disinfection byproduct rule is expected to be proposed in 2027. It can be anticipated that

² September 20, 2013, American Water Works Association, Association of Metropolitan Water Agencies, Clean Water Action, and Rural Community Assistance Project Joint Comment Letter, <https://cleanwater.org/publications/comments-effluent-limitations-guidelines-and-standards-steam-electric-power-0>

³ July 7, 2017, Community Sign On letter, Clean Water Action, <https://www.regulations.gov/comment/EPA-HQ-OW-2009-0819-6652>

⁴ January 27, 2020, Community Sign On Letter, Clean Water Action, <https://www.regulations.gov/comment/EPA-HQ-OW-2009-0819-8462>.

⁵ May 31, 2023, Community Sign On Letter, Clean Water Action, <https://www.regulations.gov/comment/EPA-HQ-OW-2009-0819-10050>

⁶ September 20, 2013 comments from AWWA (<https://www.regulations.gov/document?D=EPA-HQ-OW-2009-0819-4478>)

⁷ January 21, 2020 comments from AWWA (<https://www.regulations.gov/comment/EPA-HQ-OW-2009-0819-8312>)

⁸ May 30, 2023 comments from AWWA (<https://www.regulations.gov/comment/EPA-HQ-OW-2009-0819-10108>)

⁹ As examples, July 6, 2017 comments from AWWA and NAWC, including several appendices (<https://www.regulations.gov/document?D=EPA-HQ-OW-2009-0819-6624>), the June 8, 2018 letter from AWWA and AMWA to Administrator Pruitt, and April 17, 2019 comments from AWWA (<https://www.regulations.gov/document?D=EPA-HQ-OAR-2018-0794-1152>)

¹⁰ May 9, 2024 final rule "Supplemental Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Pains Source Category". <https://www.regulations.gov/document/EPA-HQ-OW-2009-0819-10167>

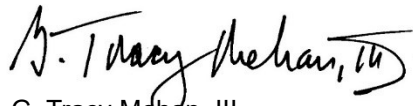
monitoring, reporting, and compliance with this rule ahead of the proposed 2034 will directly conflict with this deadline extension.

The CWA is based on the principle that pollution should be addressed at its source and that polluters should not pass the burden of treatment onto downstream water users including downstream public water systems. Any delays would continue to increase the burden on downstream communities and drinking water systems, have the potential to raise treatment costs for water systems and their customers, and increase health risks.

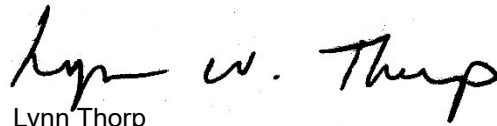
The 2024 rule was the culmination of many years of technical analysis and stakeholder engagement. Through the 2024 rule, EPA was able to successfully address a complex issue impacting multiple industries and multiple environmental statutes simultaneously. The 2024 rule should be seen as a hallmark of effective and efficient regulation. Therefore, our organizations also caution against any future rulemaking that would prevent fully addressing the discharge of bromide. If any changes to the rule are implemented, the revisions must remain equally effective at preventing the discharge of bromide.

In summary, because delaying compliance would delay the benefits to water systems and the public, AWWA and Clean Water Action/Clean Water Fund strongly urge EPA not to extend the compliance deadlines set forth in the 2024 rule and caution against any future rulemaking that would weaken wastewater treatment standards for bromide.

Respectfully,



G. Tracy Mehan, III
Executive Director of Government Affairs
American Water Works Association



Lynn Thorp
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