



**ASSOCIATION OF
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WATER AGENCIES**

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June 16, 2026

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

Submitted electronically via www.regulations.gov.

Re: EPA-HQ-OW-2009-0819 Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category-Unmanaged Combustion Residual Leachate

Dear Administrator Zeldin:

The Association of Metropolitan Water Agencies (AMWA) appreciates the opportunity to comment on EPA’s proposed revisions to the Effluent Limitations Guidelines (ELGs) and Standards for the Steam Electric Power Generating Point Source Category for Unmanaged Combustion Residual Leachate. AMWA is an organization of the largest publicly owned drinking water systems in the United States. Each of the association’s members typically serves over 100,000 people and collectively provide clean drinking water to over 160 million Americans.

Ensuring affordable and reliable electricity and protecting safe drinking water are complementary, not competing, goals. AMWA strongly supports the Administration’s commitment to energy reliability and affordability. At the same time, AMWA urges the Agency to ensure that regulatory flexibility for steam electric power plants does not shift costs and risks onto drinking water systems and the ratepayers they serve.

Chemical discharges from steam electric power plants have unique and concerning downstream effects for drinking water systems. Unmanaged combustion residual leachate (CRL) contains arsenic and mercury, as well as bromide which can result in elevated brominated disinfection byproducts

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(DBPs) that are associated with cancer risk following treatment at a drinking water system. Specifically, AMWA would like to highlight two specific concerns with the proposed rule revisions, detailed below.

1. EPA Should Strengthen § 423.13(iii) to Protect Drinking Water Sources

The proposed rule's shift from uniform national numerical limits to state-by-state best professional judgment (BPJ) determinations will result in significant variation in source water protection across the country, depending on the resources and priorities of individual state permitting agencies. Communities served by drinking water systems lose the backstop protection of federal floors under this approach.

AMWA appreciates that EPA continues to recommend that permitting authorities consider whether water quality-based effluent limitations are appropriate. However, AMWA urges the Agency to strengthen the language in § 423.13(iii) to ensure that site-specific BAT effluent limitations explicitly account for potential impacts to drinking water sources. AMWA proposes the following addition to the regulatory text:

§ 423.13(iii)(A) To determine the site-specific BAT effluent limitations, the permitting authority shall consider:

- *whether the facility is located within a wellhead protection area as defined under the Safe Drinking Water Act (42 USC 300h-7(e)) or within a delineated source water protection area for a public water system, as defined under a state source water assessment program pursuant to Section 1453 of the Safe Drinking Water Act and if impacts of site-specific BAT effluent limitations may result in changes to source water quality.*

It is equally important that drinking water systems are made aware of potential impacts to their source of water, so they may meaningfully engage in the permitting process and plan for appropriate water treatment. Therefore, AMWA further proposes the following additional provisions:

- *§ 423.13(iii)(F) At the draft permit stage, the permitting authority shall identify and notify potentially affected downstream public drinking water systems of the proposed site-specific BAT effluent limitations and provide those systems with an opportunity to comment prior to permit issuance. The permitting authority shall also assist drinking water systems in accessing discharge monitoring data for these permits upon request.*
- *§ 423.13(iii)(G) The permitting authority shall document in the permit record its consideration of potential impacts on downstream drinking water sources identified in § 423.13(iii)(F), including the basis for any determination that water quality-based effluent limitations are not required to protect those sources.*

2. EPA's Cost-Benefit Analysis Is Incomplete

EPA's cost-benefit analysis for this proposed rule precisely quantifies industry compliance costs associated with more stringent regulations, while assigning no monetary value to any of the corresponding public health and drinking water treatment benefits. This is inconsistent with

Executive Order 12866, which requires agencies to assess both benefits and costs to the extent feasible, and underrepresents the net cost of the proposed rule revision to society.

EPA's Environmental Assessment acknowledges qualitatively that reduced CRL discharges would lower arsenic and mercury loadings, reduce bromide contributions that lead to elevated brominated DBPs, and lower cancer and non-cancer health risks. The most effective way to avoid treatment costs is by improving source water quality. By relaxing discharge requirements for steam electric facilities, EPA is not eliminating costs but is transferring them to downstream drinking water systems and their ratepayers, who must absorb them in the form of higher water treatment costs.

Accordingly, AMWA urges EPA to monetize, to the extent feasible, the following benefits of its alternative options:

- avoided costs of drinking water treatment facility upgrades necessitated by increased bromide and arsenic loading from CRL discharges;
- reduced non-cancer health impacts associated with arsenic and mercury in drinking water sources; and
- avoided cancer risk from elevated DBP formation resulting from bromide contributions to drinking water source.

In summary, AMWA urges EPA to: (1) strengthen § 423.13(iii) to require permitting authorities to explicitly consider, notify, and document impacts on downstream drinking water sources; and (2) complete a cost-benefit analysis that accounts for costs shifted to drinking water systems and their ratepayers.

AMWA sincerely appreciates the opportunity to comment on these proposed revisions to the Steam Electric Effluent Limitations Guidelines. If you have any questions about the content of this letter, please contact Liz Jordan, AMWA's Manager of Sustainability and Resilience Policy, at jordan@amwa.net.

Sincerely,



Tom Dobbins
Chief Executive Officer

cc: Jessica Kramer, EPA Office of Water
Peggy Browne, EPA Office of Water
Jennifer McLain, EPA Office of Groundwater and Drinking Water
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