

Exhibit G

From: zipf.lynn@epa.gov
To: [Thomas Cmar](#)
Subject: Interim Release, Request EPA-HQ-2017-005671
Date: Friday, August 04, 2017 1:10:48 PM
Attachments: [EPA-HQ-2017-005671 Steam Electric Effluent Limitations Guidelines and Standards Ruleoverview Redacted.pdf](#)
[Interim Release 1 Letter.pdf](#)
[EPA-HQ-2017-005671 Invoice 20170804.pdf](#)

EPA-HQ-2017-005671 has been approved for an interim release.

Given the nature of this request, some records are only being released to you as the requester. If you have an account in FOIAonline, you may access those records by [logging into FOIAonline](#). Otherwise, those responsive records will be sent via the method agreed upon with the FOIA processor.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

Thomas Cmar
Earthjustice
1101 Lake Street Suite 405B
Oak Park, IL 60634

Re: Freedom of Information Act Request No. EPA-HQ-2017-005671, Interim Response and Update

Dear Mr. Cmar:

This letter is in response to your FOIA request, EPA-HQ-2017-005671 submitted to the agency on April 03, 2017. On April 24, 2017 you spoke with Ron Jordan, Mike Scozzafava, Sean Ramach, Jessica Zomer, Nichole Rementer and Denise Walker about your request. On April 28, 2017 and May 4, 2017 you spoke with Denise Walker to address a few additional questions. During these conversations you clarified your request.

Interim Release

Today, we are providing you with Interim 1 which includes 2 pages of releasable records generated from a review of hard copy records. It includes documents that have been partially withheld for FOIA Exemption (b)(5) deliberative process. Should you wish to appeal any withholding determination, you will have the opportunity to do so. We will provide you with appeal rights at the time of the final production.

Next Steps

We are continuing to process both hard copy records and electronic records responsive to your request. You may email or call Mike Scozzafava at 202-566-2858 or Denise Walker at 202-564-6520 if you have any further questions. If you wish to request information connected to this request in the future, please be sure to reference the FOIA request number.

Additionally, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or call (202) 566-1667. You may also seek assistance from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, National Archives and Records Administration, Office of Government Information Services, 8601 Adelphi Road - OGIS, College Park, MD 20740-6001; email, ogis@nara.gov; telephone, (202) 741-5770 or (877) 684-6448; or fax, (202) 741-5769.

We look forward to speaking with you again to provide you with an update on our progress processing the remainder of your request. Denise Walker will contact you to arrange a convenient time. If you have questions, please feel free to contact Mike Scozzafava or Denise Walker.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Wood", with a stylized flourish extending to the right.

Robert Wood, Director
Engineering and Analysis Division

Enclosures:

EPA-HQ-2017-005671 Interim 1

cc

Mike Scozzafava, Office of Water
Denise Walker, Office of General Counsel

FOIA Invoice

U.S Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

Mail Payment to USEPA, FOIA and Miscellaneous Payments, Cincinnati Finance Center P.O. BOX 979078 St. Louis, MO 63197-9000		FOIA Tracking Number EPA-HQ-2017-005671	
		Invoice Date 08/04/2017	
Requester Contact Information Thomas Cmar Earthjustice 1101 Lake Street, Ste. 405B Oak Park, IL 60304 tcmar@earthjustice.org 312-257-9338		Description of Records Requested Please see the attached request for information submitted on behalf of Earthjustice, Waterkeeper Alliance, Inc., Environmental Integrity Project, Sierra Club, and Clean Water Action (collectively, "Public Interest Groups") for all records created, stored, or received since November 8, 2016 concerning the "Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category" rule (the "Steam Electric ELGs rule") that was signed by the Administrator on September 30, 2015 and published in the Federal Register on November 3, 2015. Additional	
Request Received	Date 04/03/2017	By Engineering and Analysis Division	
Request Fulfilled by Agency	Date 08/04/2017	By Michael Scozzafava	
Comments/Instructions			
Request Fee Category Other			
Description of Costs	Quantity	Amount (USD)	
Fee Waiver Granted			\$0.00
Costs Sub-total			\$0.00
AMOUNT DUE			\$0.00

Steam Electric Effluent Limitations Guidelines and Standards Rule

Background on Effluent Limitations Guidelines and Standards (ELGs)

- The Clean Water Act directs EPA to establish ELGs to control discharges of pollutants in industrial wastewater to surface waters and publically owned treatment plants (POTWs)
- ELGs are based on the performance of specified technologies; facilities are not required to use those technologies and may instead use alternative technologies/approaches to comply.
 - Statute designed to increasingly elevate the technology floor for all dischargers in an industrial sector to match the performance of the best plants in the industry.
 - Not based on the water quality of individual receiving waters.
- ELGs provide equity and certainty for industrial facilities as the requirements apply nationally

Background on the Steam Electric ELGs

- The Steam Electric ELGs are applicable to discharges from fossil- and nuclear-fueled steam electric generating units at establishments where the generation of electricity is the predominant source of revenue or principle reason for operation.
- (b) (5) EPA signed revisions to the ELGs on September 30, 2015.
- The Rule addresses changes in the industry that have occurred since EPA last updated existing regulations 35 years ago and limits the amount of toxic metals (e.g., mercury, arsenic, selenium, lead), as well as nutrients, discharged into waterways.
 - Previous regulations were based primarily on the use of surface impoundments (settling ponds), intended to focus on removal of suspended solids, rather than dissolved metals which are toxic and harmful to humans and aquatic life.
 - The 2015 ELG Rule is based on technologies, which are already in use in the industry, are effective for treating or eliminating toxic pollutant and nutrient discharges to surface waters, (b) (5)
 - New technologies for generating electric power and the widespread implementation of air pollution controls over the last 30 years have altered existing wastewater streams or created new wastewater streams at many power plants, particularly coal-fired plants.
 - Estimated annual compliance costs and benefits for the final rule are \$480 million (only 12% of industry incurs cost) and \$451 to \$566 million, respectively; these costs reflect the fact that many companies were already planning to retire their coal-fired units/plants because of the low cost of natural gas.
- This rule, done in conjunction with the Coal Combustion Residual Rule on maintenance/closure of surface impoundments, provides industry with a long planning period up to 2023 to comply with both rule.

What Does the Rule Accomplish?

- Steam electric power plants are the largest industrial source of toxic pollutants discharged to surface waters, responsible for approximately 30% of the nationwide total.
 - Annually reduces pollutant discharges by 1.4 billion pounds and water withdrawals by 57 billion gallons leading to improvements in public health and ecological impacts.

- Reduces severe health and environmental problems that they pollutants can cause in the form of cancer and non-cancer risks in humans, lowered IQ among children, and deformities and reproductive harm in fish and wildlife.
- Improves protections for downstream drinking water plants and their customers.
- Reduces discharges of nutrients which exacerbate over-enrichment and associated water quality problems.
- Reduces the risk of catastrophic failure of surface impoundments.
- Due to their close proximity to these discharges and relatively high consumption of fish, some minority and low-income communities have greater exposure to, and are therefore at greater risk from, pollutants in steam electric power plant discharges.

What does this rule require?

- The rule establishes new requirements for wastewater streams from the following processes and byproducts associated with steam electric power generation: flue gas desulfurization (FGD), fly ash, bottom ash, flue gas mercury control, and gasification of fuels such as coal and petroleum coke.
- The rule established requirements for FGD wastewater for arsenic, mercury, selenium, and nitrogen. The rule encourages plants to commit to meet more stringent limits for pollutants in FGD wastewater, based on evaporation/crystallization technology, by giving them until the end of 2023 to meet the more stringent limits.
 - When the rule was signed, nearly half of all power plants with wet FGD scrubbers already had equipment/processes in place that enable them to meet the new effluent limits.
 - The new BAT limits have spurred technology development and new technology vendors entering the market, resulting in new technology solutions capable of meeting the BAT and Voluntary Program effluent limits.
 - A number of power plants are “leapfrogging” past the performance level set by the new BAT effluent limitations and committing to the more stringent voluntary limits.
- The rule established zero discharge of pollutants in fly ash transport water
 - When the rule was signed, dry fly ash handling was widely demonstrated, with over 80 percent of generating units operating these systems; others had announced plans to convert the systems at additional generating units.
 - Now, the transformation to dry ash handling systems is nearly complete, with only a handful of plants still using wet fly ash handling systems.
- The rule established zero discharge of pollutants in bottom ash transport water
 - When the rule was signed, more than 50% of entities already employed zero discharge technologies or had announced plans to switch to such systems in the near future.
 - (b) (5)
 - (b) (5)

3/28/17

- The rule also establishes zero discharge pollutant limits for flue gas mercury control wastewater, and limits on arsenic, mercury, selenium and total dissolved solids in coal gasification wastewater.