

## **Bolstering American Energy Dominance by Providing Regulatory Flexibility to Power Plants Using Coal**

On September 29, 2025, Environmental Protection Agency (EPA) issued a proposed rule and a companion direct final rule to provide near-term compliance flexibility related to regulations finalized by the Biden Administration for wastewater from steam electric power plants. EPA is taking action to provide near-term compliance flexibility to coal-fired power plants by extending seven deadlines in the 2024 ELG rule and additional flexibilities for power generators to enhance the service life of critical energy infrastructure. At the same time, EPA is requesting information on technology-based implementation challenges related to the 2024 ELG rule to inform potential future rulemaking to evaluate costs and technology performance and support practical, feasible, on-the-ground implementation of wastewater pollution discharge limits. Additionally, the agency is seeking comment to ensure that a subsequent rulemaking effort incentivizes continued coal-fired generation.

The agency's actions will provide steam electric power generating units with more time to comply with existing ELGs in order to affordably address increasing national energy demand, including for data centers and manufacturing. EPA is committed to protecting our nation's water resources under the Clean Water Act (CWA) while providing regulatory flexibility for the electric power sector to continue utilizing American-produced coal to adapt to increasing demand. EPA's actions advance the goals of President Trump's Unleashing American Energy Executive Orders. Americans shouldn't have to choose between reliable electricity, economic prosperity, and environmental protection.

### **Background**

Under the CWA, EPA establishes national technology-based limits for pollution discharged from industrial sources to waterways. These limits are called effluent limitations guidelines (ELGs) and they are implemented through permits under the National Pollutant Discharge Elimination System (NPDES). Permits are typically issued by states and are valid for 5 years. The ELGs for the Steam Electric Power Generating industry apply to power plants, including those that burn coal, that create steam to generate electricity. These power plants often use large volumes of water in their operation and maintenance. Wastewater is treated to reduce pollutants before it is returned to the environment. The agency previously issued final regulations revising ELGs for steam electric power plants in 2015, 2020, and 2024.

### **More on the 2025 Proposed Rule**

The agency's proposal would extend seven implementation dates by:

- Providing six more years (to December 31, 2031) for existing steam electric power plants to assess potential compliance pathways for their continued operations. This deadline extension is also the subject of a companion direct-final rule.
- Extending compliance deadlines by five years (to December 31, 2034) related to zero-discharge limitations for flue gas desulfurization wastewater, bottom ash transport water, and combustion residual leachate.
- Providing more time for compliance with three zero-discharge limitations for power plants that send wastewater to wastewater treatment plants for processing. The agency's proposal would align these deadlines with the deadlines for power plants that discharge directly to waterways.

## The Result

EPA's proposed rule would strengthen America's position as the AI capital of the world while bolstering industrial competitiveness. At the same time, it prevents higher costs for local businesses, creating opportunities for new investments and growth. When implemented, the proposal would save between \$30 and \$200 million each year. This means more money in the pockets of American families and more investment and growth opportunities for American businesses.

At the same time, EPA remains committed to ensuring that Americans have the cleanest water in the world. For 50 years, EPA has partnered with states, tribes, and stakeholders to implement the Clean Water Act, and there have been significant reductions in pollution entering our nation's waterways. As a result, our nation's waterbodies have recovered and are now clean and safe for recreation and wildlife. They are also engines of economic growth. The agency is committed to advancing progress under the Clean Water Act, including by supporting realistic and implementable standards for power plants that burn coal.

## National Energy Crisis

The U.S. is experiencing a national energy crisis leading to higher electricity bills for American households, higher costs for American businesses, electricity transmission issues, and reliability challenges including blackouts.

Symptoms of the crisis include:

- Urgent reliability concerns prompting the U.S. Department of Energy (DOE) to issue an emergency order delaying the closure of the J.H. Campbell power plant in Michigan.
- The DOE issuing an emergency order to keep electricity generation units operating past their planned retirement at the Eddystone Generation Station in Pennsylvania.
- The Federal Energy Regulatory Commission approving a "reliability must-run" contract to keep Maryland's Brandon Shores power plant online past its planned retirement date.
- Georgia Power announcing plans to extend the operation of several power plants, including utilizing Plant Bowen—one of the largest coal-fired plants in the world—beyond 2034.
- A June 2025 heat wave causing blackouts affecting 71,000 customers across multiple states while driving demand in the PJM Interconnect to its highest level since 2011.
- 400-megawatts of mobile generation units being deployed in San Antonio to maintain electricity.

## Public Comment Period

EPA will accept written comments from the public for 30 days following publication in the *Federal Register*. The agency will offer one online public hearing where registered parties may provide oral comments. For more details and to register for the public hearing, please visit: <https://www.epa.gov/eg/steam-electric-power-generating-effluent-guidelines>.

## More Information

To read the Federal Register notices and supporting documents, visit the previously mentioned web page. For additional information, contact Richard Benware at (202) 566-1369 or [benware.richard@epa.gov](mailto:benware.richard@epa.gov).