

INSIGHTS

EPA Postpones Compliance Dates for More Stringent Requirements for Discharges from Coal Fired Power Plants

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The U.S. Environmental Protection Agency (EPA) has taken two recent actions that have resulted in postponement of the compliance dates for more stringent requirements in the effluent limitations guidelines and standards for the steam electric power generating point source category originally published on November 3, 2015 (2015 Rule). This will allow EPA at least until August 12, 2017, to determine whether it will seek remand of any portions of the 2015 Rule.

On April 12, 2017 the EPA filed a motion in the United States Court of Appeals for the Fifth Circuit requesting that ongoing litigation in *Southwestern Electric Power Co., et al v. EPA* be held in abeyance for 120 days while EPA reconsiders parts of the 2015 Rule. On April 24, 2017, the Fifth Circuit granted the EPA's motion to hold the legal action in abeyance until August 12, 2017. *Southwestern Electric Power Co., et al v. EPA*, 5th Cir., No. 15-60821, 4/24/17.

On April 25, 2017, EPA published in the Federal Register a notification of postponement of compliance dates for more stringent effluent limitations guidelines and standards for the steam electric power generating point source category set out in the 2015 Rule. 82 Fed.Reg 19,005 (April 25, 2017). EPA notes in the notice that the regulations have been challenged in the above cited litigation and that EPA is postponing the compliance dates pending judicial review. EPA's action to postpone compliance dates followed the submittal of a petition for reconsideration of the 2015 Rule on March 24, 2017, that requested that EPA suspend the 2015 Rule's approaching deadlines, the earliest of which is November 1, 2018.

[Click here](#) to access a copy of the April 25 Federal Register notice.

For more information or insights about any of EPA's recent actions, please contact a member of Bracewell's Environmental Strategies Group.