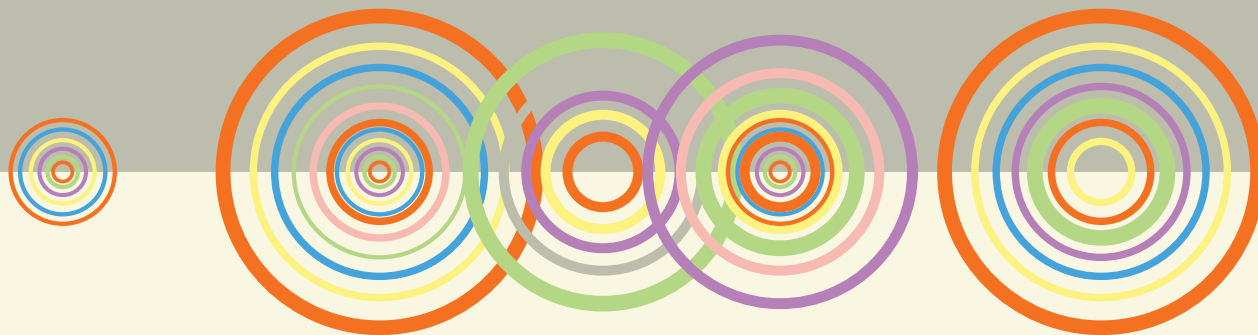


➤ 6/17/25 ➤

ELG COMPLIANCE



EFFLUENT LIMITATION GUIDELINES (ELG)

40 CFR 423 BACKGROUND

- The EPA has progressively updated regulations for wastewater discharged from steam electric power plants, with specific evolving rules for bottom ash transport water.
- Bottom ash transport water is any wastewater that is used to convey bottom ash that collects at the bottom of a furnace.

North Omaha is not subject to the 2024 ELG rule because its coal units are expected to retire from coal in 2026. It is still subject to the 2020 ELG rule and must achieve that rules 90% recycle rate.

2020 Revised Rule

High recycle rate of bottom ash transport water (90% recycle) required for compliance.

Compliance schedule in NOS NPDES permit – requires it to meet the 2020 ELG rule requirements by the close of 2025,

OPPD must comply with 2020 Rule.

2024 Revised Rule

Requires 100% recycle of bottom ash transport water.

Effective after 2029 for our subcategory.

Based on current transition schedule (2026), will not be applicable to NOS. The 2020 rule still applies.

EFFLUENT LIMITATION GUIDELINES (ELG)

40CFR 423 NOS APPLICABILITY AND AGENCY COLLABORATION

- The ELG rules are enforced through the state administered NPDES permit. (oversight by USEPA.)
 - The 2022 decision to extend coal combustion at NOS was immediately reviewed for permitting implications.
 - **Multiple** discussions with NDEE on compliance options. NDEE confirmed per regulations (**40CFR 423.19g**), deferral is not possible without a firm date for fuel conversion which is impossible due to current SPP processes. EPA Region 7 has oversight of state program.
 - A detailed discussion of the permitting process and enforcement pathway was provided in the December 2023 All Committees meeting ([link here](#); see 2:29 and following).

ENFORCEMENT

- To purposefully not comply with these regulatory requirements is considered a willful violation which would lead to civil and criminal liabilities for the District and responsible decision makers.
- Civil penalties: \$56k/day per violation of the Clean Water Act violations (~\$20M/year assuming one violation)
- Criminal liability for knowing or willful violation for individuals or companies are subject to a fine of \$50k/day/violation, 3 years in prison, or both.
- SD-7 directs the District to comply and go beyond compliance where practical.