



United States  
Environmental Protection  
Agency

Office of Water  
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## Fact Sheet: Modification to Effluent Guidelines Consent Decree

### Summary

EPA has obtained approval in U.S. District Court to modify a consent decree governing the Effluent Guidelines Program. The modification extends the deadlines for several effluent guidelines rulemaking projects. It allows the Agency to merge two related rulemakings, Metal Products and Machinery Phases 1 and 2, into one consolidated project. The Agency also signed a related settlement agreement, stating its intent to take final action on a Clean Air Act NESHAP rule for the Pharmaceuticals industry, simultaneously with final action on effluent guidelines for that industry.

### Background

Effluent guidelines are national regulations that set numerical limits for specific pollutants in wastewater from categories of industrial dischargers. The limits are based upon the application of specific process or treatment technologies to control the pollutants present in industrial waste streams discharged to surface waters and to POTWs. Although the guidelines are developed based upon particular technologies, dischargers may meet their requirements using whatever combination of treatment technologies and process changes they choose. Since the guidelines were first issued in 1974, the Agency has promulgated limitations and standards for 51 industrial categories.

### Effluent Guidelines Program Modifications

Development of effluent guidelines is largely governed by a consent decree in *Natural Resources Defense Council et al v. Browner* (D.D.C. 89-2980, January 31, 1992). The decree requires EPA to propose and take final action on effluent guidelines regulations for 19 industrial categories, and publish 11 preliminary studies according to a prescribed schedule. The Agency has completed 4 regulations and 7 studies, and published 3 other proposed rules required by the decree. The current modification extends deadlines for completing work on the 3 proposed rules, 3 additional rules not yet proposed, and 4 studies.

Also included in the modification is the consolidation of two rule projects, Metal Products and Machinery (MP&M) Phases 1 and 2, into one rule. EPA proposed the MP&M Phase 1 rule in May 1995 and began work on the Phase 2 rule in 1995. The modification allows the Agency to publish a new proposal covering MP&M Phase 1 and 2 facilities in 2000, with final action in 2002. The consolidated MP&M project will allow the Agency to use its resources more effectively in developing a comprehensive final rule. This consolidation was widely supported in public comments received after publication of the Phase 1 proposed rule.

EPA filed the unopposed motion in the U.S. District Court for the District of Columbia on January 31, 1997. Judge Royce C. Lamberth approved the motion on February 4, 1997.

### Complete List of Revised Dates

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	Proposed	Final Action
<b>Rules Previously Proposed</b>		
Centralized Waste Treatment	1/27/95*	8/15/99
Pharmaceutical Manufacturing	5/2/95*	4/98
Metal Products & Machinery	5/30/95* (Phase 1) 10/00 (Phases 1 & 2 re-proposal)	12/02
<b>Rules to be Proposed</b>		
Metal Products & Machinery, Phase 2	(see above - combined proposal)	
Industrial Laundries	9/97	6/99
Landfills and Incinerators	11/97	11/99
Transportation Equipment Cleaning	1/98	2/00
* Federal Register publication dates (future dates are signature dates)		

As shown in the above table, EPA intends to take final action on the Pharmaceutical Manufacturing Effluent Guidelines by April 1998. This will allow EPA to simultaneously complete final action on a NESHAP rule for the industry, as required by the Clean Air Act (CAA). Because the NRDC consent decree does not have jurisdiction over CAA rules, EPA and NRDC have signed a separate settlement agreement stating the Agency's intent to finalize the two actions concurrently. EPA is pleased with this result, as it supports the Agency's goal of utilizing a multimedia approach to regulation where possible. Joint rulemaking for the Pharmaceutical industry was widely supported in public comments on the 1996 Effluent Guidelines Plan.

### For Further Information

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