



Fact Sheet

Cooling Water Intake Structures At New Facilities- Amendment of Final Regulations

Summary

- EPA is making minor changes to the final regulations of section 316(b) of the Clean Water Act for cooling water intake structures at new facilities.
- These changes clarify three technical issues on velocity monitoring, authority to require additional design and construction technologies, and procedures governing requests for less stringent alternative requirements.
- EPA will issue the modifications as a direct final rule but will also issue a companion proposed rule at the same time.
- If EPA receives no adverse comments on the direct final rule during the 30-day comment period, the rule will become effective 90 days after it is published in the *Federal Register*. If EPA receives adverse comments, the Agency will withdraw the direct final rule, address the comments, and issue a final rule based on the proposed rule.

Background

- On December 18, 2001, EPA published final regulations in the *Federal Register* to establish location, design, construction and capacity standards for cooling water intake structures at new facilities under section 316(b) of the Clean Water Act.
- Section 316(b) of the Clean Water Act requires EPA to ensure that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.
- EPA is developing these and other regulations under the terms of an Amended Consent Decree in *Riverkeeper, Inc. v. Whitman*, U.S. District Court, Southern District of New York, No. 93-Civ.0314 (AGS).
- These changes will add neither costs nor benefits to those resulting from the existing rule.

Additional Information

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