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FOR IMMEDIATE RELEASE
March 28, 2011

EPA Opens Public Comment on Proposed Standards to Protect Aquatic Ecosystems

WASHINGTON – Today, as required by the Clean Water Act and pursuant to a settlement agreement, the U.S. Environmental Protection Agency (EPA) is proposing for public comment standards to protect billions of fish and other aquatic organisms drawn each year into cooling water systems at large power plants and factories. The proposal, based on Section 316(b) of the Clean Water Act, would establish a common sense framework, putting a premium on public input and flexibility.

“This proposal establishes a strong baseline level of protection and then allows additional safeguards for aquatic life to be developed through a rigorous site-specific analysis, an approach that ensures the most up to date technology available is being used. It puts implementation analysis in the hands of the permit writers, where requirements can be tailored to the particular facility,” said Nancy Stoner, EPA’s Acting Assistant Administrator for the Office of Water. "The public’s comments will be instrumental in shaping safeguards for aquatic life and to build a commonsense path forward. The input we receive will make certain that we end up with a flexible and effective rule to protect the health of our waters and ecosystems."

Safeguards against impingement will be required for all facilities above a minimum size; closed-cycle cooling systems may also be required on a case by case basis when, based on thorough site-specific analysis by permitting authorities, such requirements are determined to be appropriate. EPA is proposing this regulation as a result of a settlement agreement with Riverkeeper, Inc. and other environmental groups.

Flexible Technology Standards:

Fish Impingement (Being pinned against screens or other parts of a cooling water intake structure):

Existing facilities that withdraw at least 25 percent of their water exclusively for cooling purposes and have a design intake flow of greater than 2 million gallons per day (MGD) would be required to reduce fish impingement under the proposed regulations. To ensure flexibility, the owner or operator of the facility will be able to choose one of two options for meeting best technology available requirements for reducing impingement. They may conduct monitoring to show the specified performance standards for impingement mortality of fish and shellfish have been met, or they may demonstrate to the permitting authority that the intake velocity meets the specified design criteria. EPA estimates that a more than half of the facilities that could be impacted by this proposed rule already employ readily available technologies that are likely to put them into

compliance with the final standard without further modification.

Fish Entrainment (Being drawn into cooling water systems and affected by heat, chemicals or physical stress):

EPA is proposing a site-specific determination to be made based on local concerns and on a case-by-case basis, based on the unique circumstances of each facility.

This proposed rule establishes requirements for the facility owner to conduct comprehensive studies and develop other information as part of the permit application, and then establishes a public process, with opportunity for public input, by which the appropriate technology to reduce entrainment mortality would be implemented at each facility after considering site-specific factors.

Closed cycle cooling would be required at all new units of existing facilities which exceed a certain size threshold.

The public now will be able to comment on ways to improve the proposal. EPA will conduct a 90 day comment period, and will carefully consider those comments before taking final action on the proposal. The administrator must take final action by July 27, 2012.

More information: http://water.epa.gov/lawsregs/lawsguidance/cwa/316b/