

Phase I—New Facilities: Amended Final Phase I Rule, Fact Sheet

EPA 821-F-03-010, June 2003

Amendment of Final Regulations

EPA is making minor changes to final regulations under section 316(b) of the Clean Water Act for cooling water intake structures at new facilities. The amendments clarify three technical issues on velocity monitoring, authority to require additional design and construction technologies, and procedures governing requests for less stringent alternative requirements. The rule will be effective 30 days from the date of publication in the Federal Register.

Summary of Clarifications

- *Velocity monitoring* – Corrected the requirements for monitoring intake velocity at facilities with shoreline intakes.
- *Authority to require technologies* – Clarified that only the Permit Director has the authority to require facilities to install additional design and construction technologies.
- *Procedures* – Clarified the procedures an applicant must follow when seeking less stringent alternative requirements.

Background

In December 2001, EPA published final regulations 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 published a direct final rule and a companion proposed rule in December 2002, to clarify three technical issues in the December 2001 rule.

When we issued the direct final rule, we explained that, if there were adverse comments, EPA would withdraw the direct final rule before it became effective. EPA received adverse comment and withdrew the direct final rule in March 2003.

These technical changes will add neither costs nor benefits to the final regulations for cooling water intake structures at new facilities. 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.

Additional Information

To learn more about this final rule or any other phase of this rulemaking, visit the Internet at <http://www.epa.gov/waterscience/316b/>.