



Fact Sheet

Withdrawal of Direct Final Rule; Cooling Water Intake Structures At New Facilities- Amendment of Final Regulations

EPA is withdrawing a direct final rule that it published on December 26, 2002. The direct final rule would have made minor changes to regulations for cooling water intake structures at new facilities – regulations that EPA issued in December 2001, under Section 316(b) of the Clean Water Act

EPA published the direct final rule to clarify the Agency's intent on three technical issues: velocity monitoring, additional design and construction technologies, and requests for alternative requirements. When we issued the direct final rule, we explained that, if there were adverse comments, EPA would withdraw the direct final rule before the March 26, 2003, effective date. Because we received adverse comment, we are withdrawing the rule. We intend to address the adverse comments in a future rule.

Background on Cooling Water Intake Regulations

- 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 above factors 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).
- This action will add neither costs nor benefits to those resulting from the December 2001 rule.
- EPA received adverse comment from one party who challenged EPA's legal authority regarding alternative requirements.

Additional Information

You can call Martha Segall at (202) 566-1041, or you can write to her at:

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You can also send an e-mail to Segall.Martha@epa.gov. To learn more about this direct final rule or any other phase of this rulemaking, visit the Internet at <http://www.epa.gov/waterscience/316b/>.