

CLEAN WATER ACT 316 (b)

Environmental Services

Will Section 316 (b) of the Clean Water Act affect you?

Cooling water intake structures must be located, designed, constructed, and sized to reflect the “best technology available” (BTA) to protect aquatic organisms from being killed through impingement or entertainment.

EPA DIVIDED THIS RULEMAKING INTO 3 PHASES:

PHASE I – NEW FACILITIES

Applicability to facilities which:

- Use one or more cooling water intake structures to withdraw from waters of the U.S.
- Have or must obtain a National Pollutant Discharge Elimination System (NPDES) permit
- Have a design intake flow rate of 2 MGD or more and use at least 25% of the water solely for cooling purposes
- Construction of the intake structure commenced after January 17, 2002

Status:

- Final Phase I regulations published December 18, 2001 (66 FR 65256)
- Amendments to Phase I regulations published July 19, 2003 (68 FR 36749)

PHASE II – EXISTING GENERATING PLANTS THAT USE LARGE AMOUNTS (>50MGD) OF COOLING WATER

Applicability to facilities which:

- Use one or more cooling water intake structures to withdraw from waters of the U.S.
- Have or must obtain an NPDES permit
- Have a design intake flow rate of 50 MGD or more and use at least 25% of the water solely for cooling purposes

Status:

- Final Phase II regulations published July 9, 2004 (69 FR 41576)
- Effective September 7, 2004

PHASE III – EFFECTIVE JULY 9, 2007 BY USEPA (SUSPENDED)

Applicability to facilities which:

- New offshore oil and gas extraction facilities that have a design intake flow threshold of greater than 2 million gallons per day (MGD) and that withdraw at least 25 percent of the water exclusively for cooling purposes
- EPA decided that uniform national standards are not the most effective way at this time to address the cooling water intake structures at existing facilities that were not covered under the earlier Phase II rule. Instead, we section 316(b) for these facilities on a case-by-case, best professional judgment basis. This rule does not change the regulatory requirements for facilities subject to the Phase I or Phase II regulations.



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Providence Engineering and Environmental Group LLC