



National Sea Grant Law Center

Announcement of Regulatory Development

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EPA Promulgates Final Rule for Cooling Water Intake Structures for New Offshore Oil and Gas Extraction Facilities

(Information adapted from the EPA's *Final Rule for Cooling Water Intake Structures at Phase III Facilities Fact Sheet*)

Summary

Section 316(b) of the Clean Water Act requires National Pollutant Discharge Elimination System (NPDES) permits to guarantee that the location, design, construction, and capacity of cooling water intake structures use the best technology available to minimize adverse environmental impact. Cooling water intake structures can have harmful impacts on aquatic organisms. The withdrawal of water can pin organisms against parts of a cooling water intake structure (impingement) or draw them into cooling water systems (entrainment) thus subjecting them to thermal, physical, or chemical stresses.

In three different phases, the U.S. Environmental Protection Agency (EPA) has published regulations to further the goals of § 316(b). Phase I, which applies to new electric generating plants and manufacturers that withdraw more than two million gallons per day (MGD) from waters of the U.S. and use 25 percent or more of their intake water for cooling, was published in December 2001. Phase II was published in July 2004 and applies to existing electric generating plants withdrawing 50 MGD or more and using at least 25 percent for cooling purposes.

Phase III

On June 30, 2006, the EPA issued the third and final phase of the regulations. In Phase III, the EPA has established national categorical regulations for new offshore oil and gas extraction facilities that have a design intake flow threshold of greater than 2 MGD and withdraw at least 25 percent of the water exclusively for cooling purposes. Existing Phase III facilities are not affected by this rulemaking. Based on available data, analyses, and comments, the EPA determined that existing facilities should continue to be regulated through the NPDES permit process on a case-by-case basis. Seafood processing vessels or offshore liquefied natural gas terminals are also not covered by this new rule.

A new offshore or coastal oil and gas extraction facility is defined as one that meets the definition of a new facility in 40 CFR 125.83; is regulated by either the Offshore or Coastal subcategories of the Oil and Gas Extraction Point Source Category Effluent Guidelines in 40 CFR part 435, Subpart D; and commences construction after July 17, 2006.

Phase III Requirements

The new rule imposes a number of monitoring and record-keeping requirements, in addition to impingement and entrainment standards. Fixed facilities that do not have openings in their hulls to extract cooling water must comply with standards under either “Track I” or “Track II.” Non-fixed facilities must comply under “Track I.”

? Track I facilities are required:

- to design their cooling water intake structures to meet a through-screen velocity of 0.5 feet per second or less;
- to meet proportional flow requirements, if located in estuaries or tidal rivers; and,
- to implement technologies for minimizing impingement of protected species.

? Track II allows facilities to employ alternative technologies that the facility demonstrates provide comparable performance to the velocity of 0.5 feet per second or less.

How can I find the rule or contact the EPA?

A copy of this rule is available at EPA’s Section 316(b) web site, <http://www.epa.gov/waterscience/316b/>. For more information, please call the Office of Water Science at 202-566-1076.

Fact Sheet Provided by:

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