

From: [Edan Rotenberg](#)
To: [Pam Lawrence](#); [Jennifer K. Schultz Ph.D.](#); [Drew Crane](#)
Cc: [Reed Super](#); [Joshua Berman](#)
Subject: BiOps for EPA's Section 316(b) regulations: quantitative modeling of thermal discharge impacts
Date: Monday, November 25, 2013 1:57:35 PM

Dear Pam, Jenny, and Drew,

As promised in our meeting on November 15, on behalf of Riverkeeper, Sierra Club, and the other environmental group commenters, we have reached out to the research teams at the University of New Hampshire and City College of New York who published the quantitative analysis of thermal discharge impacts that we referred to in our comment letter:

Stewart et. al., Horizontal cooling towers: riverine ecosystem services and the fate of thermoelectric heat in the contemporary Northeast US, Environ. Res. Lett. 8 ([2013](#)) [025010](#)

online: stacks.iop.org/ERL/8/025010

doi: 10.1088/1748-9326/8/2/025010

Supplementary Data: stacks.iop.org/ERL/8/025010/mmedia

Miara et. al., Riverine ecosystem services and the thermoelectric sector: strategic issues facing the Northeastern United States, Environ. Res. Lett. 8 ([2013](#)) [025017](#)

online: stacks.iop.org/ERL/8/025017

doi: doi:10.1088/1748-9326/8/2/025017

Supplementary Data: stacks.iop.org/ERL/8/025017/mmedia

We spoke to both research groups and they confirmed that, in addition to the publications and online supplementary data, further data is available to support the peer-reviewed results they published. They will of course provide such material directly to you at your request. As public scientists who are dedicated to advancing society's knowledge base in this area, they would also, naturally, be glad to discuss their research with you further and answer any questions you may have.

The easiest point person for you to contact to obtain information and to discuss modelling methodology and results is Dr. Charles Vorosmarty: cvorosmarty@ccny.cuny.edu. Dr. Vorosmarty is a member of the Department of Civil Engineering at the City College of New York, Director of the City University of New York's Environmental Cross-Roads Initiative, and a NOAA-CREST Distinguished Scientist. Dr. Vorosmarty can facilitate contact with both research teams at your convenience.

On behalf of Riverkeeper, the Sierra Club and the other signatories to the comment letter we sent, I want to emphasize that we believe that this kind of quantitative thermal modeling is essential to the BiOp analyses.

There is no comparable information available anywhere else in the record to help the Services evaluate the impact of EPA's decision to allow the continued operation of hundreds of once-through cooling water systems that discharges quadrillions of BTUs of heat, petajoules of energy, into river systems and estuaries across the United States. This is, without question, the best available scientific data on one of the most significant and problematic impacts of EPA's action. It would be arbitrary, capricious, an abuse of discretion and contrary to the Services guidelines, regulations, and the Endangered Species Act for the Services to issue BiOps that do not consider and integrate the findings of this research. We strongly urge you to take advantage of the availability of this information by contacting Dr. Vorosmarty and his colleagues to gather as much data and analysis for as many rivers as they can provide.

While my colleagues and I are available to participate in any call or correspondence, we understand that we are not necessary parties to this consultation. We would appreciate it very much, however, if you keep us informed

about your further inquiry into this data and let us know about the outcome of any consultation with Dr. Vorosmarty and his colleagues.

I hope all is well and that you enjoy the holiday celebrations later this week with friends and family. Please let me know if there is anything else we can do to aid the Services in developing the most robust, informed, and thorough BiOps possible in these circumstances.

All the best,

Edan

--

Edan Rotenberg
Super Law Group, LLC
131 Varick Street, Suite 1033
New York, New York 10013

212-242-2355 (main)
646-662-4271 (mobile)
855-242-7956 (fax)
skype: edan.rotenberg
edan@superlawgroup.com

This e-mail is from Super Law Group, LLC, a law firm, and may contain information that is confidential or privileged. If you are not the intended recipient, do not read, copy or distribute the e-mail or any attachments. Instead, please notify the sender and delete the e-mail and any attachments. Thank you.