

**From:** [Noguchi, George](#)  
**To:** [JohnsonHughes, Christy](#)  
**Cc:** [Mark Huston](#); [Drew Crane](#); [Patrice Ashfield](#); [Rick Sayers](#)  
**Subject:** Re: For Comment by COB 8/20: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95)  
**Date:** Friday, August 02, 2013 8:39:03 AM

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Thanks Chisty - I'll forward to the folks that are working on 316(b).

George

On Fri, Aug 2, 2013 at 10:46 AM, JohnsonHughes, Christy  
<[christy\\_johnsonhughes@fws.gov](mailto:christy_johnsonhughes@fws.gov)> wrote:

FYI  
Christy Johnson-Hughes  
National Energy Coordinator  
Ecological Services Program  
U.S. Fish and Wildlife Service  
4401 N. Fairfax Drive  
Rm 840C  
Arlington, VA 22203  
703-358-1922  
703-403-7872 mobile  
Telework: Monday afternoons 1:00 to 5:30

----- Forwarded message -----

**From:** **Apgar, Megan** <[megan\\_apgar@ios.doi.gov](mailto:megan_apgar@ios.doi.gov)>  
**Date:** Fri, Aug 2, 2013 at 10:33 AM  
**Subject:** Fwd: For Comment by COB 8/20: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95)  
**To:** Interagency Review <[interagency\\_review@ios.doi.gov](mailto:interagency_review@ios.doi.gov)>

Good Morning,  
EPA will brief the Interagency on their 316(b) final rule on Monday August 5, from 2-3 pm EDT.

Conference line: **Non-Responsive**

Thanks,  
Megan Apgar  
Executive Secretariat and Regulatory Affairs  
Office of the Secretary  
Department of the Interior  
Voice: (202) 208-4582

----- Forwarded message -----

From: **Apgar, Megan** <[megan\\_apgar@ios.doi.gov](mailto:megan_apgar@ios.doi.gov)>

Date: Wed, Jul 31, 2013 at 4:33 PM

Subject: Re: For Comment by COB 8/20: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95)

To: Interagency Review <[interagency\\_review@ios.doi.gov](mailto:interagency_review@ios.doi.gov)>

Comments on the economic analysis are due by 8/20.

Thanks,

Megan Apgar  
Executive Secretariat and Regulatory Affairs  
Office of the Secretary  
Department of the Interior  
Voice: (202) 208-4582

On Wed, Jul 31, 2013 at 4:31 PM, Apgar, Megan <[megan\\_apgar@ios.doi.gov](mailto:megan_apgar@ios.doi.gov)> wrote:

**Comments due to OES by COB August 20, 2013**

Please find attached for review under EOs 12866/13563, the EPA/OW draft final rule, "Criteria and Standards for Cooling Water Intake Structures." The preamble and regulatory text are in two files. Also attached for review is the Benefits Analysis. I will send the Economic Analysis (a 7MB file) in a follow-up email.

Upon completing your careful review, please use your discretion to limit circulation of this message to individuals in your bureau or office as appropriate. Please emphasize to those included on your distribution list that these documents are internal deliberative and should not be shared or discussed outside of the Executive Branch. To maintain a close-hold on these documents, we suggest that the attachments only be shared with bureau/office staff upon their request after they have reviewed the provided summary. A negative reply is not necessary; if I do not hear back from you by the deadline, 8/20,, I will assume that you have no comments.

**Brief Summary:** This rule establishes requirements under section 316(b) of the Clean Water Act (CWA) for existing power generating facilities and existing manufacturing and industrial facilities that withdraw more than 2 million gallons per day (MGD) of water from waters of the U.S. and use at least 25% of the water they withdraw exclusively for cooling purposes. These national requirements, which will be implemented through National Pollutant Discharge Elimination System (NPDES) permits, apply to the location, design, construction, and capacity of cooling water intake structures (CWIS) at regulated facilities by setting requirements that reflect the best technology available (BTA) for minimizing adverse environmental impact. On April 20, 2011, EPA published a proposed rule that included several options for addressing these impacts. EPA published two Notices of Data Availability (NODA), on June 11, 2012 and June 12, 2012, that further clarified EPA's approach. This final rule constitutes EPA's

response to the remand of the Phase II and Phase III rules. In addition, EPA is also responding to the decision in Riverkeeper I to remove from the Phase I new facility rule the restoration-based compliance alternative and the associated monitoring and demonstration requirements. EPA estimates total annual costs of the rule at \$297 million, and monetized benefits at \$19 million.

As a reminder, these documents are deliberative and pre-decisional and should not be shared or discussed with anyone outside of the Executive Branch. Feel free to share with others IN YOUR AGENCY as appropriate. If you feel someone in another agency not on the distribution list should review, let me know and I will ask OMB to forward to them. Please help ensure the integrity of interagency review process by respecting these guidelines.

Thanks,  
Megan Apgar  
Executive Secretariat and Regulatory Affairs  
Office of the Secretary  
Department of the Interior  
Voice: (202) 208-4582

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George Noguchi, Ph.D.  
US Fish and Wildlife Service  
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Arlington, VA  
703-358-2148