

# United States Senate

WASHINGTON, DC 20510

June 27, 2011

Dear Colleague:

We are writing to encourage you to join us in sending the enclosed letter to U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson concerning the agency's proposed rule on cooling water intake structures (CWIS) for power plants and other industrial manufacturing.

As you are aware, Section 316(b) of the Clean Water Act (CWA) requires these CWIS to reflect the best technology available for minimizing adverse environmental impact. For more than thirty years, the EPA and state governments have applied this requirement on a site-by-site basis, examining the impacts of the CWIS on the surrounding aquatic environment.

While the proposed rule published in the *Federal Register* on April 20, 2011, appropriately gives state governments the primary responsibility for technological decisions regarding how best to minimize the entrainment of aquatic organisms, the EPA has also proposed a one-size-fits-all national standard for minimizing the impacts of impingement. This approach will set performance and technology standards which are not demonstrated to be widely achievable and are likely to be unattainable for many facilities. The proposal also comes at a considerable cost – 20 times the estimated benefits, according to the EPA's own figures.

Our letter proposes that the EPA give state environmental regulators the discretion to perform site-specific assessments to determine the best technology available for addressing both impingement and entrainment together.

Given the proposed rule's potential to impact every power plant across the country, we invite you to join us in urging the EPA to re-evaluate aspects of its proposed rule. For your convenience, we have enclosed a state-by-state breakdown of the potential capital cost for retrofitting cooling towers at once-through cooled CWIS power plants. However, the rigid impingement requirements affect all power plants, even those with closed-cycle cooling.

If you would like to join us in signing this letter – or your staff has any questions – please contact Erick Lutt with Senator Ben Nelson at 4-8909 or via e-mail at [erick\\_lutt@bennelson.senate.gov](mailto:erick_lutt@bennelson.senate.gov) or Sarah Bell with Senator Chambliss at 4-8360 or via e-mail at [sarah\\_bell@chambliss.senate.gov](mailto:sarah_bell@chambliss.senate.gov). The deadline for signatures is at close of business on Thursday, July 14, 2011.

Sincerely,



E. Benjamin Nelson  
United States Senator



Saxby Chambliss  
United States Senator

Enclosures