

currently available to EPA do seem to support the use of a streamlined technology option for certain limited locations. Such a technology would be used to treat the entire cooling water intake flow and would not be used in combination with restoration measures to meet the performance standards. EPA is considering whether the following technology operated in the following locations would qualify for streamlined application requirements:

Use of submerged wedge-wire screens where the cooling water intake structure is located in a freshwater river or stream, sustained countercurrents exist to promote cleaning of the screen face, and the design intake velocity is 0.5 feet per second (ft/s) or less.

EPA believes that sufficient data exist in the record to demonstrate that all facilities that meet the criteria (*e.g.*, cooling water intake structure is located in a freshwater river or stream, facility proposes to use wedge-wire screen technology only, technology has a design intake velocity of 0.5 ft/s or less, and sustained countercurrents exist) and employ this technology would meet both the impingement mortality and entrainment reduction performance standards and that the record would thus justify limiting the amount of site-specific information required to be collected to support the use of this technology in freshwater systems (See DCN 1-3075, 1-5069, 1-5070, 3-0002, and 4-4002B). Facilities that choose to comply under this compliance option would still be required to meet the proportional flow standards in § 125.94(b)(2), (3), or (4).

At a minimum, the permitting authority would require each facility applying to use this technology to provide documentation that the facility's cooling water intake meets the applicability conditions specified for the technology and that, once installed, the facility will properly operate and maintain the technology. In addition, at a minimum, monitoring would be required as necessary to verify that the technology is in fact achieving an acceptable level of performance.

Under the second variation of this option, the Phase II regulations would establish the criteria and process for approving cooling water intake structure control technologies, but would allow the approval process to be carried out by the Director, perhaps with EPA oversight or approval. Under this option, the rule would define the criteria that a control technology must meet to be approved, and the process for approval. The criteria would focus on reducing impingement mortality and/or entrainment levels consistent with the

proposed performance standards (see § 125.94), as appropriate under specified conditions. This option would also specify the data requirements and process required to have a control technology approved. Under the option, the requisite data would be submitted to the Director who would determine whether the technology satisfied the applicable performance criteria. If so, the technology would be approved for use by any eligible facility (*i.e.*, any facility that meets the applicability criteria) under the jurisdiction of the Director. The Director's draft determinations would likely be published and an opportunity for public comment would be provided. The Director would then modify the State's implementing regulations to include the other technology as one eligible for a streamlined comprehensive demonstration study. This option could create an incentive for the regulated community to develop and document both existing and new innovative technologies to reduce cooling water structure impacts.

The two variations are not mutually exclusive. If EPA implemented both, it might adopt regulatory language similar to that provided below as a new § 125.94(a)(4). Note that 4(i) corresponds to the first approach and 4(ii) to the second.

(4)(i) You may demonstrate to the Director that your Phase II existing facility meets the conditions in (A), (B) and (C), and you will properly install, operate, and maintain submerged wedge-wire screen technology;

(A) Your cooling water intake structure is located in a freshwater river or stream;

(B) Your cooling water intake structure is situated such that sufficient ambient counter currents exist to promote cleaning of the screen face; and

(C) Your design intake velocity is 0.5 ft/s or less.

(ii) Any interested person may submit a request that a technology be approved for use under the compliance option in § 125.94(a)(4). If the Director approves, the technology may be used with compliance option § 125.94(a)(4) by all facilities under their jurisdiction. Requests for alternative technologies for compliance under § 125.94(a)(4) must be submitted to the Director and include the information in paragraphs (A), (B), and (C) below:

(A) A detailed description of the technology;

(B) A list of design criteria for the technology and site characteristics and conditions that each facility must possess in order to ensure that the technology can consistently meet the appropriate impingement mortality and entrainment performance standards in § 125.94(b); and

(C) Information and data sufficient to demonstrate that all facilities under the

jurisdiction of the Director can meet the applicable impingement mortality and entrainment performance standards in § 125.94(b) if the applicable design criteria and site characteristics and conditions are present at the facility.

Another paragraph could be added as § 125.95(c) that would establish the streamlined information collection requirements for the new compliance option at § 125.94(a)(4). The language might read as follows:

(c) You must submit to the director the application information required by 40 CFR 122.21(r)(2), (3), and (5) and the Verification Monitoring Plan in 125.95(b)(7).

Both options discussed above pose several implementation issues. There is the question of how, and on what basis, should technology effectiveness be assessed? Because each control technology is being assessed in a general context (*i.e.*, not as applied to a specific facility, but as applied in specified conditions), it is not clear that an appropriate baseline can be established. Thus, EPA is considering using available data, studies, and literature to establish the performance levels of specific control technologies. Such an approach presents additional issues, such as which data are of sufficient quality to be considered, how much data are needed to make a national determination, whether actual data or modeled data suffice, and whether sufficient data exist to pursue such an approach. Another issue is determining what factors beyond impingement mortality and entrainment reduction efficacy are most critical to determining when a specific control technology can be used effectively. As noted above, many factors influence control technology efficacy. Additionally, EPA would have to determine how broadly applicable a technology must be before it could qualify as "pre-approved." Finally, where a facility plans to implement an approved technology, EPA expects that Directors would retain discretion to impose permit conditions necessary to ensure the technology meets applicable standards, as well as the ability to add permit conditions as necessary to ensure all Phase II existing facilities that pursue this compliance option meet section 316(b) standards.

EPA requests comment on both variations of this option for Phase II section 316(b) compliance. The Agency is interested in comments on the overall approach, as well as on the specific issues each option presents, as discussed above. In addition, EPA is