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## 20. EPA: Agency to take more time to publish new cooling water intake rule

(03/14/2011)

Paul Quinlan, E&E reporter

U.S. EPA received a due-date extension for a new regulation aimed at shoring up the environmental impacts of cooling water intakes at power plants, which can vacuum up and kill fish, shellfish or their eggs, leading to steep declines in aquatic species populations along heavily tapped waterways like the Hudson River.

According to an agency spokeswoman, EPA now has until Friday to publish the rule unless Congress passes a new short-term continuing resolution. In that case, EPA may take two weeks, until March 28, the spokeswoman said.

The extension was agreed to between lawyers for EPA and Riverkeeper, the lead plaintiff in the environmental lawsuit whose settlement agreement forced the agency to draw up the new rules, EPA said.

In the settlement, EPA agreed to draft new regulations for existing power plants by March 14, a deadline that would have lapsed today. Final action on the new rules is due July 27, 2012, according to the settlement.

The settlement resolved two lawsuits brought against EPA in 1993 and 2006 alleging the agency's failure to issue regulations implementing Section 316(b) of the Clean Water Act.

House Energy and Commerce Chairman Fred Upton (R-Mich.), one of EPA's leading critics on Capitol Hill, warned the agency to move slowly on the cooling water intake rules, estimating they could cost power plants hundreds of millions of dollars to implement ([E&ENews PM](#), Dec. 3, 2010).

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