



April 15, 2021

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
Washington, DC 20460

Meeting Request from National Hydropower Association for Administrator Regan re: The Clean Water Act Section 401 Certification Rule

Dear Administrator Regan,

Congratulations on your confirmation as Administrator of the Environmental Protection Agency (EPA). The National Hydropower Association (NHA) believes our nation cannot achieve President's Biden's goal of transitioning to a carbon-free grid by 2035 without taking advantage of the critical renewable generation and flexible grid services provided by hydropower and pumped storage, which currently provide power to an estimated 30 million American homes and businesses.

Given hydropower's role in President Biden's agenda,¹ NHA respectfully requests an opportunity to meet with you and your staff to discuss the Clean Water Act Section 401 Certification Rule (Final Rule).² Though the Final Rule is widely known for its impact on natural gas pipelines and coal export terminals,³ its impact on hydropower is even greater: all 55 gigawatts of existing non-federal hydropower must request water quality certifications, including one third of all projects in the next decade. In addition, 50 gigawatts of new hydropower under development will also need to request water quality certification.⁴

As a result of the impact of the Final Rule on nonfederal hydropower licenses, NHA has intervened on behalf of EPA in each of the three pending legal challenges to the Final Rule, which are each currently suspended pending EPA's review. NHA supports many of the Final Rule's provisions that provide clarity to both process and scope for water quality certifications. We are happy to answer any questions with regard to the Final Rule or NHA's comments.⁵

Thank you for consideration of our request.

Sincerely,

Malcolm Woolf
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¹ The White House [FACT SHEET: The American Jobs Plan](#)

² Final Rule: [Clean Water Act Section 401 Certification Rule](#)

³ EPA's [Economic Analysis for the Clean Water Act Section 401 Certification Rule](#)

⁴ Department of Energy [Hydropower Market Report](#) (2021)

⁵ NHA comments were included in the email delivering this letter