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HEADLINE: EPA permits river fish kills

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Some say power plant edict falls short in protection bid

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A new federal regulation allows Indian Point and other major power plants to kill billions of fish while using river and lake water in their cooling systems - as long as they use screens to block most fish from being sucked into the plants, and then restock the waterways.

The regulation, adopted yesterday by the Environmental Protection Agency, says the most effective way to protect the environment would be to use cooling towers to recycle the water needed to lower the temperatures of huge electric generators.

The rule applies to the 550 largest power plants, including three lower Hudson River plants - Indian Point in Buchanan, Bowline Point Steam Electric Generating Station in West Haverstraw and the Roseton Generating Station in Newburgh - that together take in 1.69 trillion gallons annually. That is twice the volume of water in the entire 153-mile estuary, from the Battery in Manhattan to Troy.

State Department of Environmental Conservation studies of the impact of their cooling systems on just five of the more than 100 species of fish in the Hudson found that the three Hudson River plants kill more than 2 billion fish a year.

State environmental and Indian Point officials declined to comment on the regulation.

But it would be costly to fit the "closed-cycle" cooling systems, as they are known, to existing power plants, and the EPA decided the expense could not be justified. Instead, the regulation permits companies to continue using river water to cool their equipment, but require plants to use combinations of screens and other technologies to reduce the numbers of fish, plants and fish eggs that are destroyed. In addition, the plants can use restoration measures, such as stocking the rivers with new fish to make up for the fish that are killed.

EPA Administrator Mike Leavitt said yesterday that the new rule provides the first minimum performance standards for existing power plants since the adoption of the

Clean Water Act 32 years ago.

"This rule sets an important national standard to protect fish, shellfish and other forms of aquatic life from death or injury," Leavitt said.

Using the combination of screens and restoration measures, the new regulation requires existing plants to reduce the number of fish pinned against plant screens by at least 80 percent, and the number of small fish and eggs drawn into the plants by at least 60 percent. Those standards are far less than the 90 percent to 95 percent efficiency of closed-cycle cooling systems, which do not suck in as much water.

The rule was designed, said Leavitt, "to offer these large power plants flexibility to comply and to ensure energy reliability."

The standards for existing plants run counter to a federal Court of Appeals ruling two weeks ago, which rejected part of an EPA regulation for new power plants. The regulation would have allowed plants to use combinations of screening technologies and restoration. The court also held that alternative technologies must be "100 percent as effective" as closed-cycle cooling.

"The EPA has completely abdicated its congressionally mandated duty to require the best technology for minimizing fish kills," said Alex Matthiessen, director of the environmental group Riverkeeper, which challenged the rule for new power plants in federal court.

Reed Super, Riverkeeper's senior attorney, said "the EPA has made a mockery of the Clean Water Act by maximizing fish kills with the worst technology available." Super said the group would challenge the new rule in federal court.

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