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HEADLINE: Indian Point must act to stop fish kills

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BODY:

State tells Entergy to build cooling system or close

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The state yesterday ordered the Indian Point nuclear power plants to stop siphoning billions of gallons of Hudson River water and killing a tremendous amount of fish by building a closed-cycle cooling system or else agreeing to cease operating in 10 years when their licenses expire.

The Department of Environmental Conservation also ordered 42-day shutdowns and reductions in water usage during spawning seasons to minimize the plants' effect on river fish. The water reductions would reduce the amount of power produced by the plants, which are capable of generating nearly 2,000 megawatts of electricity.

But the agency also said the plants in Buchanan could continue using the river as their primary cooling source for a decade if its owner decides to go out of business rather than seek 20- to 30-year license extensions from the Nuclear Regulatory Commission. The license for Indian Point 2 will expire in 2013; Indian Point 3's license will expire two years later. Entergy Nuclear Northeast has until 2008 to notify the NRC of its intentions.

"The department determined that the cost of constructing closed-cycle cooling would be wholly disproportionate when compared to the environmental benefits if the license extension is not granted," DEC spokesman Michael Fraser said.

The department, explained Fraser, conducted a cost-benefit analysis and decided that it would be unreasonable to ask Entergy to foot the bill for the new cooling system if the plants were going to be open for only 10 more years. But the expenditure would be reasonable if it were amortized over the next 30 or 40 years.

Critics contend the federal Clean Water Act does not give the agency the authority to weigh the costs to a corporate bottom line against the impact of pollution on the environment.

A closed-cycle system functions like a giant radiator, using air and fans to cool and recycle water used in the electric generating process. It can use giant cooling towers,

such as those seen at some Midwestern power plants, or an array of smaller, less obtrusive units. The cooling system does not involve the radioactive water used in the nuclear reactor.

Entergy estimated in documents filed with the state it would cost \$1.4 billion to construct a cooling system using two massive towers more than three times the size of the plant's containment building domes, and installation would require a 10-month shutdown.

The DEC, in a draft discharge permit issued after more than a decade of controversy, ruled that the current "once-through" cooling system is killing unacceptable levels of fish in the Hudson. It said closed-cycle cooling systems are needed to protect the river and meet the requirements of the federal Clean Water Act.

Assemblyman Richard Brodsky, D-Greenburgh, hailed the state's ruling "as an enormous step to finally stop Indian Point from raping the river, which they have been doing for the past 25 years."

"This is a substantial step in the right direction," Brodsky added.

But he added that the proposal to allow Entergy to continue using the river for another decade "is grossly excessive."

"There has to be something better if they are not going to build cooling towers," Brodsky said.

Entergy's current discharge permit expired in 1992, but the plants were allowed to continue operating without one. Brodsky, folk singer Pete Seeger and the environmental group Clearwater have sued the state over the lapsed permit. Supreme Court Justice Thomas Keegan has ordered the state to issue a new permit by tomorrow.

A state environmental impact statement was completed in July. It studied the effect of the once-through cooling system on five of the more than 100 species of fish in the river and concluded that the plants at Indian Point, Bowline in West Haverstraw and Roseton in Newburgh collectively killed more than 2 billion fish annually. Most were killed when sucked into the plants and subjected to a hot water discharge. But millions more were killed in the river when they encountered a thermal barrier spanning the river that was formed by the hot water discharge between Indian Point and Bowline.

Yesterday's decision, however, applied only to Indian Point, which uses the most water. The other two permits are pending.

In its ruling on Indian Point, the DEC said it plans to fine Entergy \$24 million annually and give the money to a Hudson River Estuary Restoration Fund to mitigate the damage caused by the current cooling system.

Entergy filed a suit two weeks ago challenging the validity of the state environmental study, which formed the basis for the discharge permit. The company said in a statement that it hopes to demonstrate during public hearings that "the current permit contains technology and operational controls that represent the best approach to the environment, including fish protection, and is grounded in sound

environmental policy."

"These actions by the DEC would not enhance the environment, were unlawfully determined, and represents flawed environmental policy," Entergy attorney Elise Zoli said in the statement. "The state's electric system and air quality will suffer with no appreciable environmental gains for the river."

Clearwater Director Andy Mele said allowing Entergy to continue using the river, if it is not going to seek a license extension, "leaves open the possibility that Entergy could just decide to run the plant into the ground, kill every fish in the river, and then walk away.

"This is a pretty big, decade-sized loophole," Mele said.

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DEC options

These are options given to Entergy Nuclear Northeast by the state Department of Environmental Conservation as part of a draft discharge permit for Indian Point.

If Entergy accepts the cooling towers, it must:

- * Submit a pre-design engineering report for the cooling system within one year and a detailed design and construction plan within two years. Construction is not required before 2013, when its operating license expires.
- * Shut down for 42 days each year between Feb. 23 and Aug. 23 to minimize the effect on the fish.
- * Reduce water intake at other times during the year to minimize effects on baby fish and eggs.
- * Pay \$24 million annually to the Hudson River Estuary Restoration Fund to compensate for damage caused by the cooling systems.
- * Conduct a two-year study of the thermal discharge's effect on fish and plants.

If Entergy rejects the cooling towers, it must:

- * Agree not to renew its operating license.
- * Follow the same conditions as if it accepted the towers until the plants shut down.

The next steps

- * The public has 90 days to comment on the permits. Written responses should be sent to, Betty Ann Hughes, NYS Department of Environmental Conservation, Division of Environmental Permits, 625 Broadway, Fourth Floor, Albany, NY 12233-1750.
- * DEC public hearings will be held at 2 and 7 p.m. Jan. 28 and 29 at the Esplanade Hotel, 95 S. Broadway, White Plains.

* An issues conference will be held in the hotel at 10 a.m. from March 3 to 5.