

**Letter in Support of NYS DEC Decision to Withhold Water Quality Certification and to
Require that Closed-Cycle Cooling be Installed at Indian Point Nuclear Power Plant**

Administrative Law Judge Maria E. Villa
NYSDEC Office of Hearings and Mediation Services
625 Broadway, First Floor
Albany, NY 12233-1550
deprmt@gw.dec.state.ny.us

Dear Judge Villa,

I am writing you in support of the New York State Department of Environmental Conservation's well-reasoned 23-page denial of Indian Point's Water Quality permit. NYS and Federal law clearly require Entergy to use the best available technology for cooling.

More than 30 years ago the NRC evaluated and selected closed-cycle cooling as the only appropriate technology for reducing adverse environmental impact from Indian Point. Many nuclear plants throughout the country are using closed-cycle cooling, a radiator type of cooling system, which reduces cooling water intake and the resultant destruction of billions of fish, larvae and eggs by more than 90%. Ten of thirteen signature Hudson River fish species remain in serious decline, so much so that shad fishing had to be banned indefinitely this year. Power plants are a major cause of this decline and the best technology available must be used to reverse this problem.

Recently, based on a thorough review of cost and effectiveness, the DEC concluded that Entergy cannot demonstrate compliance with the Clean Water Act using their proposed experimental wedge-wire system and denied the water quality permit for Indian Point. The experimental wedge-wire system is designed to reduce -- but not prevent -- fish kill caused by the once-through cooling systems currently in use at Indian Point Units 2 and 3. The wedge wire system is not only unproven, but is not even projected to be as good as the best available technology that the law requires, and it will have no impact on the daily thermal pollution or the discharges of the radioactive isotopes ("deleterious" substances) into the Hudson River upon which the DEC's denial is also based.

Entergy however claims that the costs of the best available technology that is required by the Clean Water Act is prohibitively expensive and is not necessary to perform the requirement of the Act and would cause increased air pollution. Neither of these statements is true. There are versions of closed-cycle cooling that are much less expensive and less visually obtrusive than the ones Entergy is arguing that it would be forced to use. Entergy has known since the enactment of the Clean Water Act in the 1970s of its requirements to use the best available technology for its permit and indeed had until 2009 to apply for the Water Quality Certification. During this time it could have put a very small fraction of its revenues in a fund to pay for the federally required changes for its permit. Earning over a \$1 billion a year in profits, Entergy could have easily saved the money and performed the federally-required installation of the appropriate cooling system.

Instead Entergy chose to ignore the requirement and pay exorbitant fees to lawyers and public relations firms to oppose the socially-responsible action. This poor choice should not be rewarded. Please do not allow the expensive, misinformation campaign Entergy is waging to influence your decision to continue to uphold the Clean Water Act.

The health of the Hudson River is vital to people of New York State and should not be allowed to be degraded by Entergy's failure to act reasonably.

Sincerely,

Signature: _____ Date: _____
Name:
Address:
City/Town, Zip Code:

cc: Commissioner Pete Grannis
pgrannis@gw.dec.state.ny.us