



HUDSON RIVER SLOOP
CLEARWATER, INC

Honorable Maria E. Villa, Administrative Law Judge
NYSDEC Office of Hearings and Mediation Services
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July 26, 2010

Dear Judge Villa,

Support for Closed-Cycle Cooling: Hudson River Sloop Clearwater is writing to strongly support the New York State Department of Environmental Conservation's well-reasoned 23-page denial of Indian Point's Water Quality Certification (WQC). NYS and Federal law clearly require Entergy to use the best available technology (BTA) for cooling.

More than 30 years ago, the Nuclear Regulatory Commission 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 species of fish 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 they denied the water quality permit for Indian Point. Wedge-wire screens are 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 which 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 unnecessary to achieve 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 paid for the installation of the appropriate cooling system. Entergy has applied for a 20-year license extension for the aging reactors at Indian Point. Clearwater believes that the track record of these facilities demonstrates that they are unsafe to relicense. However, if the license renewal were to be granted, Hudson River fish must be protected. The earnings that would accrue to Entergy during the relicensing period would be more than adequate to cover the expenses of installing a closed-cycle cooling system.

Instead, Entergy chooses to oppose the requirement and invest vast sums to resisting it. An example of this was demonstrated at the recent public hearing on the DEC's decision to deny Entergy the Part 401 Water Quality Certification. Entergy has organized several groups, and has influenced others, to believe that if the plant closes air

quality will be compromised by increase use of fossil-fuel burning plants in or near inner cities. This half-truth ignores the energy alternatives to fossil fuel combustion, including more than 6,000 megawatts of wind and other clean, renewable sources of energy that are readily available New York in various stages of proposal, application or construction. Beyond the stated purpose of the public hearing, many of the people Entergy transported to the meeting from far and wide focused on air concerns and on the issue of relicensing – not on the DEC’s decision to require BTA of closed-cycle cooling.

People vs. Fish: It is very ironic that so many of the individuals and groups that spoke on July 20, 2010 in Cortlandt made this a jobs vs. environment, people vs. fish issue. In fact, it was through the efforts of environmental groups that the Clean Air and Clean Water Acts were passed, which put into place the important protections that have consistently been resisted by the electric utilities and nuclear power industry. We are now at a point where environmental regulations need to be restored and strengthened, not weakened or undermined. Clearwater would never support the increased burning of fossil fuel as an alternative to nuclear power. Entergy’s implication that fossil-fuel combustion is the only alternative is intentionally misleading. We care deeply about the impacts of polluted air on people with respiratory problems, especially children that suffer from asthma. We seek to create and implement an energy policy that protects the environment and creates sustainable jobs, while reducing carbon emissions and lowering asthma rates. We invite those from SHARE, NY AREA and all others who understand these concerns to join us in creating a new reality.

Radioactive isotopes endanger people as well as fish and aquatic life. Contrary to Entergy’s claim, nuclear power is certainly not a clean source of energy. For example, large amounts of fossil fuel are used in the mining, milling, and transportation of uranium to create nuclear fuel. Entergy fails to consider the negative impacts of radioactive emissions on people working in nuclear processing facilities or living near uranium mines or waste storage facilities. In addition to the planned releases of radioactivity into air and water from Indian Point, there are ongoing leaks of strontium, cesium and tritium into the groundwater and the Hudson River. If the proposed desalination plant is built in Haverstraw Bay, radioactive isotopes from Indian Point could potentially get into the drinking water supply for people in Rockland County.

With regard to jobs, Clearwater and our sister organizations recognize that Entergy is a major employer and we have always supported the rights of workers as protected by their unions. Understanding that it may be necessary for public health, safety and the environment to close Indian Point, we have long-called for a collaboratively-developed exit strategy that protects workers by providing for economic conversion with retraining programs that will prepare workers for green jobs, including in the growing fields of energy efficiency and renewable energy.

Clearwater believes that whether or not Indian Point nuclear power plant is relicensed ultimately should depend primarily on health and safety considerations for the more than 20 million people who live within 50-mile the peak injury evacuation zone, as well as the environmental impacts on the ecosystem of the Hudson River and its watershed. The Atomic Safety Licensing Board must err on the side of safety. If there is a serious accident or incident at Indian Point, the resulting disaster would be of unprecedented proportion. We have recently witnessed an environmental catastrophe with the massive BP oil spill in the Gulf of Mexico, which should make it clear that prevention is critical.

With regard to the matter at hand – DEC’s decision to deny Entergy’s Water Quality Certification – please do not allow Entergy’s expensive misinformation campaign 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 responsibly. Thank you for your consideration of Clearwater’s comments.

Sincerely,



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