

ONE FISH, TWO FISH, DEAD FISH, NUKE FISH

BY STEPHEN FILLER

Although some might think that the Town of Fishkill was named as the site of a 17th Century New Netherlands fish killing ceremony (it wasn't: "kill" in old Dutch meant "stream"), today's fish killing dishonors go to the Indian Point nuclear plants in nearby Buchanan, where innumerable plants and over one billion fish — nearly 2,000 per minute — are killed every year. Because of the outdated technology that the Indian Point plants

use to cool the reactors, the annual slaughter includes 158 million Striped Bass and 13 million American Shad, a commercially important "species of concern." (Nearly one in five Hudson shad are killed by power plants.)

Unfortunately, the even greater "species of concern" is us humans — who continue the unnecessary "speciesscide" while routinely lighting our vacant offices through the night, over-cooling our stores and offices in the summer, and designing our TV's, VCR's and computers to continually draw electricity so we don't have to wait a few extra seconds to boot up.

To make matters worse, all of Indian Point's electricity could be generated without killing vast numbers of fish. The two Indian Point nuclear reactors — like 57 other U.S. nuclear plants — use outdated "once-through" cooling. Indian Point sucks in more than two billion gallons of Hudson water per day, sends it "once-

through" to cool the reactors, and then expels the enormous discharge at some nineteen degrees warmer than the ambient Hudson temperature.

A newer technology — "closed-cycle" cooling — would re-use rather than discharge most of the cooling water, reduce daily river intake from billions of gallons to several million, and save about 95 per cent of the fish. (Newer dry cooling systems are even better: they use almost no water, virtually eliminate fish kills and allow power plants to be built away from sensitive aquatic environments).

The Clean Water Act — which the New York State Department of Environmental Conservation (DEC) administers through the State Pollution Discharge and Elimination System (SPDES) program — requires plants such as Indian Point to employ the "best technology available to minimize adverse environmental impact."

In spite of this clear language, New York has allowed Indian Point to operate since 1992 on expired permits that allow "once-through" cooling, and has not reassessed the underlying technology since 1981.

Last November — after legal action by local environmental groups such as Clearwater, Riverkeeper and elected officials including State Assemblyman Richard Brodsky — New York's DEC issued a draft SPDES permit requiring "closed-cycle" cooling at Indian Point. Unfortunately, there are significant problems with DEC's draft permit.

First, the permit would only require Entergy, Indian Point's owner, to build a "closed-cycle" system if Indian Point obtains an operating license extension from the Nuclear Regulatory Commission. If Entergy decides not to renew, it may kill all the fish it wants until the current licenses expire in 2013 (Unit 2) and 2015 (Unit 3).

Second, even if Entergy obtains an extension it would have another five years to construct its new cooling system, meaning that it is likely that an additional 10-15 billion fish will be killed at Indian Point before the "closed-cycle" technology is implemented.

Entergy — who previously claimed that Indian Point's billion a year fish kills are environmentally benign (an argument flatly rejected by a New York State study last year) — claims that it would cost \$1.4 billion to retrofit Indian Point with a "closed-cycle" system and force a 10 month shutdown. According to Riverkeeper, however, it would cost not more than \$400 million using modern "closed-cycle" technology and require only a 1-2 month shutdown. Modern "closed-cycle" cooling systems are essentially large radiators one or two stories tall that do not resemble the massive cooling towers used in the early development of nuclear power plants.

David Gordon, Senior

Attorney for Riverkeeper, says that "closed-cycle" cooling is "the best technology because it would cut the massive Hudson River fish kills by more than 97 per cent, far more than any other available mechanism. Entergy's hyperbole about the costs and difficulties of cooling towers is simply an attempt to confuse and worry the public based on a strange and wasteful design."

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Simultaneous with this local activity, on February 16, 2004, the Environmental Protection Agency (EPA) issued a controversial rule permitting "once-through" technology for existing plants — a signal that the EPA, under new chief Mike Leavitt, will continue to be more protective of corporate profits than the environment.

The new rule allows the outdated "once-through" technology so long as plants reduce fish and plant destruction using screen and other mechanisms and use restorative measures, such as restocking rivers or creating artificial wetlands, to make up for the killed fish. This new rule conflicts with a decision concerning new plants earlier in February by the United States Court of Appeals for the Second Circuit which found that found that Congress, in enacting the Clean Water Act, required that new plants use the best available technology in the intake structures, and that restorative measures were inconsistent with that intent.

Because the Clean Water Act permits states such as New York to impose stricter requirements than required by the EPA, it's unlikely that these federal developments will affect New York's decision on the permit. Last July, Governor Pataki, during a kayaking trip on the Hudson, committed to "break the nexus between power plant generation and massive use of water" and to "retrofit older plants to make sure that everything that can be done to protect the river is done."

Erin Crotty, Commissioner of the New York State Department of Environmental Conservation, is expected to make a final decision on the Indian Point SPDES permit after administrative hearings to be held later this year. Governor Pataki, DEC and Commissioner Crotty should do whatever is necessary to either deny the Indian Point permit altogether, or issue a final permit that requires Entergy to comply immediately with the Clean Water Act and install best available technology now.

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All who may be interested are invited to be present.
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