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Plant's impact on river at issue

Indian Point's effect on the Hudson will be central in key nuclear power case

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First published: Tuesday, December 2, 2008

WASHINGTON — The Indian Point nuclear plant's impact on the Hudson River will be central to a case heading for the country's highest court today, and the final decision could affect operations at 550 power plants across the U.S.

The U.S. Supreme Court is set to hear Entergy Corp. vs. Riverkeeper Inc., a battle over whether the Clean Water Act allows federal regulators to weigh costs, as well as benefits, when protecting the environment.

New Orleans-based Entergy, which owns the New York plant, and the energy industry will argue that costs should be considered.

Environmentalists disagree.

At issue for Indian Point is a technology the plant uses to take in Hudson River water, use it to cool its operations and return warmer water to the ecosystem.

It requires billions of gallons of water every day and dooms fish eggs and smaller species of fish that get caught in the plant's intake system, according to environmentalists.

Entergy officials say 25 years and \$50 million of government-supervised studies show otherwise.

"The once-through cooling intakes of Hudson River power plants, which withdraw 5 billion gallons of water each day, have had a devastating effect on the river's ecosystem," said Alex Matthiessen, the Hudson Riverkeeper and president of the nonprofit environmental group. "The Clean Water Act clearly mandates the use of 'best technology available' without regard to cost-benefit comparisons and was intended to address precisely these types of impacts."

This case gives the Supreme Court the opportunity to weigh in on an important environmental issue, Matthiessen said.

The justices are unlikely to issue a ruling until spring, lawyers said.