RIVERKEEPER

SPRING 2005

Our Secret Epidemic

Raw Sewage Threatens Human Health and the Environment

Dear Riverkeeper Members,

In Governor Pataki's State of the State address last year, he declared his commitment to making the Hudson River swimmable from Albany to New York by 2009 – the 400th anniversary of Henry Hudson's discovery of *Muhheakantuck*, "the river that flows both ways." Setting aside that we will have missed the Clean Water Act's target date for a nation of swimmable (and fishable) rivers by 22 years, that's nonetheless an ambitious and visionary goal and we applaud the Governor for it. But a closer look reveals what's behind the Governor's pledge and how difficult fulfilling it may be.

When pressed, the Governor's staff acknowledge that he meant only to commit himself to rendering the River swimmable from Albany *to* New York City – in other words, only down to the George Washington Bridge. That was an admission that making the waters around Manhattan entirely safe to swim in is not possible in a mere five years. Given the City's outdated combined sewage and stormwater collection and treatment system, and its decades-old failure to comply with its Clean Water Act permits, we would agree.

What is unpardonable is that New York City officials are trying to get off the hook from ever having to properly repair its antiquated water treatment system. Instead of upgrading the system to meet current federal water quality standards, the City's plans are to just lower the standards! City leaders apparently think it's good public policy to condemn New Yorkers to a permanently polluted New York Harbor that's forever off limits to hazard-free swimming. Riverkeeper plans to employ whatever legal and media strategies necessary to ensure that Mayor Bloomberg and the City commit themselves to fixing the system and restoring beaches and swimming for City residents.

As you will read in our cover story, sewage has become a problem of nearly epidemic proportions, not just in New York City, but up and down the Hudson River Valley. With most of the Valley's sewage treatment plants having been built in the early post-war years, the system is on the verge of collapse. The solution is a matter of money and political leadership. In addition to our role as law enforcer, Riverkeeper will be working to help put a plan and funding in place to upgrade the Valley's sewage infrastructure, while capping the run-away development that can follow increased sewage treatment capacity.

Also in this issue of *Riverkeeper*, you will read about our efforts to gear up for our fight to stop Indian Point from getting a license extension for another twenty years, which is critical to our plans to retire the plant. Continuing our guest writer series, we have included an excerpt from *Crimes Against Nature*, Riverkeeper Chief Attorney Bobby Kennedy's indictment of the Bush Administration and its appalling and traitorous environmental record. You will also travel with us up the Hudson as we recount the highlights of our October patrol, where we focused our sights on the sprawling development proposed for the River's shores. And finally, you'll read about unsung heroes, Joni and Joe DiMauro from Mt. Kisco Seafood, who have devoted their lives and business to supporting the work of Riverkeeper and other community groups, and educating their customers about sustainable fish consumption practices.

As always, I am grateful to all of you who support us year in and year out. When I became the Riverkeeper nearly five years ago, I set out to build a grassroots army of citizen activists in order to take on the ever-present threats to clean water. With your financial support and can-do attitude, that is exactly what we, together, have done.

—Alex Matthiessen, Hudson Riverkeeper & Executive Director

Every time it rains, stormwater washes pollutants from city streets into underground sewer pipes. There, it mixes with raw sewage from commercial and residential buildings. About once a week, on average, the volume of this toxic brew exceeds the capacity of the system, and untreated sewage overflows into New York Harbor and other waterways in and around the City's five boroughs.

About Our Cover.
Photo by Giles Ashford, 2004.
A combined sewer overflow (CSO) discharges raw sewage and stormwater runoff into Newtown Creek.

"Old Fields" in Lewisboro.

Watershed news is an update of Riverkeeper's efforts to protect New York City's water supply.

Lewisboro, Leading the Way in Watershed Protection

Riverkeeper cannot successfully protect the New York City watershed without strong commitment and leadership from watershed municipalities. We commend the Town of Lewisboro for its recent watershed achievements, which are outlined below.

By Leila Goldmark

Environmental Laws Tightened in 2004

Bolstered by support and scientific literature provided by Riverkeeper in 2003, Lewisboro adopted a comprehensive, forward-thinking wetland protection ordinance in January 2004, which now protects 150-foot wetland buffers (up from 100 feet). Town Code Chapter §217 sets a laudable policy and states that the "integrity and realization of the full potential of wetland and watercourse functions, and benefits, is inextricably linked to the presence of intact, undisturbed natural communities of adjacent 'buffer areas' surrounding wetlands and watercourses. As an interlocking landscape component of wetlands and watercourses, such buffer areas provide essential functions and values." Bedford and Somers currently are considering similar buffer expansions, while Pound Ridge and Southeast have buffer protections that extend to at least 150-feet.

In November, the "buildable area" definition contained in Chapter §220 – Zoning Code

Photo © J. Henry Fair 2005

was revised so that the calculation for the required minimum lot area for subdivisions "shall not include land under water, land meeting the definition of 'wetland' and land with slope of or greater that fifteen percent (15%)." Prior law excluded only slopes of or greater than twenty-five percent (25%), along with submerged lands and wetlands. The revised standard will achieve water quality benefits because allowing smaller buildable lot areas will reduce paved surface areas in new developments, and further limiting construction activities on steep slopes will reduce the potential for soil erosion.

"Smart Growth" on the Horizon

In 1998, Lewisboro, North Salem and Pound Ridge partnered to conduct the Eastern Westchester Biotic Corridor Project, which was coordinated and implemented under the expertise of the Metropolitan Conservation Alliance. A study report was completed in 2002, and now the three Towns will use this work as the basis for future action. In December 2004, the Towns entered into an Inter-Municipal Agreement (IMA) regarding future planning and preservation within the roughly 25,000-acre Biotic Corridor. Specifically, the Towns agree to 1) identify the area and boundaries of the Biotic Corridor; 2) identify the appropriate balance of growth and preservation to be achieved; and 3) work individually and collectively to review town codes, zoning and wetland ordinances, and overlay districts. Riverkeeper hopes that this IMA can be a model for future regional cooperation throughout the New York City watershed.

Land Acquisition Protecting NYC Watershed

Lewisboro has demonstrated how partnerships among interested parties can leverage enough money to make significant land acquisitions, even in Westchester's steeply-priced market. In 1999, the Town's Conservation Advisory Committee conducted an open space inventory, and in 2000, voters overwhelming approved borrowing $2 million to start a land acquisition fund. The Town is well on its way to meeting an initial goal of preserving 1,000 acres.

In 2003, the 111-acre Houlihan property was preserved with contributions from Westchester County ($1 million), New York State ($1 million), the Town land acquisition fund ($500,000), and other private donors ($1.7 million). This acquisition protects the Cross River Reservoir and forms the hub of the trails system in Lewisboro.

Town Supervisor James Nordgren also reports that the Town plans to sign a contract in early-2005 that will protect an additional 383-acre parcel. To date, contributions will come from the Town fund ($1 million), New York City Department of Environmental Protection (DEP) ($1 million), private donors ($5.5 million), and additional proceeds will be raised by resale of existing structures.

Regarding a third property, Supervisor Nordgren also reports that a public hearing has been scheduled on DEP's plan to purchase 100 acres of steep terrain just east of the Muscoot Reservoir, creating a 400 acre parcel of open space to buffer the reservoir, as 300 adjacent acres already are preserved.

Looking Forward: Environmental Initiatives for 2005

Lewisboro understands that excessive use of road salt can contaminate ground and surface waters, cause habitat alterations, kill vegetation, and corrode infrastructure. In only a one year period, innovative Highway Superintendent Peter Ripperger cut salt use by 33% by recalibrating equipment. In the coming year, the Town will investigate additional best management practices, application standards, and guidelines to reduce road salt application.

The Town also understands the need for septic system upgrades and now is revising its current law so that the definition of "new home" will capture tear-down and expansion building applications that surpass a specified expansion percentage. Thus, installation of up-to-date septic systems would be required.

Other efforts are underway to restore and maintain the Town's lakes. Seven lake communities in Lewisboro contain approximately one-third of the homes in the Town, and all the lakes are stressed. The Truesdale community and Three Lakes Council both have done extensive studies on impacts from stormwater runoff, fertilizers and failing septics, and plan to form special taxing districts to implement necessary water quality improvement projects in upcoming years.

In addition, Lewisboro has demonstrated its commitment to wind energy and has resolved to purchase 25% of its municipal energy supply from wind power sources at effectively no extra cost. This effort to secure alternative energy supplies supports Lewisboro's resolution calling for the shutdown of the Indian Point nuclear power facility.

Riverkeeper applauds these many achievements and looks forward to continued cooperation with the Town as we all strive to protect the New York City watershed. ■

New Scientific Report Confirms Development Is Impairing Water Quality

By William Wegner

Photo © William Wegner.

Stroud conducting water chemical testing in the Muscoot River.

The apparent trends that emerged from Stroud's first annual report during Phase I of the 2-phase, 6-year enhanced water quality monitoring program include significant associations between development and water quality impairment in the New York City watershed.

In the fall of 2004, upon completion of its first three years of enhanced water quality monitoring in the New York City (NYC) watershed, Stroud Water Research Center released its Phase I report. The report identifies water quality trends at 60 sites in the watershed and supports them with rigorous statistical analysis of three years of data collection in the 2,000-square-mile watershed that supplies unfiltered drinking water to approximately nine million New Yorkers. Stroud's Phase I report indicates that sprawl is impairing stream function and water quality in the East-of-Hudson (EOH) watershed at a greater rate than in West-of-Hudson (WOH) watershed streams and that wastewater treatment plants in the EOH watershed are contributing measurable amounts of contaminants to the City's unfiltered drinking water supply.

Over the next three years, Phase II of Stroud's enhanced monitoring program will shift focus from the 60 Phase I sites to investigate water quality farther upstream from the drinking water reservoirs. This effort will help to identify specific sources of contamination in the drinking water supply and will enable regulatory agencies to implement appropriate mitigation measures where they are required to prevent water quality degradation. Based on the findings of the Phase I report, it is clear that our anti-sprawl efforts are at a critical juncture.

Specific Report Findings

The apparent trends that emerged from Stroud's first annual report during Phase I of the 2-phase, 6-year enhanced water quality monitoring program include significant associations between development and water quality impairment in the NYC watershed:

- Macroinvertebrate indices for sites located in the EOH watershed indicated a range of biological impairment at sites with higher amounts of paved surfaces, higher population densities, and greater flow contributions from known point source discharges, such as sewage treatment plants.
  What this means: Paved surfaces and other factors associated with sprawl are impairing stream function and therefore water quality in the EOH watershed.

- Human waste contributions (caffeine, fragrances, fecal sterols) were positively correlated with permitted discharges in EOH drainages.
  What this means: The study identified sewage treatment plants in the EOH watershed as contributors of chemical contaminants to the surface water supply.

- In the WOH watersheds, macroinvertebrate indices were not related to any land cover/use or water chemistry variable. However, there were measurable and predictable changes in water chemistry associated with changes in land cover/use (agriculture vs. forest) across the WOH watersheds.
  What this means: The WOH watersheds are not yet impaired by development, but the changes in water chemistry due to changes in land use are measurable and therefore further changes (urbanization) could lead to measurable degradation of macroinvertebrate communities and water quality.

- Stroud's analytics revealed shifts in macroinvertebrate dominance and species replacement that can ultimately be used to assess biological health at sites in early stages of change due to altered habitat and/or water quality.
  What this means: Stroud's data and scientific method provide a sensitive analytical tool to detect subtle changes in the health of watershed streams as land use or water quality change.

- Fecal steroid data suggested that human sewage was a constant and dominant source of fecal contamination at sites in both EOH and WOH watersheds.
  What this means: Most of the fecal coliform bacteria entering surface water supplies result from wastewater treatment plant effluent and failing septic systems, not from geese and other wildlife.

- The water quality scores for 19 of the 30 WOH sites showed no biological impairment. In contrast, only 4 of the 30 EOH sites showed no impairment.
  What this means: EOH watershed streams are significantly more impaired than WOH watershed streams.

Stroud's full report is available at www.stroudcenter.org/research/newyorkproject.htm.■

SAVE OPEN SPACE: Support the "Community Preservation Act"

By Christopher M. Wilde

Throughout New York State, untouched landscapes are becoming an endangered species of sorts, as developed land outpaces population growth. Indeed, Putnam County had the second highest rate of population growth in the state from 1990-2000, and sprawl development is occurring there at an alarming rate. Faced with this threat to New York's remaining open space, drinking water supply, and quality of life, Riverkeeper is supporting a state legislative effort to give local communities tools to help preserve their remaining undeveloped land.

The proposed Community Preservation Act would give New York towns the ability to use a real estate transfer fee to create community preservation funds that would be used to protect lands identified in a town preservation plan. Towns would be authorized to introduce voter referendums and pass local laws to impose a one-time fee on homebuyers of up to 2 percent of the purchase price above the median home value in the county. This revenue would be used strictly for the protection of land identified in a town preservation plan.

The Community Preservation Act is modeled on a number of successful voluntary programs on Long Island, where towns faced with runaway growth and disappearance of farmland received permission from the state to create a 2% real estate transfer fee. Since late 1998, those fees have generated over $150 million for land protection, allowing the participating towns to spend seven times more on preservation than traditional sources of funding would.

"The Great Swamp, a place where 'open space' have been magic words for a long time."

Riverkeeper believes the legislature's effort to extend this successful program statewide will give towns an opportunity to plan for and fund the protection of undeveloped land, natural resources, and quality of life throughout New York. As opportunities arise to support this important legislation, we will notify our email action alert subscribers (join at www.riverkeeper.org) of how they can help. ■

WATERSHED DEVELOPMENT PROJECTS UPDATE

By Christopher M. Wilde

The watershed team continues to work on a number of intensive sprawl development projects. Below is a sampling of these projects:

Belleayre Resort at Catskill Park

We continue to participate in the environmental review and permitting process for this massive resort development in the heart of the Catskills. The project proposal includes two hotels, two 18-hole golf courses, hundreds of time-share units, a residential subdivision, and two sewage plants on the steep slopes east and west of the Belleayre ski resort. Together with other members of the Catskill Preservation Coalition, we have presented expert testimony to highlight for the Department of Environmental Conservation's Administrative Law Judge (ALJ) the various deficiencies found in the environmental review of the project. For example, the project applicant misused the model for predicting stormwater runoff, overlooked significant visual impacts, and failed to consider reasonable alternatives for the project. Following this process, we recently completed briefing the ALJ on which issues should be adjudicated in a trial-type setting. The judge's decision is expected soon.

Putnam Valley

Riverkeeper achieved victory in our campaign against the ill-conceived Putnam Valley senior housing law, which has been repealed. In 2002, Riverkeeper filed a lawsuit alleging the town had passed the law, which essentially opened up 14,000 acres of Putnam Valley for massive senior housing projects, without conducting the necessary environmental impact review. The spectre of ongoing litigation and continued pressure during public forums led the town to repeal the law.

Terravest

Riverkeeper continues its advocacy regarding the Terravest project – a proposed commercial development in Southeast consisting of five commercial buildings totaling nearly half a million square feet (sf), a 60-unit single-family senior housing development, and a 15-acre town park. We have preserved our ability to appeal the State Supreme Court's recent ruling that adequate consideration had been given to lower-impact alternatives prior to the Planning Board approval. We also continue to participate in the public hearing and comment process for town wetland permits for the project.

Meadows at Deans Corners

We have completed briefing on our appeal of the State Supreme Court's ruling on our lawsuit challenging the adequacy of environmental review for the Meadows at Deans Corners project, a proposed 104-lot subdivision. The court found the Southeast Planning Board had taken the requisite 'hard look' at changed circumstances and new information that had accumulated since environmental review was conducted over a decade ago. The appeal has been fully submitted to the Appellate Division in Brooklyn, and we await scheduling of oral argument in the coming months. ■

What We Do and How You Can Help

Founded 39 years ago by fishermen and community members to confront polluters for control of the Hudson River, Riverkeeper has investigated and successfully prosecuted more than two hundred environmental law-breakers and is credited with having led the battle to restore the Hudson River and to save New York City's drinking water supply. Today, the Hudson River is the only major estuary on the Atlantic coast of the United States that still retains spawning stocks of all its native fish species. Riverkeeper has helped to establish globally recognized standards for waterway and watershed protection and serves as model and mentor for the growing Waterkeeper movement that includes nearly 130 Waterkeeper programs across the country. Please visit our website at www.riverkeeper.org.

How We Operate

Through citizen complaints and our own investigations, we root out polluters and other threats to the Hudson and New York City watershed. We rely on Pace University Law School's Environmental Litigation Clinic to bring them to justice. With Robert F. Kennedy, Jr., and Karl S. Coplan at the helm, 10 students work as attorneys each semester bringing lawsuits against polluters. The students receive special permission from New York State to practice and provide Riverkeeper with the equivalent of as much as $1 million in legal services each year.

Ways to Contribute

In joining Riverkeeper you become part of a community of people fighting to protect the Hudson River from pollution and harmful development. Membership begins at $10 for students, senior citizens and persons on limited income and extends to gifts of $500 or more. All members including Atlantic Silver Sides ($10) and Blue Crabs ($25-$99) receive our newsletter, invitations to events and a Riverkeeper decal. Striped Bass members ($100-$249) also receive a Riverkeeper cap. American Shad members ($250-$499) also receive a Riverkeeper tote bag. Atlantic Sturgeon members ($500-$999) also receive a Riverkeeper fleece vest. If you join at the Friends of the Hudson ($1,000-$4,999) or Hudson River Steward Circle ($5,000-$9,999) level you will also receive an invitation to go on a patrol mission on the Riverkeeper vessel.

When making cash contributions, check to see if your company matches charitable contributions by employees. It could double your gift to Riverkeeper. For more information about contributing to Riverkeeper, please contact Nicole Stangarone, Membership Associate, at 845-424-4149 ext. 236.

Gifts of Stock

Gifts of appreciated securities are an effective way to help Riverkeeper and realize significant tax advantages at the same time. To find out more about contributing stock, contact Riverkeeper's Chief Financial Officer John Hannan.

Planned Giving

You can help ensure the future of the Hudson River and its watersheds by including Riverkeeper, Inc., in your estate planning. Planned giving might be done by way of bequest or charitable trust, for example, and might include real estate, stocks or bonds. When preparing a will, consult an attorney. We recommend the following language be considered for use in a will:

"To Riverkeeper, Inc., a not-for-profit, tax exempt organization incorporated by the laws of the state of New York in 1983, having as its address 25 Wing & Wing, Garrison, New York 10524-0130. I hereby give and bequeath _____ to be used for Riverkeeper's general purposes."

For additional information about planned giving opportunities, please contact Riverkeeper's Chief Financial Officer, John Hannan, at 1-800-21-RIVER or 845-424-4149 ext. 229.

How to Join

To join Riverkeeper, simply fill out the form below and mail it along with your contribution to: Riverkeeper, P.O. Box 130, Garrison, NY 10524-0130. Please check the appropriate box and fill in the amount below or log on to our website at www.riverkeeper.org.

- ❍ Atlantic Silver Side (students, senior citizens, limited income) $10
- ❍ Blue Crab .....$25 – 99
- ❍ Striped Bass.....$100 – 249
- ❍ American Shad .....$250 – 499
- ❍ Atlantic Sturgeon .....$500 – 999
- ❍ Friends of the Hudson .....$1,000 – 4,999
- ❍ Hudson River Steward Circle.....$5,000 – 9,999

❍ Enclosed is my check or credit card authorization for $_____

❍ I would like to charge my contribution on my:

❍ VISA ❍ MC ❍ AMEX Exp. Date___/___/___

Card #

Name as it appears on card

❍ *Please sign me up for Riverkeeper's Activist Listserv. I want to be notified by email about public hearings, letter-writing campaigns and other activist events. My email address is included below.*

Name

Address

Telephone

e-mail

By Reed Super and Daniel Wolff
with contributions from Michael Misner

Our Secret Epidemic

Raw Sewage Threatens Human Health and the Environment

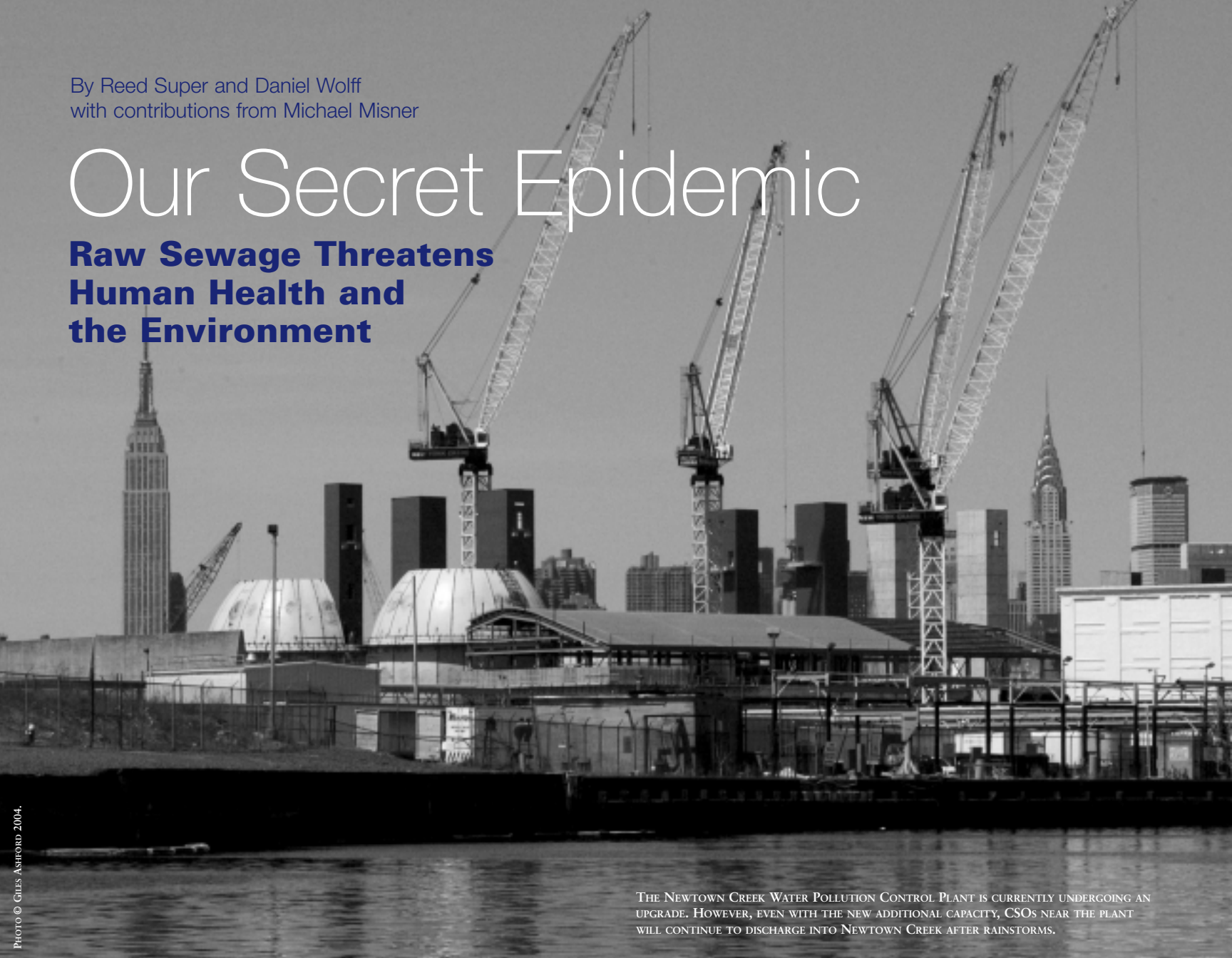

Photo © Giles Ashford 2004.

The Newtown Creek Water Pollution Control Plant is currently undergoing an upgrade. However, even with the new additional capacity, CSOs near the plant will continue to discharge into Newtown Creek after rainstorms.

Remember the massive northeast blackout of August 2003? New York City's sewage pumps lost power, backup generators failed, and nearly 500 million gallons of raw sewage spilled into the East and Hudson Rivers. The evening news ran stomach-turning footage of waste gushing from pipes. Health alerts were posted. Local beaches closed.

An environmental emergency? Certainly. A rare event? Unfortunately not. That much raw sewage flushes into our waterways *every week, all year long.* Every time it rains, stormwater washes pollutants from city streets into underground sewer pipes. There, it mixes with raw sewage from commercial and residential buildings. About once a week, on average, the volume of this toxic brew exceeds the capacity of the system, and untreated sewage overflows into New York Harbor and other waterways in and around the City's five boroughs. All it takes is a steady rainfall – at least one quarter inch per hour – to trigger hundreds of combined sewer overflows (CSOs).

520 million gallons of untreated combined sewage every week! 27 billion gallons a year! That's 10,000 football fields covered 9 feet thick with sewage dumped directly into New York Harbor.

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Our Secret Epidemic

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This summer, our patrol boat made its way up Newtown Creek on the Brooklyn-Queens border to investigate the extent of the CSO problem. This 3.5 mile tidal inlet is the kind of small, confined waterbody where sewer outflows do the most damage. It was after a rainstorm, and as the Riverkeeper's investigative team rounded a bend, we encountered a stretch of surreal, stagnant whitish water and the overpowering stench of decomposing human waste. "It was a cesspool," recalls City Councilman David Yassky, who had joined the patrol that day. "No waterway should be treated like that, but on New York Harbor, this kind of abuse is routine."

A similar foul brew of waste, chemicals, heavy metals and debris regularly flows into the Hudson, East River, Jamaica Bay, and Long Island Sound. All told, sewage overflows violate state standards in at least two dozen waterbodies in and around New York City: Some 85,000 acres. Even as record numbers of citizens flock to the urban waterfront, our sewage system regularly pollutes those waters with toxic chemicals and disease-causing agents, known as pathogens.

That's the sordid state of affairs in New York City, by far the worst sewage offender, but the Harbor also suffers from CSO discharges in Jersey City, Elizabeth, Hoboken, Weehawken, Paterson, Edgewater, Fort Lee, Bayonne, and Newark. More than 700 CSO discharge pipes circle the harbor: 460 in New York City, 250 in New Jersey, and 26 more in Yonkers.

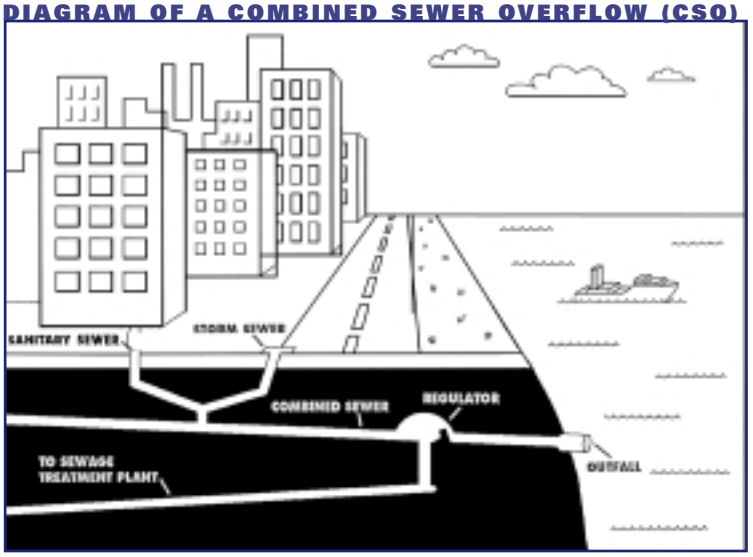
Upstate, most of the older cities also have CSO systems that overflow during rains. Along bucolic stretches of the upper Hudson, Albany, Poughkeepsie, Kingston, Rensselaer, and others add their own raw sewage to the mix. *[See box on next page to read about more sewage problems upriver.]*

The History of Overflow: An Underground Memory

The opening lines of William Wyler's 1937 film *Dead End* proclaim, "Every street in New York ends in a river." And rivers are where the City has always sent its waste.

Although the Dutch occasionally dug sanitary tunnels, streams and creeks crisscrossed New Amsterdam, and most sewage went directly into the waterways. Construction of the current system began in earnest around 1850, as cholera outbreaks ravaged the growing population. By 1902, the network extended throughout the City's developed areas, and today it's some 6,600 miles long: Easily enough pipe to reach California and back.

DIAGRAM OF A COMBINED SEWER OVERFLOW (CSO)



Courtesy of New York/New Jersey Harbor Estuary Program.

Seventy percent of New York City's present system is made up of combined sewers that carry both waste and runoff. Many of the pipes currently in use date back to the 1800s. For decades, toilets flushed into sewers that emptied directly into the City's rivers and creeks. After World War II, New York started building sewage treatment plants, but up until 1986 all of the upper West Side's sewage still ran, untreated, into the Hudson.

The City's system of combined waste and runoff pipes is a monumental testament to a by-gone era when our waters, our marine life, and our ability to pollute seemed infinite. Our sanitary system "remembers" a world we've long since found unworkable.

How Does It Hurt?

Overflow from the current, antiquated system dumps a variety of pollutants into our waters, including litter, garbage and other solids, pathogens, oxygen-demanding organic material, nitrogen, phosphorous, and toxics. The results, as the U.S. EPA recently reported, can include "beach closures, shellfish-bed closures, contamination of drinking water supplies, and other environmental and human health problems."

Sewage outflows carry disease: Viruses, parasites, and an estimated 90% of New York Harbor's coliform bacteria, a type of bacteria associated with fecal wastes that can cause intestinal disorders. After a rainstorm floods the system, the EPA calculates that bacterial concentration can be "several thousand times greater than water quality standards" allow. The agency's datum also indicates that just one sick person can contribute a large number of pathogens to the waste entering our waterways through CSOs. Once introduced to the waterways, pathogens drift with tide and current, causing disease in aquatic biota as well as humans.

A kayaker may develop a

mild case of diarrhea that costs $100 to treat. But a severe case can run over $7,000. And according to the EPA, national medical costs directly associated with waterborne illnesses total between $591 million and $4.1 billion per year. Some of these illnesses are severe. Heavy metals and synthetic organic chemicals can accumulate in the human brain, liver fat, and kidneys, causing skin rashes, anemia, nervous system and blood problems, reproductive difficulties, and an increased risk of cancer.

Meanwhile, within our creeks and rivers, raw sewage depletes the level of dissolved oxygen faster than it can be replenished. Fish and other aquatic organisms can't breathe. As well as causing massive fish kills, repeated sewage overflows can lead to the loss of habitat.

In the 1980s, environmentalists fought the Westway highway proposal to protect an important habitat for, among other species, Striped Bass. Today, sewage spills threaten the hard-won State estuarine sanctuary that runs from Battery Park City to 59th Street. In Brooklyn and Queens, the Jamaica Bay National Wildlife Refuge – a birdwatcher's paradise – receives more than five billion gallons of untreated wastewater in an average rain year.

According to the EPA, sewage overflows contribute ten percent of PCBs (polychlorinated biphenyls) to New York Harbor. That's one reason levels of this human carcinogen exceed federal standards in Striped Bass.

Virtually every report on New York City's waters specifically identifies CSOs as the largest single source of pathogens, oxygen demand, and plain old trash. In 2004, New York State named sewage overflows as the reason eighteen different waterbodies in and around the City were officially "impaired."

And existing studies may significantly *understate* the problem due to inadequate monitoring.

Come on in! (Not so fast)

After decades of reports on the death of local waterways, the *New York Times* reversed the tide in an emphatically-headlined October 1, 2002 article: "Come on in, the Hudson's Fine; The Slime Is Gone, and the Swimmers Have Returned." *Times* reporter Barbara Stewart quoted a City environmental spokesman, "[The river is] the cleanest it's been in 90 or 100 years."

Of course, the modern environmental movement and the Clean Water Act of 1972 have made a tremendous difference. And millions of New Yorkers and visitors have found their way back onto and into area waters. In 2004 alone, nearly 18,000 individuals launched kayaks into the Hudson River from the Downtown Boathouse's three Manhattan locations. Innovative new programs teach inner city youth how to build and navigate their own vessels. Community boathouses have recently opened on the Harlem River and in Long Island City.

New Yorkers' passion to connect to the water helps drive the movement to improve the quality of our urban environment. In Brooklyn, for example, The Gowanus Dredgers Canoe Club sees its notoriously foul and neglected canal as a recreational and educational resource. Their free canoe trips and special events – as well as scuba dives sponsored by Urban Divers – help make the case for environmental clean-up and increased public access.

And more and more people are swimming in the New York Harbor. The annual Manhattan Swim is now going into its 23rd year. Morty Berger, founder of the Manhattan Island Foundation which runs the event, describes it in almost religious terms. "When we get people into the water, are they changed? Yes, they are. It's as if they've been baptized. The water has a spiritual effect on them."

Unfortunately, it can have other effects, as well.

The Swim Around Manhattan was nearly cancelled in 2003 because of sewage overflows. That August, the NYC International Triathalon had to become a duathalon because the water was too unhealthy for the swimming leg. A month later, The Little Red Light House race was called off because the water was too dirty for human contact.

While New York City officials are eagerly seeking the 2012 Olympic Games, all it would take is a spell of heavy rainstorms for that Olympic summer to become an international embarrassment.

If there were adequate monitoring of our water quality (and there isn't), it would still be next to impossible to keep the public out of contaminated public waterways. On Orchard

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UPSTATE SEWAGE BY BASIL SEGGOS

New York City is not alone in suffering from a sewage epidemic. Across New York State, hundreds of municipal sewage systems are crumbling, threatening to reverse the tremendous water quality gains of the last 30 years. Ironically, as the Hudson's gotten cleaner – and more people have wanted to live near it – towns like Beacon, New Paltz, and Middletown have seen their outdated and neglected systems cracking under the pressure of unchecked sprawl development. Excessive sewage volumes have split old pipes and exploded manhole covers into the air, inundating residential roads like Beacon's Spring Valley Street and polluting streams like Fishkill Creek. Yet, there is a lack of state or federal leadership to meet this crisis. Communities are being forced to make do with ever-tighter budgets. They compete for diminishing funds, even as cuts in federal and state staffing allow for little more than a band-aid approach to the problem. Even worse, many Hudson valley communities are trying to raise tax dollars by encouraging more growth: a Catch-22 which ultimately exacerbates the problem. A new wastewater treatment paradigm is sorely needed, one which balances funding increases with smart-growth principles. In the coming months, Riverkeeper will be investigating how other states have tackled this problem and how best to implement such efforts in New York.

(Sewage problems in the Hudson Valley will be the topic of "Our Secret Epidemic Part II" to be published later this year.)

Our Secret Epidemic

(continued from page 11)

Beach in the Bronx, the standing rule is no swimming for twenty-four hours after a rainstorm. But on hot summer days, people routinely ignore the signs. Over at Valentino Park in Red Hook, Brooklyn, the pier is supposed to be off-limits: There's a sewage outfall within 750 feet of the sandy slice of beach. But that doesn't stop groups of teenagers from happily jumping into the harbor. And it's not likely to have much effect on the many immigrants who are used to swimming in and eating their daily catch from local waters.

The solution to the health threat posed by sewage overflow? Stop it from happening in the first place.

Action needs to be taken… *now.*

After 1986, when there were finally enough plants to treat raw sewage in dry weather, the next order of business became the CSOs. But the CSO provisions in the City's 1988 sewage permits were weak, and the City even failed to comply with those.

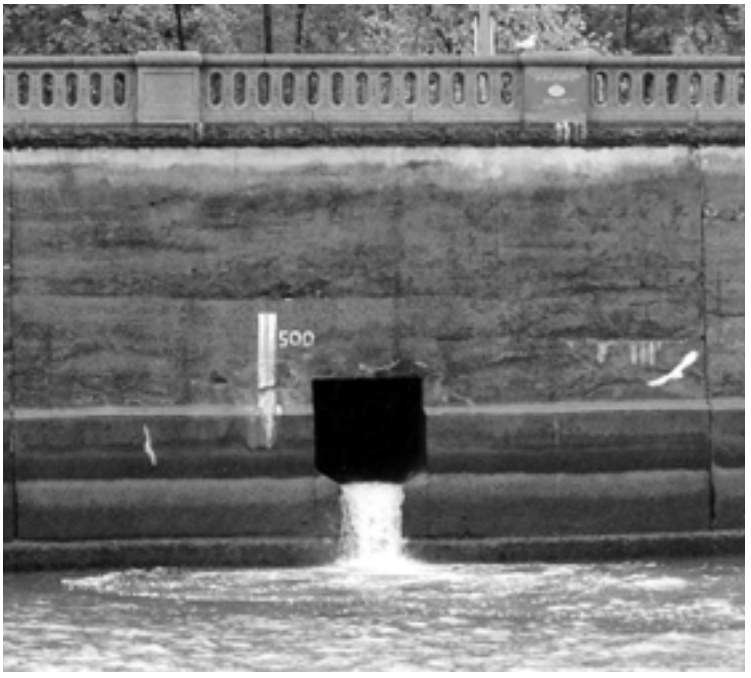
Four years later, the State had to issue an enforcement order including new deadlines. Over the next 14 years, New York City was supposed to plan, design, and construct facilities to "eliminate all contraventions of applicable water quality standards" caused by sewage overflows. It was also required to fund a $250,000 environmental benefit project.

If the City had complied, the vast majority of violations would have been corrected by now. Unfortunately, City officials have repeatedly missed deadlines and never funded the $250,000 program. In 2003, the State Department of Environmental Conservation found the City's request for an 11-year extension "unacceptable." Yet, the very next year, the State was proposing that the City get an *additional eight-year* extension – adding 19 years to a 13-year project and pushing the deadline to 2022!

The permits currently proposed for the City's 14 sewage plants fail to include a long-term plan, even though it's required by both the federal Clean Water Act and State law.

In a supremely Orwellian maneuver, the City's most recent proposal is to "meet" water quality standards by redefining what those standards are. As limited sewage treatment capacity is consumed by population growth, the City says all of its efforts will go to simply keeping the current rate of sewage overflow about where it is. In 2017, when the new round of CSO control measures is nearing completion, the City hopes to change the water quality standards to match the pollution level. It's a backwards approach that guarantees New Yorkers will be left treading (dirty) water.

Throughout our 40-year history, Riverkeeper has successfully tackled the toughest pollution problems. With the help of the Pace Environmental Litigation Clinic, we are fighting this cynical, do-nothing proposal on CSOs. Our goal is to require the City to design and implement a strategy to meet existing water quality standards on all of the city's waters – and to do it now. We're also demanding that future development projects account for and minimize the environmental strain they'll place on the City's combined sewer system. Virtually every new construction project in the five boroughs will make the CSO problem worse – unless a commitment is made to "green building" technologies.



A CSO discharges into the Harlem River, as seen from the Riverkeeper patrol boat.

In that sense, the City's next round of major development offers a unique and exciting opportunity. Innovative solutions abound, like using rooftop gardens and landscaping to collect stormwater, and operating air conditioning systems with treated wastewater. If sensibly designed, the rebuilding of the World Trade Center, construction at the Hudson Yards on the far west side of Manhattan, the eight thousand new homes proposed for the north Brooklyn waterfront, and the possible Olympic Village in Queens could directly capture and treat virtually all their combined sewage on-site. Following models like The Solaire apartments in Battery Park City, all new buildings can help reduce CSOs, rather than compound the problem.

Now is the time to cast off the toxic legacy of 19th century municipal engineering and reverse the late 20th century bureaucratic buck-passing. We, at Riverkeeper, envision New York as a modern, healthy, urban environment where, even on rainy days, your toilet flushes to a treatment plant instead of our waterways. ■

By Alex Matthiessen and Lisa Rainwater van Suntum

The Fight to Stop Indian Point's License Renewal

Photo © Joseph Squillante

Since Riverkeeper began its Indian Point campaign in November 2001, we have tackled serious issues that affect 20 million residents living within a 50-mile radius of the nuclear plant: safety, security, emergency planning, nuclear waste, energy reliability, and decommissioning.

With the facts on our side, we have successfully created a robust grassroots movement and bi-partisan political support for closure. To date over 400 elected officials – including 11 members of Congress – 52 municipalities, and 72 civic, environmental, and public policy organizations have joined together in an effort to close the Buchanan plant which sits 24 miles up river from New York City.

This strong coalition is now facing a new challenge: *relicensing*. Per federal regulations, each nuclear power plant in the country operates under a license that dictates how long it can operate. Indian Point 2 and Indian Point 3's forty-year licenses expire in 2013 and 2015, respectively. Entergy, the owner/operator of Indian Point, has indicated it intends to apply for 20-year license extension on Indian Point which could allow the plant to operate until 2035, and line Entergy's coffers with an additional 14.6 billion dollars.

All across the country, nuclear power plant operators are seeking 20-year license extensions on plants built in the 1960s and 1970s. The Nuclear Regulatory Commission (NRC) is in charge of approving these license renewal applications. Despite grave concerns raised by nuclear experts that these aging nuclear plants cannot safely operate beyond their original license period, the Commission has shown no hesitancy in granting license extensions. To date thirty reactors have been granted license renewals.

In stopping Indian Point's relicensing, we definitely have our work cut out for us. Fortunately, for Entergy, the company will be seeking license renewal with an ardently pro-nuclear president sitting in office.

The Bush Administration has refused to substantially beef up security at the nation's nuclear power plants despite its own intelligence reports indicating that our nuclear plants remain a probable and highly vulnerable set of terrorist targets. Worse, this administration wants to build a new generation of up to 100 nuclear power plants, even though the federal government has yet to figure out how to safely dis-

(continued on page 14)

The NRC's website lists all nuclear power plant relicensing applications. Entergy owns 10 nuclear power plant reactors, and Indian Point 2 & 3 are among the oldest in its nuclear fleet. Entergy will submit a relicensing application for its Pilgrim 1 plant located in Plymouth, MA in December 2005. Four unidentified reactors have dates assigned to them, but Entergy has yet to indicate which of these dates – July 2005, July 2006, December 2007, and December 2008 – applies to Indian Point.

(To read more on Entergy's bids for relicensing, visit our website at: http://riverkeeper.org/campaign.php/indian_point/we_are_doing/874)

pose of irradiated waste fuel.

Moreover, this administration received a great deal of nuclear industry money during the 2000 and 2004 campaign seasons. Nuclear Energy Institute (NEI) lobbyist John Kane told the *Washington Post*, "[Bush] is a big supporter. Our donation is just a small way of supporting him." NEI was one of the largest contributors to the lavish 2004 presidential inaugural celebrations, donating $100,000 to the festivities.

As the nuclear industry continues to cozy up to the President and his aides, the country is facing serious nuclear dilemmas: there is still no suitable national repository for the tons of high-level radioactive waste created by the country's existing 103 nuclear power plants; the NRC has stifled democratic participation in decisions affecting nuclear communities; the NRC has streamlined the site permitting process for new nuclear power plants in order for approval to be easy and swift for nuclear operators; and the NRC has begun to approve license extensions for older nuclear power plants without any plan for onsite or offsite storage of the additional high-level radioactive waste that will be created from two more decades of operation.

For these reasons, it is all the more imperative that Riverkeeper up the ante and put increased pressure on the federal government to protect the millions of citizens living near Indian Point. To this end, we are preparing what could be our biggest battle yet: *to stop the relicensing of Indian Point.*

In this article, you'll gain an understanding of the license renewal process, why Riverkeeper and its coalition partners are fighting license renewal, and how you, as a citizen, can become active in our efforts.

Why We are Concerned

What would it mean to have two 40-year old nuclear reactors with a laundry list of significant safety and mechanical problems continue to operate on the Hudson River an additional 20 years beyond what they were originally designed for?

While many of the concerns relating to Indian Point's current operation would apply to an extended license – terrorism, emergency planning, and nuclear waste – the plant's operational safety becomes more of an issue the longer the plant operates. As Dave Lochbaum, Nuclear Safety Engineer with the Union of Concerned Scientists (UCS), explains, "U.S. reactors are now entering the phase where safety system failures, unplanned reactor shutdowns, and accidental releases of radioactivity are becoming more likely."

In a 2004 UCS report entitled, *U.S. Nuclear Plants in the 21st Century: The Risk of a Lifetime*, Lochbaum analyzes the increased safety risks associated with the relicensing of aging nuclear power plants. He likens the life cycle of a nuclear reactor to that of an automobile: at the beginning of its life cycle (Region A), problems occur frequently; at the middle of its life cycle (Region B), problems tend to taper off; and the end of its life cycle (Region C), mechanical and safety problems increase dramatically. This life cycle is similar to the curve of a bathtub. **[Figure 1]**

Given Indian Point's long history of safety problems, this "bathtub" model becomes all the more troubling if Indian Point's license is renewed.

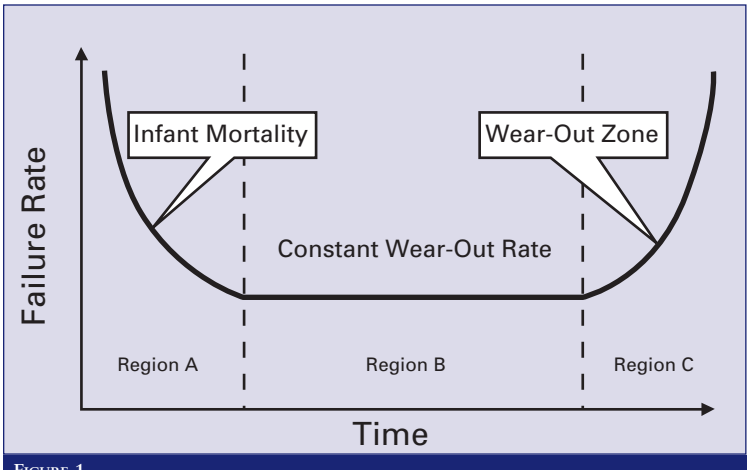


FIGURE 1.

Counties and Municipalities that Passed Resolutions Opposing Relicensing

County of Westchester, NY
County of Rockland, NY
County of Ulster, NY
County of Hudson, NJ
Village of Croton-on-Hudson, NY
Village of Piermont, NY
Village of Portchester, NY
Village of Irvington, NY
Village of Mamaroneck, NY
Village of Rye Brook, NY
Borough of Tenafly, NJ
Town of Ramapo, NY
Town of Pound Ridge, NY
Town of Bedford, NY
Town of Lewisboro, NY
Hastings-on-Hudson, NY
Town of Greenburgh, NY
Town of New Castle, NY
Town of Harrison, NJ
Newark, NJ

As Lochbaum notes, "The nuclear industry boasts about 'improving safety trends' over the past twenty years. But all they've done is let nature draw the left side of the bathtub curve. Now they want to relicense aging plants for 20 more years. Given this chance, nature will draw the right side of the curve with more nuclear disasters."

Safety is not the only relicensing concern; meticulous regulatory oversight is needed to ensure that age-degraded components are replaced and properly maintained. The UCS report points out that age-degradation compounded with a lax federal agency make for

a dangerous combination.

Meticulous regulatory oversight is utterly lacking. The report, "2002 Survey of NRC's Safety Culture and Climate," commissioned by the NRC, found that one third of NRC employees question the agency's commitment to public safety, while nearly half are not comfortable raising concerns about safety issues within the agency. Such a chilled work environment leads experts to question how effective the NRC will be in protecting residents living in the shadow of reactors that have been given the green light to operate an additional 20 years.

Unfortunately, unless the reactors at Indian Point are dismantled and rebuilt and the NRC changes drastically, a bleak future is likely for Indian Point and those living in its shadow.

To read *U.S. Nuclear Plants in the 21st Century: The Risk of a Lifetime*, go to: http://www.ucsusa.org/clean_energy/nuclear_safety/page.cfm?pageID=1408

The Need for Citizen Action

If Entergy wins approval for the relicensing of Indian Point 2 & 3, the campaign to close Indian Point will effectively be over. While regional watchdog groups such as Riverkeeper will continue to fight for increased and improved safety and security measures at the plant, it will be very difficult to draw public and political support to close reactors that were just granted 20-year license extensions. That said, we are confident that the proposed relicensing will in fact present us with a great opportunity to close the plant permanently.

But we will only prevail with your help!

In December 2003 the Westchester County Board of Legislators passed a resolution opposing the relicensing of Indian Point; shortly thereafter Westchester County Legislators Michael Kaplowitz and Martin Rogowsky sent letters and template resolutions to all municipal boards within the 50-mile radius of Indian Point, urging them to pass the resolution. Since then, twenty boards, including the Rockland, Ulster, and Hudson, NJ County Boards of Legislators, have passed similar resolutions.

At this time Riverkeeper is asking citizens to bring the template resolution to their local boards. If you've never volunteered for the Indian Point campaign before, now is the time to join us!

Today, a nuclear power plant would never be cited in such close proximity to New York City. It therefore begs the question why the same NRC would consider extending the operating license of this problem-plagued facility for another 20 years. With a large public outcry, we can stop the relicensing of Indian Point – but we'll need your help to do it.

To get involved, contact our Indian Point Campaign Director, Lisa Rainwater van Suntum at lisa@riverkeeper.org ■

LICENSE RENEWAL PROCESS

Who Approves a License Renewal?

The Nuclear Regulatory Commission (NRC) has the authority under Section 103(c) of the Atomic Energy Act to renew the operating licenses of commercial power reactors for an additional twenty years.

What is the timeframe for filing?

Federal regulations require nuclear plant owners to submit applications for license renewal no later than five years prior to the end of the original operating license.

How does the NRC determine if a 20-year license extension is approved?

Federal regulations require the NRC to review two issues before granting a license extension: safety and environmental issues.

What safety issues will be reviewed?

As outlined in federal regulation 10 CFR Part 54, the NRC may only focus on aspects of the plant's physical structure that could be affected adversely, if operation continued beyond its initial 40-year license. This is very limited in scope, focusing primarily on non-moving parts within the plant.

Riverkeeper is particularly concerned with this aspect of the renewal process, because Entergy – not the NRC or a third party – evaluates the aging effects of the plant.

What environmental issues will be reviewed?

A Generic Environmental Impact Statement (GEIS) was issued for Indian Point during the initial license permitting process. As outlined in federal regulation 10 CFR Part 51, a supplemental EIS must be conducted, which will take into consideration the impact of a 20-year license extension on the following: aquatic life (entrainment, impingement, and heat shock); ground water use conflicts, threatened or endangered species; electromagnetic fields; socio-economic impacts, including housing, water supply, tax revenue, and public transportation; severe accidents which could cause radioactive releases into the atmosphere and ground water.

Riverkeeper is also concerned with this aspect of the renewal process because the requirements for the environmental review are significantly limited in scope, compared with the original EIS. In addition, it does not address the additional production of spent fuel and how or where it will be safely stored and secured. A 20-year license extension at Indian Point would generate approximately 2000 additional tons of high-level radioactive waste.

— Phillip Musegaas contributed to this section.

INDIAN POINT & THE LATINO COMMUNITY

An Interview with Nelson Barreto – A NYC Businessman and Community Leader

Nelson Barreto, a native of Puerto Rico and long-time resident of the Lower East Side in Manhattan owns Ene, a hair salon in an upbeat section of his neighborhood. While one can find Nelson in his salon on any given day of the week, he is definitely not your typical business owner.

Nelson believes in community service and devotes a great deal of time to help the Latino community, including cultural programming and youth education. Nelson also volunteers for the City's Urban Divers, which focuses on the restoration of the NY/NJ harbor. Over the last year, Nelson has become increasingly engaged in Riverkeeper's efforts to close Indian Point. He is featured in our new Indian Point brochure and has been instrumental in bringing the Indian Point issue to New York's Latino community.

Below is an excerpt from an interview Riverkeeper's Indian Point Campaign Director, Lisa Rainwater van Suntum, conducted with Nelson regarding his views on Indian Point.

To read the entire interview, in English or Spanish, visit our website at: http://riverkeeper.org/campaign.php/indian_point/the_facts/1015

LRvS: Your NYC business relies heavily on adequate energy supply. Why are you not concerned that closing Indian Point would be detrimental to your business?

NB: This issue is controversial to me because my hair salon business depends on electricity – but this is an important issue. As a business man – someone that has lived in the East Village for the last 20 years – I'm aware of what's going on, especially since 9/11.

In the East Village, there are continuous break-ins and damages of commercial property, but what happened after the last blackout concerns me more. The 2003 Blackout happened because of antiquated transmission lines – not because we don't have enough power. Even without Indian Point we have enough power.

LRvS: How does Indian Point impact the Latino community – if at all?

NB: To work so hard and to come from another country and then to find out it could all be gone by an accident at Indian Point is devastating. But, Latino communities in New York are not the only people that will be hurt.

Photo: © Lisa Rainwater van Suntum 2005

Nelson Barreto standing outside Ene, his Manhattan hair salon.

LRvS: You've told me that you're concerned about our environment. Do you see Indian Point as a threat to our region's environment?

NB: As a volunteer diver for the city, I've watched the Hudson River slowly improve. But not all aspects of the river are healthy. Indian Point is destroying the delicate ecosystem. When Indian Point sucks in the river water to cool the reactors, a billion eggs, larvae, and even adult fish are destroyed every year. This has a great impact on the health of the river now and in the future.

LRvS: In conclusion, Nelson, what can citizens do?

NB: Indian Point is a danger. We need to educate ourselves and our children. We need to teach our children to speak out against Indian Point and to practice their freedom of speech boldly and strongly.

Visit Ene's website at www.enesalon.com ■

LA PLANTA DE ENERGÍA NUCLEAR DE INDIAN POINT

Una entrevista con Nelson Barreto – Un hombre de negocios y Líder Comunitario de NYC

Nelson Barreto, un nativo de Puerto Rico, y residente por largo tiempo del lado Este del bajo Manhattan, posee la peluquería, Ene, en una sección optimista de su vecindario. Mientras uno puede encontrar a Nelson en su salón cualquier día de la semana, él definitivamente no es el típico propietario de negocios.

Nelson cree en el servicio comunitario y dedica gran parte de su tiempo ayudando a la Comunidad Latina, incluyendo programación cultural y educación para jóvenes. Nelson también hace de voluntario para los Buzos Urbanos de la Ciudad, los cuales se concentran en la restauración del puerto de NY/NJ.

Durante el último año, Nelson ha estado involucrado con los esfuerzos de Riverkeeper para cerrar la planta nuclear de Indian Point. Nelson aparece en el nuevo boletín de información de Indian Point y has sido instumental en la difusion del problema de Indian Point entre miles de Latinos en Nueva York.

A continuación puede leer un extracto de la entrevista que nuestra Directora de la campaña para cerrar a Indian Point, Lisa Rainwater van Suntum, realizó a Nelson sobre sus puntos de vista con relación a Indian Point. Para leer la totalidad de la entrevista visite nuestra página web en: http://riverkeeper.org/campaign.php/indian_point/the_facts/1013

LRvS: ¿Su negocio en Nueva York depende grandemente de una adecuada provisión de energía. Porqué no está usted preocupado que si se cierra Indian Point, esto podría perjudicar su negocio?

NB: El asunto es controversial para mí porque mi negocio de peluquería depende de la electricidad, pero este es un tema importante. Como hombre de negocios, alguien que ha vivido en el East Village durante los últimos 20 años, yo estoy consciente de lo que está pasando, especialmente desde el 9/11.

En el East Village hay continuas rupturas y daños a la propiedad comercial, pero lo que pasó después del apagón del último verano, me concierne más a mí. El apagón del 2003 sucedió por unas anticuadas líneas de transmisión, no porque no tengamos suficiente energía. Aún sin Indian Point, tenemos suficiente energía.

LRvS: ¿Cómo impacta a la Comunidad Latina Indian Point en general?

NB: Trabajar muy duro y venir de otro país y entonces encontrar que todo esto podría pasar por un accidente en Indian Point, es devastador. Pero, la Comunidad Latina en Nueva York no es la única que sería afectada, esto afectará a todos!

LRvS: ¿En conclusión, Nelson, qué pueden hacer los ciudadanos?

NB: Indian Point es un peligro. Necesitamos educarnos nosotros mismos y a nuestros niños. Necesitamos educar a nuestros niños manifestarse en contra de Indian Point y practicar su libertad de expresión audaz y fuertemente. ■

Riverkeeper and Prospero Winery Announce the RKP Wine Club

Prospero Winery, located in Pleasantville, NY is a strong believer in Riverkeeper's mission to protect the Hudson River and the watershed. To assist in our continued efforts, Prospero offers a fantastic opportunity to help protect the Hudson while enjoying delectable hand-picked wines; 25% of all wine club proceeds are donated to Riverkeeper.

Three different Club Memberships allow both the beginner and the connoisseur of great wines to experience the subtleties of a perfectly aged Cabernet and the spicy, velvety taste of Tempest, Prospero's newest white wine.

Included in the membership are new wines with each shipment, recipes, facts on the Hudson River, and a vacuum wine saver.

Please contact Prospero Winery, Inc. at 914-769-6832 or rkp@prosperowineryny.com if you would like to place an order or have questions.

Westchester High School Student Moderates Indian Point Debate

On November 8th, just when the region thought debate season was over, Zachary Baum, a junior at Edgemont High School, successfully organized one of the most provocative and original Indian Point debates in recent memory. The Indian Point debate at Greenburgh Town Hall was an educational experience for and by students on an issue that affects them directly.

What set this debate apart from others were the well-researched, pointed, and often controversial questions posed by high school journalists from Ardsley, Dobbs Ferry, Edgemont, Hastings-on-Hudson, Sleepy Hollow, and Woodlands. These questions led to a lively exchange between debaters Kyle Rabin, former Riverkeeper senior policy analyst, and Beverly Goode, a representative of Entergy.

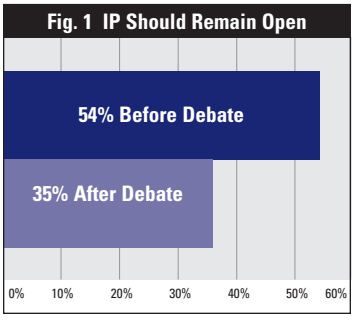
The quality and breadth of questions was due in large part to Zachary's thorough research on the issue. Over several months, Zachary met with Riverkeeper, Entergy, and county officials to discuss security and safety issues at Indian Point. After gaining a strong understanding of the issue from all perspectives, Zachary then educated his fellow student journalists so that they could develop hard-hitting questions.

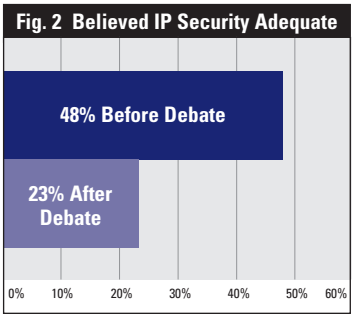
"It is remarkable what high school students can do, when given the guidance and opportunity by parents, teachers, and community officials," noted Lisa Rainwater van Suntum, Riverkeeper's new IP Campaign Director. "Zachary was very professional during the interview process. He always insisted that he hadn't decided whether Indian Point should stay open or be closed."

Over one hundred students, parents, and teachers attended the debate. Based on exit polls conducted by Zachary and his classmates, the debate not only informed the audience but also convinced a large number of them to change their minds. *[see Figures 1 and 2]*

After the debate had ended, Zachary finally revealed his position on the issue.

He, too, thinks Indian Point should be closed. ■





IP's EVACUATION PLAN REJECTED THIRD CONSECUTIVE YEAR

Every January the four counties within the 10-mile Emergency Planning Zone (EPZ) of Indian Point – Westchester, Rockland, Orange, and Putnam – must decide whether to submit their Annual Certification Letter (ACL), a checklist that indicates whether Indian Point emergency evacuation procedures are in place. Their submission implies that the plans are adequate. Over 300,000 residents live in the EPZ.

In 2002, Governor Pataki hired James Lee Witt, former head of the Federal Emergency Management Agency (FEMA), to conduct a top-to-bottom evaluation of the emergency plans for Indian Pont. The report, released in early 2003, concluded that the plan is seriously flawed and especially not adequate to protect the public against a fast-breaking radioactive release such as that that likely would occur as a result of an act of terrorism.

As a result, all four EPZ counties refused to submit their ACL's in January 2003; the NY State Emergency Management Office, respecting county "home rule," followed suit and refused to submit certification papers to FEMA. In 2004, Putnam County was the only body to submit the paperwork for the evacuation plan.

Since the release of the report two years ago, no substantive changes have been made to address a plan that is widely viewed as unworkable. In December 2004, new concerns arose upon discovering that many of the Indian Point sirens fail to rotate properly. In addition, it has recently been exposed that there is no back-up power for the sirens in the event of a power outage and emergency.

This year Westchester, Orange, and Rockland counties again refused to certify the emergency plans. For the second year in a row, Putnam County Executive, Robert Bondi, submitted his county's annual certification letter despite the fact that Putnam residents – his constituents – do not benefit at all from a plant that they subsidize substantially.

On September 10, 2003 during his budget address, County Executive Bondi praised Entergy and recommended that they continue to develop a strong partnership. Entergy had recently donated $500,000 to the county's new emergency center. The new center, needed in large part due to Putnam County's close proximity to Indian Point, cost nearly $11.8 million dollars – a bill footed almost entirely by taxpayers. ■

PATROL BOAT LOG

BY JOHN LIPSCOMB AND DANIEL WOLFF

AT THE DOCK IN NEW BALTIMORE, 6/25/04

With all of the assaults on the River and watershed, it's sometimes hard to keep morale up. Last year, the Riverkeeper's patrol boat ran over 5,000 miles on the Hudson River Estuary: pollution patrol, outreach/education, scientific research and press outings. I love my job and appreciate the chance to help protect and restore the ecosystem. But not everybody is glad to see us. There's ferocious pressure to develop the river's shoreline, pollution cases can take forever to succeed, and sometimes it feels like our government protection agencies are spending more time protecting polluters than the environment. So, it's great when once in a while some little thing serves as a lift-me-up and a push-me-forward.

This past June, we spent two weeks working out of the Shady Harbor marina in New Baltimore, about ten miles south of Albany. We had a crew of researchers aboard from Columbia University's Lamont Doherty Earth Observatory performing a contaminant dispersal study. Two additional boats carried RPI researchers conducting a parallel study to track and record zebra mussel larvae dispersal.

Shady Harbor's a nice little marina on a lovely part of the Hudson. There's not much development there. The opposite shore, Houghtaling Island, is quite wild except for the huge Corps of Engineers dredge spoil dump that covers much of the interior. Almost every morning just after sunrise, we saw two adult and three juvenile bald eagles working the River from the wooded shoreline.

Summer was in full swing, so the marina was busy. Every evening when we returned from our survey, a curious group of people waited to help us with our docklines. They'd ask about the project and about Riverkeeper. One man from the large motoryacht tied up behind us seemed especially interested. Finally, he asked where we stood on small private hydroelectric dams; turns out he owned a "few." I told him Riverkeeper was opposed to dams that prevented native fish from migrating up and down tributaries to spawn, but that I didn't think we were pursuing any cases against dams at present. He seemed pleased and asked for a newsletter.

Not ten minutes later, I walked up the dock to get a meal ashore, and there was Riverkeeper's newsletter, face up in a full garbage can. Most people who ask about Riverkeeper and the Hudson are truly and unselfishly interested, but I believe Mr. Motoryacht's only real concern was whether we might be a threat to his bottom line. That newsletter in the trash really bothered me. I think it was meant to.

By the end of the project, a lot of people at the marina knew us. Regulars came over every night. "How'd it go today?" they'd ask – very nice. On our last evening, several people came to say goodbye. Standing behind them was a very young girl. I'd seen her on other evenings, listening as we talked about the project. She seemed extremely shy. On this last evening, she waited till all the adults were gone, and then she asked a few very specific questions about where and how fish and other river creatures lived. I think she was less shy because of the fading light.

After she left, I kicked myself for not offering her a Riverkeeper hat or something. But a while later, when I was almost finished clearing up the deck, she came back. I was ready with the hat this time. She handed me an old bleached out mussel shell and a note. She said she'd been going to a nearby beach to clean up trash and had found the shell. "No new trash has floated back onto the beach" she reported. It seemed clear she was going to be looking after that beach for a while.

It was dark, so I read the note in the cabin after she left. A couple of words had been scratched out and changed – she wanted just the right ones.

"Dear Riverkeepers,
Thank you for working on the river. I'm so glad you are helping nature out. It feels so good to help nature. Have a safe trip home."

She signed her name and added, "From the boat in back of you."

I can't tell you how much those simple words meant and still mean to me, how hopeful they make me feel. Her shell and note stay on the Riverkeeper boat, right in front of me at the wheel. They are inspiration and fuel for my soul. Each time I pass by New Baltimore, I run close by the marina to say hello and thank her. I haven't seen her again – but I will. ■

Notes From the October Patrol:

Facing Unprecedented Hudson Waterfront Development

Photo: ©Manna Jo Green 2004

Alex matthiessen and Ray Curran, Scenic Hudson, departing Rondout Creek.

On Monday, October 25, 2004, Riverkeeper Alex Matthiessen climbed aboard the *R. Ian Fletcher* for its monthly patrol of the Hudson's shoreline. This October, the patrol focused primarily on highlighting the impacts of new development proposals along the Hudson River's waterfront. Over the past thirty years, the Hudson River – once regarded as an undesirable dumping ground and industrial wasteland – has made great strides towards recovery from past pollution. The Hudson is now "swimmable" between New York City and Albany, and citizens once again flock to the Hudson to picnic, boat, and enjoy its scenic beauty. Yet, as a result of the Hudson's tremendous recovery, its shores have become targets for rapid high-density residential and commercial development, as well as expansion of remaining industry. These developments threaten to both cut off communities' public access to the river and degrade the Hudson's recovering water quality, impacting fish and all other aquatic life in the river. Ironically, a cleaner river and its unique landscape created high-demand for real estate opportunities that displace industrial and water-dependent uses.

Riverkeeper is actively intervening in the environmental impact reviews of numerous potential development projects in order to continue to protect and strive for the goal of clean water.

On October 25, 2004, our patrol began by touring Hudson's historic Tarrytown/ Sleepy Hollow Shoreline, just north of the Tappan Zee Bridge – the site of three separate development proposals to cover 130 acres of waterfront with "mixed-use" developments that will increase the local population by a bare minimum of 4,000 permanent residents, and potentially many more. These projects include the 30-acre Ferry Landing in Tarrytown, the 95-acre Lighthouse Landing in Sleepy Hollow, and the smaller Ichabod's Landing project, also in Sleepy Hollow. While visiting these sites, Riverkeeper was accompanied by village trustees and administrators from both Sleepy Hollow and Tarrytown; Frances Dunwell, Director of New York State DEC's Estuary Program; and Ray Curran, Senior Planner from Scenic Hudson. Riverkeeper's tour provided an opportunity for these decision makers and advocates to meet and discuss the future cumulative impacts of these developments on their communities and the Hudson. Landside, ballooning traffic problems were a primary concern.

The next day, October 26, Riverkeeper's patrol ran from Nyack to Hastings, and included film crew interviews with Riverkeeper Alex Matthiessen and Pace Environmental Law Clinic Director Karl Coplan discussing the ARCO lawsuit and subsequent PCB cleanup, as well as meetings with a local business owner concerned about the cleanup process.

On October 27, Riverkeeper patrolled from Cold Spring to Poughkeepsie and met with local activists and press to discuss the Riverkeeper lawsuit filed against Poughkeepsie for improper review of its planned alienation of the DeLaval parkland. The parkland, bough using state Bond Act money dedicated for parkland preservation, was intended for conversion to buildings and parking. The lawsuit has since been settled, and the parkland alienation is undergoing environmental review. We continued the day's patrol up to Kingston and visited the area north of Rondout Creek where 2,500 housing units are being proposed. Guests included staff from Scenic Hudson and Clearwater as well as members of local government.

We ran from Kingston to Hudson on October 28, including stops at Esopus Creek, Catskill Creek and the Athens waterfront. We surveyed the Hudson waterfront with Sam Pratt, director of the local environmental group Friends of Hudson, local members of the media and several local advocates opposing the proposed St. Lawrence Cement plant.

Finally, to complete our voyage upriver, on day five – October 29 – we traveled from Hudson to Troy. The day's highlight was a visit to the Bethlehem Energy Center, a power plant using new closed-cycle cooling technology to greatly reduce fish kills at its cooling water intake. Riverkeeper continues to fight to see this technology installed in other existing Hudson River power plants, including Indian Point, Danskammer, Lovett, and others.

On October 30, the fall patrol finished, boat captain John Lipscomb and the *R. Ian Fletcher* sailed on back from Troy to the Petersen boatyard in Nyack, collecting scientific data along the way. The fall patrol was once again a resounding success, highlighting work completed and work yet to be done along the estuary's entire length. ■

thedocket

NEW CASES

Lighthouse Landing Redevelopment of GM Site (Sleepy Hollow, NY) The Village of Sleepy Hollow plans a massive mixed commercial/residential redevelopment on the 95-acre riverfront site which formerly hosted a General Motors plant. The Village of Sleepy Hollow accepted the project's draft environmental impact statement (DEIS) in January, and Riverkeeper spoke during the February public hearings. The current plan violates the Village's own Local Waterfront Revitalization Plan (LWRP). In March, the Waterfront Advisory Committee deemed the plan inconsistent with the LWRP.

Saw Mill River (Yonkers, NY) After pleading guilty to a 2003 acid spill into the Hudson River, American Sugar Refining Inc., a Yonkers company producing Domino-brand sugar, was fined $20,000 by Westchester County District Attorney Jeanine Pirro and ordered to provide $100,000 in funding for a program by Riverkeeper and the Saw Mill River Coalition to protect and restore the Saw Mill River.

Beacon Sewage Overflows (Fishkill Creek, Beacon, NY) This past spring and summer, Riverkeeper began receiving complaints about sewage overflowing from manholes along residential Spring Valley Street in Beacon – with some overflows dating back over ten years. After Riverkeeper filed a Notice of Intent to Sue (NOIS) against the City of Beacon in September 2004, Beacon sealed most of the problem manholes. However, a January storm overwhelmed the temporary repairs. A mix of sewage and stormwater backed up into homes and basements. Riverkeeper continues to work with the City to address the situation.

Athens Channel Dredging (Athens, NY) On January 10, 2005, Riverkeeper submitted comments strongly opposing the US Army Corp of Engineers' channel dredging plans near Athens. The plan, which USACE itself admits has no economic justification, would threaten spawning habitat and cause other environmental harms.

UPDATED CASES

Poughkeepsie Waterfront Redevelopment (Poughkeepsie, NY) In October, Riverkeeper blew the whistle on Poughkeepsie's proposed $30-million-plus private-public waterfront redevelopment project which would develop an office building and parking lot on land purchased under the Bond Act for park use. Even after the City later acknowledged this fact, it failed to conduct the proper environmental review before seeking Legislature approval to alienate the park. In October, Riverkeeper sued Poughkeepsie for this violation of State law. On January 31, Poughkeepsie agreed in a settlement to perform the required reviews, allowing the public a vital opportunity to help shape its waterfront.

Quality Concrete (Newtown Creek, Queens and Brooklyn, NY) In 2003, Riverkeeper filed a notice of intent to sue (NOIS) against Quality Concrete during the first phase of the Newtown Creek Initiative for the discharge of cement-laden wastewater into the Creek. The illegal and intentional dumping continued well into 2004, despite assurances from company executives. In January, using the results of Riverkeeper's initial investigation, Brooklyn District Attorney Charles Hynes indicted Quality Concrete's executive under the state's environmental crimes laws. Charges are still pending.

St. Lawrence Cement (Hudson, NY) In September 2004, DEC Commissioner Crotty ruled the proposed St. Lawrence Cement (SLC) plant should be "ungrandfathered," subjecting it to a full environmental review under SEQRA. She also laid out the issues to be addressed in an adjudicatory hearing. As a result, SLC withdrew their coastal zone consistency application and resubmitted an altered one to the NYS Dept. of State in Nov. 2004, hoping to have the NYS DOS certify the project is consistent with State Coastal Zone Program goals. NYS DOS accepted public comments until March 1, and has until late April to decide whether the current proposal complies. Riverkeeper and the SLC Coalition submitted comments to NYS DOS opposing the new plan. The new proposal will still need to obtain DEC approval before it can move forward.

Riverkeeper, et al v. US EPA (Nationwide) In July 2004, Riverkeeper and a coalition of environmental groups sued EPA in federal court, contending the agency's national regulations for existing power plants fail to require the best technology available for cooling water intakes, violating the Clean Water Act. The case was consolidated with several others filed by states and industry, and randomly assigned to the Ninth Circuit Court of Appeals. In December 2004, the court granted our motion to transfer the consolidated cases back to the Second Circuit Court of Appeals in Manhattan. Briefing will begin in early 2005.

REFLECTED LIGHT II

member news

News about Riverkeeper events, volunteers, staff and donors

PHOTOS © DOUG GOODMAN AND PATRICK MCMULLEN.

On a star-filled November night, Riverkeeper held its second benefit photo auction at Boylan Studios in Chelsea's Starett-Lehigh building with sweeping views of the Hudson River and New York Harbor.

Started two years ago by photographer William Abranowicz and his wife, Andrea Raisfeld, to raise funds for Riverkeeper, this year's Reflected Light II auction was even more successful than the first. With more than 800 guests, the event raised over $250,000 to help Riverkeeper expand its campaign to protect the Hudson River and the drinking water supply for nine million New Yorkers. The sell-out crowd was a nice blend of friends of Riverkeeper, art collectors, gallery owners, photographers and some of our more well-known supporters like Robin Williams and Matthew Modine.

Guests strolled through the glamorously minimalist studio during a silent auction which launched the evening's festivities. They jotted down their bids as they sipped Prospero wines, Grey Goose martinis and Veuve Clicquot champagne and nibbled on incredible hors d'oeuvres created by Abigail Kirsch. Among the 110 photos lining the multiple galleries

ALEX MATTHIESSEN, JOHN MCENROE, ROBERT F. KENNEDY, JR., AND MATTHEW & CARI MODINE (L TO R).

were prints by contributing artists and household names such as Annie Leibovitz, Steven Meisel, Timothy White, Peter Beard, Horst P. Horst, Karl Lagerfeld, Helen Levitt and Grammy Award winners Timothy Greenfield-Sanders and Joel Grey.

When Dan Aykroyd, the evening's emcee, announced the end of the silent auction, a flurry of activity erupted as eager bidders rushed to be the last to sign the sheets. The crowd then gathered round renowned auctioneer Simon de Pury of Phillips, de Pury & Company as he opened the spirited "live" auction of extraordinary offerings.

Items included a self-portrait by Chuck Close, a seining outing along the banks of the Hudson with Robert F. Kennedy, Jr., one hour of private tennis instruction with Riverkeeper Board Member John McEnroe and a rare signed Jacques Lowe portrait of Marilyn Monroe, which was purchased by Ms. Lorraine Bracco, also a Board Member. As the transatlantic luxury crossing on the Queen Mary 2 was being auctioned off, the cruise ship, docked in the New York City that week, could be seen sailing by on the River below.

Riverkeeper gives special thanks to William Abranowicz, Andrea Raisfield, and Abranowicz's studio manager, Marti Emmons, who were indispensable to the success of the Reflected Light II Photo Auction from conception to finish. Riverkeeper is also grateful to the generous sponsorship of Conde Nast Traveler, Fotocare, Frances Manzi Productions, Grey Goose Vodka, Keeper Springs, Nuala J. Boylan of Boylan Studios, Supreme Wines, and Veuve Clicquot. ■

SIMON DE PURY, ROBERT F. KENNEDY, JR., LORRAINE BRACCO, ROBIN WILLIAMS, ALEX MATTHIESSEN, DAN AYKROYD AND DAVID GEVANTHOR (L TO R).

UNSUNG HEROES

JOE AND JONI DIMAURO

By Alex Matthiessen

When people talk about socially responsible business, they often think of industry titans Ted Turner and Bill Gates, who after becoming billionaires have made very generous contributions to society. Then there are the innovators, people like Paul and Nell Newman who are folding almost all their profits into the nonprofit community. However, few of us recognize some of the hardest working folks who everyday make contributions to their communities while working in the stores and restaurants that are right next door.

Two of these amazing people are Joni and Joe DiMauro who make it part of their business mission to give back to the communities in which they have lived their entire lives. Twenty-six years ago, Joe decided to leave the world of New York City advertising and buy a little business called Mount Kisco Seafood. Then in 1997, he and his wife, Joni a former Westchester County social worker, bought a restaurant in Mount Kisco called The Fish Cellar. Joni left her job as a Westchester County social worker to run the restaurant, while Joe continued to operate Mount Kisco Seafood.

Look on the program of just about any nonprofit event in Northern Westchester and you will most likely see a "thank you" to Mount Kisco Seafood and The Fish Cellar. Riverkeeper has been fortunate that Joe and Joni, along with their entire staff, have chosen to go all out for us.

It all started about six years ago when Joni and Joe attended their first Riverkeeper Shad Festival; they fell in love with the event and the concept. It was a beautiful day and there was an incredible feast with people from all walks of life coming together to celebrate the environment and the river. For two people who start each day with a "toast to the fish" and pay

respects to the environment, Joni and Joe knew right then they wanted to become involved in a bigger way. From that moment on, they have put their heart, souls and business into the Shad Festival making it one of the premier events in the Valley.

Joe has been purchasing his fish at the Fulton Fish Market for 26 years and he asks every one of his vendors to make a donation to the Shad Fest. What is not donated by their vendors, Joe and Joni donate from their businesses. They pull every favor and connection they have for the event and the result is the Riverkeeper's 2,000 guests are treated to a delectable smorgasbord of poached salmon, shad roe, and other delicacies, along with organic wines and locally brewed beers.

In addition to the food and beverage sponsors, the entire staff from Mount Kisco Seafood and The Fish Cellar comes to Garrison to cook and serve on the day of Shad Festival. "Our staff loves it," Joni says. "In fact, one year one of our waitstaff was so excited about the event and Riverkeeper that she went home and made a donation online that same evening." "The day is long, usually extremely hot behind the stoves, a lot of hard work, but we all love it," says Joe.

Why do they put so much effort into supporting Riverkeeper? "Because there is nobody else out there like you guys who are protecting the environment," says Joe.

As local business people, Joe and Joni want to be advocates for the environment. They recycle everything in the Fish Cellar from every wine bottle to the cooking oil they use. At both businesses, they watch for the advisories concerning the fish market. For example, they were one of the first markets to pull Chilean Sea Bass – an over-harvested species with extinction on the horizon. Joe explains, "I still have customers who request it, but I have to explain to them that I won't carry it because there are almost none left. I may lose a customer because of it but we have to respect what is happening to our environment."

Another example of their sustainable environmental business practices includes not selling caviar at the market because the demand is depleting the sturgeon fish. Being the dedicated businessman that he is, Joe did some research and found a Massachusetts company that does not harm the surgeon during caviar harvesting, thereby allowing Mount Kisco Seafood to offer caviar during this past holiday season.

Joe gets some of his information from a weekly newsletter called Nibbles that brings attention to the issues in the water. He also reads National Fisherman and other publications to keep up on the topics that might affect his business. Joe told me, "I have always tried to stay aware of what is happening. The mercury in fish was of concern to me ten years ago. If a pregnant woman comes to my store I will talk to her about the fish she can eat while she is pregnant and nursing. We can't save the world, but we can do our part in our area. It's all about giving back what you can."

Riverkeeper recognizes Joe and Joni as our unsung heroes for their business practices and personal choices and commend them for serving our communities so generously. ■

New Staff

Development Team

Tara D'Andrea has joined Riverkeeper as Grants Officer and brings several years of fund-raising experience. Most recently she was Associate Director of Development at The Culinary Institute of America in Hyde Park, New York. Prior to that she was with The Bard Graduate Center for Studies in the Decorative Arts, Design, and Culture, a graduate school and cultural institution in NYC, where she managed foundation, government, and corporate grants for a range of activities including academic programs, art exhibitions and catalogues, and public educational programming.

Asia Sherman has taken on the Development Associate position after volunteering at several Riverkeeper Shad Festivals. In 1999, she completed her thesis at Vassar College on the water resources of the Nile River Basin. Prior to that, she coordinated two international fellowship programs at the Social Science Research Council in New York and worked in the sports department of the Denver Rocky Mountain News.

Teresa Walsh brings development and events management skills from non-profits across the country to her Events Coordinator role at Riverkeeper. Teresa has significant campaign experience with AIDS Walk events in the cities of Chicago, Atlanta, Boston, and Denver. In addition, she planned and coordinated special events for the Juvenile Diabetes Research Foundation in Westchester County and developed fundraising programs for Brookwood Child Care, a non-profit child welfare agency in Brooklyn, New York.

Hudson River Team

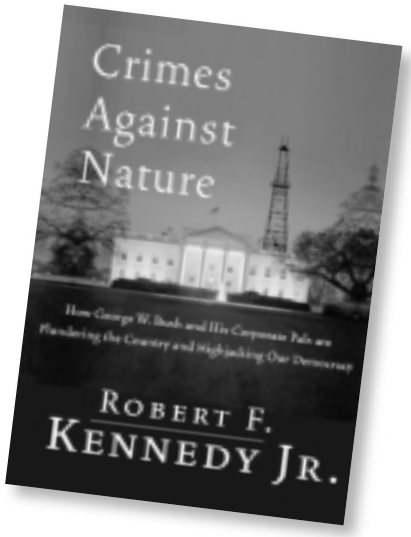
Dr. Robert J. Goldstein, Senior Attorney, has been long associated with environmental causes in the Hudson Valley as former director of environmental programs and professor at Pace Law School. There, Dr. Goldstein garnered national and international recognition for his innovative initiatives to use environmental law to protect human rights; created the Virtual Environmental Law Library; founded the Journal of the Pace Center for Environmental Legal Studies, the Pace-Brazil Program, and a joint-degree program with Yale University. He is the author of Ecology and Environmental Ethics: Green Wood in the Bundle of Sticks which deals with legal solutions to the problems of sprawl and non-point source pollution, editor of Environmental Ethics and Law, and numerous book chapters and law review articles. In addition to Pace, has taught at the United States Military Academy at West Point, and Whittier Law School in Costa Mesa, CA. A veteran of 15 years of litigation practice, Dr. Goldstein holds a doctorate (S.J.D.) and a Master's degree (LL.M.) in environmental law in addition to his JD degree; he also holds a Master's degree (M.E.M.) from the Yale School of Forestry and Environmental Studies.

Victor Tafur, joined Riverkeeper as Staff Attorney in September 2004 after completing his Masters in Environmental Law at Pace Law School and serving as a staff attorney at the Pace Law School's Energy Project. At the Energy Project, Victor represented environmental and community interests in proceedings involving the siting of energy facilities in New York State, and was responsible for research on energy policy and climate change nationally and in developing nations. Immediately prior to joining Pace University, Mr. Tafur served as Deputy Director of the Program for Alternative Development of the Presidency of Colombia. As a private practitioner in Colombia, he was responsible for obtaining the environmental and local permits for the construction and operation of a natural gas power plant in Colombia. Mr. Tafur received his J.D. from Universidad Javeriana in Bogota, Colombia, is now completing his doctorate in environmental law at Pace and has been appointed adjunct faculty to teach Energy Law beginning in spring 2005.

An Excerpt from

Crimes Against Nature

BY ROBERT F. KENNEDY, JR.



YOU SHOW ME A POLLUTER AND I'LL SHOW YOU A SUBSIDY. I'll show you a fat cat using political clout to escape the discipline of the free market and load his production costs onto the backs of the public.

The fact is, free-market capitalism is the best thing that could happen to our environment, our economy, our country. Simply put, true free-market capitalism, in which businesses pay all the costs of bringing their products to market, is the most efficient and democratic way of distributing the goods of the land—and the surest way to eliminate pollution. Free markets, when allowed to function, properly value raw materials and encourage producers to eliminate waste—pollution—by reducing, reusing, and recycling.

As Jim Hightower likes to say, "The free market is a great thing—we should try it some time."

In a real free-market economy, when you make yourself rich, you enrich your community. But polluters make themselves rich by making everybody else poor. They raise the standard of living for themselves by lowering the quality of life for everyone else. And they do that by escaping the discipline of the free market.

The coal-burning utilities that acidify the Adirondack lakes, poison our waterways with mercury, provoke 120,000 asthma attacks, and kill 30,000 of our neighbors every year are imposing costs on the rest of us that should, in a free-market economy, be reflected in the price of the energy when they bring it to the marketplace. By avoiding these costs, the utilities are able to enrich their shareholders and put their more conscientious and efficient competitors out of business. But these costs don't disappear. The American people pay for them downstream—with poisoned fish, sickened children, and a diminished quality of life. Every one of our federal environmental laws is intended to restore true free-market capitalism in this country so that the price of bringing a product to market reflects the costs that it imposes on the public.

The truth is, I don't even think of myself as an environmentalist anymore. I consider myself a free-marketeer. Along with my colleagues at the NRDC and Waterkeeper, I go out into the marketplace and catch the cheaters. We tell them, "We're going to force you to internalize your costs the same as you internalize your profits." Because when polluters cheat, it distorts the entire marketplace and none of us benefit from the efficiencies and democracy that the free market promises.

Generations of Americans will pay for the Republican campaign debt to the energy industry and other big polluters with global instability, depleted national coffers, and increased vulnerability to oil-market price shocks. They will also pay with reduced prosperity and quality of life at home. Pollution from power plants and traffic smog will continue to skyrocket. Carbon dioxide emissions will aggravate global warming. Acid rain and mercury will continue to sterilize our lakes, poison our fish, and sicken our people. The administration's attacks on science and the law have put something perhaps even greater at risk—our values and our democracy.

George W. Bush and his court are treating our country as a grab bag for the robber barons, doling out the commons to giant polluters. Together they are cashing in our air, water, aquifers, wildlife, and public lands and divvying up the loot. They are turning our politicians into indentured servants who repay campaign contributions with taxpayer-funded subsidies and lucrative contracts and reign in law enforcement against a booming corporate crime wave.

If they knew the truth, most Americans would share my fury that this president is allowing his corporate cronies to steal America from our children. ■

AMANDA HEARST, ALEX MATTHIESSEN, AND ANNE HEARST (LEFT TO RIGHT).

PHOTOS © ELENA OLIVO 2004.

Van Cleef & Arpels honored Riverkeeper this fall as the benefit charity for its New York launch party of the Hawaii collection. Designed by Amanda Hearst, Riverkeeper junior board member and daughter of dedicated Riverkeeper board member Anne Hearst, the tropically inspired line features Passe-Partouts, pieces that can be worn as a necklace, bracelet, clip or belt ornament.

Guests gathered at the Hawaiian-themed Van Cleef storefront on Fifth Avenue to mingle amidst the elegantly displayed line of jewelry while sipping champagne and Rivertinis, specially concocted for the evening.

CROTON POINT AND HUDSON RIVER WATER TESTING

In the fall of 1998, 2001 and 2004, student researchers in Rachel Van Der Stuyf's and David Albano's *Chemistry in the Community* class at the Academic Community of Fox Lane High School in Bedford conducted water chemistry testing and studied fish species composition in the Hudson River and Croton Point Bay. While the data the students collected was not subject to a statistical analysis, comparison of the results over the six-year sampling period suggests a trend in Hudson River water quality. Following is the students' report on their findings.

Student Authors: Jonathan Drew, Peter Mosca, Michael Papa, Sandra Roman, Dana Sheck

Student Researchers: Brittany Felder, Andrea Ferraro, Erica Ganns, Sarah Greely, John Herbert, Jillian Kawecki, Maria Lofaro, Peter Mosca, Karina Patino, Michael Papa, Sandra Roman, Stephanie Ruiz, Dana Sheck, Camille Stokhammer and Balbina Vilorio

Our Purpose: To test the Croton Bay and the Hudson River over the course of twenty-four hours and then use EPA and Clean Water Act standards to assess the quality of this water. Testing will be for concentrations of nitrate, iron, chromate, chloride, sulfate, calcium, and dissolved oxygen. Turbidity, temperature, and pH levels also will be measured.

Our Predictions/Hypothesis: Previous data demonstrate that the water quality improved from 1998 to 2001. This leads to the prediction that water quality will continue to improve, relative to EPA standards for wildlife and general human use.

Our Procedures

Sample Collecting

Student researchers collected water samples from five different sites. Researchers were divided into three shore groups and two canoe, offshore groups.

Shore groups took samples from testing sites #1, #2 and #3. Researchers noted turbidity and recorded temperature. After gathering samples, researchers picked up inorganic debris (garbage) along the shore.

Off-shore groups took samples from testing sites #4 and #5 via canoe. These groups paddled out to sites about ten meters off-shore. To test turbidity, researchers used a turbidity disc. Bottom samples were collected using a bottom-sampler. Researchers also collected surface samples and recorded temperature.

Lab Procedure

After completion of sample gathering, the groups reported to their lab area. Each individual researcher was assigned to a team and tested samples for the following potential pollutants and water quality parameters: Iron, Chromate, Chloride, Calcium, Copper, Cyanide, Sulfate, Nitrate, pH, dissolved oxygen.

2004 Results and Notes from Netting on Shore of Croton Bay

Netting samples on the shore of Croton Point Bay in 2004 yielded six species: golden shiner, mummy-chug, silverside, striped bass, three-spine stickle back, and glass shrimp. The same species were collected in 2001 with the exception of the stickle back, which had been absent from the Hudson for almost three decades.

Our Observations Based on Testing Data

The following are initial observations made by the student researchers after analyzing the data.

- The cumulative data show that throughout the years chromate appears only once and currently tests negative.
- The average temperature in the past years, as well as in 2004, has stayed in a range of a low of 13.26 C and a high of 18.46 C. (All temperature readings taken the last week of October or the first week in November.)
- Data shows that pH levels have stayed fairly neutral; measuring a low of 5.5 and a high of 8.
- From 1998 to 2004 average dissolved oxygen levels have risen. The results in 2004 show larger changes from test to test than in previous years.
- Iron and Copper are found almost exclusively in bottom samples. Iron appears to be present in high concentrations. Copper has shown up in very small quantities.

DATA COLLECTED

This is the third time in six years this testing has been conducted. Following is a table with the average findings for each substance. These findings reflect testing at no fewer than four sites with samples collected three times over a twenty-four hour period. Some tests were quantitative and so are noted with a positive if at least one test resulted in a positive result.

Substance	1998	2001	2004
Chlorine	0.33ppm	.366ppm	positive
Calcium (ppm)	positive	positive	13.1ppm
Sulfate (ppm)	positive	positive	positive
PH	6	6.3	7.8
Cyanide (ppm)	positive	negative	(no testing done)
Copper* (ppm)	0.108ppm	(no testing done)	(no testing done)
Chromate (ppm)	5.0ppm	negative	negative
Iron* (ppm)	3.5ppm	5.0ppm	4.0ppm
Dissolved O2 (mg/l)	7.95m/l	9.45m/l	10.24m/l
Nitrate** (ppm)	(no testing done)	(no testing done)	30.18ppm

*average concentrations from bottom samples

**Nitrate results may not be accurate due to calibration of equipment

Photos © Michael Papa

Fox Lane high School students conducting water chemistry tests.

- The levels of Calcium tend to be lower in the morning and higher in the afternoon samples.
- In 2004, Chlorine was more consistently present in all testing sites.
- The fish netted, particularly the three-spine stickle back, appear to indicate that in general water quality is improving.

Our Conclusions

Prior to this research, our hypothesis was that the quality of water in the Croton and Hudson Rivers would continue to improve relative to EPA standards. This hypothesis was partially correct. The quantity of most of the pollutants did decrease and pH levels also moved to a healthier range.

Initially, we measured nitrate levels ranging from 15.012-42.031ppm. EPA's maximum acceptable level of nitrates is 10ppm. However, we subsequently discovered that our nitrate probe was faulty and our high numbers were not accurate. We now know that nitrates run between 2 and 5ppm in the Hudson River. Based on our results we concluded that the waters around Croton Point Park contain nitrates, but still fall within EPA standards.

Another substance that tested at fairly high levels was calcium. We researched the amount of calcium and discovered that our results were accurate. Calcium is a naturally occurring element and the amounts are relative to the amount of limestone in the area.

The presence of the stickle back in 2004 says something about the overall health of the river. The stickle back is particularly sensitive to sewage, which is rich in nitrates. The recovery of a long-absent species is reassuring, as are reports that striped bass are growing larger. The presence of striped bass minnows points to a healthy river. Previously, pollutants in the Hudson had prevented bass from spawning. Also, because we found no change fish species composition in 2004, this suggests that the river is at least as healthy as it was in 2001.

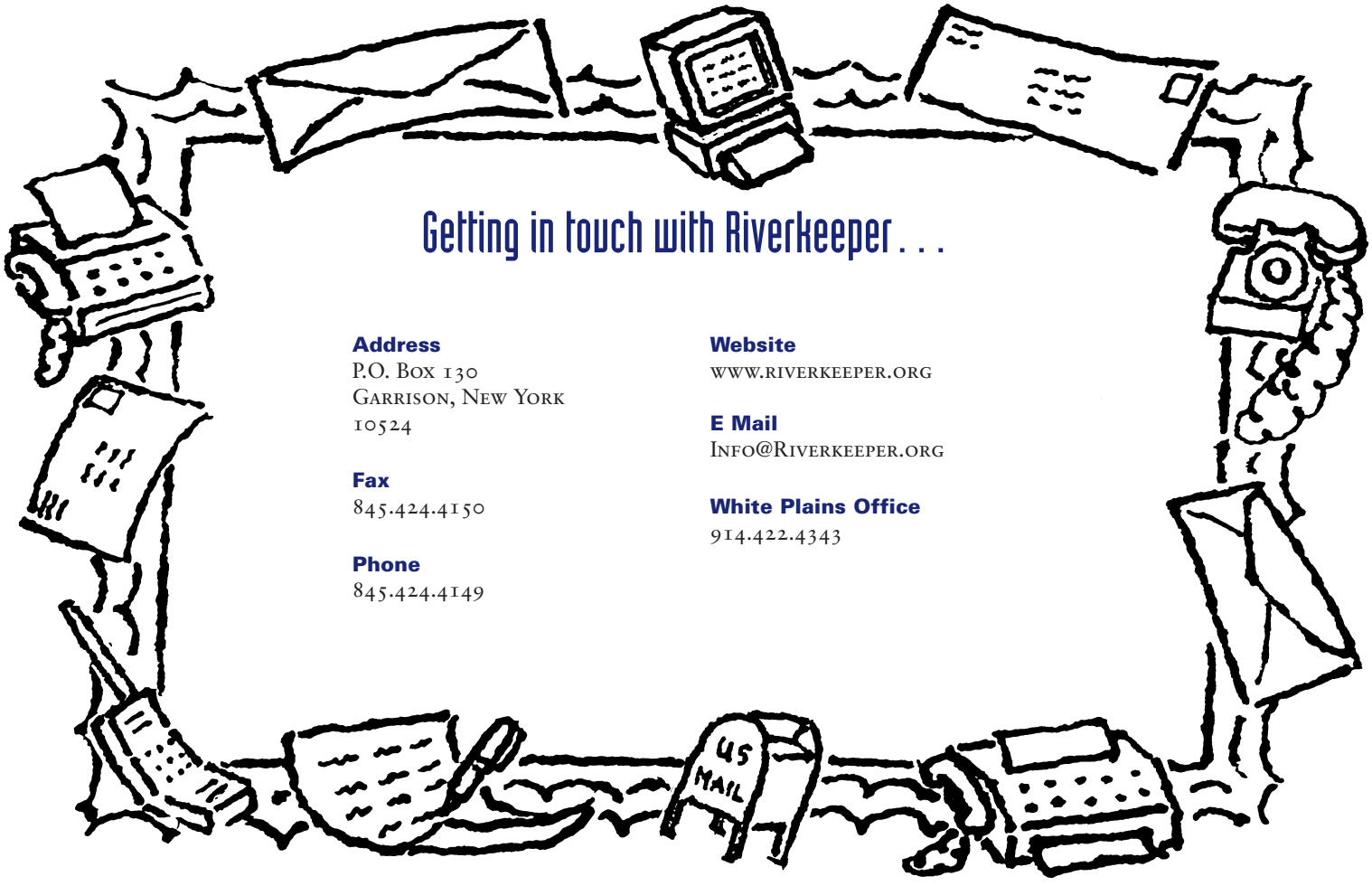
When looking at the data and comparing this year to previous years, we notice that the levels of most of the pollutants dropped. Thus, although the rivers are not pollutant-free and we did not have the capability to test for some of the more notable pollutants such as PCBs, the overall health of the rivers appears to have improved. ■

HOTLINE CALLS

Each month we receive dozens of reports of possible environmental violations. Our investigator, Basil Seggos, leads an investigation team that helps us determine whether the matter should be referred to federal, state or local authorities, or become the subject of citizen enforcement action by Riverkeeper. Seggos can be reached at 845-424-4149, extension 230 or 800-21-RIVER or by sending an email to watchdog@riverkeeper.org. The following are samples of recent calls or emails to our pollution hotline:

- **Poughkeepsie, NY: Anonymous emailer reports that oil is seeping into Fallkill Creek from a municipal filling station in Poughkeepsie. Riverkeeper notified DEC, leading to an over-$100,000 oil spill cleanup.**
- **Poughkeepsie, NY: Boat Captain reports turbid plume of whitish water flowing from a massive gravel quarry south of Poughkeepsie.**
- **Staten Island, NY: Anonymous caller reports illegal and intentional discharges from a cement plant on Staten Island; case referred to Baykeeper.**
- **Bronx, NY: Boat captain reports multiple boat wrecks over the course of a few months north of the George Washington Bridge, and well as illegal fill at the adjacent Dykeman Marina.**
- **Middletown: Emailer reports manholes overflowing with raw sewage during rain events.**
- **Nyack, NY: Hotline reports the Nyack DPW dumping construction debris and other material at the mouth of Nyack Creek, a designated stream restoration project site.**
- **Nyack, NY: Caller reports foamy water entering Nyack Brook, possibly from a car wash.** ■

Hudson Orbe, one of Riverkeeper's younger advocates shows his enthusiasm for protecting the River.



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