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DEAR FRIENDS OF RIVERKEEPER,

2006 marks 40 years since a group of blue-collar men and women gathered in Crotonville and launched what was to become one of the most effective models of environmental advocacy in the history of the movement. In leading the fight to reclaim the storied Hudson, Riverkeeper has inspired the addition of 154 other "waterkeepers" patrolling their local rivers, lakes and coasts across the globe.

Here at home, Riverkeeper is going strong, waging epic battles against giants like Entergy, GE and ExxonMobil who share a common strategy of spending more money trying to deceive the public than on redressing their assaults on the environment. We're tackling dozens of other cases where more modest polluters are taking a serious collective toll on our environment and health. Recently, we learned that as much as 36% of private drinking water wells in Putnam, Dutchess, and Columbia counties are contaminated with pollutants that exceed EPA federal standards!

In this issue, we highlight some of the work we're doing to protect our drinking water supply – in this case not by confronting polluters, but by working with legislators, municipalities, community groups, and even developers to try to promote positive approaches to protecting water quality. This is a natural consequence of our partnerships with citizen activists who in many instances have been blazing the trail in addressing local threats to the watershed.

Riverkeeper is gearing up for the brewing regional debate over the future of the Tappan Zee Bridge. We recently announced our support for rehabilitating the existing bridge as opposed to replacing the current 7-lane structure with a 12-lane behemoth that would destroy striped bass and short-nosed sturgeon habitat, exacerbate air quality problems, induce rampant sprawl in the Valley, and create traffic jams from Suffern to New York City. To shuttle commuters to New York City from points west of the River, we support the Hudson River tunnel project which would allow a one-seat ride for Orange and Rockland county residents. We are identifying proponents of the "bridge rehab" alternative and organizing a coalition to push aggressively for it.

On the Indian Point front, there is a great deal of positive news. Entergy, the plant's owner and operator, has joined the foul ranks of a number of U.S. nuclear companies who have known about – and tried to hide – the discovery of tritiated (radioactive) water leaking from their aging spent fuel storage systems. In this case, tritium and the more dangerous Strontium 90 are leaking into the site's groundwater and into the Hudson, sparking ever more outrage from local elected officials.

We are pleased to report that, as of this writing, Senator Clinton and U.S. Representatives Maurice Hinchey and Sue Kelly are leading a bi-partisan effort to secure a commitment from the Nuclear Regulatory Commission to conduct an independent comprehensive review of Indian Point's safety systems and emergency plans. A similar review, known as an Independent Safety Assessment (ISA), led to the shutdown of the Maine Yankee plant in 1996. Whatever one's views about Indian Point's ultimate fate, there is universal agreement that we should have a clear idea of the plant's actual condition before the NRC considers whether it makes sense to grant the facility a license to operate for another 20 years. A truly honest look can only lead to Indian Point's early retirement.

We close this issue with a week-in-the-life of Riverkeeper's intrepid boat captain, John Lipscomb and a profile of Riverkeeper's *Unsung Hero*, an anonymous EPA staffer who blew the whistle on the EPA's collusion with General Electric to try to avoid a comprehensive PCB cleanup. We are especially proud to tell her/his story for we all know that without the courage of whistleblowers the republic may have gone down in flames long ago.

As always, I am grateful and indebted to you, our members, who sustain us.



— Alex Matthiessen, Hudson Riverkeeper & President



Riverkeeper is the official publication of Riverkeeper, Inc., an independent, member-supported environmental organization. Founded in 1966 by fishermen and community members to confront polluters for control of the Hudson River, Riverkeeper has investigated and successfully prosecuted more than 300 environmental lawbreakers and has guided the establishment of 153 Waterkeeper programs across the nation and beyond. Riverkeeper is a registered trademark and service mark of Riverkeeper, Inc. All rights reserved.

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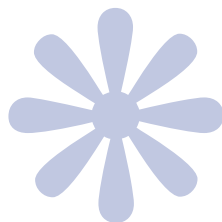
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Proactive Policies Protect Water At It's Source

Watershed News

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

BY LEILA GOLDMARK

Riverkeeper has built its reputation on being a strong enforcer of environmental laws and winning precedent-setting litigation to protect the Hudson River and the New York City watershed. While the Watershed Team will always bring hard-hitting lawsuits when necessary, we are focusing increasing energy on proactive programs that will achieve systemic, long-term protection of NYC watershed drinking water supplies at their source. We are working creatively, crafting new partnerships, and increasing outreach and education to local and regional officials, town planners, business owners, environmental organizations, and citizens. By working together to implement proactive policies we can prevent pollution before it becomes a problem we can't ignore.

A variety of tools can be used to achieve different policy objectives, from passing legislation and regulations to obtaining voluntary commitments to work towards shared goals. Often, a combination of tools is needed to achieve the best results. The campaigns highlighted below are just a few examples of Riverkeeper campaigns that use proactive policy to protect our water supplies.

■ Strengthening Wetland Laws

Wetlands function as nature's kidneys, filtering pollutants from stormwater runoff before they reach downstream water supplies. Riverkeeper's wetland campaign is focused on strengthening wetland protection laws on the federal, state and local level.

Efforts to expand wetland buffer widths in local ordinances have met with success in several East-of-Hudson municipalities, and similar expansions currently are being considered in several more. For the third year, New York's Clean Water Protection/Flood Prevention Act has passed in the State Assembly but awaits action in the Senate. The federal Clean Water Authority Restoration Act gains support in Congress (with strong support from New York representatives), but lacks the numbers needed for passage.

A complex legislative campaign involves drafting strong legislation, enlisting bill sponsors, and persistent lobbying. To move legislators, strategic grassroots campaigns – including letter writing, petitions, demonstrations, and media coverage – must demonstrate the overwhelming and widespread support of the public. Tenacious efforts will pay off.

■ Crafting Community Solutions to Sprawl

Legislation may be the appropriate solution for specific issues, but many problems are more complex and require multifaceted solutions. Sprawl – haphazard, auto-oriented development characterized by strip malls and cookie-cutter subdivisions built in formerly rural landscapes outside of downtown areas with existing infrastructure, where land consumption outpaces population growth – is one of the largest and most complex threats to water resources and quality of

life in the East-of-Hudson watershed and throughout the Hudson Valley. Here, our overarching solution to sprawl is to achieve a large-scale shift in the development paradigm in the watershed. We want to promote and invite the type of planning and growth that enhances communities and local economies while protecting critical natural resources.

Our first step involved an education campaign highlighting the variety of impacts of sprawl. Last year, we published *Pave It?... Or Save It? Volume 1: The Environmental, Economic and Social Impacts of Sprawl*. Designed in a fact-sheet style, our aim was to educate the public and local decisionmakers and arm them with the data and references they need to better understand the growing threats that negatively impact our lives. We gave numerous presentations to town boards, local residents and business groups, distributed more than 1,200 copies of the report on CD, and made it freely accessible on our website. These efforts opened the community dialogue needed to inspire collaborative, concrete solutions to change the development paradigm in the watershed.

This year, we are moving ahead, crafting specific policies that will enable our communities to grow sustainably and responsibly. We are reaching out to all stakeholders, conducting roundtable discussions so that cooperative goals that address the specific needs of diverse communities can be

identified, designed and implemented. Some solutions, like ensuring specific resource protections or allowing more creative mixed-use development, can be achieved by amending local environmental ordinances and zoning codes; some, like developing effective transit systems, may require policy changes at the state and federal level; and others will require not legislation, but creative ideas and voluntary programs empowering people to turn the places they live and work into vibrant, clean, and healthy communities with individual character and a strong sense of place.

■ Reducing Road Salt

Many sources of watershed pollution remain unregulated yet pose no less a threat to water quality and public health. One example is salt, which is routinely and excessively applied to roads for winter maintenance. While ground and surfacewater standards exist for sodium and chlorides, no law or regulation governs the amount of salt that can be dumped on our roads. Thus, Riverkeeper's campaign seeks voluntary measures that will safely reduce use of road salt.

For several years, we have been educating highway departments and the general public about the impacts of

road salt on aquatic ecosystems, drinking water supplies, and local infrastructure. We distributed recent studies documenting the serious problem of salt accumulation in surface and groundwater supplies, and information promoting the use of more environmentally benign technological and chemical alternatives for winter road maintenance to all East-of-Hudson county and municipal highway superintendents. We have participated in panel discussions, looked for opportunities to work with public works associations, and are setting up partnerships with local communities to pilot test alternative methods and to document

resulting reduction in salt use and maintenance costs.

Of course, the driving public has a critical role, as well. Drivers must understand the need for reduced salting in environmentally sensitive areas, allow for a road policy that reaches "black road" conditions later in the storm cycle, and drive reasonably and responsibly in storm conditions.

To learn more about our other proactive policy campaigns and learn how you can get involved, visit the NYC Watershed website at <http://riverkeeper.org/campaign.php/watershed>. ■

WATERSHED DEVELOPMENT PROJECTS UPDATE

BY CHRISTOPHER WILDE

The Watershed Team continues to work on a number of intensive sprawl development projects in addition to the Belleayre Resort, including:

Meadows at Deans Corners

Riverkeeper continues its long-standing effort on the Meadows at Deans Corners project, a proposed 104-lot subdivision in Southeast. We were disappointed that Putnam County inexplicably reversed its earlier denial of an application by the developer to conduct work on/around County Road 55, which bisects the 309-acre project site. This decision was in contravention of the County's standing policy against permitting such activity, which is well-founded on concerns over laying sewage and water pipes under their roads. We remain concerned over the potential impacts of work in this area, and will remain vigilant if and when construction begins. On the litigation front, we await a ruling from the Appellate Division following oral arguments last fall. We are appealing the State Supreme Court's decision that the Southeast Planning Board had complied with SEQRA by taking the requisite 'hard look' at changed circumstances and new information in determining no supplemental environmental impact statement was necessary for this project.

Kent Manor

We were bolstered earlier this year by New York City DEP's decision to step in as lead agency for this project and demand a supplemental EIS be prepared prior to further review or approval. Riverkeeper has been strongly advocating for an SEIS since this

proposal for 303 townhouses on 113 acres in the Town of Kent was revived after years of dormancy, as the last EIS was finalized almost 20 years ago. We have also pushed for DEP to become a much more active participant in the review process. Kent Manor is currently one of three projects in DEP's Phosphorus Offset Program, which allows the project to utilize a wastewater treatment plant with surface, rather than subsurface discharge, provided it removes phosphorus elsewhere in the area at a 3:1 ratio to that amount discharged by the plant. Because of this unique situation, we are pleased our advocacy efforts on both fronts have paid off. We will continue to be actively involved in the review process moving forward.

Patterson Crossing

We will be significantly ramping up our efforts regarding the Patterson Crossing project on a site straddling the towns of Kent and Patterson. Numerous variations of this project have been proposed over the years, but as currently envisioned is a massive half million square foot big box retail center with some 2,000 parking spaces. Earlier last year we submitted extensive comments on the scoping document for this project, which acts as the blueprint for the SEQRA review that follows. As the Draft EIS is released, we will dedicate extensive energy to addressing the multitude of potential impacts posed by such a project. ■

Expanding the New York City Watershed Leaf Pack Network

BY BILL WEGNER

In 2000, Riverkeeper, the Stroud Water Research Center (Stroud), and Hudson Basin River Watch partnered to implement the New York City Watershed Leaf Pack Network, a program developed by Stroud to harness kids' fascination with bugs in order to measure water quality in the New York City Drinking Water Supply Watershed. In fall and/or spring, school students place plastic mesh bags of leaves in streams. After two to three weeks, aquatic insect larvae (macroinvertebrates) colonize the leaf packs as a food source. Students then retrieve the leaf packs and sort and identify the macroinvertebrates, each species of which has been assigned a pollution tolerance index that reflects its sensitivity or tolerance to water pollution. By monitoring the richness and diversity of the species that colonize the leaf packs, students are able to generate a biotic index of stream health. The schools then post their data on Stroud's website to share data and compare the health of their streams with other watershed streams (<http://www.stroudcenter.org/lpn/index.htm>). Beyond the obvious educational benefits, the database is complementary for assessing the regional health of streams and their watersheds.

The goals of the Leaf Pack Network are to (1) promote student inquiry by using scientific methods involving observational and explanatory

activities; (2) raise awareness of the importance of stream-side forests to the ecology of rivers and streams and to promote their stewardship; (3) develop a diverse and dynamic network of groups that share information about their streams using the Internet; and (4) use the Leaf Pack Experiment kit and other teaching resources to improve science education and teacher professional development. Teachers in the New York City watershed receive free training and Leaf Pack Experiment kits, which include all of the sampling equipment and identification materials for their school classes.

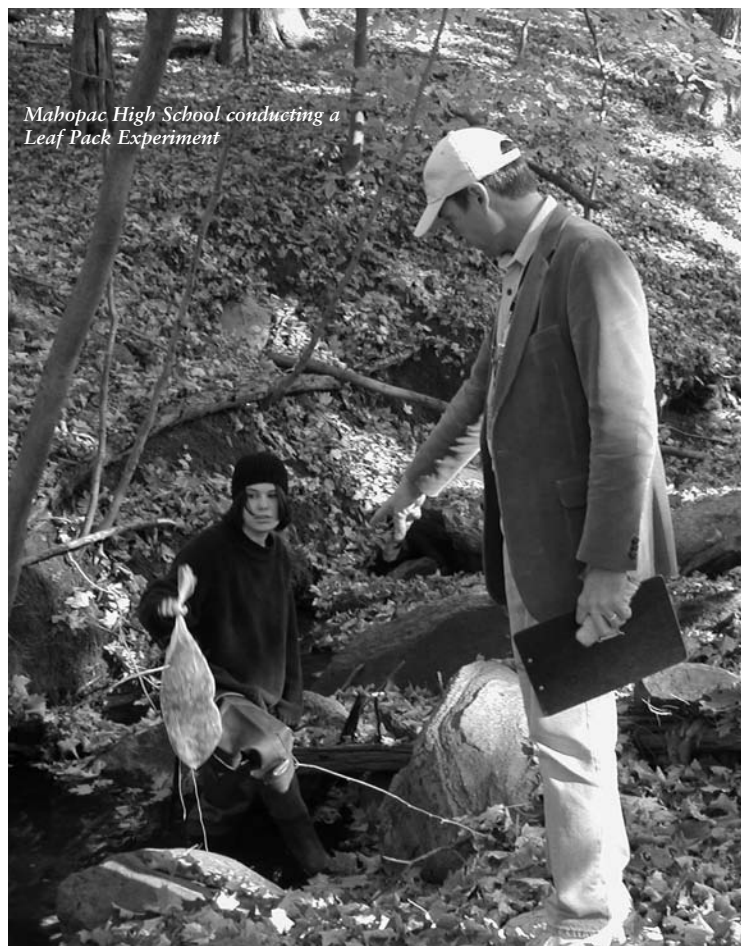
Now in its sixth year, the Leaf Pack Network has some 40 school classes and volunteer groups sampling streams in the

New York City watershed. Riverkeeper also partnered with a Kodak-sponsored Seeing Necessary Alternatives Photographically (SNAP) program, which provides cameras and film processing for students to document their Leaf Pack Experiments. In addition to providing display boards featuring student photos, which we use to showcase the Leaf Pack Network on websites and at water quality-related events such as Riverkeeper's annual Shad Festival, SNAP is currently featuring the Leaf Pack Network in a nationwide series of traveling exhibits.

With funding for the program secured through 2010 with a Safe Drinking Water Act grant, the Leaf Pack Network partners are now focused on

expanding the program to involve New York City water consumers by bringing City school groups into the New York City watershed to sample with Leaf Packs at environmental education camps such as Teatown Lake Reservation in Yorktown, Clearpool Education Center in the Town of Kent, and the Catskill Center in Arkville, Delaware County. Our plans also include the development of a Stream Day exhibit in New York City, which will showcase the Leaf Pack Network for City school students and water consumers. Other events include East- and West-of-Hudson student watershed congresses—all-day festivals the goal of which is to highlight watershed school Leaf Pack projects and to make connections between the efforts to protect the water sources and the social, economic and environmental well being of the watershed communities.

Another outreach project we are planning for 2007 is the New York Watershed Expedition—an expedition by land, water, bike and rail that will follow the drinking water from watershed sources to the end consumers. This extended trip will pair students from New York City with students from the Catskills, and chaperones will include a Stroud scientist, a leader experienced in leading student hiking and camping trips, a back country cook and others. To maximize the overall experience for the participants, we will seek students



Mahopac High School conducting a Leaf Pack Experiment

Riverkeeper Salutes Longtime Watershed Team Leader Marc Yaggi

By Alex Matthiessen

In September, Riverkeeper said farewell to Marc Yaggi, the longtime director of our watershed program. After six years of outstanding leadership, Marc has moved on to a senior position at Waterkeeper Alliance, the umbrella organization for the network of waterkeeper programs worldwide that Riverkeeper co-founded in 1999.

In his new role as Director of Waterkeeper Support, Marc is working to connect and support the 160 (and growing) waterkeeper programs around the world. While we were sad to lose such a valuable member of our staff, we are pleased Marc is remaining a part of the waterkeeper family in an office down the road and we can continue to draw on his considerable institutional knowledge and expertise.

During his time at Riverkeeper, Marc became a leading authority on water-

shed protection and an inspiring leader to all those who worked with him – both here in the office and out in the field. Marc’s energy and focus helped build the Watershed Program into a central part of the Riverkeeper mission and a model for watershed protection around the nation. Marc’s signature achievements include attaining enhanced stormwater regulations for the East-of-Hudson system; helping craft creative alternatives to traditional road construction; preventing placement of septic on steep slopes; preparing a series of seminal critical reports on the DEP’s watershed management practices; and creating a strong coalition of community partners who are critical to our efforts to fight off misguided development projects and pass more environmentally protective local legislation.

One of his greatest accomplishments and most enduring legacies was assembling

a terrific team. It is from that team that I tapped Chris Wilde, a watershed staff attorney at Riverkeeper for the last three years, to take over where Marc left off. Like Marc, Chris has developed excellent relationships with our community partners and well understands the importance of developing more systemic, long-term strategies to address sprawl development and other activities that degrade water quality and our quality of life.

While Riverkeeper remains committed to our role as the watershed’s leading law enforcer and will continue to fight the most threatening projects as they arise, we also plan to enlist the help of local activists and enlightened elected officials and developers to help enact stronger local ordinances and create appropriate financial incentives that together will foster more sustainable growth. ■



BY MONITORING THE RICHNESS AND DIVERSITY OF THE SPECIES THAT COLONIZE THE LEAF PACKS, STUDENTS ARE ABLE TO GENERATE A BIOTIC INDEX OF STREAM HEALTH.

who have different interests, expertise and backgrounds. Each student will keep a personal journal, and each will be a member of a team that chronicles water and watershed issues. They will collectively be telling the story of New York City’s drinking water, the places from which it comes and the lives of the communities through which it flows as it moves from mountaintop to tap.

The Leaf Pack Network brings a real-world connection to students and their watersheds, fosters a sense of ownership and responsibility for water resources, and provides information to citizens interested in local environmental quality as well as to organizations seeking information on water quality. Ultimately, we hope our efforts will serve as a model that can be applied across the country in many different watersheds. For more information on the New York City Watershed Leaf Pack Network, visit our website at http://riverkeeper.org/campaign.php/watershed/we_are_doing/158. ■

BELLEAYRE RESORT UPDATE

BY CHRISTOPHER WILDE

Riverkeeper and members of our coalition achieved a huge victory in early September when the DEC Administrative Law Judge (ALJ) issued a ruling determining that 12 issues related to this massive resort proposal require further inquiry in an adjudicatory hearing, an administrative trial-type setting to assess the potential impacts. As currently designed, the 573-acre resort project proposes two hotels, two 18-hole golf courses, multiple detached lodging units and two sewage treatment plants to be built on slopes flanking the Belleayre ski resort, in the heart of the Catskill Mountains. The ALJ’s ruling follows a lengthy issues conference, where we presented experts to highlight the various deficiencies found in the projects Draft EIS. Earlier this year we defended that ruling by preparing an extensive reply to the developer’s appeal of all the issues the ALJ held over for adjudication, and await the DEC ruling on the appeal.

Riverkeeper and the rest of the Catskill Preservation Coalition has also worked extensively to build support for an alternative to the project, which was proposed by U.S. Rep. Maurice Hinchey. Congressman Hinchey’s alternative would include a much smaller and more appropriate development project on the western side of the project site, while permanently protecting the more sensitive eastern portion entirely.

What We Do and How You Can Help

Founded in 1966 by fishermen and community members to confront polluters for control of the Hudson River, Riverkeeper has investigated and successfully prosecuted more than three hundred environmental lawbreakers 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 more than 140 Keeper 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 help 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

By joining Riverkeeper you become part of a community of people fighting to protect the Hudson River from pollution and harmful development. Membership benefits are offered at many levels. All Blue Crab (under \$100) receive our newsletter and a Riverkeeper decal. Striped Bass members (\$100-\$249) also receive a Riverkeeper cap. American Shad members (\$250-\$499) receive invitations to special member events and a Riverkeeper tote bag. Atlantic Sturgeon members (\$500-\$999) receive name recognition in the Riverkeeper semi-annual journal and a Riverkeeper fleece vest. Hudson River Stewards (\$1,000+) receive a special invitation to take a boat trip with the Riverkeeper, Alex Matthiessen, 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 Allison Chamberlain in the Development Office at 914-478-4501, ext. 232.

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 Director of Development, Marianne Gardiner, at 914-478-4501, ext. 238.

Charitable Estate Planning

If you wish to ensure the protection of the Hudson for future generations, consider remembering Riverkeeper in your will. The proper designation is:

"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 828 South Broadway, Tarrytown, New York 10591-6602. I hereby give and bequeath _____ to be used for Riverkeeper's general purposes."

For additional information about planned giving opportunities, please contact Riverkeeper's Director of Development, Marianne Gardiner, at 914-478-4501, ext. 238.

How to Join

To join Riverkeeper, simply fill out the form below and mail it along with your contribution to: Riverkeeper, 828 South Broadway, Tarrytown, NY 10591-6602. Please check the appropriate box and fill in the amount below or log on to our website at www.riverkeeper.org.

- Blue Crabunder \$100
- Striped Bass.....\$100 – 249
- American Shad\$250 – 499
- Atlantic Sturgeon\$500 – 999
- Hudson River Steward\$1,000 – 4,999
- Hudson River Falcon\$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 _____

Name _____ Business Name _____ Business Title _____

Address _____ Business Address _____

Telephone _____ Business Telephone _____

e-mail _____ Business Email _____

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 addresses are included below.

The Riverkeeper patrol boat, the R. Ian Fletcher, circa 2000.

Looking Back, Forging Ahead

Robert F. Kennedy, Jr. Recounts Our Beginnings and Interviews Hudson Riverkeeper Alex Matthiessen About Our Future

The Hudson is home to one of the most sophisticated and aggressive environmental communities to protect any resource in the world. Since the early 1960s, a vigilant band of environmental groups, including NRDC,

Clearwater, Scenic Hudson, and Riverkeeper, have fought to maintain the River's biological and aesthetic integrity.

In 1966, Riverkeeper was launched as the Hudson River Fishermen's Association, a

blue-collar coalition of commercial and recreational fishermen, whose first public meeting was at the American Legion Hall in Crotonville, New York. Members of this newly formed organization, many of them former Marines, labored as factory workers, carpenters, lathers or commercial fishermen. Few of these people expected to see Yellowstone or Yosemite or vacation in the Rockies. The Hudson was their environment, their workplace, their property, their park – the centerpiece of their

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Port Ewen Fishermen, circa 1895, courtesy F. Panslaw 1985.

Looking Back, Forging Ahead

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communities. “Our Riviera, our Monte Carlo,” said Ritchie Garrett, the group’s newly elected president. A standing room crowd, hung from the rafters and pressed against the rifle racks, whooped and hollered wildly when Garrett, an ex-Marine and professional grave digger, promised his new followers, “I’ll be the last to let you down.”

When Garrett finished, men and women rose to take the microphone and extol the River. Rivermen from Verplanck and Claverack, some descended from generations of commercial fishermen, spoke of the great runs of striped bass, blue fish, and shad; of giant sturgeon bursting with caviar; of herring and alewives so numerous they turned the tributaries to quicksilver; the succulent blue crab and lucrative eel; or the gefilte fish fishery that

peaked during Jewish holidays. Recreational fishermen boasted of the trout, black bass and perch they caught on plugs, the youngsters who would net shrimp, goldfish or herring for bait in the marsh at the mouth of the Croton, and how most of Crotonville congregated on its beaches in the summer months for beer and barbecues.

But each of them fretted about what was happening to the River – the polluters were effectively stealing it from the public. New York City was dumping 1.5 billion gallons per day of raw sewage into the River, the paint from Tarrytown’s GM plant dyed the River a new color each week, the Indian Point power plant was killing millions of fish each day, the National Guard was filling tidal wetlands at Camp Smith, and Penn Central Railroad was discharging oil from a pipe at the Croton Rail Yard. The oil floated up the Croton on the tide, blackening the beaches and making the shad taste of diesel.

The River was dying. Twenty-mile stretches south of Albany and north of New York City

were already dead and the Hudson had become the butt

THE FISHERMEN USED WINNINGS FROM THESE CASES TO BUILD AND LAUNCH A RIVERKEEPER BOAT, WHICH TODAY PATROLS THE HUDSON SEARCHING OUT ENVIRONMENTAL LAWBREAKERS AND BRINGING THEM TO JUSTICE.

of *Tonight Show* quips. Worst of all, government seemed to be in cahoots with the polluters. The discussion began to turn desperate. Somebody suggested floating a raft of dynamite beneath the Con Edison piers where it would be sucked into the intake. Someone else said Penn Central’s pipe could be plugged with a mattress or ignited with a match.

Then another ex-Marine rose to speak. Bob Boyle was an ornery fly fisherman and outdoor writer for *Sports Illustrated*. In the course of researching an article about angling in the River two years earlier, he’d stumbled across two little known laws: the Rivers and Harbors Act of 1888 and the Refuse Act of 1899. These statutes forbade pollution of American waters and provided a bounty reward for whoever reported the violation!

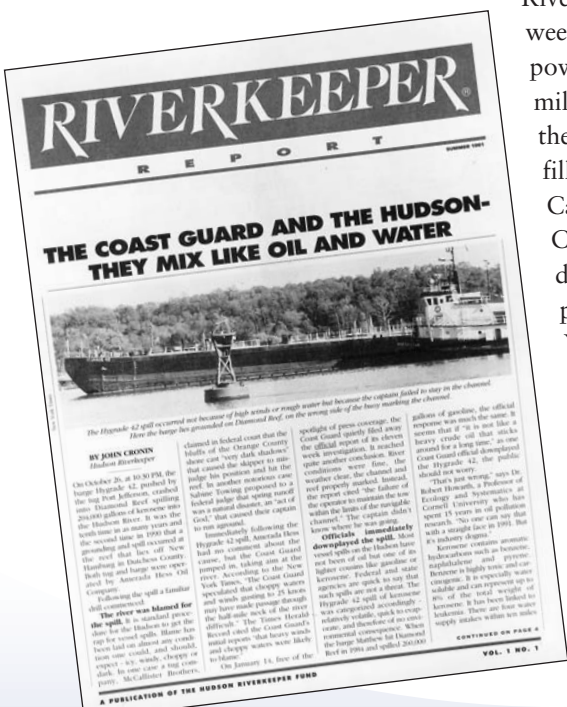
After listening to Boyle with escalating excitement, the American Legion crowd agreed to organize themselves to track down and prosecute the Hudson’s polluters one at a time until they were all eliminated. They were as good as their word. Two years later they shut down the Penn Central Pipe and collected \$2,000, the first bounty ever awarded under the 19th-century statute. They were soon collecting even larger bounties against Standard Brands, Ciba-Geigy, American

Cynamid, Westchester County, Anaconda Wire and Copper and many others. The Fishermen also had joined with Scenic Hudson in a lawsuit to stop Con Edison’s proposal to build a hydroelectric facility on Storm King Mountain. It was, in large part, the discovery of a striped bass spawning ground near the project site that ultimately derailed the deal.

The Fishermen used winnings from these cases to build and launch a Riverkeeper boat, which today patrols the Hudson searching out environmental lawbreakers and bringing them to justice. In 1983, they hired their first full-time Riverkeeper, activist and former commercial fisherman John Cronin. One year later, I joined Riverkeeper as its Chief Prosecuting Attorney.

Since those early days, Riverkeeper has brought hundreds of polluters to justice and forced them to spend hundreds of millions of dollars remediating the Hudson. The Hudson, condemned as an “open sewer” in the 1960s, is today one of the richest water bodies on earth. The River’s miraculous recovery has inspired the creation of “waterkeepers” on 153 waterways across the globe.

In 2000, Riverkeeper hired Alex Matthiessen, then a political appointee at the U.S. Department of the Interior, to lead the organization. It was a stroke of luck comparable to Babe Ruth’s 1920 trade to the Yankees. He brought with him a new fiscal discipline, built a professional staff and launched the organization on a crusade to close the Indian Point nuclear facility and to end massive fish kills at the Hudson’s



A 1991 issue of the Riverkeeper newsletter

Hudson Riverkeeper Alex Matthiessen shows off a striper he caught in the Hudson River Estuary.



other power plants. Riverkeeper has tripled its caseload and expanded its patrol area to the 160-mile stretch from north of Albany to the estuary's many reaches throughout New York City. The organization has reached a new level of sophistication and effectiveness under Alex's leadership and vision.

I asked Alex about his first six years at Riverkeeper and what he sees ahead.

Robert F. Kennedy, Jr.: *Alex, when you arrived in 2000, what struck you about the Riverkeeper organization – what was working and what needed attention?*

Alex Matthiessen: What was immediately apparent was

that the organization had a great reputation as the Valley's most feared and yet respected Hudson River advocate. But I was surprised to discover that despite the organization's popularity, we only had an active membership of about 1,000 people. With 20 million people in the New York metropolitan area, many who are self-described Hudson River lovers, I knew we needed to do a better job of translating that popularity into active support – both financial and programmatic. I also knew that to be truly effective, we couldn't just rely on a single charismatic "Riverkeeper" to be the River's guardian but rather had to create an entire organization of

advocates and leaders and to build a network of volunteers to help us.

I hired new staff and created a Watchdog program comprised of citizen volunteers who act as our eyes and ears throughout the Valley. We now have a paying membership of 6,000 people and over 10,000 who receive our mailings and action alerts.

I also saw that our patrol boat, the R. Ian Fletcher, had ceased to have a meaningful presence on the River, only logging about 60 hours a year by the late 1990s. I felt it was important to have the boat back out there to act as a deterrent and remind the public that someone was on the River

looking out for their interests. Today, we log over 1,000 hours on the water each year and find new evidence of pollution every time we go out on patrol.

RFK: *Having doubled the staff and our annual budget over the last five years, it's probably safe to say that Riverkeeper is on sound financial footing?*

AM: For the most part yes. But fundraising is never easy and there's a lot of competition for limited resources. Ironically, our visibility and success – and sometime association with celebrities – also can be a liability in that the public often views us as a flush organization.

Unfortunately, it's not the

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Looking Back, Forging Ahead

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case. I'm having to devote an increasing amount of time and energy to raising money just to cover our core operations. While I'd rather spend more time out slaying giants, fundraising is a necessary and important part of the job. Luckily, our members are generous because they understand that I'm asking on behalf of the river they love and the communities they live in.

RFK: *I have watched you work extraordinarily hard over the last six years to rebuild this organization and increase our effectiveness. What originally attracted you to Riverkeeper and what is it about the work*

that makes you so driven and passionate?

AM: I came to Riverkeeper because I admired the no-nonsense approach to environmental problem-solving and because, after many years working on national and international environmental causes, I relished the opportunity to come home to New York and work on local issues. I was inspired by the idea of one person, one group, one community asserting their right to a clean river and taking responsibility for defending a resource that a cabal of corporations and politicians had plundered, desecrated and stolen.

When I think about Riverkeeper's work, I think about the larger context and the

opportunity we have not just to safeguard our water resources but to rebuild our democracy from the grassroots up.

Corporate America and the media outlets they own have a disproportionate and dangerous amount of control over decision makers and that is having a real effect on our human, civil and environmental rights. I do this work to save the Hudson that I love, but also to do my small part in helping salvage our democracy which has been subverted by this country's powerful special interests.

RFK: *I know that running a non-profit organization can be extremely exhausting and stressful. What do you do to decompress?*

AM: The best thing for me is to spend time in nature. When the world feels like it's going to hell, being out in the wilderness – being blown about by the wind, sleeping under a black sky jammed with bright stars, hearing a coyote howl in the distance, feeling the stillness of nature – makes me more hopeful about the world.

To deal with the daily stresses of the job, and there are plenty, there's nothing like playing sports and exhausting yourself physically to release tension. My latest obsession is surfing. I go out to Montauk, near where I grew up, on weekends and surf until my arms feel like they're going to fall off. I also love playing tennis and basketball, hiking along the Hudson, skiing in the Catskills, or going for a long run along the Roundout at the foot of the Shawangunks where some friends have a house.

I also love to read – I would read a book a week if I had the time.

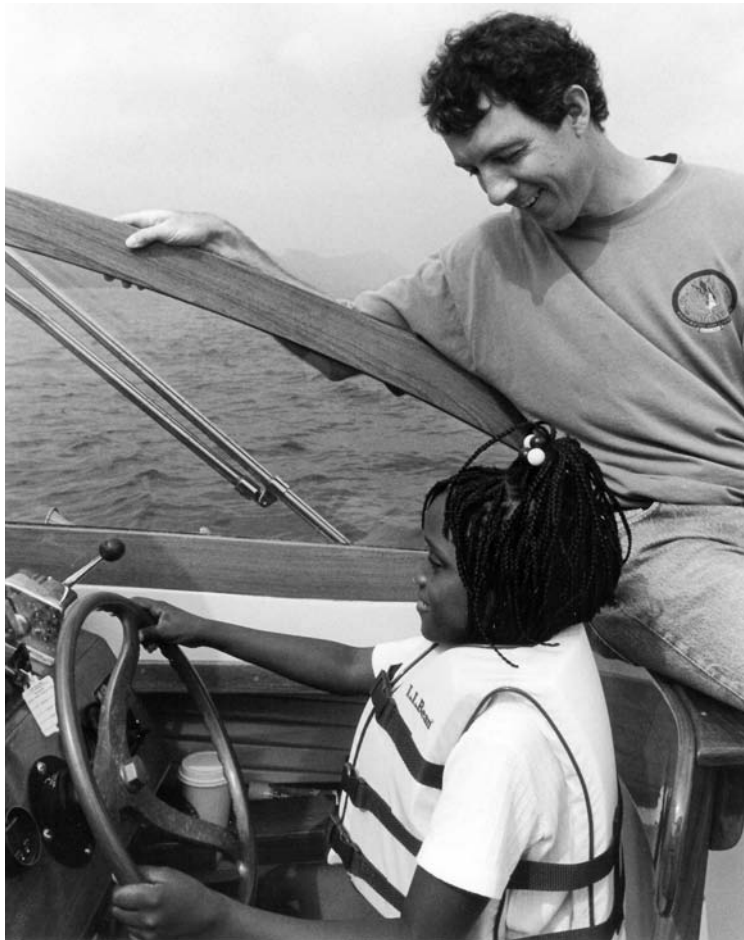
RFK: *How has Riverkeeper's advocacy and strategy changed since you came on board?*

AM: The difficulty with confronting polluters is that you generally must confront them one by one. It's like that "whack-a-mole" game at the fair: every time you whack one developer or polluter, another one pops up somewhere else.

We are focusing more of our time and attention on improving the zoning and tax laws so that bad projects don't get proposed in the first place. The trick is not only to curb bad behavior but to provide incentives for good behavior. There are actually a growing number of developers who genuinely want to build 'green' but existing zoning regulations often make it difficult. We want to change that.

RFK: *Riverkeeper's founding mission is to restore the Hudson River. If a totally clean and pristine river is a '10' on a scale of 1-10, where do you think we are today and what is it going to take to complete the job?*

AM: If we were a '2' at our bleakest point back in the 1960s, I'd say we're probably around a '7' today. Unfortunately, given the enormous volume of toxic chemicals that General Electric and others dumped into the Hudson over the last century, we won't – at least in our lifetimes – return the river to the pristine state it was in when the Dutch settled New York in the early 17th century. But if we can push the old power plants to upgrade their cooling water technology, upgrade the failing sewage infrastructure from Albany to New York, and force GE to complete the PCB cleanup, we



Alex coaching a future "Riverkeeper" on how to drive the patrol boat.

should be able to get back up to a '9' in the next 5-10 years.

RFK: *While industrial pollution was the scourge of the 20th century, the rapid redevelopment of the waterfront seems to be the biggest threat to the Hudson today. Would you agree?*

AM: No question – waterfront development is the biggest threat we face and if we don't move quickly, the gains of the last 30 years may largely be for naught.

The irony of our success in cleaning up the Hudson is that developers are rushing to the waterfront with dollar signs in their eyes, looking to take advantage of renewed interest in the river. Many of the local towns, which have struggled economically since their waterfronts were polluted and abandoned by former industries, are welcoming these developers and requiring very little in return. The waterfront is a public trust resource and yet it's largely being turned over to private interests to exploit for financial gain. If we don't act fast, we'll be living with Levittown-on-the-Hudson for the next hundred years, and beyond. There are currently 18 development projects, comprising 10,000 residential units, proposed for the waterfront. Most, if built as designed, will deprive the public of significant open space and river access.

Riverkeeper is doing all we can – through lawsuits, media pressure and coalition building – to stop or curtail it. We really need a regional plan for the Hudson River corridor that focuses on permanently protecting remaining open space while allowing controlled

NO QUESTION – WATERFRONT DEVELOPMENT IS THE BIGGEST THREAT WE FACE AND IF WE DON'T MOVE QUICKLY, THE GAINS OF THE LAST 30 YEARS MAY LARGELY BE FOR NAUGHT.

development on formerly industrialized sites.

RFK: *What's your vision for the Hudson River Valley, say in ten years time?*

AM: The power plants at Lovett, Bowline, Roseton, Danskammer, Indian Point – and all the dirty plants that currently inhabit New York City – will be repowered with clean-burning gas-fired facilities; air pollution and fishkills at these sites will be nearly eliminated. In addition to a 1000-megawatt combined cycle gas plant, Indian Point will host an alternative energy research and development center.

A new underground transmission line will carry 3,000 megawatts of electricity from Canada, New England and upstate to the New York metro area via the New York State Thruway. Five thousand MWs of New York's power capacity will be generated by wind farms off of Long Island and at windy sites across the state, including perhaps, a few in the Hudson Valley. (We all have to do our part!) By 2016, New York State will be the nation's leader in energy efficiency and renewable energy.

General Electric, having lost their legal challenge to the Superfund law, will have completed a full cleanup of upriver PCBs. Rivertowns north of Albany will be rebounding and a closely managed commercial fishery for blue crab, striped bass, eel and American shad

will be thriving in the estuary. Hudson River Island Park, comprised of formerly abandoned dredge spoil islands between Ft Edward and Tivoli Bays, will provide safe haven for bald eagles and osprey, river otters and snapping turtles, muskrat and mink, and help maintain scenic vistas for nearby waterfront communities.

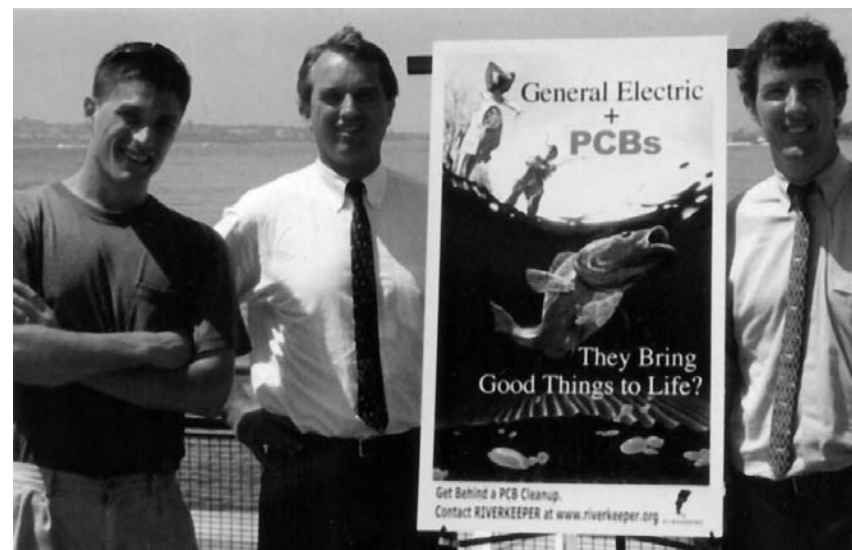
The Hudson shoreline will mostly appear unchanged though in fact most of the undeveloped waterfront parcels will have been permanently preserved or transformed into public parks, some featuring swimming beaches, boat launches, gazebos and band shells. There will be some residential and mixed-use developments but they will be limited to old industrialized sites, will be of limited height and scale, architecturally pleasing (or at least tolerable), set back from

the river, and will have incorporated river access and open space into their design. There will remain a few vestiges of heinous development schemes at places like Piermont, Half Moon Bay and New Windsor but they will serve as a useful reminder of what the entire Hudson River corridor could have looked like had we not come together in 2006 to plan its future.

Every town throughout the NYC watershed will have a complete set of resource protection laws as well as smart growth incentives for cluster design, open space preservation and town-centered development. Each will also have strict limits on the ability to issue zoning variances.

Exit ramp development featuring office parks and shopping malls will be an embarrassing relic of our past consumerist obsession. We'll still be consuming of course but a little less mindlessly. We'll be spending less time in our cars and in front of our TVs and more time communing with nature and our neigh-

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Left to right: Artist Alexis Rockman, Robert F. Kennedy Jr. and Alex Matthiessen.

Looking Back, Forging Ahead

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bors and friends. Voting rates, even in non-presidential years, will consistently be above 75% ...okay, now I'm dreaming.

RFK: *That's an impressive and ambitious vision – is it achievable?*

AM: I really do believe that it is. The harder parts are going to be preventing the build-out of the Hudson River waterfront before it's too late and getting watershed towns to pass smart growth laws given the formidable lobbying interests that are arrayed against us. But we have the most dedicated and professional staff we've ever had and one that I believe rivals that of any environmental organization in the country. These are the folks who are going to get it done for us.

Of course, with an energetic governor in Albany – committed to both land preservation and pollution enforcement – our ability to achieve our goals would be hugely improved.

RFK: *What's your prediction on closing Indian Point and what's it going to take to get it done?*

AM: I have no doubt we're going to shut down Indian Point.

We have Entergy on the ropes and our elected officials are growing impatient with both Entergy and the NRC for their chronic foul-ups and serial lack of candor. Eliot Spitzer recently joined over 400 Republican and Democratic lawmakers, including 11 members of Congress, in calling for the plant's closure. If he becomes Governor, he would have both the bully pulpit and concrete policy tools to compel Entergy and the NRC to shut



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GE, 1993.

the plant down.

And just recently, our congressional delegation (Reps. Hinchey, Shays, Lowey, Engel and Kelly and Senator Clinton) has directed the NRC to conduct an Independent Safety Assessment (ISA) – an impartial top-to-bottom review of the plant's operations, infrastructure and maintenance, and its emergency plan.

The Achilles' heal of the plant continues to be its fatally flawed emergency plan. The bottom line is that FEMA cannot – and will never be able to – meet the “reasonable assurance” standard for approving Indian Point's emergency plans. Hurricanes Katrina and Rita made that terrifyingly apparent.

While the NRC clearly is in the pocket of the nuclear industry, Congress can direct the agency to do whatever it wants. Senator Clinton, Congresswoman Kelly and the rest of the delegation have shown a willingness to exercise their authority when we needed it.

Ultimately, the plant has too many problems to survive the constant and unrelenting scrutiny. It's just a matter of

time before we close Indian Point's doors for good.

RFK: *What are your current goals for the organization?*

AM: I hope to secure a permanent home for Riverkeeper on the waterfront where we could dock the boat and provide river-based educational programming for local schools and the community. We hope to identify a benefactor who will donate the land to us on which we would construct a state-of-the-art ‘green’ building and advocacy training center.

In the next two years, I would like to be able to beef up our program staff and hire an in-house economist that could help us evaluate and rebut the claims of many developers who insist they need to build the biggest project possible to earn a profit. I would also like to hire a full-time volunteer coordinator to work with our many members who are keen to help us.

I would like to find businesses and donors who could permanently endow the patrol boat operation and help us grow Riverkeeper's recently established Legal & Experts

Fund to cover the substantial costs of pursuing litigation.

In five years time, I expect Riverkeeper to be a five million dollar organization with a staff of about 25-30. Much of the additional revenue would go toward hiring the outside technical and scientific experts needed to go toe-to-toe with the biggest polluters.

RFK: *Anything else you'd like to add?*

AM: I would like to thank our 6,000 members who generously support us year in and year out and often toil alongside us in the trenches. We simply could not do this important work without them.

I'd like to express my gratitude to my hard-working and terrifically effective staff who are the reason for Riverkeeper's success.

Finally, I'd like to thank Bob Boyle and those early fishermen who had the courage and foresight back in 1966 to confront the Hudson's polluters and lead us to where we are today. We owe them a huge debt of gratitude. The only way to pay them back is to preserve their legacy. ■

Riverkeeper Watchdogs: *The Eyes and Ears of the River*

BY SABRINA WELLS

When one hears the word Watchdog, visions of people actively protecting something or someone comes to mind. This is exactly what the Riverkeeper Watchdogs do — they actively watch over the Hudson River and its tributaries by being passionate advocates in their communities. This can come in the form of speaking at planning board meetings, gathering evidence of pollution, or becoming a leader in their community. All of our Watchdogs at Riverkeeper are doing these things, and more.

I cannot fully discuss the Watchdog Program without telling the stories of two of our many star Watchdogs, Susan Cleaver and Wayne Kocher. Both have tales of triumphs and battle scars; but they, like all of our Watchdogs, will tell you they keep pushing forward because they have seen the fruits of their labors.

Susan (Susie) Cleaver has been a Watchdog at Riverkeeper for many years. Susie's first "case" hit close to home, which is how many citizens become participants in environmental activism. About seven years ago she found two feet of water in the stable where her horses were kept. The cause was an adjacent development that had been clearcut with no stormwater management. Susie, thinking this couldn't be right, took matters into her own hands

and began researching; she found that the developer was not following local and state codes. While the case was not resolved immediately, she eventually prevailed and the developer was sent a notice of violation and remediation was required.

As the years passed Susie became more involved in other environmental cases. One of the early ones that linked her with Riverkeeper involved Consolidated Iron and Metal in Newburgh. This site had been previously designated as a Superfund site with the help of Riverkeeper, but as Susie discovered, little was being done to remediate or inform the public. There were no signs to alert people that it was a Superfund site and the fence was not sufficient to keep people away from the contaminants. She also found out that with 5,000 discarded tires on the site, the remediation could not move forward until they were removed. So Susie rolled up her sleeves once more and began emailing the community, the press, government officials, the EPA, and Riverkeeper. A press conference was called and soon "everyone was pitching in." Within two weeks the tires were removed, signs put up, and the fence was repaired. She went on to say that "this represents a case of what people can do when they want to... when people go the extra mile." Now when Susie goes

by the site she sees how her efforts have paid off, as there is adequate signage, a stormwater pond, and testing is almost complete so that remediation can begin. When asked how she finds the time and what keeps her motivated Susie replied, "You find the time, you get a lot of satisfaction out of going back and looking at what you helped fix." She says that the most important thing she has learned is "to question and do the research yourself."

Wayne Kocher has been helping Riverkeeper for over 15 years now. It all started in the late 1980's when Wayne discovered a pipe located by the Croton River that was spewing out a green liquid. He immediately contacted the DEC and inquired as to whether there were permits; he was told "not to worry about it," and that the DEC would take a sample. Wayne felt that their response was inadequate and a friend suggested he call Riverkeeper. Riverkeeper contacted the press as well as the DEC.

The result of Wayne's vigilance was a fine to Metro North and the repair of the pipe. Over the years Wayne has brought many other cases to Riverkeeper while earning the trust of his co-workers and neighbors; they know they can go to him when they witness an environmental abuse. One example of this is a jogger who

alerted him to a pipe near West Point that she thought was discharging raw sewage. Wayne called Riverkeeper's Chief Investigator, Basil Seggos. Within weeks, a pipe that was estimated to have discharged over a million gallons of sewage into the Hudson River was repaired.

Currently Wayne is reaching out to his community concerning the Corbin Hill subdivision located in the Town of Highlands. This is a development that may have negative impacts on land use and well-water supplies. Wayne is optimistic that the planning board will require further study before permitting the expansion of this project. He also hopes that his efforts will catapult the community and local government into thinking strategically about new development in a sustainable manner.

Wayne is also an avid photographer, especially of wildlife and birds. Protecting wildlife is one of the reasons he is a Watchdog. He states that "we must protect the waterways, because they [the animals] can't." Wayne truly is a passionate defender of our natural world.

To find out more about the Watchdog Program check out the Riverkeeper website; we hold training sessions throughout the year for Watchdogs. ■

get on board

BY SABRINA WELLS

Unchecked development, pollution, wetland protection, open space; these are all concerns of our river communities. But beyond being a community activist, are there other ways to get involved, on a local leadership level?

The Watchdog Program's newest initiative, "Get on Board," builds a link between local leadership groups and concerned citizens.

One way to "Get on Board" is to become a member of your local Conservation Advisory Council (CAC). A CAC is made up of volunteer community members, appointed by the local legislative body, who have a concern for the protection and management of their local environment.

Take for example Jan Blaire, who sits on the Irvington Environmental Conservation Board (ECB) and the Open Space Alliance. Jan was appointed to the ECB when it was still just a council and not a board, but that all changed when she and others on the council commissioned an open space inventory which was approved by the town board. This endeavor allowed the then-council to become a board, and the town's planning board was thereafter legally required to submit to the ECB all development permit applications for land covered by the town open space inventory.

There are Conservation Advisory Councils throughout New York and the Hudson Valley, including Tarrytown, East Fishkill, and Cortlandt. These councils protect the environment on different levels and through different approaches, from

commenting on developments to environmental education in their communities. If you don't have one in your town or city the formation of one is simple and can be a very effective tool in protecting open space and water bodies. For more information on CAC's and ECB's see Article 12-F of New York State Consolidated Laws or contact Sabrina Wells at watchdog@riverkeeper.org.

Over the next year and beyond Riverkeeper will be working with the public to educate them on leadership opportunities in their communities. This is a non-partisan initiative as Riverkeeper believes that the conservation and protection of natural resources benefits everyone, regardless of political affiliation. ■

"Gerald Stern's poems sing in praise of the natural world..." —poet Toi Derricotte



photo: Martin J. Desht

The Hudson Valley Writers' Center presents Poet **Gerald Stern** in an Earth Day Poetry Celebration

- author of fourteen books of poetry, most recently *Everything is Burning*
- recipient of numerous prestigious awards and prizes, including the National Book Award, the 2005 Wallace Stevens Award for mastery in the art of poetry, the Lamont Poetry Prize, the Ruth Lilly Prize, three NEA Fellowships, and a Guggenheim Fellowship
- first Poet Laureate of New Jersey, 2000 to 2002

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Radioactive Leak at Indian Point

BY PHILLIP MUSEGAAS

In August 2005 Entergy, the corporation that owns and operates Indian Point, discovered water leaking through cracks in the concrete outer wall of the IP2 Spent Fuel Pool. The pool holds nearly half a million gallons of water used to cool the spent nuclear fuel stored in racks forty feet below the surface. The water also serves as a shield, protecting workers and the public from radiation released as the fuel rods decay. Without the water, the decaying process would cause the rods to heat up and eventually catch fire, releasing enormous amounts of radiation into the atmosphere. After thirty-two years of operation, nearly one thousand tons of this lethal waste has built up in the Indian Point 2 pool alone. The pool water itself is highly irradiated and contains such isotopes as tritium, strontium, and cesium. When discovered, the pool was leaking at the rate of about 2 liters per day.

At high enough levels, tritiated water is the most toxic form the tritium isotope can take, because when ingested it is absorbed directly into the soft tissue and organs. Entergy began collecting the water and notified the Nuclear Regulatory Commission (NRC) on September 1, 2005. However, neither the NRC nor Entergy notified the public of the leak until September 20, nearly a month after the leak was discovered. Riverkeeper and a

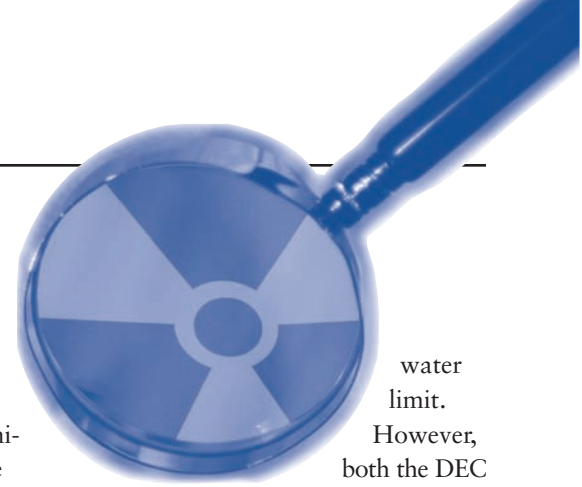
broad range of elected officials, including Senators Clinton and Schumer and Congresswomen Lowey and Kelly were outraged at the NRC and Entergy's failure to notify the public in a timely manner about a potential health and safety risk to the public.

In response to the public outcry, the NRC began a special inspection at the plant to discover the source of the leak. They began sampling groundwater from existing monitoring wells onsite and announced plans to begin drilling at least nine new wells around the plant to determine the scope

THE NRC REPORTED THAT SAMPLING RESULTS FROM A NEW MONITORING WELL DUG CLOSE TO THE WALL OF THE POOL SHOW TRITIUM LEVELS AT THIRTY TIMES THE LIMIT.

of contamination. On October 5, 2005 an existing monitoring well located near the IP2 Fuel Storage Building in a transformer yard showed tritium contamination in the groundwater at levels ten times the EPA limit for safe drinking water. Two new wells in the same yard sampled in December also showed tritium at levels two to three times the EPA limit. Also in December, the NRC reported that sampling results from a new monitoring well dug close to the wall of the pool show tritium levels at thirty times the limit. Sampling results of other wells located

far from the IP2 pool also showed varying levels of tritium contamination, suggesting there may be other sources of tritium-laced water leaking into the ground from the plant. Samples taken from offsite wells located just south of the plant in December did not detect any tritium above background levels. In late December, Riverkeeper discovered that tritiated water had also been found in storm drains at Indian Point. It remains unclear which storm drains empty directly into the Hudson River and which have been redirected



water limit.

However, both the DEC and the State

Health Department waited to notify the public and local officials until February 27, nearly three months after they had received the preliminary test results. Strontium-90 is one of the most toxic byproducts of nuclear power generation and is produced as a fission byproduct of uranium and plutonium. According to the United States Environmental Protection Agency (EPA), the isotope can enter the food chain when released into the environment. Human ingestion of strontium-90 – either by drinking water or eating contaminated food products – is absorbed from the gastrointestinal tract and concentrates in bone mass.

Exposure to strontium-90 increases the risk of numerous diseases including bone cancer, leukemia, and soft tissue cancer.

The New York State Department of Health and Department of Environmental Conservation (DEC) became involved in the investigation at the behest of county officials who were concerned about the lack of transparency if only Entergy conducted sampling. Local elected officials were outraged to learn that government agencies had once again failed to notify them of a potential public health and safety risk, and immediately called for a

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meeting with Entergy and all state and federal agencies involved in the investigation. Riverkeeper supported local officials in their call to make all sampling results public and to immediately begin testing all monitoring wells for strontium.

State and federal officials also admitted for the first time that a large underground ‘reservoir’ of radioactive water was now leaching into the Hudson River west of the Indian Point 2 reactor, confirming Riverkeeper’s predictions about the scope and location of the tritium plume. On a conference call with NRC officials on February 28, Riverkeeper staff was informed of the pollution entering the Hudson. The NRC also believes the radioactive plume is flowing under the level of the riverbed, and possibly percolating up through the river sediment. State geologists and hydrologists concluded that groundwater flow onsite is primarily west/southwest towards the river, due to the bowl shaped depression the plant is built upon which angles downhill towards the river.

The ongoing special inspection also involved the visual inspection of the spent fuel pool’s stainless steel liner by Entergy to find the source of the leak. Initial efforts involved the use of an underwater camera, followed by a specially trained diver in a “man basket” designed to prevent him from diving too close to the deadly spent fuel rods stored in the bottom of the pool. In December, Entergy announced that tests conducted by the diver at 3 spots on the steel liner of the pool failed to reveal the source of the leak. Only about 50% of the pool liner has been inspected so far, and the radiation levels in the remaining areas are too high to allow divers to inspect. Instead, Entergy will try and use a small underwater camera to examine these areas, although it remains unclear how the repair in such a dangerous location would be completed.

Entergy and the NRC reported on January 6 that they were no longer collecting water seeping from the cracks in the pool’s concrete wall. The rate of leakage had lessened from about 2 liters per day to several ounces a day by late December. Neither Entergy nor the NRC could offer an explanation as to the reasons for this change. However, sources at the NRC informed Riverkeeper that there is some suspicion that leaking water may be building up in the gap between the pool’s inner steel liner and the concrete outer wall. The fact remains that little is known about the leak, more than six months after it was discovered. Just how long this polluted water has been leaching into the Hudson River remains a mystery.

Public pressure on the NRC to find answers to Indian Point’s latest safety breakdown did yield dividends when the agency agreed to Riverkeeper’s call for a public meeting on the radioactive leak. The meeting is scheduled for the end of March. It will be a ‘town hall’ style meeting, with short presentations by Entergy, state and federal officials followed by public comments and questions.

The offsite migration of the radioactive plume sets into motion an accelerated response by the NRC, which will require Entergy to come up with a comprehensive plan to find and stop the leak and remediate the pollution. New York’s DEC and Health Department should also step up their response, since the pollution is no longer confined to the plant property. Riverkeeper will make every effort to ensure that these agencies live up to their legal and regulatory obligations in addressing these latest developments, and will continue to take independent action to see that the pollution of the Hudson from Indian Point is stopped and the damage cleaned up. ■

RADIOACTIVE ISOTOPES AT NUCLEAR POWER PLANTS

Exposure to any type of ionizing radiation increases the risk of developing cancer.

TRITIUM- H3

- Radioactive isotope of hydrogen
- Byproduct of nuclear fission for electricity generation
- Replaces one hydrogen in water molecule, forming “tritiated water”
- If absorbed in liquid form, concentrates in soft tissue and organs
- 12.3 Year Half-life

CESIUM- CS-137

- Metal byproduct of nuclear reactor waste
- Moves easily through the environment, making it difficult to clean up.
- Absorbed by breathing in contaminated dust, handling irradiated equipment or drinking water containing dissolved form.
- 30.13 Year Half-life

STRONTIUM- SR-90

- Byproduct of nuclear fission at power plants
- One of the most hazardous constituents of nuclear waste
- Behaves chemically like calcium, absorption concentrates in bones and teeth.
- Internal exposure linked to bone cancer and leukemia.
- 29.1 Year Half-life

Source: Environmental Protection Agency website, at <http://www.epa.gov/radiation/radionuclides/>

Energy generated by the wind and sun at the Great Palapa, Camp Kuyima



PHOTO CREDIT: LISA RAINWATER VAN SUNTUM

Learning from Our Global Neighbors: Wind Energy is Here to Stay

BY LISA RAINWATER VAN SUNTUM
The chatter of seabirds, the spraying exhalations of mother gray whales and their calves, and the yelping of desert coyotes are not the only sounds heard on the sandy shores of San Ignacio Laguna in Baja, Mexico. As the salty, cool winds whip around the oval-shaped lagoon, a muted purring is heard from the Great Palapa – the learning center located at the northern end of Camp Kuyima, an eco-tourism facility. The gentle sound is of a small wind turbine attached to the side of the building, generating enough energy – along with a small solar panel – to power the center, a restaurant-size kitchen capable of serving 25-30 peo-

ple, a dozen cabanas, and three toilet facilities. The hum serves as a reminder to the small fishing community and to visitors alike that the days of dirty diesel generators are gone and that the century of wind power has taken force, even in the most remote and pristine regions of the world.

Humans have harnessed the wind's energy for about 7,000 years, but it wasn't until the late 1800's in Denmark that wind turbines were first used for commercial energy production. It should come as no surprise that over one hundred years later, Denmark is still leading the world in wind production, technologies, and innovations. While there is some controversy in the U.S.A.

regarding offshore wind farms, Denmark has built, with public support, the first off-shore wind farm in the North Sea. The farm is comprised of 80 turbines situated about 10 miles offshore. The Danish government's forward-thinking energy policies seek to generate thirty-five percent of the country's energy demands through wind by 2015.

In 2003, Governor George Pataki also sought to create a forward-thinking energy policy for the State of New York: the State's Renewable Portfolio Standard (RPS) requires that twenty-five percent of the state's energy production be generated via renewable energy sources by 2013. The RPS was approved by the Public Service Commission in 2004. Wind energy will play a key role in meeting the RPS. It is estimated that New York State is capable

of generating up to 10,000 megawatts of wind energy from on- and offshore farms. A 2005 report by NYS Comptroller Alan Hevesi estimated that a twenty-five percent annual increase in wind production would bring nearly 12,000 direct and indirect jobs to New York State and provide financial benefits to farmers through the leasing of land.

Riverkeeper has been a staunch supporter of wind energy in New York for several years, beginning in 2002 when we committed to purchasing wind certificates through Community Energy which equates to 100% of our annual energy use. It amounts to a small premium per month that goes toward the building of new wind mills in New York. *(For information on how you can purchase wind certificates, go to www.communityenergy.biz).*

In January 2006 Riverkeeper and a coalition of environmental groups, joined together under the name *Alliance for Clean Energy*, celebrated the opening of Maple Ridge, a new wind farm in Lewis County, which now provides power for 67,000 New York homes each year. The Maple Ridge wind farm is one of the State's first renewable energy projects under the governor's RPS.

While onshore wind power is rapidly developing in New York, the first commercial offshore wind farm could operate off of Long Island in the near future, providing enough energy to power 44,000

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homes. The Long Island Power Authority (LIPA) has filed an application for an offshore wind farm to be located south-east of Jones Beach and south-west of Robert Moses State Park. LIPA's filing has been supported by the Long Island Offshore Wind Initiative, a broad-based coalition of local, regional, state, and national health and environmental groups. In Spring of 2006 Riverkeeper officially announced its support for the project.

Our elected officials need to know that there is strong public support for smart, renewable energy research, development, and implementation. In our efforts to close the Indian Point nuclear power plant, Riverkeeper has identified several ways residents can show their support for wind production: purchase wind certificates through Community Energy for your home, apartment, and business; encourage your municipality to purchase wind certificates; and opt to buy green energy from your local utility.

New Yorkers can learn a lot from the Mexicans and Danes: wind power is a sign of progress. With growing public support for wind power, New York State could reach its 10,000 megawatt capacity, reduce our use of fossil-fueled power plants, and eliminate the need for arguably the greatest risk to public health and safety in the New York metropolitan region – the Indian Point nuclear power plant. ■

20 YEARS LATER... REMEMBERING CHORNOBYL

Reflections

In the early morning hours of April 26, 1986, nuclear plant workers were in the process of conducting a test on Unit 4 of the Chernobyl power station. A sudden surge of power increased the power level and temperature at such an alarming rate that an explosion took place, spewing massive amounts of radioactive particulates into the atmosphere. Hundreds of thousands of people were forced to evacuate and leave their homes and livelihoods behind – many forever.

Seven months after meltdown, the burned reactor building and its core were enclosed in a reinforced concrete casing known as a sarcophagus. This original structure was meant to be an intermediary measure to contain the high levels of radiation still being emitted from the core. Twenty years have passed, and the sarcophagus is suffering from decay and there is a risk that structural beams will rust. A new 20,000 ton structure is planned to replace the interim encasement. Originally scheduled for completion in 2005, the project is now slated for completion by 2008 and will cost an estimated 770 million Euro.

A large portion of Belarus' citizens have been affected by radiation fallout from Chernobyl. In addition, radiation contamination was discovered across the Northern Hemisphere. The World Health Organization predicts that one third of all children (0-4 years of age) living around Gomel, Belarus at the time of the accident will develop thyroid cancer.

The following is an exposé by Robert Masterson, a professor and writer living in Yonkers. He has travelled extensively through the regions most greatly affected by Chernobyl's invisible poison.

Prypiat Plaza, Ukraine.



Things seem to keep circling back to the same images, the same memories. Five years ago, I wrote a series of articles for a Connecticut-based newspaper chain entitled "Culture of Cancer: A health crisis in Ukraine rages almost 15 years after Chernobyl, the world's worst nuclear disaster." I had spent weeks traveling across that wretched country, moving from children's hospital to children's hospital in city after city and interviewing doctors, patients, patients' parents and therapists and nurses, getting a first-hand look at the damage. It was a tour of spina bifida and cleft palettes, of hydrocephalia and enormous tumors like violent fruit, of twisted bones and vacant weeping.

Five years ago, I wrote, "The only real growth industry seems to be the sex industry; escort services, marriage agencies and pornography are booming as the Ukrainian culture begins to feed upon itself, offering its own flesh as a commodity." Last night, I watched



Graffiti Wall. Lviv, Ukraine.

an episode of the PBS documentary series *Frontline* about human trafficking. Sure enough, one of the women trafficked into a life of prostitution in a Turkish brothel and one of the few who ever manages to escape her sexual enslavement, was a child of Chernobyl. Oksana and her teen and preteen siblings all suffered a host of radiation associated afflictions and lived a life of cold poverty in one of Ukraine's thousands of poverty-stricken villages. Before the show was over, we'd learned that Oksana's 13-year old brother died from liver failure and (this is sort of incredible) Oksana had decided to sell herself back to the Turkish pimps. At least her family would get some cash, she reasoned. Her sister had a brain tumor that needed attention and there doesn't seem to be a whole lot of opportunity out there for uneducated, irradiated Ukrainian country-girls.

Just a few weeks ago, the local paper ran stories about the radiation leaking out of the Indian Point facility, about the wells that were coming up contaminated, about the ground water absorbing more poison. Nothing for anyone to be alarmed about, this was just another isolated incident that was in no way connected to or compounded by the dozens of other incidents and accidents and spills and releases that litter the facility's history. The leaks continue but the newspa-



Silent Class, Prypiat, Ukraine

PHOTOS © ROBERT MASTERSON

per stories have sort of dwindled away.

Five years ago, I wrote that Ukrainian doctors "see the [Chernobyl] radiation as a vampire force that saps the strength, weakens the immune systems and twists the chromosomes of the men and women living in areas declared safe." There's just not a lot that anyone can do about it and, short of scraping the top 12 inches off the entire country and a couple of surrounding countries as well, that vampire force is just something with which the Ukrainians are having to learn to live. And we all know that people can get used to even the most appalling conditions, can become resigned and even accustomed to almost any horror.

If the unthinkable becomes the ordinary, I suppose those of us living here, those of us who won't be able to just get up

and leave if it all gets to be too much, those of us with no other place to go and no way to get there, might just have to get used to cancer and cleft palettes, to spina bifida babies and... um... limited social opportunities. All it takes, really, is a little buildup in the background radiation and some hotspots here and there. It's been 20 years for Ukraine, Belarus, and southern Russia, 20 years since the star Wormwood fell to earth; I wonder how many it will be for us. ■

Robert Masterson is a professor and a writer who divides his time between New York and New Mexico.

Masterson spent most of his childhood in and graduated from high school in Los Alamos, New Mexico, where his parents and stepparent have all worked at the Los Alamos Scientific Laboratory. He has made several trips to the Trinity Site southwest of Socorro, New Mexico, spent the summer of 1993 in Hiroshima, Japan, and toured childrens' hospitals and the Chernobyl site in Ukraine.

A Look Back at 2005 and Indian Point

January 2005: Westchester, Rockland, and Orange County officials refuse to submit their Annual Certification Letters (ACL) for Indian Point's emergency evacuation plans; Putnam County breaks ranks again and submits its ACL.

January 24, 2005: IP guard discovered drunk while acting as a safety supervisor at a firing range.

January 31, 2005: NYS Attorney General Eliot Spitzer says he supports the closure of Indian Point if energy reliability can be assured.

February 10/11, 2005: Control rods fail to load properly at Indian Point.

February 14, 2005: Barnwell Waste Management discovers a shipment contaminated with radioactive waste from IP.

February 23, 2005: Riverkeeper, NIRS, and 16 other organizations submit a petition to the Nuclear Regulatory Commission (NRC) that would require backup power to emergency notification sirens at U.S. nuclear power plants, including Indian Point.

May 10, 2005: Westchester County Executive Andy Spano files a petition with the NRC that would require the federal agency to address major inadequacies in the process of relicensing nuclear power plants.

May 20, 2005: The NRC rejects the petition that Riverkeeper et al filed in February that would require backup power to emergency notification sirens.

May 27, 2005: Senator Hillary Rodham Clinton urges the NRC to reverse its decision on the siren petition and vows to draft legislation that would require backup power to sirens if the agency won't do its job.

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June 9, 2005: Westchester County's report on the feasibility of closing IP is released, stating that energy currently supplied by IP could be replaced with an onsite gas-fired plant that could maintain local PILOT agreements, bring new jobs to the region, and not increase electric rates.

June 20, 2005: Congresswoman Nita Lowey authors the Nuclear Power Licensing Reform Act of 2005, which would fix myriad problems in the current relicensing process, and require that the NRC apply the same licensing standards to old nuclear power plants as mandated for new nuclear power plants.

July 2005: Power to Indian Point's emergency siren system is knocked out on two separate occasions, one for six hours before officials were aware of the problem.

July 29, 2005: After a slew of siren failures and pending legislation by Senator Clinton requiring backup power to emergency sirens, Entergy commits to replacing IP's sirens.

August 8, 2005: President Bush signs into law the Energy Policy Act of 2005, which includes Senator Clinton's amendment requiring backup power to Indian Point's sirens – essentially singling out Indian Point as a unique nuclear power plant among the nation's 103.

August/September 2005: The emergency siren system fails during testing on several occasions.

August 1, 2005: Indian Point receives a "White" finding due to the nitrogen gas leak in a vital pump system that went undetected for 77 days.

September 13, 2005: As officials from FEMA and the Department of Homeland Security conduct an assessment of security and offsite emergency planning for the Indian Point nuclear power plant, Riverkeeper calls for the

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Amazing Base

Grassroots Activism on the Indian Point Campaign

BY DARCY CASTELEIRO

It's a dreary Saturday afternoon. Rain blurs the panorama of sloping, wooded hills from the floor-to-ceiling windows that wrap around the sanctuary of the Community Unitarian Church in White Plains. Inside, an audience sits transfixed as a speaker discusses how energy efficiency and safe energy are a viable alternative to the risks of Indian Point.

Even more striking, on a day off work, when many choose to shop, run errands, or just relax, a few dozen people have chosen to attend a program to learn more about Indian Point and how to close it. The program was spearheaded by Dr. Cathy Canepa, who joins the ranks of our indispensable grassroots volunteers.

As most not-for-profit initiatives, grassroots volunteers are

the lifeblood of the Indian Point Campaign. Indeed, our very goal, to shut Indian Point, could never be reached without public pressure. It's simple math. As our grassroots base broadens, people in power take more and more notice.

Our grassroots contributors donate their most precious asset: time. Everyone's time is valued—from the dad who sandwiches 45 minutes to pass out leaflets to commuters in between getting his kids, to a working mom like Cathy who devoted hours a week to create the four-part series that ran at her church. The common thread uniting our grassroots base is a passion to close Indian Point and a belief that our efforts will make a difference.

Cathy felt she had no choice but to produce this program for the public. "The movement to close Indian Point felt like a

perfect match for our congregation because Unitarian Universalists have certain shared beliefs: the sacredness of the earth, the interconnectedness of all living things, and our responsibility to care for the earth, to revere nature. Indian Point is at odds with all of those values."

The program at the church was meant to educate the public about the risks and realities of Indian Point such as the dumping of deadly, radioactive fuel that will last millennia to the myth that this plant is economical. Cathy says, "I realized that I spent so much time worrying about Indian Point but doing nothing. This has been a personal awakening for me. I know now there're a lot of very concrete actions I can take to close Indian Point."

What keeps Rockland County activist Pam Cantor going is her professional perspective. An occupational health nurse, Pam sees an accident at the plant as "a medical nightmare. I feel like an advocate for people who have no comprehension of the horror of treating people with radiation poisoning. Each patient is so time-intensive we wouldn't be able to care for anywhere near the number injured." Pam feels her work has raised public awareness. Just recently the *Journal News* profiled the challenges her group faces.

Pam has been working in Orangetown, which includes



Margo Schepart Tabling at Jones Beach

PHOTO CREDIT: LISA RAINWATER VAN SINTUM

the Nyacks, Piermont, Pearl River, and Blauvelt to get a resolution passed that opposes re-licensing. It's taken time, but the group reports significant progress. Pam says that, "It's a matter of convincing people that this energy is not worth the risk. We are focusing on better, smarter safer energy. It's a great feeling to go to a board meeting and have trustees take me seriously when I tell them, this is a real problem. You have to start with smart planning in this town."

Margo Schepart, a veteran member of the Indian Point Safe Energy Coalition and one of the leaders of Wescan (Westchester Citizens Action Network) is a one-woman, close Indian Point operation. A single-mom, Margo arranges her schedule around her daughter and well, closing Indian Point. Margo's apartment is crammed with huge storage containers packed with Close Indian Point buttons, bumper stickers, t-shirts, hats—and those ubiquitous rubber ducks—her brainchild, actually. These days she's focused on paying rent for the billboard she oversaw from start to finish. The striking sign (on Route 202 heading toward Peekskill near Croton Avenue) urges motorists to oppose giving Indian Point a 20-year license renewal.

What has kept Margo going all this time? "I do it because if I wasn't doing it I'd be think-

New Emergency Sirens by January 2007

At a public Nuclear Regulatory Commission meeting held in Peekskill on November 16th, Entergy publicly committed to completely replacing Indian Point's 156 aging, troubled emergency notification sirens by January 30, 2007. This date was confirmed in a Draft Confirmatory Order issued by the NRC to Entergy on January 5, 2006 which lays out the requirements of the new siren system and the type of backup power required. The NRC issued the Final Confirmatory Order on January 31, 2006. According to Entergy, the new sirens will sound in all directions rather than rotate, and will have battery backup power that can last for twenty-four hours in case of an outage. Entergy has recently installed similar sirens at the Pilgrim and Vermont Yankee nuclear plants. The company also committed to continue upgrades and repairs on the current system, which has been plagued with problems for nearly four years. Riverkeeper was instrumental in resolving this issue, beginning in February 2005 when we joined 15 other groups and legislators from Westchester and Rockland County in petitioning the NRC to require backup power for emergency sirens at all the country's nuclear plants. After the petition was rejected by the NRC in May, Riverkeeper enlisted the help of New York Senator Hillary Rodham Clinton, who succeeded in writing an amendment to the Energy Policy Act of 2005 requiring backup power and the replacement of the Indian Point sirens. While Riverkeeper is pleased that steps are finally being taken to resolve the siren problem, we remain concerned about the timetable, and will maintain public pressure on Entergy, the NRC and FEMA, to make sure the replacement is completed on time.

ing about doing it."

Members of our grassroots coalitions have a new message this year: a future without Indian Point's risky energy. Everyone working for closure believes that that future is at hand. And the faster our grassroots base grows, the closer we get to our goal. With the

recent rise in people calling to learn how they can help Riverkeeper's Indian Point Campaign—and others starting their own local organizations—that goal is right on the horizon.

To get involved in your community, contact Riverkeeper. ■

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immediate closure of the plant until a full-blown, 9/11 Commission-style evaluation report on FEMA's failure in New Orleans is completed.

September 20, 2005: NRC and Entergy notify the public that radioactive water is leaking from IP2's spent fuel pool.

September 29, 2005: A control rod malfunctions at IP3, forcing Entergy to cut power immediately by 35%.

October 2-9, 2005: Indian Point 3 shuts down following the control rod malfunction with no disruptions or significant price increases.

October 5, 2005: Entergy notifies the NRC that a sample from a monitoring well located in the IP2 transformer yard shows tritium contamination that is 10 times the EPA drinking water limit.

October 7, 2005: The NRC updates its Special Inspection Charter for the IP2 Tritium Leak to include a review of Entergy's efforts to control the ongoing leak from the IP1 Spent Fuel Pool.

October 18, 2005: Tritium is detected in five sampling wells around Indian Point 2, while the leak at the spent fuel pool has increased to about two liters per day.

October 18, 2005: Ten of 15 Indian Point sirens in Orange County and another four of the 156 total sirens within the 10-mile evacuation zone fail to sound during a routine test.

November 26, 2005: Entergy uses underwater cameras and divers in an attempt to identify the source of the tritium leak in the IP2 spent fuel pool but yields no results.

December 1, 2005: Tritium levels 30 times higher than EPA limits are detected in the groundwater at Indian Point. The NRC and Entergy both remain in the dark about the source of the leak, its duration, whether it had reached the Hudson, and the extent of its plume. ■

NRC Waffles on New Federal Legislation for Indian Point

BY LISA RAINWATER VAN SUNTUM
In light of the continuing safety problems at Indian Point, the likelihood that Entergy will seek a 20-year license extension for both reactors in January 2007, and how poorly FEMA and DHS handled mass emergency evacuations of large metropolitan areas in the Gulf last fall, an important Indian Point bill (HR 4891) was introduced in the U.S. House of Representatives by a bi-partisan coalition on March 7.

early support from top elected officials in the region, including New York Attorney General Eliot Spitzer and Connecticut Attorney General Richard Blumenthal. On March 9, Senator Hillary Rodham Clinton (D-NY) announced that she received a commitment from Nuclear Regulatory Commission Chairman Nils Diaz that he will order an independent safety review of the Indian Point nuclear power plant. The verbal commitment

to a lesser inspection already planned at Indian Point?

HR 4891 requires that the NRC conduct an Independent Safety Assessment (ISA) that replicates the model conducted at the Maine Yankee nuclear power plant, following years of poor performance and unplanned outages. The ISA included about 24,000 hours of inspections by a 25-member team comprised of top NRC engineers, independent (outside) contractors, and state employees. As a result of this vertical and horizontal slice review, the plant owners were required

inspection at Indian Point, the public and elected officials must proactively work toward getting HR 4891 passed in the House. As we've seen time and time again, the NRC is slow to act and rarely makes decisions in the best interest of the public. Indian Point, with its myriad safety problems and unworkable evacuation plans, is a unique plant – the wrong plant in the wrong place at the wrong time. Twenty million residents deserve a truly independent safety assessment as outlined in the legislation. If the NRC fails to conduct a Maine Yankee-style ISA on its own, then federal legislation must direct its hand in doing the right thing (this is afterall, how Indian Point will get new sirens!).

IN OTHER WORDS: WAS THE CHAIRMAN MERELY AGREEING TO A LESSER INSPECTION ALREADY PLANNED AT INDIAN POINT?

Co-sponsored by Congressmen Maurice Hinchey (D-NY), Christopher Shays (R-CT), Eliot Engel (D-NY), and Congresswomen Nita Lowey (D-NY) and Sue Kelly (R-NY), the bill requires the Nuclear Regulatory Commission to conduct an Independent Safety Assessment of vital systems at Indian Point and requires the NRC and FEMA to provide an explanation detailing the facts they relied upon in approving Indian Point's emergency plans for the past four years, despite the findings of the 2003 Witt Report in which James Lee Witt – the nation's foremost authority on emergency planning – concluded that the plans are inadequate to protect the people from an "unacceptable dose of radiation."

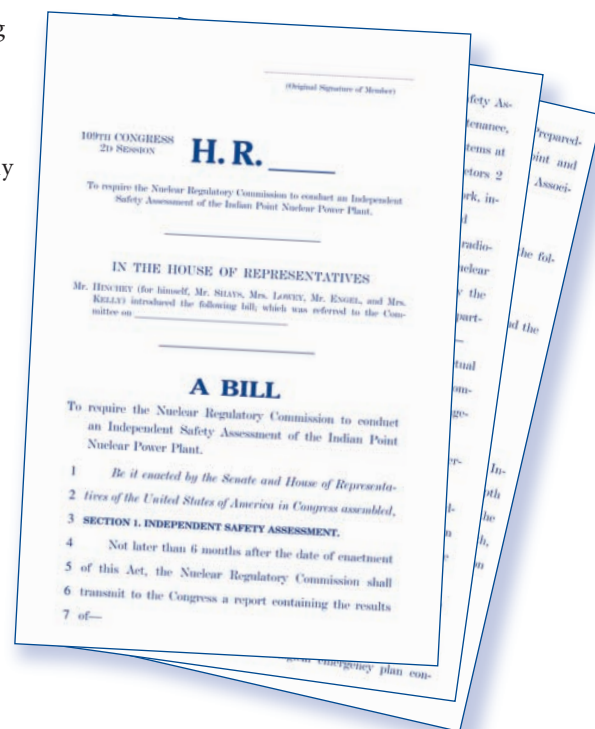
The House bill has received

was made at a Senate Environment and Public Works Committee hearing. In a press statement, Senator Clinton indicated that she expects from the Chairman a written confirmation that "will incorporate the elements included in the legislation introduced by my House colleagues." She vowed to draft legislation that would incorporate these elements, if the NRC refuses to comply.

As we're writing this article, it is still wholly unclear what type of review the NRC Chairman has actually agreed to (so much so, that NRC officials had a special conference call to go over transcripts and press releases!), since Indian Point was already slated for a new, less comprehensive safety assessment. In other words: was the Chairman merely agreeing

to either fix the gross number of problems or close the plant. (The plant is in its final year of decommissioning.) In contrast to this comprehensive inspection, the NRC has embarked on a new, pared-down engineering inspection: it has far less hours – on average approximately 800 per review – and there are no outside contractors or state employees.

Regardless of what Chairman Diaz submits in his letter to Senator Clinton outlining the "independent" safety



PATROL BOAT LOG

BY JOHN LIPSCOMB
AND DANIEL WOLFF



PHOTO BY JOHN LIPSCOMB

DECEMBER PATROL

You never know what you'll find. Last December, I almost skipped our final patrol to Troy. Plenty of good reasons – the weather got cold early; there was a good chance of ice and snow; we still had core samples to do on Newtown Creek; etc. I decided to go anyway and it turned out to be a good thing.

5th / Monday

0545: Arrive at dock to find wheelhouse enclosure open, cabin open, supplies and equipment strewn about, toolbox open and tools on deck in the snow. The boat's been burglarized. A big Buck knife, the 25mm flare gun kit and a hand held GPS are missing. Must be kids. Luckily there was no vandalism. Engine and navigation equipment OK.

0645: Depart Nyack for Marlboro. Water 41 degrees, air 28 degrees.

0805: Indian Point power plant. Two small security boats are tied up on bulkhead – as usual.

1015: Marlboro. Meet a student from Pace Law School and a Vassar chemistry intern. Cross over and anchor just south of Casper Creek. Air temp has risen above freezing so snow and ice are melting off the deck which makes things a lot safer. We launch the skiff and all three of us go ashore to collect water and sediment samples. Casper Creek runs south through Tilcon's Clinton Point quarry – which is trashing the stream. There is a big sediment delta at the mouth and on certain

days a big gray sediment plume into the Hudson. They're also trashing a marsh north of the loading docks and the waterfront of the plant in general. They have NYS Department of Environmental Conservation (DEC) permits to do this. Pace U may file suit on behalf of Riverkeeper.



Sampling at Casper Creek

1315: Put students ashore again at Marlboro and continue north.

1340: Van Keurens, about three miles south of Poughkeepsie. Check another DEC permitted pollution discharge. This one is from IBM (which has a big plant here) and is labeled DEC SPDES permit #0005541. "SPDES" stands for "State Pollution Discharge Elimination System." It's really just a "pollution discharge" permit because the State doesn't usually enforce the "elimination" part. This one permit covers IBM for over 70 different discharges. I've been checking it since 2003 and it's active, more or less, 24/7.

1420: Patrol close by Poughkeepsie. Pass over the city water intake pipe. Poughkeepsie uses river water for human consumption – after filtering and disinfecting. IBM has a permit to discharge pollution 3 miles south of the city water intake – and don't forget that the tide floods north half

the day.

This time of year, with the leaves down, you can really see the breakneck pressure of development which threatens the entire HR valley. Now that the water is cleaner (cleaner, not "clean") everyone wants a house by the river – or a condo. From Newburgh to Poughkeepsie, it's house after house all the way with only a little break at Blue Point. And I've heard that there is a condo development set to go on the ridge overlooking the river just north of the point. Imagine what this river valley will look like 100 years from now.

1650: Secure at float on Rondout Creek. Marina is closed for the season. Unbroken snow on the docks.

6th/Tuesday

0700: Patrol Rondout Creek to the dam at Eddyville. There's talk of removing this dam to allow fish up above the tide to spawn in the creek. Herring would like that a lot. Water temp 38, air 28.

1130: Patrol Esopus Creek as far as the town park. "Clearwater" is alongside Lynch's with her winter cover on, sound of hammering inside. The only other boats are small outboards; one is all covered with marsh grass and camo for duck hunting.

1240: Silver Point – Lehigh/Portland Cement dock. Photograph the shore just

north and south of the actual dock structure which is very eroded. The plant has dumped all kinds of waste dirt, sand, scrap steel, concrete, etc. as fill. There are some big piles waiting on shore so I'm expecting more dumping soon and want a "before" picture just in case.

1300: Inbocht Bay. Anchor in 8' of water at south end near cement silos and causeway. Take the skiff into the southwest corner of the bay. Last summer a local fisherman told me that years ago he used to see a big discharge from the cement plant here. Can't get in during the summer because of floating vegetation so I'm having a look now. No problem, all that remains is an old fallen down pump house with massive rusted out pipes.



Pump House

1500: Back aboard the "Fletcher." There is a camo covered boat and a lone duck hunter on the south side of the island in the middle of the bay. He's got a bunch of decoys moored out in front of his blind. Traveling north, there are 2 duck blinds at Esopus Meadows, just south of Kingston, 3 on Green Flats, 1 on Upper Flats, 3 in Inbocht Bay, 5 on the south side of Ramshorn marsh, 2 just north of Roger's Is., 2 at Four Mile point, 1 at Stockport Middle ground, 1 near Mill Creek... to name just a few.

7th/Wednesday

Spent the night in Catskill Creek. This morning water temp is 36 degrees. Temp in cabin is 35 degrees and there's a light dusting of new snow. Motor out to the Hudson through patchy thin sheet ice. The forecast for tonight is even colder. This patrol could turn out to be a dumb idea.



Gulls standing on the ice

1200: Bald Eagle nest south of Albany –nobody home this time of year. This was a very well established nest but last summer the property owner had a road cut in right close to it. Riverkeeper called but too late; the eagles abandoned the nest. The Endangered Species people are hoping they'll return this spring. But I have my doubts: the road, a clearing, porta-john and new dock are still there.

1315: Albany. Two survey boats are taking core samples off the BASF property where the DEC has ordered a clean-up. That's nice. It's snowing.

1350: Troy. Clemente-Latham Cement Plant. Check the storm drain which runs under the property. Earlier this year there was a yellow sludge discharged here. It was exactly the same color as the paint on the plant itself. Nothing today.

1600: Arrive at Troy, the end of the road because the Federal Lock at Troy is closed for the season.

8th/Thursday

0600: Water temp is 34.6 degrees and air is 12 degrees.



Clemente - Latham discharge

Forecast is for 6 to 8 inches of snow tonight. Southbound, I'll be collecting data for two Columbia U studies: one looking at pollen transport; the other recording temperature and salinity from surface to bottom to document any stratification and salinity change.

0930: Troy-Menands Bridge. Ice sheet covering almost the entire width of the channel. This kind of thin ice cuts into hull planking. No choice but to push through slowly – the grinding sound is horrible. There was no ice up at Troy because the water was moving faster near the dam.

1035: Port of Albany. No more ice. Continue south collecting data at approximately 5 mile intervals.

1420: Rip Van Winkle Bridge/Catskill. Speak via radio with the Pilot aboard the northbound ship "Envoyager." He's asking about some huge white birds he saw earlier this year: Great White Herons or Great Egrets? Been below freezing all day. Each time I lower the sampler to the bottom the line freezes a little more. It's like making candles.

1435: Bald Eagle is on the wooded spit just south of Roeliff Jansen Kill. There are two squatter camps here. I never see an eagle in summer when the camps are in use.

1545: Buoy "94" at Saugerties Light House. Wait for the tug "Baltic Sea" pushing a loaded fuel barge to pass northbound then swing back

into the channel to sample. Suddenly smell something like fuel oil. We're in the wash of the passing tug and barge so I can't see anything on the water. I figure the odor is just a fluke; continue southbound.

1600: Tivoli Landing. Still smell fuel. There is zero wind, which combined with the late afternoon winter light makes the entire surface look oily. Sailors call it a glassy or oily calm. Stop the boat for a closer look. Sure enough, when I look straight down at the surface I can see sheen – everywhere. Call the "Baltic Sea" via radio and ask for a cell phone number. Tell the helmsman that I'm a couple miles south of him and seeing lots of light oil on the water. He says he's pushing a load of highway diesel; he'll ask the barge crew to check. I'd like to run back north after him but in 45 minutes it'll be dark and we can't catch him that fast. Also I really hope to make Kingston for the night. I contact the Coast Guard base/Saugerties and file a report. Continue south.

1640: Turkey Point. Still see sheen. Relay an update to CG/Saugerties.

1700: Kingston/Rhinecliff Bridge. Still have heavy oil sheen and odor but light is failing. Talk with Coast Guard Sector NY with all details. They apparently had a report of a slick earlier today down around Indian Point. Dispatcher says CG will contact DEC.

1730: Enter Rondout Creek. About 300 yards in, run hard into more sheet ice. I couldn't see it, even with the spot light, because the water is so completely calm this evening. Amazing: all day I've been worrying that tomorrow



Barge leaking oil on May 6, 2005 at Newburgh

morning I'd find the boat frozen into Rondout Creek – never occurred to me that we wouldn't even make it in. Only real choice is to just carry on for Nyack.

1830: Dinsmore Point. Running at 1250 RPM; speed 6.3 knots against flood, a near half moon making for good visibility on glassy water, air temp 20 degrees, wind calm.

1945: Poughkeepsie. Empty reserve fuel from jugs into main tank.

2110: Danskammer Point: The hot water discharge from the power plant is steaming like a Hollywood fog machine.

2320: Bear Mountain Bridge. Collect last pollen study sample.



Snow on deck.

9th/Friday

0130: Arrive at Nyack. Been underway seventeen hours straight since leaving Troy.

0800: Wake to find heavy snow falling with about 5" on deck already.

Turns out the barge was leaking. It lost about 6500 gallons of diesel fuel between Staten Island and Albany. Neither the Coast Guard nor the DEC made contact with the "Baltic Sea" after Riverkeeper's report. It wasn't until after the tug arrived in Albany

and after the crew finally noticed and reported the leak themselves that the DEC responded. Riverkeeper contacted the press and several articles resulted - also an editorial asking the authorities to have better response mechanisms in place for this kind of spill. The slick was 150 miles long! When the DEC responded the next day, it said that no sheen was detected and that "no remediation was necessary." I think they mean "no remediation was possible." A fine of \$35,000 has been imposed.

This was the 2nd major spill this year – that we know of. Most get no publicity. In April a barge leaked 28,000 gallons of gasoline near New Hamburg. No fines have been imposed yet for this spill. No product was recovered in either case.

On May 6, 2005 we reported a leaking barge at the Hess

Terminal / Newburgh which we observed during a helicopter patrol (*photo top left*). The DEC hasn't imposed any fines and is leaving enforcement up to the Coast Guard.

How many other spills have occurred? The DEC says there were 63 on the Hudson in 2005. Hopefully, publicity about fuel spills and the public concern it generates will encourage the DEC to impose stiff fines– which are a strong incentive for commercial (and pleasure craft) owners to keep their equipment leak free.

You never know what you'll find. ■



HOTLINE CALLS

Each month Riverkeeper receives dozens of reports of possible environmental violations. Sabrina Wells, Riverkeeper's Watchdog Program Coordinator, assists the Hudson River Team by determining whether the matter should be dispatched to one of our Watchdogs for further investigation, referred to federal, state or local authorities, or become the subject of citizen enforcement action by Riverkeeper. Sabrina can be reached at 914-478-4501, ext 242 or 800-21-RIVER, or by sending an email to watchdog@riverkeeper.org. The following are samples of reports received by our pollution hotline:

- **Yonkers, NY:** An anonymous phone call tipped us to a local hospital that was dumping diesel fuel down a storm drain that drained into the Hudson River. Riverkeeper contacted the Environmental Security Unit at the Westchester County Police Department and two Westchester County summons were issued as well as a \$5,000 fine. The hospital was also ordered to hire a certified company to clean up the pit and correct the leak, which they did.
- **Saugerties, NY:** An anonymous phone call reported a barge sinking on the East Bank Hudson River. The barge was carrying crushed cars with most of the engines removed. The Coast Guard was contacted to make sure there was no leaking fuel, which they reported there was not. The clean up of the barge and debris has begun and Riverkeeper will continue to monitor the progress.
- **Ft. Montgomery, NY:** A Watchdog reported a permit application for a development that may affect well water systems in the area as well as sewage capacity concerns. The Watchdog has reached out to community members, which has resulted in mass opposition to the proposed project until further study is conducted. Riverkeeper will continue to monitor the progress of the permit and submit comments to the Planning Board requesting a supplemental EIS.
- **Croton on Hudson, NY:** A Watchdog reported a mass littering problem on DEC land along the Croton River. Riverkeeper is working with the Watchdog on an education and enforcement initiative to address the problem.
- **Piermont, NY:** Caller reported a discharge of household pollution from a private residence. Riverkeeper will contact the homeowner with regard to a violation of the Clean Water Act and will request that the problem be quickly repaired.

NEW CASES



Ulster County Wetlands Case. In addition to trying to promote wetlands protection by amending New York's wetlands laws, Riverkeeper has joined with seven Ulster County landowners to petition the DEC Commissioner to re-delineate mapped wetlands M-21 and M-22 which were originally mapped in 1988 and have not been updated since. According to private consultants we've been working with, the actual wetlands are much larger than those mapped which means that the area is vulnerable to illegal development. The Pace Clinic is gathering evidence to support the petition and expects to file by summer's end.

UPDATED CASES



Hudson River PCB Superfund Site Riverkeeper Revealed Suppressed Government Comment on Hudson River PCB Cleanup. Comments by the National Oceanic and Atmospheric Administration (NOAA) on the design for the Hudson River PCB Superfund site were covered-up by the EPA. Those Comments were leaked to Riverkeeper, which provided a copy to the New York Times. On December 3, 2005 an editorial entitled, "A Troubling Memo" (available at www.riverkeeper.org), questioned the commitment of both GE and the EPA to "remove the mess without leaving a worse one behind." The controversial consent decree, which radically departs from the 2002 Record of Decision, is currently before the Department of Justice for approval.



Indian Point Power Plant (Buchanan, NY) On February 8, 2006, Administrative Law Judge Maria Villa determined that the following issues raised by Riverkeeper would advance to the adjudicatory phase of the plant's draft State Pollutant Discharge Elimination System (SPDES) permit : (1) Whether closed-cycle cooling, augmented by design protections such as wedgewire and Ristroph screens, is the best technology available to minimize IP's adverse environmental impacts; (2) Whether closed-cycle cooling is available technology at IP within the five year SPDES permit period or shortly thereafter; (3) Whether the "technologies" required by the permit will not equal or even approach the protection offered by closed-cycle cooling; and (4) Whether DEC would unnecessarily delay implementation of BTA requirements years after the expiration of the permit.



Hudson River power plant fish kills Bowline's Clean Water Act permit expired in 1992. Finally, in December of 2005, the New York State Department of Environmental Conservation (NYSDEC) issued a draft of the renewed permit. Unfortunately, the draft permit is woefully inadequate: It fails to require the plant to use the best technology available to avoid killing millions of fish, fish eggs, and larvae each year. In fact, for the first four years of the permit, there are no formal requirements for a reduction in entrainment, which results in over 99 percent of the fish mortality at the plant. Moreover, previous permits required plant outages during May to July to protect young fish. The draft permit omits this requirement altogether. Thus, it is quite possible that fish mortality will increase above historical levels for at least the first four years of the permit. Hudson Riverkeeper and the Pace Environmental Litigation Clinic will appear before the NYSDEC on March 29 to challenge the draft permit.



Catskill Mountains Chapter, Trout Unlimited v. City of New York: Riverkeeper has continued its battle to protect a renowned trout fishing stream and a critical piece of the New York City drinking water system in the Catskills. Following a lawsuit by Riverkeeper and Catskills sportsmen's organizations, which successfully argued that the discharge of polluted water from the Schoharie Reservoir into the Esopus Creek violated the Clean Water Act, the federal district court imposed penalties on the City totaling over \$5.7 million and required the DEP to obtain a SPDES permit within 18 months. Since that time, the Clinic has been actively reviewing and commenting on drafts of the SPDES permit, and participated in an adjudicatory hearing on the permit in October 2005. The Department of Environmental Conservation Commissioner is expected to issue her final decision on the permit by March 21, 2006. In addition, oral argument was heard in federal court in November 2005 on the City's appeal of the 2002 decision, and a decision from the Second Circuit is expected at any time.



Riverkeeper v. ExxonMobil and Potential Related Actions (Newtown Creek) On January 20, 2004, Riverkeeper initiated our lawsuit against ExxonMobil for violations of the Clean Water Act and the Resource Conservation and Recovery Act. We are represented by the Pace Clinic. The violations stem from decades of underground spills and leaks which left more than seventeen million gallons of petroleum products under Greenpoint, Brooklyn. The spill has destroyed the local aquifer, seeps into Newtown Creek, and produces toxic vapors under hundreds of homes and businesses. Our case aims to force ExxonMobil to aggressively remove oil from the ground, keep it out of the creek, and direct vapors away from homes. As a result of our investigations, local homeowners filed a private action against the company for health and property impacts. That case is being handled by the California firm Girardi & Keese with consultant Erin Brockovich. Riverkeeper has created a quasi task force on the case with officials from the US Coast Guard, the NYS Attorney General, and other state and city offices.

A BRIDGE TO NOWHERE

BY ROBERT GOLDSTEIN

The wide bosom of the Tappan Zee lay motionless and glassy, excepting that here and there a gentle undulation waved and prolonged the blue shallow of the distant mountain. A few amber clouds floated in the sky, without a breath of air to move them. The horizon was of a fine golden tint, changing gradually into a pure apple green, and from that into the deep blue of the mid-heaven. A slanting ray lingered on the woody crests of the precipices that overhung some parts of the river, giving greater depth to the dark gray and purple of their rocky sides. A sloop was loitering in the distance, dropping slowly down with the tide, her sail hanging uselessly against the mast; and as the reflection of the sky gleamed along the still water, it seemed as if the vessel was suspended in the air.

—WASHINGTON IRVING, *THE LEGEND OF SLEEPY HOLLOW*

In 1952 construction was begun on a bridge spanning the scenic and beautiful Tappan Zee connecting Tarrytown and Nyack. Since its opening the bridge has been the impetus for profound changes in both Rockland and Westchester counties. Now it appears that the NYS Department of Transportation (DOT) has all but resolved to build a new bridge across the Tappan Zee to replace the existing bridge. Riverkeeper believes that this is a mistake of colossal proportions and will drastically impact the character of the Hudson Valley as well as having severe and long-lasting impacts on the Hudson River.

Proponents of a new bridge claim that its inclusion of proposed mass transit alternatives will eliminate traffic and get people out of their cars, but this is without any basis in reality. Mass transit is a goal that Riverkeeper heartily endorses, and the best proposal on the table (and much further along in terms of both planning and funding) is a tunnel planned between New Jersey and Manhattan which would link existing rail lines running from both Rockland and Orange counties to Manhattan. This would provide riders with a “one-seat ride” to New York City.

The tunnel proposal obviates the need for a duplicate mass transit link on a new bridge.

Without the need for a “north-south” rail mass transit link, new bridge proponents are now foisted on the public an “east-west” rail mass transit corridor to justify building a second bridge (not indicating what they will do to the existing span). The need for “east-west” rail mass transit is not proven and not cost-effective. A bus rapid transit system, which could be incorporated onto a dedicated lane on the existing bridge, would better resolve the “east-west” mass transit issues. For example, the rail system (which the DOT has rejected for a Suffern-to-Port Chester line) will still require connections from train stops to workplaces in Westchester; while a bus route could enter office parks and shopping areas.

A new bridge is a boondoggle!

The cost is enormous: \$14.5 billion dollars (minimum). Think about how the \$12 (or more) billion dollars over the \$2.5 billion dollar cost of rehabilitation of the existing bridge might be spent – education, social programs, conservation, environmental enforcement.

Bridge traffic will not be abated by building a new bridge. Most of the measures that will impact traffic, such as climbing lanes on the westbound Rockland side, could be implemented in conjunction with

the existing span. Communities along the Interstate 287-Corridor will endure years of construction followed by years of increased traffic on local streets. Sprawl-type growth into Orange and Sullivan counties – and further – will invariably follow the Interstate 287-Corridor development.

Critically, the River environment will be inalterably damaged, there will be no improvement in air pollution, and an important habitat of the striped bass and the endangered shortnose sturgeon will become a long-term construction site. This project will put active construction into the Tappan Zee for years, and will reverse much of the progress that has been made in the last 40 years to protect the River environment.

A new bridge is a lose-lose situation for all the residents of the Hudson Valley. The DOT’s engineers, being single-mindedly focused on building, building and more building, have not fully explored their own Alternative 2: Rehabilitation of the existing Bridge. Residents of the Hudson Valley must force them to take a hard look at this most practical alternative. It is the only environmentally sound option. ■



~~~~~ A True Hudson River Steward ~~~~~

member news

Allen Monks, owner of Allen's Import Service, an auto repair shop in Highland Falls for over 30 years, recalls the Riverkeeper bumper sticker he relished distributing to his customers – "The Hudson River – the Beauty is Ours to Keep."

Allen's love affair with cars and with the Hudson River began when he was teenager in the sixties growing up in Cornwall.

"When I wasn't restoring my 1953 Jaguar XK120, my friends and I would climb to the top of Storm King Mountain to escape the turbulence and unrest of the times," says Allen. "At that time, the Hudson River was grossly polluted, and the grass-roots movement to restore the Hudson River and the communities that depended upon it began to emerge. Twenty years later, well established in my own business and with the Hudson on its way to restoration, John Cronin, then the Hudson Riverkeeper, brought

his car in to my shop for repair. Now I was in a position to really make a difference, and as I became better acquainted with John and Riverkeeper's work, I devised a way to do just that!"

For nearly twenty years now, Allen has donated \$1 from every car he fixes at his shop to Riverkeeper. To date, that has amounted to nearly 700 gifts approaching \$30,000!

"This is so simple, I don't know why more business owners don't do it," says Allen. "Once a week, I mail a check when I do the payroll. The amounts are small, so it's easy, it's painless, and as you can see, it can add up to a lot over time."

Just like his love of cars, Allen's love of the Hudson has continued to blossom. Today, he's the proud owner of a 40-foot trawler, the "Gardner McKay" on which he lives full-time from April to November.

While sole proprietors "don't ever really get a day off," living on the boat enables Allen to "take a vacation every day, right in my own backyard." "All I can say to Riverkeeper is keep up the good work, and thank you for protecting this beautiful, natural gift that belongs to all of us."

And thank you, Allen, for being a special steward of the Hudson, in every sense of the word.

Allen's Import Service is located at 269 Main Street in Highland Falls in Orange County, NY and can be reached at 845-446-4283.

If you would like to initiate a similar program for your business, please contact Riverkeeper's Director of Development, Marianne Gardiner, at 914-478-4501, extension 238, or at mgardiner@riverkeeper.org ■



News about Riverkeeper events, volunteers, staff and donors



Alex Matthiessen addressing community members from Columbia County, NY.

This winter, some good friends of Riverkeeper graciously hosted community gatherings in their homes to better acquaint their friends and neighbors with our mission and raise money for our efforts. Specifically, residents of Bedford and Hudson, NY learned they have good reason to be concerned with the effects of sprawl and rampant development on their water quality. Thanks to Robert and Doni Belau and Victor Cornelius for literally "opening the door" to some new supporters!

BY ROBERT GOLDSTEIN

This edition's unsung hero cannot be identified. It's not that we don't know who it is, but sadly, identifying the person would end the individual's long and distinguished career at a federal agency. This person has done nothing wrong, committed no crime, nor violated any ethical rules. This person has merely voiced an opinion that was unpopular in an agency whose culture has been reshaped by the current Administration's tilt to the far right on environmental issues. This person is a true-to-life hero; a whistleblower in the best sense of that term.

Governments must abide by the law: whether it is a Constitutional provision like the 4th Amendment which protects people from unlawful search and seizure; or an environmental law that protects people from devastating health consequences. This is a nation of laws and without that understanding, no mere election can foster democracy. But in an atmosphere where it is the whistleblower that is pursued, rather than the official law-breaker, those who show the courage to come forward must be protected.

Whistleblower laws were passed to protect those who, like our unsung hero, voice their objections when they see wrongdoing. But of late we have seen the whistleblowers pursued, while the wrongdoers are left alone. This is evident in the most recent government inquiry over the revelation that the National Security Agency, under an Executive Order from the president, is listening-in on telephone calls without warrants from the designated, and secret courts created by the Foreign Intelligence Surveillance Act (FISA). Sadly, the focus of the current Department of Justice is on who leaked this news, rather than curtailing the illegal practice, or stopping it altogether.

Our whistleblower may have single-handedly prevented the General Electric Company (GE) in its attempt to gloss over the cleanup of the Hudson River PCBs that it has been dumping there since 1947 — illegally dumping for most of that time — despite what the mega-corporation's PR machine will tell you. Our Whistleblower



UNIDENTIFIED UNSUNG HERO

revealed that the GE-EPA agreement may allow for the capping of much of the contaminants in the River, despite the legally mandated EPA-ordered remedy of dredging and removal of the toxic sediments. Although it is certainly still possible that GE will get its way, the light shined on their "agreement" by our whistleblower has inspired others, including the editorial board of the New York Times to carefully examine the GE plan, and speak out about its flaws.

GE, and the EPA technocrats, for that matter, were relying on the highly technical nature of the voluminous reports they were releasing in support of their agreement (the intermediate design report (IDR) contains 1144 pages of dense technical material, and the consent decree is laden with 2431 pages of jargon filled appendices). Thinking it impossible for the public to grasp such minute detail, they assumed that the multitude of shortcuts and flaws in those GE-prepared documents would escape scrutiny, especially in light of the EPA's repeated failure to fulfill requests under the Freedom of Information Act, and in light of the unconscionably short public comment period. Observing this, our whistleblower knew that unless — he or she — acted, the Superfund law would be thwarted and the resulting cleanup would leave unacceptable levels of PCBs in the River.

While revealing no secrets, our whistleblower released the comments of a sister government agency, a 73-page rebuttal to the IDR by the National Oceanic and Atmospheric Administration (NOAA) which was embargoed by those who disagreed with it. The comments were dramatic and telling. But their suppression was even more telling: Dissension was no longer being tolerated.

Understanding the import of this revelation, Riverkeeper directed the comments to Anthony DePalma at the *New York Times* whose careful research resulted in his page one Metro Section "above the fold" article on November 21, 2005. On December 2, 2005, the *Times* editorial page reversed its "wait-and-see" approach to the PCB cleanup, calling for officials to hold the feet of both EPA and GE to the fire. And on December 7, 2005 Attorney General Elliot Spitzer did just that, with Congresspersons Hinchey and Lowey following suit.

The questionable Consent Decree is pending at the Department of Justice. As this piece is being written, the outcome is uncertain, but the light shined on the problems associated with the design of the remedy has assured us that rubber-stamping of this agreement is less likely — though not impossible!

The difficult question that we have to face is whether this is the run-of-the-mill government incompetence, or whether this is part of a disturbing pattern of government repression on ideas and speech that has grown like a cancer during the past 5 years. Statements on the severity of climate change by James Hansen, director of NASA's Goddard Institute of Space Studies have been censored by the space agency. Iraq war protester Cindy Sheehan was arrested for wearing a t-shirt during the state-of-the-union address. Speech everywhere is being chilled. And on the horizon, the Supreme Court is being stacked with those who espouse the view that the executive branch has a free-hand during war-time.

In these troubling times it is inspiring that there are still those like our whistleblower out there fighting to protect the integrity of our government, and doing so at great risk. These people are deserving of our respect and support. Riverkeeper chooses this forum to honor one who has truly made a difference. In this climate of increased government intrusiveness that has "chilled" many aspects of free speech, our Whistleblower is all the more a hero, now unsung, but a hero nonetheless. ■



Getting in touch with Riverkeeper . . .

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Save the Date!!!

SHADFEST

Sunday,

May 21, 2006



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