



**Hempstead  
Harbor  
Protection  
Committee**

[www.HempsteadHarbor.org](http://www.HempsteadHarbor.org)

An Inter-municipal Watershed Protection Committee of the County of Nassau, the Towns of North Hempstead and Oyster Bay, the City of Glen Cove, and the Villages of Sea Cliff, Roslyn Harbor, Roslyn, Flower Hill and Sands Point

*"Alone we can do so little; together we can do so much." - Helen Keller*

June 7, 2010

New York State Department of Environmental Conservation  
Bureau of Habitat  
BTA Comments  
625 Broadway, 5th Floor  
Albany, NY 12233-4756

**RE: COMMENTS- Draft Policy on Best Technology  
Available For Cooling Water Intake Structures**

Dear Sir or Madam:

Thank you for the opportunity to offer comments on the draft policy on Best Technology Available for power plant cooling water intake structures.

The Hempstead Harbor Protection Committee, an inter-municipal committee comprised of the nine local governments that surround Hempstead Harbor, is charged with the responsibility to assess and ensure the long term water quality in the harbor.

With 19 permitted outfalls collectively discharging up to 180 million gallons or more of plant effluent as well as stormwater per day into Hempstead Harbor, National Grid's Glenwood Power Station represents one of the largest point source discharges into Hempstead Harbor. It is therefore important that these discharges are handled in the most effective manner and are properly monitored.

Please note that this Committee provided comments to the Department last year during the SPDES permit review process. Since those comments, in part, addressed the issue of Best Technology Available for cooling water intake structures, our comments herein, largely reflect these prior comments.

We applaud the Department for putting forth a draft policy that aims to minimize the damage caused by industrial cooling water withdrawal systems to the State's priceless lakes, rivers and estuaries. We also wholeheartedly agree with the statement by Commissioner Grannis in his March 10<sup>th</sup>, 2010 press release wherein he stated: "With this policy, New York is saying that closed cycle cooling is the best technology available and must be implemented to protect the environment."

Our efforts would not be possible without the assistance of the NYS Dept. of State, the NYS Dept. of Environmental Conservation, the United Civic Council of Glen Head and Glenwood Landing, NY Sea Grant, the Coalition to Save Hempstead Harbor and the Glenwood / Glen Head Civic Association

**Specific Comments**

1. It is important to note that Hempstead Harbor has been designated by New York State as a "Significant Coastal Fish and Wildlife Habitat Area"; by the New York State Audubon Society as part of an "Important Bird Area of New York State" and by the Long Island Sound Study as one of Long Island Sound's first "Stewardship Initiative Sites". These designations reflect the significant and important role that the harbor currently serves in providing a habitat area for area wildlife. In recent years, we have seen the return of osprey, peregrine falcons and diamondback terrapins, to name a few. Because of this, it is critical that National Grid's discharges minimize as much as possible, the entrainment and impingement of fish, fish eggs and fish larvae that result from the plant's use of water from the harbor for cooling purposes.
2. While National Grid's predecessor (KeySpan) had undertaken measures to study and limit the entrainment and impingement of fish, fish eggs and fish larvae through the plant's cooling water intake system, the bottom line is that the plant's SPDES permit has allowed as many as 175 million fish and other aquatic organisms to be killed each year. This level is unacceptable.
3. Local governments around Hempstead Harbor have collectively invested tens of millions of dollars in restoring the harbor's quality. Included among these efforts has been an award-winning restoration of wetlands by the Town of North Hempstead directly opposite the discharge from the plant. It is not unreasonable to require National Grid to make a similar commitment to the improvement of the harbor's water quality.
4. Because a closed cycle cooling system would eliminate up to 95% of the intake of water from the harbor, a reduction in mortality along the same magnitude would be expected. We therefore believe that this is the Best Technology Available (BTA) for minimizing Adverse Environmental Impact (AEI) as required by § 316(b) of the Clean Water Act and by 6 NYCRR Part 704.5. However, we would support its usage at Glenwood only if this can be done without utilizing the two National Grid parcels north of the main plant on the west side of Shore Road which were the subject of a voluntary cleanup and which are under consideration for purchase as open space by the Town of Oyster Bay. We should point out that these two parcels are contained on the New York State Open Space Plan and should remain as open space. To the extent that this technology can be employed on the remaining parcels, we would support its usage.
5. Utilizing a closed cycle cooling system would not only eliminate nearly all of the problems of entrainment and impingement but would eliminate the issue of thermal pollution in the harbor.
6. Regardless of whether or not a closed cycle cooling system is found to be feasible or applicable in this case due to the exemption provisions in the policy, we believe that the variable speed pumps should be installed as quickly as possible. While we understand that a decision has not been made yet as to whether the plant will continue operation beyond the current Power Service Agreement with LIPA which expires on May 28, 2013, we do not believe that this obviates the need for, or provides sufficient reason for delaying the implementation of this, or any other needed mitigation. We note that the date for the expiration of the Power Service Agreement has been extended in the past and believe that it is quite feasible that this date may continue to be pushed back. In the

NYSDEC Bureau of Habitat  
June 7, 2010  
Page three.

event that a closed cycle cooling system is deemed not feasible, then this will provide the next best level of protection to our marine resources. In the event that the closed cycle cooling system is deemed to be feasible, the variable speed pumps will provide protection during the design and construction period for the closed cycle cooling system.

7. We urge the Department to promptly implement its policy through the established SPDES permitting process. We caution that for this policy to be effective, it must not allow power plants and other industrial facilities to avoid meeting standards by exploiting loopholes.
8. Finally, we request that the Hempstead Harbor Protection Committee be included on all future public notices of future draft policies or modifications to such policies regarding power plant cooling systems.

Thank you once again for the opportunity to comment on this application. If you need to contact us, I can be reached at (516) 677-5790.

Sincerely,



Eric Swenson  
Executive Director

*Copy to: William Clemency, Chair, Hempstead Harbor Protection Committee  
John Jacobs, Nassau County Department of Health*