

To: Vermont Agency of Natural Resources and the Vermont State Nuclear Advisory Panel

From: Sally Shaw
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RE: Entergy Vermont Yankee NPDES Permit

This is a follow-up to my comments at the November 26, 2012 VNSAP hearing in Brattleboro, VT, and intended as a formal comment to the Panel, for their use in advising the VT Legislature and to the Agency of Natural Resources as move forward in correcting the obvious deficiencies of the expired NPDES permit for ENVY.

To Whom it May Concern:

At the November 26, 2012 VSNAP hearing I quoted the comments of the USFWS on the ENVY Uprate draft Supplemental Environmental Impact Statement, or dSEIS, related to the impacts of ENVY's Uprated operation on the Connecticut River. These comments are clearly pertinent to ENVY's application for a new NPDES permit. I attach the entire USFWS comment to this letter, and would like it incorporated with my comments as reference. In their critique of the dSEIS, the USFWS calls into question ENVY's calculations, reasoning, and methods for determining aquatic impacts. The ANR should not continue to rely upon ENVY's self-monitoring, without independent verification, in assuming compliance with the existing expired NPDES permit, or any new one. Given ENVY's track record of lying to public officials, the need for independent verification of everything they were formally trusted to self-monitor is very evident.

Please attend especially to:

- Comment titled "Page 2-28," on page 5 of USFWS comment:

"The dSEIS refers to the equation developed decades ago to calculate the plant-induced temperature increase....why is it appropriate to use a very old model when many conditions on the river are different than they were in the 1970's."

Any new NPDES permit must be based upon current, documentable methods for determining impacts and compliance.

Comment titled **Page 2-32** on page 5 of USFWS comment:

"VY's compliance with its thermal limits is determined based on *calculated* temperature at Station 3, not by *measured* temperature. To date, any discrepancy

between the two numbers has been attributed to atmospheric loading. While this may be true, **Entergy has not provided any data to support that contention.**”

We citizens are tired public agencies’ condoning ENVY’s substitution of unsubstantiated models and probabilistic fuzzy math for accurately measured impact data. A new NPDES permit with explicit compliance standards is an opportunity to correct these recurring insults to our environment and intelligence.

- Section 4.8.1 “Cumulative Impacts on Aquatic Resources” beginning on page 13,

“The dSEIS states that VY impacts are localized and have a minimum contribution to the cumulative impact on aquatic resources in the Connecticut River. The Department respectfully disagrees, especially with regard to Atlantic salmon.....Research has shown that higher water temperature increases the degree days experienced by smolts, which narrows the smolt window (the opportunity for smolts to successfully migrate to the estuary while they still retain their salinity tolerance). VY’s thermal effluent and the location of the discharge within the Vernon impoundment could contribute significantly to the cumulative impact on Atlantic salmon smolts migrating from upstream tributaries.”

- and their conclusion:

“The Department does not agree that the cumulative impact would be SMALL. However, even if the impact was SMALL, the fact that the resource (eg., American shad, blueback herring) is declining argues strongly for mitigation measures. In this instance, the obvious mitigation would be to require VY to operate in a closed-cycle mode year-round, which would greatly reduce impacts associated with impingement, entrainment and thermal effluent.”

I urge the ANR to expedite the process of bringing ENVY into compliance with EPA regulations and USFWS recommendations, and to mitigate the impacts on aquatic life in the Connecticut River by requiring Entergy to use closed cycle cooling year round.

I also urge the ANR and VSNAP to make ENVY’s NPDES permits, including all application materials, filings, compliance reports and public comments, transparent and accessible to the public by posting on each agency’s website, and to explain the

reasons for the interminable delay in regulating one of the state's major polluters. I recently visited the ANR website and could find nothing on this issue but the dates and status of Entergy's long-expired permits.

Thank you for your timely consideration.

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