

Vt. Yankee's warm-water releases halted

VERNON — The state environmental court on Monday ordered the Vermont Yankee nuclear power plant to stop releasing warmer water into the Connecticut River pending the outcome of an environmental group's appeal.

In a four-page ruling, Vermont Environmental Court Judge Merideth Wright said groups opposing the releases have shown a "substantial possibility that they will prevail."

In March, the Vermont Agency of Natural Resources issued a permit allowing the Vernon-based nuclear power plant to increase the temperature of the water it discharges into the Connecticut River. Wright's ruling Monday means Vermont Yankee must immediately cease the warmer releases.

The judge said the warmer water could harm young fish, particularly the American shad that inhabit the river.

"Appellants have shown sufficient potential for irreparable injury to American shad in the Connecticut River, both at present as the juveniles become accustomed to cooler water temperatures prior to their migration down the river in the fall, and in the summer of 2007 for the growth of the next generation of juveniles," the judge wrote.

Wright's ruling came in response to a motion filed by the Connecticut River Watershed Council, the Saxtons River-based environmental group that is appealing the discharge permit. The stay will remain in effect until the appeal is decided. Two other groups have joined the litigation. A trial is scheduled for January 2007.

Rep. David Deen, D-Westminster, the council's river steward, called Monday's ruling a victory for the Connecticut River. He said his group appealed the permit because the effect of warmer discharges on fish is unknown.

About 500 American shad pass through Vernon's hydroelectric dam each year, Deen said. A similar dam on the Connecticut River in Holyoke, Mass., registers about 150,000 fish annually, he said.

"It appears as the temperature of the Connecticut River has gone up after Vermont Yankee's discharges, the number of fish has gone down," he said.

The plant is in the Southeast corner of Vermont, near the border with New Hampshire and Massachusetts. It uses Connecticut River water to cool steam that has passed through the turbines it uses to produce electricity.

Vermont Yankee sought to release warmer water into the river in the summer months as an alternative to sending the water through its cooling towers, a process that requires about 10 megawatts of electricity.

Rob Williams, a spokesperson for Entergy Vermont Nuclear, which owns the plant, said the facility has a full-time environmental staff that monitors the temperature of the river. He said there is no evidence the warmer releases negatively affect the fish.

The company will comply with the judge's ruling by adhering to the terms of its previous water discharge permit, issued in August 2001, he said.

"Good stewardship of the river is important to us," Williams said. "We're looking forward to making our case for the new permit when the appeal is heard next year."

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