

RESOLUTION NO.: _____ 137 _____ - 2023

OF

JULY 10, 2023

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
URGING GOVERNOR HOCHUL TO SIGN A7208/ S6893
DECOMMISSIONING NUCLEAR PLANT DISCHARGES INTO THE HUDSON RIVER**

WHEREAS, Holtech International, the company decommissioning the Indian Point nuclear power plant, announced its intention to release water from onsite radioactive fuel waste pools into the Hudson River; and

WHEREAS, to date there has been no specific reporting of the radionuclide contents of this water which is heavily contaminated from the storage of the nuclear fuel waste; and

WHEREAS, pre-release filtration to remove these isotopes has been presented as a solution to reduce the content of these carcinogenic contaminants to a level “as low as reasonably achievable;” and

WHEREAS, the National Academy of Science has indicated that there is no verifiable safe level of these isotopes when they are ingested or inhaled and such pre-release treatment would not remove tritium, also carcinogenic, from the water; and

WHEREAS, tritium has a half-life of only 12.3 years, and therefore the contaminated water can be reasonably stored in enclosed tanks on site without interfering with the decommissioning of the waste pools, affording time to study alternative waste solutions or uses for the tritium; and

WHEREAS, any contaminants in the Hudson River present the risk of entering the food chain and endangers a source of recreational and economic activities; and

WHEREAS, the City of Newburgh, New York is part of the most densely populated and economically important regions in the country and the proposed discharge of radioactive water presents a huge threat to the economic vitality of the City of Newburgh and the surrounding communities and industries reliant on a clean and healthy Hudson River; and

WHEREAS, the perception of a polluted Hudson has the potential to devastate home values in the area, and deter both locals and visitors from partaking in the growing tourism and recreation scene of the Hudson Valley; and

WHEREAS, the New York State Legislature passed A7208/S-6893 which prohibits the dumping of radioactive waste from decommissioning nuclear plants into the Hudson River;

NOW THEREFORE BE IT RESOLVED, that the City of Newburgh opposes the plan to release over a million gallons of contaminated water from the Indian Point Nuclear Power Plant site into the Hudson River; and

BE IT FURTHER RESOLVED, that the City of Newburgh urges Governor Hochul to sign A7208/S6893 with due haste before Holtech International acts on its plan to dump more than one million gallons of toxic radioactive waste from the decommissioning Indian Point nuclear plant into the Hudson River during the summer of 2023; and

BE IT FURTHER RESOLVED, that the City Clerk, no later than 30 days after passage of this Resolution, shall transmit copies of this resolution to the following individuals and agencies:
Governor Kathy Hochul and Executive Staff - John OLeary and Emma Muirhead
EPA Region 2, Lisa F. Garcia Director
NYS Department of Environmental Conservation Region 3, Kelly Turturro, Regional Director
NYS Department of Health, Dr. James V. McDonald, Acting Commissioner
NYS Department of Health, Center for Environmental Health, Gary Ginsberg, PhD, Director
US Senator Charles E. Schumer
US Senator Kirsten Gillibrand
NYS Decommissioning Oversight Board, Thomas Congdon, Chair
Westchester County Board of Legislators - Lisa Hochman, Legislative Counsel
Assembly Member Jonathan Jacobson
Senator Robert Rolison

STATE OF NEW YORK

6893

2023-2024 Regular Sessions

IN SENATE

May 15, 2023

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to decommissioning nuclear power plant discharges into the Hudson River

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The environmental conservation law is amended by adding a
2 new article 30 to read as follows:

ARTICLE 30

DECOMMISSIONING NUCLEAR POWER PLANT DISCHARGES INTO THE HUDSON RIVER

5 Section 30-0101. Legislative findings.

6 30-0103. Unlawful discharges.

7 § 30-101. Legislative findings.

8 1. The legislature finds that while the energy and economic output
9 generated by nuclear power plants are beneficial to the state and its
10 residents, discharges into waters of the state of radiological agents
11 from nuclear power plants have various adverse and substantial economic
12 impacts on the state and its residents.

13 2. The legislature further finds that communities with interests in
14 the Hudson River are concerned with the economic impacts on local real
15 estate values and economic development with respect to the discharge of
16 waste from nuclear power plants into waters of the state during plant
17 decommissioning, which effect is no longer balanced by countervailing
18 economic benefits of the plant to those communities that the plant
19 provided during operation.

20 3. The legislature further finds that other methods of managing waste
21 from decommissioning nuclear power plants are available and would not
22 result in the same economic impacts.

23 4. The legislature therefore finds and declares that it is the duty of
24 the state to act to preserve the economic vitality of affected communi-
25 ties.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 § 30-0103. Unlawful discharges.

2 To the extent not subject to preemption by federal law, and notwith-
3 standing any other state or local law, rule, or regulation to the
4 contrary, it shall be unlawful to discharge any radiological substance
5 into the Hudson River in connection with the decommissioning of a nucle-
6 ar power plant.

7 § 2. Article 71 of the environmental conservation law is amended by
8 adding a new title 28 to read as follows:

9 TITLE 28

10 ENFORCEMENT OF ARTICLE 30

11 Section 71-2801. Applicability of title.

12 71-2803. Penalties.

13 71-2805. Attorney general enforcement.

14 § 71-2801. Applicability of title.

15 In addition to the provisions of sections 71-0101 and 71-0301 of this
16 article, the provisions of this title shall be applicable to the
17 enforcement of article 30 of this chapter and to this title.

18 § 71-2803. Penalties.

19 Any person who violates section 30-0103 of this chapter shall be
20 liable for a civil penalty not to exceed thirty-seven thousand five
21 hundred dollars for the first day of the violation, not to exceed seven-
22 ty-five thousand dollars for the second day of the violation, and not to
23 exceed one hundred fifty thousand dollars per violation thereafter. For
24 purposes of this section, each day in which a violation occurs shall be
25 considered a separate violation.

26 § 71-2805. Attorney general enforcement.

27 The penalties provided by section 71-2803 of this title shall be
28 recoverable in an action brought by the attorney general.

29 § 3. Severability. The provisions of this act shall be severable and
30 if any portion thereof or the applicability thereof to any person or
31 circumstances shall be held invalid, the remainder of this act and the
32 application thereof shall not be affected thereby.

33 § 4. This act shall take effect immediately.