

01/04/2007

Brayton Point files last-minute appeal

By: Gregg M. Miliote , Herald News Staff Reporter

SOMERSET - The owners of Brayton Point power station waited until the last day they could before formally filing another appeal Wednesday of a 2003 Environmental Protection Agency ruling that would drastically reduce the alleged harm the plant is causing Mount Hope Bay and the Taunton River.

The decision to appeal is seen as a major blow to the coalition of environmental groups and governmental agencies in Massachusetts and Rhode Island that have pleaded with Dominion Power not to file another appeal. That coalition of groups and officials have consistently stated that another appeal will only further harm the bay and its underwater ecosystem.

"We are extremely concerned about the condition of the bay, and we have got to get this solved as soon as possible," said Save The Bay Narragansett Baykeeper John Torgan. "We are losing our last best hope of restoring the fish population to the bay."

Advertisement

The EPA ruled in November that a four-year-old Clean Water Act discharge permit for Brayton Point was based on sound science and should be upheld. The ruling was needed because the plant's former owners, PG&E, appealed the 2003 permit, which essentially allowed the plant to continue operating under a permit that had expired in 1996.

The 2003 permit would force the station to reduce its annual heat discharge to the estuary by 96 percent and further reduce its water withdrawal from the bay by about 94 percent, or 944 million gallons a day.

Officials with Save The Bay estimated in 2002 that the bay had seen an 87 percent decrease in fish population since 1984, the same year the station increased its water withdrawal and discharge by about 45 percent.

Officials say because the plant is discharging water as hot as 95 degrees back into the bay on a daily basis, various native species, such as winter flounder and tautogs are nearly extinct.

Torgan said although disappointed, he was not surprised by Dominion's decision to issue another appeal.

"The existing operation of the plant is very profitable, while the EPA permit would mean they have to make significant capital investments at the plant," Torgan said. "The corporation has chosen a path of endless appeals, which is of great concern to us because these delays continue to damage the bay further."

Dominion spokesman Dan Genest said Wednesday the company was appealing to the EPA's Environmental Appeals Board "based on a few technicalities."

"We don't agree with their conclusions on the calculations of thermal discharge into the bay," genest said. "We are looking for some clarification."

While it was seen as bad news for the bay, Torgan did take some solace in Dominion's apparent effort to sit down with the various officials who have raised concerns regarding the plant's role in the deterioration of the bay's health.

Genest confirmed Wednesday that Dominion has hired Blue Wave Consulting to set up meetings with Save The Bay and other environmental groups.

Torgan said the first of the pow-wows is slated to take place Monday at Save The Bay's Providence office.

"We want to develop a dialogue between all stakeholders to see if we can come up with some other ideas," Genest said. "We want to work to find a faster and more efficient means of protecting the bay and improving the quality of the bay."

Torgan also noted he and his colleagues are optimistic about the upcoming meetings with Dominion's new consulting firm.

"This is the first positive thing that's happened in a long time," Torgan said. "At last, they want a dialogue. We have not had one in years."

"I am looking forward to this discussion, and hope we can set a new path from here."

There is no timetable for the Environmental Appeals Board to issue its decision on Dominion's most recent appeal.

E-Mail Gregg M. Miliote at gmiliote@heraldnews.com.

©The Herald News 2007