



Legislation Details (With Text)

**File #:** Res 0605-2023      **Version:** \*      **Name:** Prohibiting the discharge of any radiological agent into the waters of New York State. (A5338/S5181)

**Type:** Resolution      **Status:** Laid Over in Committee

**In control:** Committee on Environmental Protection, Resiliency and Waterfronts

**On agenda:** 5/11/2023

**Enactment date:**      **Enactment #:**

**Title:** Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A5338/S5181, in relation to prohibiting the discharge of any radiological agent into the waters of New York State.

**Sponsors:** Alexa Avilés, James F. Gennaro, Tiffany Cabán, Lincoln Restler, Kristin Richardson Jordan, Gale A. Brewer, Shahana K. Hanif, Shekar Krishnan, Carmen N. De La Rosa, Sandra Ung, Crystal Hudson, Farah N. Louis, Robert F. Holden, Julie Menin, Lynn C. Schulman, Julie Won, Eric Dinowitz, Erik D. Bottcher, Shaun Abreu, Pierina Ana Sanchez, Christopher Marte, Rafael Salamanca, Jr., Amanda Farías, Carlina Rivera, Sandy Nurse, Kevin C. Riley

**Indexes:**

**Attachments:** 1. Res. No. 605, 2. May 11, 2023 - Stated Meeting Agenda, 3. Hearing Transcript - Stated Meeting 5-11-23, 4. Committee Report 6/15/23, 5. Hearing Testimony 6/15/23, 6. Hearing Transcript 6/15/23, 7. Minutes of the Stated Meeting - May 11, 2023

Date	Ver.	Action By	Action	Result
5/11/2023	*	City Council	Introduced by Council	
5/11/2023	*	City Council	Referred to Comm by Council	
6/15/2023	*	Committee on Environmental Protection, Resiliency and Waterfronts	Hearing Held by Committee	
6/15/2023	*	Committee on Environmental Protection, Resiliency and Waterfronts	Laid Over by Committee	

Res. No. 605

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A5338/S5181, in relation to prohibiting the discharge of any radiological agent into the waters of New York State.

By Council Members Avilés, Gennaro, Cabán, Restler, Richardson Jordan, Brewer, Hanif, Krishnan, De La Rosa, Ung, Hudson, Louis, Holden, Menin, Schulman, Won, Dinowitz, Bottcher, Abreu, Sanchez, Marte, Salamanca, Farías, Rivera, Nurse and Riley

Whereas, The Indian Point Nuclear Power Plant, sited on the east bank of the Hudson River, in Buchanan, New York, and located approximately 36 miles north of Midtown Manhattan, permanently ceased power production on April 30, 2021; and

Whereas, In 2017, Entergy, Indian Point's owner at the time, entered into a voluntary agreement with the New York State (NYS) Attorney General, NYS Department of Environmental Conservation, NYS Public Service Commission, additional state agencies, and environmental advocacy group Riverkeeper, committing to cease operations by April 2021, rather than continue legal proceedings over the renewal of expired licenses; and

Whereas, Holtec International subsidiaries purchased the Indian Point Nuclear Power Plant in May of 2021, after the United States Nuclear Regulatory Commission and the New York State Public Services Commission approved the transfer of Indian Point to Holtec, finding that the organization possessed the technical and financial qualifications to own and decommission Indian Point safely and in accordance with regulatory requirements; and

Whereas, The Indian Point facility currently has over one million gallons of radioactive wastewater on site, contained in spent fuel pools, which have been used to cool and store spent fuel assemblies since the 1970s; and

Whereas, The longer that spent fuel assemblies sit in water, the higher the levels of radioactivity in the water can become; and

Whereas, On March 17, 2022, Holtec International publicly announced its plans to discharge roughly 1.3 million gallons of processed wastewater from Indian Point's spent fuel pools and reactor water storage tanks into the Hudson River; and

Whereas, While Holtec states that the wastewater from the spent fuel pools and reactor water storage tanks will be filtered prior to release into the Hudson River, and that such discharges had previously occurred while the facility was in operation, the company acknowledges that its filtration processes cannot remove a radioactive pollutant called tritium from the wastewater; and

Whereas, Tritium is a weak source of beta radiation, emitting a low-energy electron that can cause damage to DNA or other important molecules if impacts with them, making it a known carcinogen, exposure to which can lead to miscarriages and birth defects, and it can enter human bodies via ingestion, inhalation, or

through skin contact with contaminated water; and

Whereas, According to the U.S. Environmental Protection Agency, tritium, once in the body, is generally excreted between one and two months after ingestion, but when tritium becomes incorporated into organic compounds, forming what is known as organic bound tritium, it can persist in the body for longer periods; and

Whereas, Some environmental and public health advocates have argued that existing calculations for safe levels of tritium exposure can be inaccurate, as one of the measures is based on a hypothetical subject known as a “Reference Man,” defined in 1975 by the International Commission on Radiological Protection as a caucasian male between 20 to 30 years of age, potentially underestimating the increased risk posed to other persons, including pregnant individuals; and

Whereas, According to a 2021 review of the potential health effects of tritium exposure published in the Journal of Radiation Research exposure to sources of ionizing radiation like tritium in pregnant individuals can lead to death and malformation of fetuses; and

Whereas, Holtec was given access to a 2.4 billion dollar decommissioning trust fund, paid for by New York State tax-payers to cover the cost of decommissioning the Indian Point site, which under an agreement with the NYS Attorney General is subject to certain balance requirements and is meant to be sufficient to complete the decommissioning, with any balance remaining in the decommissioning trust fund thereafter going to Holtec; and

Whereas, State Senator Peter Harckham expressed concerns that the structure of the decommissioning trust fund could incentivize Holtec to act with less prudence in order to ensure an eventual profit, with some environmental advocates noting that safer but more costly options exist, including storing the water in special containers on site for the length of tritium’s 12 year half-life, at which point the waste would be half as radioactive, or beyond; and

Whereas, Assembly Bill A5338, sponsored by Assembly Member Dana Levenberg, and Senate Bill

S5181, sponsored by State Senator Hareckham, would make it unlawful for any individual or entity to discharge any radiological agent into New York State waterways; and

Whereas, The bill would establish a fine of twenty five thousand dollars per day for a first violation, fifty thousand dollars per day for a second violation, and one hundred and fifty thousand dollars per day for all subsequent violations, significantly reducing any profit incentive that may be derived from discharging the wastewater compared to other potentially safer but more costly remediation methods; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A5338/S5181, in relation to prohibiting the discharge of any radiological agent into the waters of New York State.

NRC  
LS#12971, 13078  
4/28/23