

In the Matter of Alleged Violations of  
the Conservation Law, the Public Health Law and  
the Environmental Conservation Law of the State  
of New York by

File No.  
1013

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.  
INDIAN POINT PLANT NO. 2  
(Westchester County)

Respondent

ORDER

An Order and Notice dated February 29, 1972 having been issued by the Commissioner of the Department of Environmental Conservation and duly served upon Consolidated Edison Company of New York, Inc., the Respondent herein, and

Pursuant to the provisions thereof, Respondent was ordered to cease the operation of cooling water circulators at its Indian Point Plant No. 2 in Buchanan, New York based upon the allegation that operation of said circulators caused the killing of over 100,000 fish in the Hudson River during the months of January and February 1972, and

Respondent having requested that the Order be vacated and consented to be bound by the provisions contained herein,

NOW, having considered this matter and being duly advised, it is ORDERED;

I. THAT the Order and Notice issued by the Commissioner in this proceeding under date of February 29, 1972 shall be and the same is hereby vacated effective this date upon the following conditions:

A. Respondent shall complete the installation of by-pass systems on all circulators at Indian Point Plant No. 2 which shall be designed to maintain a water intake velocity at an average rate of 0.5 (1/2) feet persecond. The by-pass systems shall be operable by May 15, 1972 and shall be used at all times when the water temperature of the Hudson River in the area of said plant is below forty (40) degrees fahrenheit.

B. Respondent shall install facilities for maintaining a double air bubble screen in front of all circulator water intakes at Indian Point Plants number 1 and number 2 by December 1, 1972

and shall thereafter cause such air bubble system during all periods said Plants are in operation and the water temperature of the Hudson River in the area of said Plants is below forty (40) degrees Fahrenheit, except for such times as shall reasonably be required to perform and make inspection, maintenance, repairs or replacements to such air bubble system.

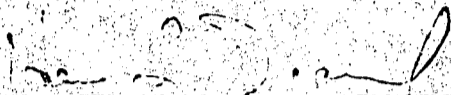
C. Respondent shall cause hydraulic model studies of a screened lagoon adjacent to the cooling water intakes at its Indian Point Plants numbers 1, 2 and 3 to be conducted and completed by March 1, 1973 pursuant to its existing contract with LaSalle Laboratories, Montreal, Canada, or by such other recognized independent laboratory as Respondent may select. If after the completion of such studies it shall be determined by the Commissioner, after Public Hearing at which Respondent shall be noticed as a Party, that the air bubble system provided for above in paragraph B is not satisfactorily protecting the fish population of the Hudson River, and that the screened lagoon will provide a level of fish protection significantly higher than the air bubble system, Respondent shall upon final determination of the Commissioner forthwith apply for all permits, licenses, approvals and land rights required for the construction and operation of the screened lagoon and shall prosecute all such applications with due diligence. Upon the granting of all such applications, Respondent shall with due diligence construct and operate said screened lagoon.

D. Respondent shall submit monthly reports to the Department detailing daily records of fish collections at Indian Point Plants number 1 and number 2.

E. Respondent shall notify the Department of Environmental Conservation during normal business hours, at least 24 hours in advance, of Respondent's intention to conduct testing operations of the cooling water circulators at Indian Point Plant No. 2, until such time Respondent shall receive authority from the Atomic Energy Commission to operate such Plant. The Department may during all such periods of testing of the circulators designate Department personnel to observe such testing operations, and to report the results of the same to the Commissioner.

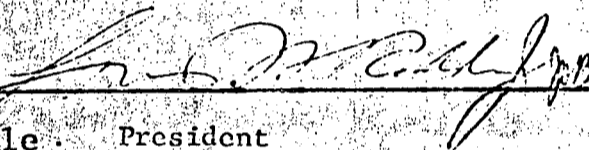
Respondent does not admit any of the allegations set forth in the Notice and Order of February 29, 1972, and does not waive, relinquish or otherwise prejudice any defenses it may have or may have had, or any of its rights to assert such defenses, with respect to any violation of law or other cause of action alleged in said Notice and Order or hereafter/alleged in any proceeding whatsoever.

DATED: April 24, 1972  
Albany, New York

  
HENRY L. DEAMON, Commissioner  
New York State Department  
of Environmental Conservation

Respondent hereby consents to the issuing and entering of the foregoing Order and agrees to be bound by the terms, provisions and conditions contained therein.

CONSOLIDATED EDISON COMPANY  
OF NEW YORK, INC.

By   
Title: President  
Date April 24, 1972

State of )  
New York ) ss:  
County of )  
New York )

On this 24th day of April, 1972, before me personally came Louis H. Roddis, Jr. to me known, who being by me duly sworn did depose and say that he resides in 12 Philips Lane, Rye, New York, that he is the President of Consolidated Edison Company of New York, Inc., the corporation described in and which executed the foregoing instrument; and that he signed his name as authorized by said corporation.

  
Notary Public

CLOTILDE M. REGAZZI  
Notary Public, State of New York  
No. 41-8523650 Queens County  
Cert. filed in New York County  
Commission Expires March 30, 1977