

**NEWS RELEASE
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**Astorino announces lawsuit to stop closure of indian point**

**Case Charges Governor’s Secret Deal Broke Environmental Law**

**Impact Statement Required Before – Not After – Decision to Shut Plant**

Westchester County Executive Robert P. Astorino today set in motion a lawsuit to stop or delay the closure of Indian Point, arguing that Governor Cuomo’s secret deal with Entergy and Riverkeeper to close the nuclear power plant cannot move forward because the state did not complete a full environmental review prior to the agreement to shut the facility, as required by state law.

“The law requires that a full environmental review needs to be done before an agreement is reached, not after,” Astorino said. “Whether you are for nuclear power or against it, there is no debate that the public had a right to know about the impact of closing Indian Point before the deal was reached by three men in a room. If our laws are to have any meaning at all, then the process has to be fair, open, and reviewable.”

Under the State Environmental Quality Review Act (SEQRA), an Environmental Impact Statement or EIS is required ahead of proposed government actions “***at the earliest possible time***.” The EIS provides the public with detailed information about the environmental consequences of the proposal, including social and economic impacts to local communities and the region, and contains both a cost analysis and a range of alternatives. New York State failed to meet even the minimum requirements for SEQRA and an EIS prior to its January 9th agreement to close Indian Point.

Without public awareness of the impacts of closing Indian Point before the agreement, New York State could not take the best action for its residents as intended by SEQRA. According to Astorino, an EIS on closing Indian Point would determine:

* The financial toll stemming from the loss of billions of dollars in economic activity, tens of millions of dollars in annual property tax revenues, and thousands of jobs;
* The expected increases in utility bills associated with the loss of 25 percent of the electricity currently used to supply nine million people in Westchester and New York City;
* The credibility of plans to replace the lost source of energy;
* The new public health and societal risks associated with CO2 emissions from replacing zero-emission nuclear power with fossil-fuels; and,
* The environmental and financial consequences of leaving behind a nuclear-waste cemetery for the entombment of spent fuel rods for at least 60 years.

Astorino was joined at the press conference by several major stakeholders who expressed their support for the lawsuit.

Theresa Knickerbocker, Mayor of the Village of Buchanan where Indian Point is located, said the closure will have a significant adverse impact on village taxpayers because the power plant’s Payment in Lieu of Taxes (PILOT) agreement totals about $3 million, roughly half of the village’s property tax levy.

“The impact on our village is going to be staggering,” said Knickerbocker. “What makes matters worse is that we received no advance warning from the state. There was no review process whatsoever. Everyone else, from homeowners to developers, has to follow SEQRA. Apparently, putting a shed in your backyard requires more environmental review than closing Indian Point.”

City of Peekskill Mayor Frank Catalina added, “The City of Peekskill is 100 percent behind the County Executive’s lawsuit. I cannot stress enough the negative impacts that closing Indian Point will have on our community, and we hope that when the courts review this, the state will be required to follow the proper procedures.”

Joseph Hochreiter, superintendent at the Hendrick Hudson School District, said his district cannot move forward with its capital investment plan because it will lose one-third of its tax base when Indian Point closes.

“The impact of the Indian Point closure was felt immediately throughout our community. So much so that we abandoned our plans to move forward with a $14 million capital improvement referendum, bringing necessary upgrades to our facilities,” Hochreiter said. “My hope is that this lawsuit slows the closure process down and creates additional opportunities for stakeholder input, more detailed study regarding the financial and economic impact of the closure, and provides the school district and affected municipalities with much-needed time to thoughtfully prepare and plan for the closure.”

Astorino will send legislation to the Westchester County Board of Legislators (BOL) to initiate the lawsuit, which seeks the following:

* Invalidate the agreement to close Indian Point because of the failure to meet SEQRA requirements and suspend implementation of the agreement until a full EIS is conducted;
* Ensure the EIS includes a comprehensive assessment of the socio-economic, energy-replacement and environmental consequences of closing the plant; and,
* Guarantee any recommendations made by the state to mitigate the consequences of closing the plant will be subject to public review and debate prior to any final deal to close the plant.

Legislator John Testa, who represents the Village of Buchanan, City of Peekskill, and Towns of Cortlandt and Yorktown, as well as the Hendrick Hudson School District, said he supported the lawsuit because a fair and comprehensive review was needed before closing Indian Point. “The consequences couldn’t be more serious,” said Testa. “Putting this before the court means the issues can be reviewed in a thorough manner before an impartial umpire.”

Marsha Gordon, president and CEO of the Business Council of Westchester, echoed the need for a thorough vetting process before moving to close the plant. “The economic and environmental impacts of an early shutdown of Indian Point must be thoroughly evaluated and the state must come forward with policy and programs to mitigate the impacts on the local economy, tax base and electric consumers,” Gordon said. “To this point there has been nothing and to the extent that the actions of Westchester County will hold the state administration accountable to provide real action and solutions to the challenges we now face with the loss of Indian Point, we agree.”

Deb Milone, executive director of the Hudson Valley Gateway Chamber of Commerce, representing businesses located in Buchanan, Croton-on-Hudson, Cortlandt Manor, and Peekskill, said pressure on the state should continue until it provides answers to the local community about the major negative consequences of closing Indian Point.

“To date, there has been surprisingly little action to address or even acknowledge the significant economic and environmental impacts the early closure of Indian Point will thrust upon this community,” Milone said. “The Hudson Valley Gateway Chamber supports any action that helps hold the state accountable and prompts them to take positive steps to help our schools, local governments and taxpayers.”

Last month, Senator Terrence Murphy chaired a New York State Senate Committee on Investigations and Government Operations hearing about the closing of Indian Point. He said that the Governor’s office has still not addressed the public’s concerns.

“I applaud County Executive Astorino’s actions and stand with him in the decision to file an Article 78,” Murphy said. “Jobs are on the line, the financial foundation that supports the Hendrick Hudson School District is in jeopardy, and the economic well-being of the Hudson Valley is being threatened by the shutdown of Indian Point. No one, not Governor Cuomo or Entergy, has stepped forward to address the questions and concerns plaguing residents and businesses that will be affected by Indian Point’s closure. If they are not willing to step up and do the right thing, then, unfortunately, they must be compelled to act.”

Allowing the state to move forward on its plan to close Indian Point without first conducting a full environmental analysis that is subject to public review undermines the basic environmental protections in our laws. Among the unanswered questions that should have been discussed in public before the secret deal was inked are:

* Where will the more than $4.5 billion come from that will be needed to decommission the plant and store nuclear fuels rods for at least six decades? And what are the guarantees that the answer won’t be the taxpayers of New York?
* How will the $31 million in lost local revenues ($23 million from the Hendrick Hudson School District, $4 million from Westchester County, $3 million from the Village of Buchanan and $1 million from the Town of Cortlandt) from the closure of Indian Point be replaced?
* Where will the energy come from to replace the 2,000 megawatts currently generated by Indian Point that produces 25 percent of the electricity used daily by 9 million New York City and Westchester County residents?
* How much will the replacement energy cost and will it be “green”? New York already is second only to Hawaii as the state with the most expensive electricity costs. Nuclear power produces no carbon emissions.

“Every man and woman in New York, from every part of the entire economic and environmental spectrum, has an interest in seeing our lawsuit succeed,” Astorino said. “A ruling against us says the powerful and special interests can override the environmental protections in our laws. It’s hard to imagine an event with a bigger environmental impact than closing a nuclear power plant just outside New York City. The only thing harder to imagine is closing a nuclear power plant just outside New York City without an environmental impact statement.”

The BOL needs to approve the lawsuit by its May 8th meeting so the county can file the lawsuit in Westchester County Supreme Court.

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