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SIMON WHEELER/ Journal Staff

Aaron Osburn of Brooktondale, a carpenter from Carpenters Union Local 603, moves hardware used to build forms for the poured concrete walls of the heat exchange facility for Cornell University's Lake Source Cooling Project on East Shore Drive.

EPA's dismissal of LSC changes draws fire

By MISSY GLOBERMAN
Journal Staff

The U.S. Environmental Protection Agency proposed three changes to Cornell University's Lake Source Cooling Project, but the university and the New York State Department of Environmental Conservation rejected them as too late, too costly and unproven.

The EPA defended its actions and said the lake's health will be maintained, but its handling of the matter dismayed some local organizations and at least one top elected official, Tompkins County Board of Representatives Chairwoman Barbara Mink.

According to memoranda

gathered by the Cayuga Lake Defense Fund through the Freedom of Information Act, the EPA presented a list of three proposals last fall to Cornell regarding the cooling project. The proposals included explicit criteria for evaluating the impacts of the project, a study on relocating the outfall pipe, and developing projects to reduce pollution and phosphorus inputs to the lake from other sources.

The original proposals from the EPA were not accepted by Cornell and were modified by the DEC and Cornell, according to the internal agency e-mails and documentation gathered by the Defense Fund.

The Defense Fund, a citizens

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— EPA spokeswoman Nina Habib

group, has sued unsuccessfully to block the project, which is designed to cool campus buildings by drawing cold water from deep in the lake for use in a heat exchanger, then return the water to the lake without mixing with campus water.

The group has maintained, among other things, that this would draw water rich in phos-

phorus, a plant nutrient, near the surface and increase algae growth in the lake, which is listed as impaired and receives outfall from sewage treatment plants near its southern end.

Opponents have suggested moving the pipe returning lake water farther north and making it deeper.

EPA officials downplayed the

significance of the proposals.

"The list of three items are suggestions the EPA made to Cornell are just that — suggestions, and the permittee has right to decline such suggestions," said EPA spokeswoman Nina Habib.

Though it would have been better if Cornell accepted the suggestions outright, the EPA is not disheartened by their disagreement, she said.

"The university is not under any regulatory requirements to further study potential alternative outfall locations in the event of any adverse impact on the southern portion of Cayuga Lake or play a role in the development

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LSC

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and implementation of projects to reduce diffuse loadings of phosphorus to the lake," according to a Dec. 23 letter from Kathleen Callahan, director of the Division of Environmental Planning and Protection of the EPA.

The EPA's letter goes on to state, "Our [EPAs] broaching of these ideas does not reflect a lack of confidence in the current permit or our review results."

Cornell officials, meanwhile, said the issues raised aren't new.

"There is no new evidence or new concern to be raised about the project," said project manager Lanny Joyce.

The proposal to offset the impacts of pollution from other sources around the lake was rejected by Cornell for a number of reasons, Joyce said, including cost, other work already undertaken to reduce pollution from the Ithaca and Cayuga Heights sewage treatment plants and the late nature of the request from the EPA, since the permits from the DEC to build the project were already granted. The project is under construction.

Also, scientists have no consensus on whether it's right to have a project applicant compensate for other sources of pollution in a body of water, and it would be unfair to ask Cornell to be a test case on an unproven idea, Joyce said.

"There is no protocol where non-point source pollution reductions are being used for an offset for any project in the country, so there was no consensus that doing it for Lake Source Cooling was the right thing to do," he added.

The EPA's handling has upset the Tompkins County Environmental Management Council. The advisory board wrote to the EPA that they were discouraged, dismayed and displeased to learn that the EPA worked on these proposals but the DEC did not agree to these ideas, and that all of these proposals are no longer being considered by the EPA or the DEC.

Board of Representatives Chairwoman Mink (D-City of Ithaca) backed the council's letter when she said she found the Defense Fund's documentation to be startling.

"My support for LSC was based on the assumption that regulatory agencies would be in charge of monitoring pollution and enforcing controls," Mink said. "To hear that EPA additionally wanted pollution controls put in place, Cornell refused and DEC sided with Cornell, which resulted in a much weaker agreement from an environmental standpoint, I am dismayed

to say the least.

"I hope it is not too late to revisit the requests made by the EPA to see if there could be an understanding reached in pollution mitigation for Cayuga Lake," Mink added.

The League of Women Voters of Tompkins County and the Cayuga Nation Environmental Task Force also submitted letters to the EPA urging the reopening of discussions with the DEC on these three proposals.

After receiving Callahan's Dec. 23 response, the Defense Fund submitted another letter to the EPA expressing their disappointment with Callahan's initial response. The Defense Fund complained that it has memoranda stating Cornell or the DEC anticipated more algae growth from the project's discharge, but that the EPA didn't press Cornell to do anything about it, said Richard DePaolo, spokesman for the Defense Fund.

Joyce said the 5 percent to 6 percent increase in algae has been discussed since 1995 when it was stated in the project's environmental impact statement. "All of the scientific review of this project still points to the fact that the 5 to 6 percent will not produce any discernable change in the lake and the phosphorus impact is expected to be miniscule," he said.

DePaolo said he intends to raise the Defense Fund's concerns with the public at the local meeting of the Cayuga Lake Watershed Intermunicipal Organization on Wednesday at Boynton Middle School. Comments from the public on the Cayuga Lake Preliminary Watershed Characterization will be taken at the meeting and by e-mail until Jan. 31.

Habib said the EPA is expecting the Cayuga Lake Watershed Management Plan to focus or concentrate on phosphorus entering the entire lake. "The EPA is confident the plan and communities around the lake will ultimately reduce the amount of phosphorus, which will improve the entire health of the lake," she said.

Harold Craft, vice president of facilities and campus services, said Cornell could pursue the EPA's suggestion that the university play a larger role in reducing the amount of contaminants from other sources.

"Cornell would be happy to participate as a partner with the community, but it didn't seem appropriate that Cornell take on pollution reduction alone," Craft said. "If some community program had that in mind, then Cornell would be surely be a participant," Craft added.