

**Delaware Riverkeeper Network ~ New Jersey Chapter Sierra Club
Clean Water Action**

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EPA Cooling Water Intake Rules Issued, Environmental Groups In Legal Action with NJDEP
Ask for Commitments On Issuing a Draft Permit for the Salem Nuclear Generating Station to
Reduce the Facility's more than 3 Billion Fish Kills

Trenton, NJ – After years of delay, on May 19, 2014 the Environmental Protection Agency finally released final Clean Water Act 316(b) regulations governing cooling water intake structures like those at the Salem Nuclear Generating Station that kill more than 3 billion fish and aquatic life a year.¹ In October 2013, the Delaware Riverkeeper Network, the New Jersey Chapter of the Sierra Club and Clean Water Action (formerly known as the New Jersey Environmental Federation) filed a legal action in the Superior Court of New Jersey to compel the New Jersey Department of Environmental Protection (“NJDEP”) to issue a Clean Water Act permit that would reduce fish kills and limit pollution discharges by the Salem Nuclear Generating Station. In legal briefing submitted to the Appellate Division as part of the lawsuit, NJDEP stated it was “committed to act on” Salem’s permit renewal application “once final rules are promulgated by EPA.”

“Now that the §316(b) regulations have been promulgated, it’s time for NJDEP to live up its promise of a draft permit that will stop the needless fish kills at the Salem Nuclear Generating Station,” said **Maya van Rossum, the Delaware Riverkeeper and head of the Delaware Riverkeeper Network.**

“We have waited far too long for the DEP to protect the Delaware River and its ecosystem. They have run out of excuses and they have run out of time. They need to act

¹ These figures represent only a few species where the industry or agency actually counted, they do not include the impingement and entrainment deaths of all species affected by the plant)

immediately on the permit for this plant. More importantly they need to require a closed loop system for these facilities to stop the fish slaughter and protect the water quality in the Delaware River and Estuary," said **Jeff Tittel, Director, NJ Sierra Club.**

"Gov. Christie promised to 'Stop the fish slaughter at Salem' in his first hundred days. In his first term! We are now well past 100 days into his second term and the silence is deafening. If he wants to really even remotely resemble a man of his word on occasion, it is time he stand up and deliver," said **David Pringle, New Jersey Campaign Director, Clean Water Action.**

A renewal application for the Salem Nuclear Generating Station was submitted in February 2006, but NJDEP has yet to make a determination on the application either by issuing a draft permit for public notice and comment, or by denying the permit.

A parallel Writ of Mandamus type action was filed in Delaware in October 2013 seeking to force the issuance of a draft permit by the Delaware Department of Natural Resources and Environmental Control for the Delaware City Refinery which documents say kill over 46 million fish a year.

The lawsuits to compel agency action are one of many steps that a coalition of concerned organizations are undertaking as part of their "Stop the Fish Kills" campaign, targeting the Salem Nuclear Generation Station, the Delaware City Refinery, and the PSEG's Mercer Generating Station. Because of long delays (8 years at Salem, 12 years at the Delaware City Refinery, and 3 years at Mercer), these industrial facilities have been allowed to utilize outdated cooling water intake structures that kill billions of fish every year.

Through the legal actions filed by the Delaware Riverkeeper Network, Delaware Sierra Club, Delaware Audubon Society, New Jersey Sierra Club and the New Jersey Environmental Federation/Clean Water Action, the organizations seek to spur issuance of Clean Water Act Permits that will require the Delaware City Refinery and Salem Nuclear Generation Station to replace their outdated "once-through" cooling water intake systems with Closed-Cycle Cooling Systems, which could reduce kills by 90 to 98%, and which the organizations assert represent the "best technology available" required by Section 316(b) of the Clean Water Act.

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