

**Delaware Riverkeeper Network ~ NJ Sierra Club  
Eastern Environmental Law Center ~ NJ Environmental Federation  
Delaware Chapter Sierra Club ~ Delaware Audubon Society  
American Littoral Society ~ Coalition for Peace and Justice**

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Contacts:

Maya van Rossum, the Delaware Riverkeeper, Delaware Riverkeeper Network,  
215-369-1188 ext 102 (rings to office & cell)

Jeff Tittel, Director, NJ Sierra Club, 609 558 9100

Aaron Kleinbaum, Legal Director, Eastern Environmental Law Center, 973-424-1166

Mark Martell, President, Delaware Audubon Society, (302) 834-5595

David Pringle, Campaign Director, NJ Environmental Federation, 732-996-4288

Tim Dillingham, Executive Director, American Littoral Society, 732-291-0055

## **Power Plant Fish Kills Challenged States Urged To Take Action**

*Trenton, NJ* – A group of organizations have joined forces in calling on environmental officials in New Jersey and Delaware to require three industrial plants, the Salem Nuclear Generating Station, the Mercer Powerplant in New Jersey, and the Delaware City Refinery in Delaware, to comply with a long ignored provision of the Clean Water Act that mandates those facilities minimize fish kills they cause. The Coalition is launching a campaign to call for action by the NJ Department of Environmental Protection (NJDEP) and the Delaware Department of Natural Resources and Environmental Control (DNREC) to stop these impacts by requiring cooling towers at these plants.

The three plants have been operating under expired permits that have allowed them to continue to evade compliance with section 316b of the Clean Water Act, a law passed in 1972.

“It is a breach of their legal and moral duty for the NJ Department of Environmental Protection and the Delaware Department of Natural Resources and Environmental Control to fail to stop the needless fish slaughter at these three facilities by ensuring they comply with the Clean Water Act. The fish of the River don’t belong to power plants and industry, they are an essential part of the River ecosystem that needs to be protected for the benefit of all, particularly the anglers, recreational users and ecological integrity of our River,” said **Maya van Rossum, the Delaware Riverkeeper**.

In addition to the fish kills, the once-through cooling systems at these plants rob the Delaware River of millions of gallons of water. The discharge of superheated water from these plants add to algae

blooms and bacteria growth, dropping dissolved oxygen levels. This further impacts fish and shellfish. The discharged water contains heavy metals and other toxic chemicals.

With flooding and sea level rise, the water intakes at these plants could be vulnerable. The intakes could be inundated with floodwater, causing problems, especially at the Salem facility.

“These plants are robbing us of the river that belongs to all of us. They are killing fish, stealing our water, and adding pollution to the Delaware River. These plants promote dirty and unsafe forms of energy that cause many environmental impacts. The technology has been there for decades to make these plants better protect the river. For too long the government has been protecting the polluters instead of protecting the River that belongs to all of us,” said **Jeff Tittel, Director, NJ Sierra Club.**

“The States must act promptly on these expired permits and stop the prolonged practice of these facilities generating energy at the expense of the Delaware Estuary ecosystem. The true social costs of the current system are too great,” said **Hilary Semel, Executive Director, Eastern Environmental Law Center.**

“The magnitude of death these plants cause is truly devastating, in the billions, impacting entire fisheries. Governor Christie needs to fulfill his campaign promise in his 1st 100 days in office to 'stop the fish slaughter resulting from the flawed cooling systems at the Salem nuclear plants' (Source: 10.5.09, politickernj.com). Over 1200 days later, the fish slaughter continues,” states **Dave Pringle, Campaign Director for the New Jersey Environmental Federation.**

“After Valero decided to mothball the Delaware City Refinery in 2009, Governor Jack Markell struck a deal with PBF Energy to acquire the Refinery inexpensively with \$45M of direct Delaware taxpayer subsidies and \$120M expense savings by not being mandated to installing a closed loop cooling systems prior owners had agreed to. PBF was able to purchase the refinery from Valero at a bargain basement price and proceeded to modernize the entire plant to maximize profits, with the noted exception of its fish killing water intake system. Today, the Refinery is making a tremendous profit but is not turning one cent into upgrading their decrepit water intake system. This wanton killing of fish for cooling water amounts to a government-subsidized shareholder-benefiting taking from our fisheries industry.” said **Mark Martell, President of the Delaware Audubon Society.**

“The UNPLUG Salem Campaign supported this effort to save the millions of fish and other marine life in the Delaware Bay from antiquated intake systems. It is long overdue and we expect the NJDEP to join with this effort,” said Norm Cohen, Executive Director for the Coalition for Peace and Justice and spokesperson for the Unplug Salem Campaign.

“Protections for fish species in the form of quotas placed on commercial and recreational anglers are on the rise. To allow these industrial plants to get away with extensive impacts to young fish while the anglers have to curb their fishing is unjustifiable and very unfair,” said **Tim Dillingham, Executive Director of the American Littoral Society**.

Section 316(b) of the Clean Water Act requires "that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact." For facilities such as Mercer, Salem and the Delaware City Refinery this means reducing their impingement and entrainment fish kills.

According to the letters sent to the leaders of the state environmental agencies – Secretary Collin O’Mara in Delaware and Commissioner Martin in New Jersey -- Salem kills over 3 billion Delaware River fish and organisms a year; Mercer kills over 70 million; the Delaware City Refinery kills over 45 million – and these figures are only for the few species where the industry or agency actually counted, they do not include the impingement and entrainment deaths of all species.

Salem’s current permit expired in 2006, Mercer’s in 2011, and the Delaware City Refinery’s in 2002. That means these facilities have been operating under expired permits for as much as 11 years in the case of the refinery and that the facilities themselves have never been forced to comply with the 30 year old provision of the Clean Water Act.

“It’s time for this to stop,” said **van Rossum**. “These letters are but a first step in the many we are committed to take to ensure the fish of the Delaware River are protected from needless slaughter.”

The coalition that sent in the letters includes: NJ Sierra Club, Delaware Riverkeeper Network, Eastern Environmental Law Center, NJ Environmental Federation, Delaware Chapter Sierra Club, Delaware Audubon Society, American Littoral Society, and the Coalition for Peace and Justice. Attorneys that have been engaged to assist with the initiative include those at the Eastern Environmental Law Center, the Delaware Riverkeeper Network, and the Super Law Group.

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[Read the letters here:](#)

[http://www.delawareriverkeeper.org/resources/Letters/DNREC\\_Delaware\\_City\\_Refinery\\_ltr\\_05-16-2013.pdf](http://www.delawareriverkeeper.org/resources/Letters/DNREC_Delaware_City_Refinery_ltr_05-16-2013.pdf)

[http://www.delawareriverkeeper.org/resources/Letters/NJDEP\\_Mercer\\_ltr\\_05-16-2013.pdf](http://www.delawareriverkeeper.org/resources/Letters/NJDEP_Mercer_ltr_05-16-2013.pdf)

[http://www.delawareriverkeeper.org/resources/Letters/NJDEP\\_Salem\\_ltr\\_05-16-2013.pdf](http://www.delawareriverkeeper.org/resources/Letters/NJDEP_Salem_ltr_05-16-2013.pdf)