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EPA Abdicates Responsibility to Protect Fish for Community

Washington, D.C., March 28, 2011, the U.S. Environmental Protection Agency issued draft regulations for how to implement section 316(b) of the Clean Water Act.

Section 316b 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". Cooling water intake structures help industry and power plants draw in and use river water for cooling purposes. Fish found in the waters withdrawn are killed in large numbers.

"With these regulations the Environmental Protection Agency is once again abdicating its responsibility to protect our community's fish populations from the needless devastation by industry and powerplants" said Maya van Rossum, the Delaware Riverkeeper.

The proposed rules, released for a 90 day public comment period, can be found at EPA's website (<http://water.epa.gov/lawsregs/lawsguidance/cwa/316b/index.cfm>)

Multiple facilities that operate along the Delaware River use outdated technologies that result in the needless slaughter of fish. The Salem Nuclear Generating Station withdraws over 3 billion gallons per day of Delaware River water for cooling purposes and as a result kills over 3 billion fish a year. According to agency-hired experts these fish kills could be reduced by over 95% using a closed cycle cooling system.

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“We have been fighting for nearly 40 years for facilities like the Salem Nuclear Generating Station to be forced to comply with the law and stop their needless fish kills – these new regulations are so weak, that the public will once again shoulder the responsibility to protect our fish and the communities they support with food, jobs, recreation and more, because EPA is clearly not interested in fulfilling its obligation to enforce the Clean Water Act.”

Using a process of once through cooling, industry and power plants draw in billions of gallons of water to cool their facilities. Fish are killed by impingement (being trapped on intake screens, dying from damage, suffocation or exhaustion) or entrainment (being drawn into the facility where they are physically devastated as they follow the path of the water through the facility).

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