



For Immediate Release:

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Delaware Riverkeeper Network's Motion to Compel Granted
Administrative Law Judge grants DRN's Motion to Compel Witnesses & Emails
Surrounding Salem Permit

Atlantic City, NJ - On October 28, 2019, the New Jersey Office of Administrative Law granted the Delaware Riverkeeper Network's motion to compel the deposition of three New Jersey Department of Environmental Protection (NJDEP) employees regarding the Salem Nuclear Generating Station's New Jersey Pollution Discharge Elimination System (NJPDES) permit and to secure access to emails that had so far been denied the organization.

On July 8, 2016, the Delaware Riverkeeper Network (DRN) filed with the NJDEP Office of Legal Affairs seeking a new hearing to review the renewed permit issued by NJDEP to PSE&G's Salem Nuclear Generating Station located on Artificial Island in Salem County, NJ. The permit, as issued, would extend the Salem facility's use of once through cooling (OTC), a controversial technology that has been challenged as being outdated, unnecessary, and responsible for annually killing billions of fish, including the endangered Atlantic sturgeon.

While the Judge did not require NJDEP to produce unredacted pre-decisional drafts of the 2015 draft permit and the 2016 final permit, he overwhelmingly found in DRN's favor on other requests. In a decision issued October 28, the judge granted DRN's motion to compel the production of relevant emails. In addition, finding DRN demonstrated good cause, the judge granted the Delaware Riverkeeper Network's request to take the depositions of key NJDEP employees. The judge's determination in part states, "I CONCLUDE that petitioner has demonstrated "good cause" – specifically there has been a showing that information requested is highly technical in nature and cannot be obtained in other ways."

"We are pleased with the ruling. The outdated technology used at the Salem facility kills billions of Delaware River fish, eggs, and larvae each year. These fish kills could be reduced by over 95% using existing technologies," said **Maya van Rossum, the Delaware Riverkeeper and leader of the Delaware Riverkeeper Network**. "There was no reason for NJDEP to withhold information, as shown by the Judge's granting of our motion to compel. It is sad that the Delaware Riverkeeper Network, a nonprofit organization working to protect our environment

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and communities, had to go to such great lengths and costs to secure access to information we were clearly entitled to.”

To read the judge’s letter order, click here:

<https://delawariverkeeper.org/sites/default/files/ELU%2015256-16%20Deleware%20Riverkeepers%20Network%20v.%20NJDEP%20%26%20PSEG%20-%20Letter%20Order.pdf>

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Delaware Riverkeeper Network (DRN) is a nonprofit membership organization working throughout the four states of the Delaware River Watershed including Pennsylvania, New Jersey, Delaware and New York. DRN provides effective environmental advocacy, volunteer monitoring programs, stream restoration projects, public education, and legal enforcement of environmental protection laws.