

## FOR IMMEDIATE RELEASE

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## **Conservation Consortium Challenges Coal Plant Fish-Kills: *FirstEnergy Bayshore plant purees 60 billion fish annually***

OREGON, OHIO (December 20, 2010) – A coalition of local and national conservation groups has filed a legal challenge to recently issued Ohio EPA permits allowing FirstEnergy's antiquated Bayshore coal plant to continue destroying millions of Lake Erie's fish rather than install modern equipment. Bayshore sits in Lake Erie's Maumee Bay, one of the most important spawning grounds and fisheries in the world supporting a \$1.4 billion annual commercial and recreational fishing economy. The suit would force FirstEnergy to install cooling towers, which would reduce the fish losses by 95%. The federal Clean Water Act requires companies to use the best available technology to reduce their environmental impacts, but Ohio EPA is allowing Bayshore to install a solution that Ohio EPA's own consultants have already shown to be less effective.

"It is time for FirstEnergy to reduce the massive fish kills in Maumee Bay," said Sandy Bihn, Executive Director of the Western Lake Erie Waterkeeper Association. "Beyond the fish sucked in and churned through the plant, it discharges heated water that kills even more fish and places heavy stress on the ecosystem. The heated water likely contributes to the growth of the toxic algae that is choking this part of the lake and threatening businesses and jobs dependant on a healthy Lake Erie."

Lake Erie's walleye population is one of the most valuable for fishermen but has been on the decline. This fall when the Bayshore plant shut down some of its operations and reduced water use from 750 to 184 million gallons a day, many fisherman observed a massive increase in the population of the walleye forage fish, gizzard shad, leading some to believe that reducing fish kills at the plant would likely help reverse the downward trend for walleye and other fish in Lake Erie."

The Bayshore plant's once-through cooling system sucks up hundreds of millions of gallons of Lake Erie water daily. Fish in the area are also pulled in and destroyed at an alarming rate. According to FirstEnergy's own data, the plant:

- Kills more than 46 million fish per year when fish are slammed and caught (called impingement) against its cooling water system screens
- Kills more than 14 million juvenile fish and more than 2 billion fish in their larval form when they pass through the water intake screens and through equipment inside the power plant (called entrainment)
- On average, kills 126,000 fish a day caught on the screens and 6 million fish daily that pass through the screens.

"Allowing this fish frappuccino machine to keep churning through Lake Erie's fish is illegal and illogical," said Thom Cmar, attorney with the Natural Resources Defense Council. "This dirty plant has been chomping walleye for a half century. It's a drain on the local economy, and it stands in the way of the cleanup and restoration of Lake Erie."

Ohio EPA's final Clean Water Act water pollution permit for Bayshore allows the facility to install a reverse louvered system that has been effectively outlawed in the states of New York and California. The suit was filed with the Ohio Environmental Review Appeals Commission in Columbus by Western Lake Erie Waterkeeper Association, Natural Resources Defense Council, Sierra Club, Ohio Environmental Council,

and the Alliance for the Great Lakes, all of whom submitted comments earlier this year calling on Ohio EPA to require greater reductions in Bayshore's fish kills.

"If an angler snags one fish too many to feed his family, state officials issue a citation on the spot," said Trent Dougherty, Staff Attorney for Ohio Environmental Council. "Yet, even with proven technology available to dramatically reduce the pollution and fish kills from this plant, Ohio EPA continues to hand over a license to kill to Ohio's largest utility company."

"EPA should hold FirstEnergy accountable and protect the welfare of local residents, wildlife and the economy from the impacts of the Bay Shore plant." said MacKenzie Bailey, the Ohio Representative for the Sierra Club's Coal-to-Clean Energy Campaign, "By not enforcing these protections we are selling ourselves short and dampening our local economic potential."

"Western Lake Erie's fisheries deserve the highest standard of protection," says Lyman Welch, Water Quality Program manager at the Alliance for the Great Lakes. "We know how to solve this problem, yet Ohio regulators have failed to force First Energy to install proven cooling technology already in use throughout the country," says Welch.

The notice of appeal is available at [http://docs.nrdc.org/legislation/files/leg\\_10122001a.pdf](http://docs.nrdc.org/legislation/files/leg_10122001a.pdf)

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