



Western Lake Erie WATERKEEPER® Association
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Conservation groups to ODNR: Fine FirstEnergy for continually killing millions of fish at power plant

Groups want ODNR to treat utility giant the same as any angler or commercial fisherman who exceeds their daily catch limit

Columbus, OH – Environmental-conservation groups want the Ohio Department of Natural Resources to fine one of the nation’s largest electric utility companies for killing millions of fish each year at the company’s Bay Shore power plant, located on Lake Erie near Toledo.

The Western Lake Erie Waterkeeper Association and the Ohio Environmental Council charge that the department should use its legal authority to fine FirstEnergy Corp. for the massive fish kills just as a game warden would fine a weekend angler or commercial fisherman who exceeded their daily catch limit.

“To catch and then eat the fish, we need a license and there are rules and penalties that trigger when more than 6 walleye and 25 perch are caught in a day. EPA studies show that 24,000 walleye and 12,000 of various size walleye and perch, on average, are killed every day. Yet FirstEnergy pays nothing and does little to nothing to reduce the kills,” said Sandy Bihn, Director of the Western Lake Erie Waterkeeper Association.

The Bay Shore power plant is a prodigious killing machine. According to a 2008 Ohio EPA briefing paper delivered to its director Chris Korleski, Bay Shore “probably impinges and entrains more organisms than all of the other power plants in Ohio combined.”

A recent analysis conducted for the Ohio EPA by a private consultant, Tetra Tech, Inc., estimates that the Bay Shore power plant:

- kills more than 46 million fish each year when fish are slammed and caught (called impingement) against its cooling water intake system screens
- killed more than 14 million juvenile fish and more than 2 billion fish in their larval form when they passed through the water intake screens and passed through equipment inside the power plant, during the 2005-2006 sampling period

The power plant has operated for 54 years. The facility is not known to employ any technologies that are typically considered effective for reducing fish kills.

The power plant is located near where the Maumee River meets the Maumee Bay, one of the most ecologically sensitive and biologically productive areas in the Great Lakes region. The Maumee River is Lake Erie's largest tributary and an important spawning area for walleye.

Even FirstEnergy Corp. has conceded it's "obvious the Maumee River is the most fertile fish hatchery in the Great Lakes," according to a Feb. 23 Toledo *Blade* story.

Under Ohio law, the public owns the fish in Lake Erie and it is unlawful to "take in any manner...any number or quantity of wild animals" without a license. In addition, the federal Clean Water Act requires electric generating facilities to use the best technology available to minimize environmental impacts.

"We caution that the cost of best technology available cannot be shifted to the utility giant's ratepayers. The ratepayers have been paying for failed technology for 54 years, as well as paying for the restocking of certain prized fish," said Kristy Meyer, Director of Agricultural & Clean Water Programs of the Ohio Environmental Council. "It is time that FirstEnergy Corp. be held accountable and require its shareholders to reimburse the citizens of Ohio for the millions of fish killed yearly. A robbery victim is not forced to reimburse its assailant, therefore the ratepayers should not have to burden the cost of installing the best technology available."

The Ohio EPA has scheduled a public information session tomorrow evening in Oregon, Ohio, to discuss the report and options for reducing impingement and entrainment of fish by the power plant's cooling water intake system.

Ohio EPA is considering renewal of the plant's wastewater discharge permit and may require improvements to reduce the facility's environmental impact on Maumee Bay.

The public information session is set for 6:30-8:15 p.m. at Wynn Elementary School gymnasium at 5224 Bay Shore Rd. in Oregon.

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Sources:

- Excerpts from report, "Bay Shore Power Plant Fish Entrainment and Impingement Study Report"
- USEPA Clean Water Act Section 316 Compliance Option Evaluation of Bay Shore facility
- Ohio Revised Code Section 1531.02 – State ownership of and title to wild animals – prohibited activities
- Feb. 20, 2009 Ohio EPA Citizen Advisory, "Ohio EPA Considering Options to Reduce Fish Mortality at Bay Shore Power Plant's Maumee Bay Water Intake"

The mission of the Western Lake Erie Waterkeeper Association is to preserve, protect, and improve the watershed, waters, and fish of Western Lake Erie, the Great Lakes' warmest, shallowest, most biologically productive area, and to increase public awareness through collaboration, education and advocacy.

The mission of the Ohio Environmental Council is to secure healthy air, land, and water for all who call Ohio home. The OEC is Ohio's leading advocate for fresh air, clean water, and sustainable land use. The OEC has a 40-year history of innovation, pragmatism, and success. Using legislative initiatives, legal action, scientific principles, and statewide partnerships, the OEC secures a healthier environment for Ohio's families and communities.