



Fall Report

John Mueller/Flicker

PennEnvironment wins historic lawsuit

Penalty for Conemaugh River polluter sets state record

In 2007, PennEnvironment, the Sierra Club and several of the groups' local members sued GenOn Energy for illegally dumping toxic pollutants into the Conemaugh River. This summer, after four years of litigation, we won a record-breaking victory.

GenOn Energy, formerly known as Reliant Energy and RRI Energy, was ordered to pay a \$3.75 million penalty—the largest penalty of its kind against a water polluter in state history—and to spend tens of millions more to end the illegal pollution occurring at the company's coal-fired Conemaugh power plant, located near Johnstown.

8,684 Clean Water Act violations

The legal struggle started in 2007 when PennEnvironment and the Sierra Club alleged that GenOn was illegally dumping more than 3 million gallons of contaminated wastewater into the Conemaugh River each day, putting the company in continuous violation of its Clean Water Act permit. The wastewater contained illegal levels of numerous pollutants, including selenium, manganese, aluminum, boron and iron.

GenOn's dumping threatened the fragile health of the river, which was just beginning to recover after decades of industrial pollution. In fact, the pollution limits in GenOn's permit were specifically set to restore the river and its aquatic life to health. In March, U.S. Magistrate Judge Robert C. Mitchell ruled that GenOn

Milestones: PennEnvironment's Lawsuit Against GenOn



February 6, 2007

PennEnvironment and its partners announce intent to sue GenOn Energy to end their illegal pollution of the Conemaugh River.



April 10, 2007

PennEnvironment and its partners officially filed their suit against GenOn for ongoing violations of the Clean Water Act.



December 22, 2009

Judge sides with GenOn and dismisses case, citing a legal technicality.



September 28, 2010

Admitting error, the judge reverses her earlier dismissal and reinstates the case against GenOn.



March 22, 2011

Judge rules GenOn liable for 8,684 Clean Water Act violations.

June 6, 2011

PennEnvironment announces historic \$3.75 million settlement against GenOn.

had committed a staggering 8,684 violations of the federal Clean Water Act since 2005. That decision set the stage for our historic settlement.

Funds will help restore Conemaugh River

Under the terms of the settlement, GenOn will pay a \$250,000 civil penalty to the United States, and an additional \$3.5 million to the Foundation for Pennsylvania Watersheds. The funds will be used for

restoration and preservation projects in the Conemaugh River watershed.

"This historic penalty will send a strong message to other companies in Pennsylvania and throughout the region," stated PennEnvironment Director David Masur. "It's equally important that the company is now committed, at long last, to comply with its legal discharge limits and to reduce its pollution of the Conemaugh River."



To our members

While Washington, D.C., seems paralyzed by partisan warfare and dominated by powerful interests, it doesn't mean that environmental progress is impossible.

That's because right here in Pennsylvania, PennEnvironment's staff and members are making a real difference with your support and involvement.

Thanks in part to our work, in June we won a groundbreaking Clean Water Act lawsuit against an egregious polluter who had been illegally discharging into Pennsylvania's Conemaugh River for years. Our lawsuit delivered the largest penalty of its kind against a polluter in state history—truly a historic victory for our environment.

Of course much remains to be done—we're stepping up our work to tackle Marcellus Shale gas drilling, and working to preserve our threatened open spaces. But I am proud of what we've already accomplished together. I hope you are too.

David Masur
Director

Recent action

Number of Pa. beach closings drop

This year state residents received some good news for the hundreds of thousands of Pennsylvanians who head to the shores of Lake Erie each summer. The National Resource Defense Council's 21st annual "Testing the Waters" report showed a 59 percent decrease in beach closings at Lake Erie beaches last summer.

Despite the good news, it's clear that there is still more work to do. According to the report, released by PennEnvironment's Clean Water Advocate Erika Staaf, many beach closings in Pennsylvania were due to high levels of bacteria, most likely a result of runoff pollution and sewage overflows.

Fortunately, the Environmental Protect Agency has taken steps to address these pollution sources by creating new stormwater regulations and building green infrastructure to deal with runoff pollution.

President announces biggest step yet to get U.S. off oil

As President Obama negotiated with automakers over new fuel efficiency standards this summer, PennEnvironment Research & Policy Center released "Beating the Heat with Clean Cars," a report showing that cleaner cars would have saved the average Pennsylvania family more than \$450 at the pump last summer alone.

On July 22, the president announced a new standard of 54.5 miles per gallon by 2025—roughly twice as strong as the current standard. PennEnvironment applauded the proposed rules, which represent the biggest single step our country has ever taken toward getting off oil.

By 2030, the new fuel efficiency standards will cut our annual gasoline use by 23 billion gallons, save Americans more than \$80 billion at the pump, and reduce our annual global warming pollution by 280 million metric tons—the equivalent of shutting down 72 coal-fired power plants.



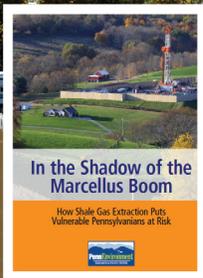
How do you want to be remembered?

You can be remembered as a someone who cared enough to keep up the fight for a cleaner, greener, healthier future by making a bequest to PennEnvironment.

For information, call: 1-800-841-7299, or email PlannedGiving@PennEnvironment.org.



▲ Our Federal Global Warming Director, Nathan Willcox, had the honor of thanking the president in person for the new, tougher fuel efficiency standards.



Report: Drilling threatens Pennsylvania's most vulnerable

Marcellus Shale drilling sites are often constructed dangerously close to day care centers, schools and hospitals, putting some of Pennsylvania's most vulnerable populations at risk, according to a new report from the PennEnvironment Research & Policy Center.

The study, "In the Shadow of the Marcellus Boom," showed that more than 320 day care facilities, 67 schools and nine hospitals across Pennsylvania are situated within two miles of an existing Marcellus Shale well site. With the drilling industry set to build thousands more wells in 2012, the problem will only grow.

Heightened risk of pollution for schools, hospitals near drilling sites

The report came just weeks after a gas well blowout in Bradford County spilled thousands of gallons of contaminated water into surrounding fields and streams, forcing seven local families to be evacuated from their homes.

"Whether it's air or water pollution, accidents or explosions, we've seen that the effects of Marcellus Shale gas extraction don't necessarily end at the drilling pad's borders," notes Clean Water Advocate Erika Staaf. "We cannot put our most vulnerable populations at risk to these problems any longer."

Our research found that gas drilling poses a heightened risk of air and water pollution for people nearby:

- The Department of Environmental Protection recorded 241 environmental violations at Marcellus wells within two miles of different day care facilities and 40 violations within two miles of schools, over a recent 18-month period—not including traffic safety violations by tanker trucks.
- Marcellus Shale gas drilling can cause water pollution. Spills and leaks can pollute waterways with chemicals, as well as naturally occurring metals

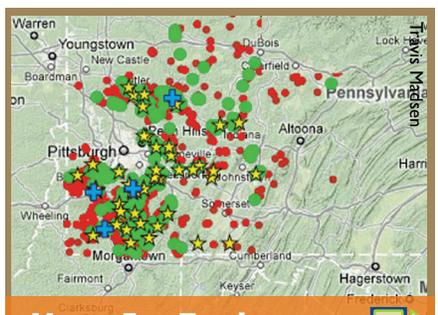
and salts from the shale formation, all of which can be harmful to human health. Gas drilling has also been documented to contaminate aquifers up to seven miles from a well site.

- Drilling sites emit hazardous air pollution from truck trips, pump engines, gases vented from wells, contaminants from processing plants, and fumes evaporating from wastewater ponds.

Stronger drilling rules needed

We are calling on decision-makers to implement policies to protect our health and environment from gas drilling, including:

- Designating our waterways, drinking water supplies, and places where people live or work off-limits to drilling;
- Halting the use of toxic chemicals in the drilling process;
- Giving state regulators the resources they need to enforce the law;
- Revoking drilling privileges for the worst offenders;
- Requiring gas companies to report information to the public; and
- Ensuring gas companies pay to clean up the damage they cause.



Maps: FracTracker
 To see the effects Marcellus Shale gas drilling has had on people across Pennsylvania, visit www.PennEnvironment.org/drilling/gas-next-door

State funding to protect streams runs dry

PennEnvironment's statewide campaign to protect our streams and rivers gained momentum this summer, but ultimately lost steam in the Legislature.

Our citizen outreach staff have spoken to tens of thousands of Pennsylvanians this year about the need to protect the streams and rivers we love—from Neshaminy Creek to Pittsburgh's Three Rivers—by renewing the Growing Greener program. The program, which is nearly out of money and set to expire, provides Pennsylvania communities with the resources they need to clean up local streams and rivers, prevent pollution, and restore stream banks and trails.

More than 15,000 people urged the Legislature to renew Growing Greener by signing our petition, calling their legislators, and making the trip to Harrisburg to meet with their representatives in person.

That action helped build momentum for a proposal to fund Growing Greener through a common-sense Marcellus Shale impact fee—a fee that drilling companies are required to pay in every major drilling state in the country, with the glaring exception of Pennsylvania.

Unfortunately just days before state lawmakers left for summer vacation, the measure fizzled in the face of opposition from Gov. Tom Corbett and the gas industry. Our staff and activists are gearing up for a renewed push when the Legislature comes back to work this fall.

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PennEnvironment

Our mission

We all want clean air, clean water and open spaces. But it takes independent research and tough-minded advocacy to win concrete results for our environment, especially when powerful interests stand in the way of environmental progress.

That's the idea behind PennEnvironment. We focus exclusively on protecting Pennsylvania's air, water and open spaces. We speak out and take action at the local, state and national levels to improve the quality of our environment and our lives.

Hundreds head to Harrisburg to tackle gas drilling

In early June, PennEnvironment joined other environmental groups for Pennsylvania's largest environmental lobby day and rally in recent memory.

Hundreds of people descended on Harrisburg to urge their legislators to protect our rivers, forests and health from Marcellus Shale gas drilling. PennEnvironment members and other concerned citizens met with more than 150 legislators, causing quite a stir in the Statehouse.

This kind of citizen action will be more important than ever in the upcoming months, as the gas industry makes a big push for legislation that will steamroll our environmental protections and make it even easier to drill.

We're mobilizing tens of thousands of Pennsylvanians to call, email and meet with their legislators, to make sure our message is heard loud and clear in Harrisburg: The public wants protections from dangerous gas drilling, and they want these protections now.



◀ Clean Water Advocate Erika Staaf speaks out against Marcellus Shale gas drilling at a rally in Harrisburg.

➡ To learn more and get involved, go to www.PennEnvironment.org