

FOUR ENVIRONMENT GROUPS ANNOUNCE INTENT TO SUE RRI ENERGY FOR 12,000 POLLUTION VIOLATIONS AT COAL-FIRED SEWARD POWER PLANT

Supposed “Clean Coal” Plant in Western Pennsylvania Illegally Discharging Toxic Pollutants into Conemaugh River

PITTSBURGH, PA. – May 24, 2010 – Due to serious concerns about toxic pollution created by coal ash and coal refuse disposal and power generation activities at the Seward Generating Station in Indiana County, four environmental groups announced today that they intend to sue RRI Energy, Inc., RRI Energy Mid-Atlantic Power Holdings, LLC, and Reliant Energy Seward, LLC. The groups – Citizens for Pennsylvania’s Future (PennFuture), Defenders of Wildlife, PennEnvironment, and Sierra Club – state that they intend to file suit for approximately 12,000 violations of the federal Clean Water Act, the Pennsylvania Clean Streams Law, and the federal Resource Conservation and Recovery Act. RRI was formerly known as Reliant Energy.

The Environmental Integrity Project and the National Environmental Law Center are acting as co-counsel for the four groups, which are required by the water pollution and waste disposal laws to provide 60 and 90 days, respectively notice to the violator and to government agencies before filing suit in federal court in Pittsburgh.

“RRI Energy’s Seward Generating Station has racked up over 12,000 violations of environmental laws in the last five years alone, including toxic coal ash leaks and even direct discharges into the river,” said Lisa Widawsky, Attorney with the Environmental Integrity Project. **“Our clients are committed to putting an end to the pollution from this dirty coal plant.”**

“Pennsylvanians are all too familiar with the damages caused by coal-fired power plants such as Seward,” said Heather Sage, Vice President of PennFuture. **“For decades, we’ve been paying dearly for the cost of coal – with polluted air, land, and streams, poor health, and a devastated economy. We simply cannot compete in the 21st Century green economy while shackled by the pollution from a technology whose time is past. The so-called ‘low cost of coal’ is simply too high for the families and businesses of the Keystone State.”**

“If 12,000 environmental violations over the past five years at Seward is considered ‘clean coal,’ I’d hate to know what the industry considers ‘dirty coal,’” said David Masur, Director of PennEnvironment. **“When added to RRI’s track record of persistent Clean Water Act violations just another mile or two downstream at its Conemaugh Generating Station, RRI Energy is leaving a sorry legacy of pollution in western Pennsylvania,”**

Adam Kron, Staff Attorney for Defenders of Wildlife, said: **“For years, RRI has illegally discharged coal refuse and coal combustion waste pollutants into the Conemaugh River at levels well above what is safe for the survival of fish and other aquatic life. Our goal is to finally bring RRI into compliance with the law and protect and restore the Conemaugh and its native wildlife.”**

Randy Francisco, Associate Regional Representative, Sierra Club-Beyond Coal Campaign said: **“The fact is there is no such thing as clean coal. The reality is that RRI has won ‘clean coal’ awards while violating pollution laws every month for the last five years. It’s time we stop handing out ‘clean coal’ awards to dirty plants like Seward and start holding these violators accountable for the damage they are doing to our planet.”**

“The situation at the Seward Generating Station -- a facility with an egregious history of non-compliance, and regulatory agencies doing little or nothing to force the plant’s owner, RRI Energy, to live up to its legal obligations -- is precisely why Congress created a role for private citizens to enforce the nation’s environmental laws,” said National Environmental Law Center Senior Attorney Josh Kratka.

The environmental groups maintain that RRI is violating the Clean Water Act, Pennsylvania's Clean Streams Law, and the Resource Conservation and Recovery Act by failing to comply with the terms of its permit and by illegally discharging toxic pollutants directly, and into the groundwater flowing directly, into the Conemaugh River. The Seward plant had mixed coal ash with the coal refuse piles that were plaguing the river with acid mine drainage to "remediate" the pollution; the continuing discharge of pollutants shows this effort to have been unsuccessful. The Seward facility is also discharging heated water from its cooling tower in amounts that are causing greater than allowed impacts on the river.

The toxic heavy metals and other coal refuse and coal ash pollutants being released from the Seward facility pose a variety of serious threats to the environment, especially to aquatic life. The devastating impacts of coal ash pollutants on aquatic life and wildlife are well documented. Vertebrates exposed to the trace metals in coal combustion waste have suffered respiratory, metabolic, hormonal, physiological, and other impairments, including death. In addition, these pollutants accumulate in animal tissues up the food chain, creating serious adverse impacts observable for decades.

The Pennsylvania Department of Environmental Protection (PADEP) classifies the Conemaugh River as a warm water fishery and has placed the river on the Commonwealth's list of "impaired" water bodies due to pervasive contamination from metals (specifically aluminum, iron, and manganese), pH, turbidity, and total suspended solids. The Conemaugh River has a long history of degradation, much of it caused by acid mine drainage from long-abandoned coal mines.

RRI is also being sued by PennEnvironment and the Sierra Club for persistent violations of the federal Clean Water Act and the Pennsylvania Clean Streams Law at its Conemaugh Generating Station just downstream of the Seward facility. That suit was filed in 2007.

Recreational use of the Conemaugh is increasing, and the river now supports kayaking, canoeing, fishing, hiking, and boating.

RRI Energy, Inc., based in Houston, Texas, is one of the nation's largest providers of electricity and energy services. RRI owns 37 power plants in the U.S., including 17 in Pennsylvania and had nationwide revenues of approximately \$10 billion in 2005.

A copy of the notice of intent letter, as well as related attachments, is available at <http://www.environmentalintegrity.org>.

ABOUT THE GROUPS

Citizens for Pennsylvania's Future (PennFuture) is a statewide public interest membership organization that advances policies to protect and improve the state's environment and economy. With offices in Harrisburg, Philadelphia, Pittsburgh, West Chester, and Wilkes-Barre, PennFuture's activities include litigating cases before regulatory bodies and in local, state and federal courts, advocating and advancing legislative action on a state and federal level, public education and assisting citizens in public advocacy. For more information, visit <http://www.pennfuture.org>.

Defenders of Wildlife is dedicated to the protection of all native animals and plants in their natural communities. With more than one million members and activists, Defenders of Wildlife is a leading advocate for innovative solutions to safeguard our wildlife heritage for generations to come. For more information, visit <http://www.defenders.org>.

PennEnvironment is a statewide, citizen-based environmental advocacy organization. Its professional staff combines independent research, practical ideas and tough-minded advocacy to overcome the opposition of powerful special interests and win real results for Pennsylvania's environment. PennEnvironment draws on 30 years of success in tackling our state's top environmental problems. Visit <http://www.pennenvironment.org> for more information.

The Sierra Club members and supporters number more than 1.3 million. Inspired by nature, the Sierra Club and its members work together to protect communities and the planet. The Club is America's oldest, largest and most influential grassroots environmental organization. For more information, go to <http://www.sierraclub.org> on the Web.

The Environmental Integrity Project (<http://www.environmentalintegrity.org>) is a nonpartisan, nonprofit organization established in March of 2002 by former EPA enforcement attorneys to advocate for effective enforcement of environmental laws. EIP has three goals: 1) to provide objective analyses of how the failure to enforce or implement environmental laws increases pollution and affects public health; 2) to hold federal and state agencies, as well as individual corporations, accountable for failing to enforce or comply with environmental laws; and 3) to help local communities obtain the protection of environmental laws.

The National Environmental Law Center represents citizen groups across the country in actions to enforce the nation's environmental laws.

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