

## Nuclear Affairs Report January 4, 2022



Will Holtec discharge 1.1 million gallons of chemically and radioactively contaminated water into the Bay? This discharge is not authorized by the current water discharge permit. On June 16th, the EPA chastised Holtec for misinterpreting the terms of their permit and clarified that discharge of water from the four sources in question (reactor cavity, separator/dryer pit, torus or spent fuel pool) is not allowed.

To be clear, the EPA/MassDEP water discharge permit governs ONLY chemical discharge. Jurisdiction over radioactive discharges used to be exclusively with the NRA (doctrine of 'preemption'). But in June 2020, when Holtec signed a Settlement Agreement with the Commonwealth, it agreed to abide by the environmental and human-health based standards and regulations of the Commonwealth" including the Mass Ocean Sanctuary Act which outlaws the discharge of contaminants not limited to chemical ones. Radioactive hydrogen tritium, cannot be filtered out.

Nevertheless, since June of 2022, Holtec has continued to assert that dumping into the Bay is their preferred plan. At the Nov. 28th meeting of the NDCAP David Noyes, Compliance Manager at Pilgrim, stated that while Holtec would likely apply for an updated permit, it would **not** promise not to dump in the meantime. The EPA took note. Developments since then:

**Dec. 6.** A letter to Holtec from the EPA's enforcement division reasoned that Noyes's statement appeared to threaten "willful noncompliance"; and reiterated that it "would consider the unauthorized discharge of regulated pollutants from this facility to be a serious matter subject to enforcement and the issuance of fines." [https://media.wbur.org/wp/2022/12/Holtec\\_CWA-Info.Request.pdf](https://media.wbur.org/wp/2022/12/Holtec_CWA-Info.Request.pdf).

**Dec. 8.** A good summary by WBUR's Barbara Moran. <https://www.wbur.org/news/2022/12/08/epa-holtec-contaminated-wastewater-cape-cod-bay-clean-water-act>

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**Dec. 9.** Andrew Gottlieb, Director of Association to Preserve Cape Cod (APCC) and newly appointed panelist on the NDCAP, announced that APCC has retained legal team in case of Holtec's noncompliance. <https://www.capecod.com/newscenter/sunday-journal-andrew-gottlieb-talks-retaining-legal-team-bridge-task-force/>

**Dec. 14.** Summaries by David Smith, OCM, and Christine Legere, Provincetown Independent. <https://www.capecodtimes.com/story/old-colony-memorial/2022/12/14/epa-warns-holtec-not-to-discharge-pilgrim-nuclear-power-plant-water/69719789007/>  
<https://provincetownindependent.org/news/2022/12/14/epa-threatens-holtec-officials-with-fines-and-imprisonment/>

**Dec. 19.** Holtec, in response to EPA's warning letter, asserted that the EPA had "misconstrued" Noyes's statement at NDCAP; and that they will of course comply with EPA regulations. <https://www.markey.senate.gov/imo/media/doc/holtec-response-to-epa-dec-6-letter.pdf>

**Dec 20.** Senator Markey says he will continue to hold Holtec accountable: <https://www.markey.senate.gov/news/press-releases/senator-markey-statement-on-holtecs-commitment-to-not-illegally-discharge-pilgrim-plant-wastewater-into-cape-cod-bay>

**Jan. 4.** In a visit to the Cape yesterday, Maura Healey reiterates commitment to halting Holtec's plan to dump. <https://www.capeandislands.org/local-news/2023-01-03/governor-elect-maura-healey-visits-cape-cod-for-first-time-since-being-elected>

**Is Holtec chastised?** Don't count on it. Read Holtec's rosy view of its future. Dramamine is advised. <https://holtecinternational.com/wp-content/uploads/2023/01/HH-38.01.pdf>. Under the current administration, the nuclear industry is flourishing.

To put this all in larger context, read about the imminent release of millions of gallons of radioactive water into the Pacific. <https://www.bostonglobe.com/2022/12/30/world/pacific-outcry-over-japans-plan-release-fukushima-wastewater/>

**NEXT NDCAP meeting:** Monday, January 23, 6:30-8:30. Great Hall, Plymouth Town Hall. There are likely to be fireworks. **COME AND MAKE YOUR VOICE HEARD!**

