



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

Sent via Electronic Mail (*dated as shown on electronic signature*)

Mr. Kelly Trice
President, Holtec Decommissioning International
Krishna P. Singh Technology Campus
1 Holtec Blvd
Camden, NJ 08104
k.trice@holtec.com

Dear Mr. Trice:

EPA Region 1 issued a National Pollutant Discharge Elimination System (NPDES) Permit for Pilgrim Nuclear Power Station (PNPS) (NPDES Permit No. MA0003557) to Holtec Decommissioning International (“Holtec” or “Company”) in January 2020. The 2020 NPDES permit excludes the discharge of certain wastewater. Our understanding from EPA Region 1’s Water Division is that while discussions regarding permit coverage of wastewater discharges related to decommissioning activities, including wastewater from spent fuel pool water and other sources may be ongoing, EPA has not received an application for such coverage or an explicit confirmation that Holtec will submit one.

At a November 28, 2022, public meeting, when asked if there would be “no discharge prior to resolution of the permit issue,” Compliance Manager David Noyes said, “I can’t say that.” Later, when asked whether Holtec would provide advanced notice of a discharge Mr. Noyes responded, “I’ll have to get back to you.” Region 1 has already provided Holtec with written notice that “discharges of pollutants in water stored in the spent fuel pool, dryer/separator pit, torus, or reactor cavity are not authorized under the current NPDES permit.”¹ Such unauthorized discharges would be a violation of the Act and could subject the Company and its agents to the full array of enforcement authority that Congress has granted to EPA in Section 309 of the Act, 33 U.S.C. § 1319.

Among EPA’s duties is the responsibility to ensure compliance with the Act. Representations by the Company at the November 28, 2022, meeting appear to contemplate the possibility of intentional *noncompliance* with the Act without prior notice. With this letter, EPA is hereby requiring Holtec to provide notification well in advance of any planned discharges of CWA-regulated pollutants not authorized under the facility’s 2020 NPDES Permit, including industrial wastewater stored in the spent fuel pool, dryer/separator pit, torus, and/or reactor cavity. Advance notification would allow EPA to take all appropriate action to ensure that federal law is being duly observed. To be clear, this notification/reporting obligation should not be interpreted by Holtec as authorizing such discharges. To the contrary, as stated above, this additional

¹ Letter from Ken Moraff, Director, Water Division, EPA Region 1 to Kelly Trice, President, Holtec Decommissioning International (June 17, 2022).

obligation is to ensure that EPA has adequate time to take appropriate action to ensure compliance with the Act

Section 308(a) of the Act, 33 U.S.C. § 1318(a), authorizes EPA to require the owner or operator of a point source to provide information needed to carry out the objectives of the Act. Under that authority, EPA hereby requires Holtec to identify: i) the specific days and times that it intends to discharge any stored spent fuel pool, dryer/separator pit, torus, reactor cavity, or other decommissioning-related wastewater from the decommissioned Pilgrim nuclear power plant in Plymouth; ii) the precise tanks and other storage vessels from which any wastewater covered under i), above, is to be discharged along with the precise structure through which the wastewater is to be discharged; and, iii) the planned volume of any wastewater covered under i), above, to be discharged each day.

Such notice must be provided electronically to David Turin, Enforcement Officer, at turin.david@epa.gov, at least 90 days prior to commencing such discharges.

Compliance with this information request is mandatory and the requirement to provide the requested information is ongoing. Failure to respond timely, fully and truthfully, or to adequately justify any failure to comply with the requirements set forth herein, constitutes a violation of the federal Clean Water Act. In addition to administrative and judicial civil remedies available for such violations, including penalties and authority to compel compliance, under Section 309(c) of the Act, 33 U.S.C. §1319(c), anyone who knowingly violates Section 308 the Act, or who knowingly submits false material statements or representations in documents or reports required under the Act is subject to criminal fines, imprisonment or both.

EPA reserves the right to request further information from the Company regarding any information in its possession relating to plans to discharge CWA-regulated pollutants into Cape Cod Bay without first obtaining an NPDES permit, including any potential associated economic benefit accruing to the Company from that decision.

If you have any questions regarding this letter, please contact David Turin at 617-918-1598 or turin.david@epa.gov or have your attorney contact Jeff Kopf, Senior Enforcement Counsel, at 617-918-1796 or kopf.jeff@epa.gov. Attached hereto is a certification that must accompany any notification provided in accordance with this letter.

Thank you for your diligent attention to these matters.

Sincerely,

JAMES CHOW
Digitally signed by JAMES CHOW
Date: 2022.12.05 14:29:45 -05'00'

James Chow, Deputy Director
Enforcement and Compliance Assurance Division

CC (via email):

Lealdon Langley, MassDEP
David Noyes, Holtec Decommissioning International
Jason Day, General Counsel, Holtec Decommissioning International

Statement of Certification
for
Holtec Decommissioning International
Krishna P. Singh Technology Campus
1 Holtec Blvd
Camden, NJ 08104

(To be returned with Response to Information Request)

I declare under penalty of perjury that I am authorized to respond and I further certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete, and I'm aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

(Signature)

(Print Name)

(Title)

(Date)