



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
BOSTON, MA 02109-3912**

VIA EMAIL - READ RECEIPT REQUESTED

November 20, 2020

Andrea L. Sterdis
Vice President Regulatory and Environmental Affairs
Holtec Decommissioning International, LLC
Krishna P. Singh Campus
1 Holtec Blvd.
Camden, NJ 08104
A.Sterdis@Holtec.com

John Moylan
Site Vice President, Pilgrim Nuclear Power Station
Holtec Decommissioning International, LLC
c/o Holtec Pilgrim, LLC
Pilgrim Nuclear Power Station
600 Rocky Hill Rd.
Plymouth, MA 02360
J.Moylan@Holtec.com

RE: Pilgrim Nuclear Power Station NPDES Permit No. MA0003557

Dear Ms. Sterdis and Mr. Moylan,

As you know, Holtec Decommissioning International, LLC (“HDI”) and Holtec Pilgrim, LLC (“Holtec Pilgrim”) (collectively, “Petitioners”), have recently been engaged in discussions with the Region 1 office (“Region 1”) of the US Environmental Protection Agency (“EPA”) to explore a potential settlement of the Petitioners’ appeal of the above-referenced National Pollutant Discharge Elimination System (“NPDES”) permit (the “Permit”). This letter addresses two issues Petitioners have raised in those discussions: the requirement in several footnotes in the Permit that a routine sampling program be developed in which samples are taken at the same location, same time of day, and same day of the month and the entity named on the Permit cover sheet. *See* Petition for Review at 5, 11-12, 24-25 (seeking “review of all conditions relating to the requirement that a routine sampling program shall be developed in which samples are taken at the same location, same time, and same days of the month”).

EPA and Petitioners met several times during the month of June 2020 to discuss the issues being contested, including the provisions related to routine sampling. Petitioners expressed concern that the specificity of some of the routine sampling footnotes is unreasonably inflexible and confusing to the extent that it is required for outfalls with intermittent flows (e.g., stormwater).

EPA agrees that there are inconsistencies among the several footnotes that include routine sampling requirements and that some of the requirements are also inconsistent with the nature of the discharge. EPA has reviewed the language at issue and, upon conferring with the permit writer, confirmed that it was copied and pasted from permit template language in use at the time of the Draft Permit and that the template language requiring sampling at the same time and day was specifically intended to have been removed from Parts I.A.1, I.A.6, and I.A.7 during permit development, in conformance with the other sampling requirements in the permit. The retention of this language was a typographical/editing error. As EPA developed the Permit, it removed this language from the footnotes for some of the outfalls, but mistakenly overlooked its presence in Parts I.A.1, I.A.6, and I.A.7. This letter serves as acknowledgement of the typographical error and clarifies the conditions related to routine sampling at each of the outfalls below.

The version of Footnote 1 that appears in Parts I.A.2 (Outfall 002), I.A.3 (Outfall 010), I.A.4 (Outfall 012), I.A.5 (Outfalls 004 and 005), I.A.8 (Outfall 011), and I.A.9 (Outfall 014) of the Permit does not include the “same time and day” language, specifying only that samples be taken at the same location. These footnotes explain that deviations from the routine sampling program (i.e., sampling location) shall be documented in correspondence appended to the applicable discharge monitoring report (DMR) submitted to EPA. Because the routine sampling program in these footnotes only requires that samples be collected from the same location, which the Permittee will specify based on site-specific factors (e.g., safety, accessibility), and because the Permit allows for a different sampling location when circumstances require (e.g., when sampling at the routine location would jeopardize employee safety), EPA believes that the Permittee can achieve compliance with these permit conditions and that these particular footnotes correctly capture the intent of the routine sampling program in general.

In contrast, the language in Footnote 1 in Part I.A.1 (Outfall 001) and Part I.A.6 (Outfalls 006 and 007) and in Footnote 2 in Part I.A.7 (electrical vaults) specifies a routine sampling program in which samples are taken not only at the same location, but also at the same time and day. (EPA typically includes this sampling program in permits issued to POTWs and other continuous dischargers to ensure the representativeness of the data collected.) Here, however, the requirement to sample at the same time and day is in direct conflict with specific requirements in the other footnotes for these outfalls and is inconsistent with the nature of the discharges and with the footnotes above for the other outfalls.

- Outfalls 006 and 007 (at Part I.A.6) are stormwater discharges. Part I.A.6 Footnote 3 specifies that stormwater samples shall be taken during the first hour of a storm event greater than 0.1 inches and magnitude which occurs at least 24 hours from the previously measurable storm event. Compliance with a requirement to sample on the same day and time each month conflicts with the requirement to collect samples during the first flush of wet weather. By comparison, EPA correctly did not include in the corresponding footnote for Outfalls 004 and 005—which also discharge stormwater—a requirement to collect samples at the same time of day and day of the month.
- Compliance with the requirement to sample the electrical vaults (Part I.A.7) on the same day and time would likely result in fewer samples because the vaults may or may not have standing water at the time.

- The inclusion of the erroneous language in the requirements for Outfall 001 (at Part I.A.1) creates conflicting sampling requirements. For example, Part I.A.1 Footnote 8 (for sodium nitrate and tolyltriazole) requires that sampling be conducted during dry weather when discharging from Outfalls 011 and/or 014. If the Permittee were to comply with the requirement to sample on the same time and day each month and that period occurs during a storm event, or if the Facility was not discharging from Outfalls 011 and/or 014 on that day and time, the Permittee could not comply with the requirement to sample for sodium nitrate and tolyltriazole.

After considering the nature of the discharges, the conflicting sampling requirements, and the footnotes for the other outfalls specifying only that the location be the same, EPA confirms that the requirement to sample at the same time and day at Outfalls 001, 006, and 007 and from the vaults was the result of a typographical error. The routine sampling program for all outfalls should specify only that samples are taken at the same location each month. This correction resolves the issue related to routine monitoring requirements in the Petition.

Finally, a new signed cover page is attached to correct a scrivener's error on the original cover sheet to the Permit on which EPA listed HDI as the Permitted entity instead of Holtec Pilgrim. See Response to Comment I.2.5 issued with the Final Permit.

Pursuant to 40 CFR § 122.63(a), EPA may, upon the consent of a permittee, issue a minor modification "to correct typographical errors." Region 1 has shared with Petitioners the corrections described in this letter and is issuing this minor modification with the Permittee's consent. Excerpts from the affected permit pages are included at Attachment A to this letter, illustrating in strikeout the typographical error. A new signed cover page is included at Attachment B.

The above-listed minor permit modification is hereby incorporated into the 2020 Permit. A copy of this letter and the attachments will be posted to the Region 1 NPDES website at <https://www.epa.gov/npdes-permits/massachusetts-final-individual-npdes-permits> and an updated permit incorporating the listed changes will be posted to the website. This minor modification does not affect the expiration date of the 2020 Permit, which remains June 30, 2025.

If you have any questions regarding the matters discussed above, please contact George Papadopoulos at (617) 918-1579.

Sincerely,

Ken M. Moraff, Director
Water Division

Ecc: Jed Nosal, Esq.
Lealdon Langley, Massachusetts Department of Environmental Protection

Susannah King, Massachusetts Department of Environmental Protection

Attachment A Excerpts of Modified Permit Requirements

Part I.A.1 Footnote 1 (p. 5 of 36)

1. All samples shall be representative of the effluent that is discharged through Outfall 001, taken at a location in the outfall channel discharge to Cape Cod Bay. This sampling point shall also include flows from Outfalls 004, 005, 010, 011, 012, and 014 when discharging. A routine sampling program shall be developed in which samples are taken at the same location, ~~same time and same days of the~~ each month. Any deviations from the routine sampling program shall be documented in correspondence appended to the applicable discharge monitoring report (DMR) submitted to EPA. In addition, all samples shall be analyzed using the analytical methods found in 40 Code of Federal Regulations (CFR) §136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136. Any change in sampling location must be reviewed and approved in writing by EPA and MassDEP.

Part I.A.6 Footnote 1 (p. 16 of 36)

1. All samples shall be representative of the effluent that is discharged through each outfall and taken at a representative location at the point of discharge from the outfall to the discharge to the intake embayment. If an outfall is inaccessible or submerged, the Permittee shall proceed to the first accessible upstream manhole or structure for the observation and sampling and report the location with its analytical results. A routine sampling program shall be developed in which samples are taken at the same ~~day, time, and~~ location each month. Any deviations from the routine sampling program shall be documented in correspondence appended to the applicable discharge monitoring report submitted to EPA. In addition, all samples shall be analyzed using the analytical methods found in 40 CFR §136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136. Any change in sampling location must be reviewed and approved in writing by EPA and MassDEP. Sampling for Outfall 013 is not required.

Part I.A.7 Footnote 2 (p. 18 of 36)

2. Sampling shall be representative of the water that has collected in each electrical vault and prior to being pumped out and discharged to a permitted outfall. Sampling may be conducted in wet or dry weather and does not need to be at a time when the vault contents are being discharged to a stormwater outfall. Sampling locations in these five (5) vaults are considered internal outfalls to eventual discharge points, which are Outfalls 004, 005, and 007. The Permittee shall note the total precipitation and snowmelt over the forty-eight (48) hours prior to sampling. If there is any visible sheen present, the Permittee shall pump out the vault water and dispose of it off-site. A routine sampling program shall be developed in which samples are taken at the same ~~day, time, and~~ location each quarter. Any deviations from the routine sampling program shall be documented in correspondence appended to the applicable DMR submitted to EPA. In addition, all samples shall be analyzed using the analytical methods found in 40 CFR §136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136. Any change in sampling location must be reviewed and approved in writing by EPA and MassDEP.

Attachment B
Modification of Permit Cover Sheet to Correct Typographical Error

NPDES Permit No. MA0003557
Permit Minor Modification

Modification of Permit Cover Sheet to Correct Typographical Error

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Federal Clean Water Act as amended, (33 U.S.C. §§ 1251 et seq.) and the requirements of 40 CFR 122.63(a), the Environmental Protection Agency acknowledges a typographical error in the original cover sheet of the permit issued to Holtec Decommissioning International, LLC, on January 30, 2020. This new cover sheet corrects the typographical error in the permittee name to:

Holtec Pilgrim, LLC

This permit modification is effective on July 1, 2020, the date the Uncontested Conditions of the permit issued January 30, 2020, went into effect. Thus, Holtec Pilgrim, LLC, is authorized to discharge from a facility located at

**Pilgrim Nuclear Power Station
600 Rocky Hill Road
Plymouth, MA 02360**

to receiving water named

Cape Cod Bay

a Class SA water, in accordance with effluent limitations, monitoring requirements and other conditions set forth in the permit issued January 30, 2020, and modified on the date of signature below.

This permit and the authorization to discharge expire at midnight, five (5) years from the last day of the month preceding the effective date. Thus, this permit expires June 30, 2025.

Signed this 20th day of November, 2020.

__/S/Signature On File_____

Ken Moraff, Director
Water Division
Environmental Protection Agency
Boston, MA