



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 1  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912

Moira Gerrish via email

email address redacted

Dear Ms. Gerrish:

I am responding to your December 6, 2021, email in which you express concern about the impact on Cape Cod Bay from the potential discharge of “nuclear waste water” associated with Holtec International’s decommissioning of the Pilgrim Nuclear Power Station (PNPS) in Plymouth, Massachusetts. EPA Region 1 shares your commitment to protect and maintain the environmental integrity of this important water body. Before providing an update on the status of Holtec’s request to discharge spent fuel pool water, I thought some background would be useful.

Holtec’s decommissioning process is subject to an interlocking set of statutes and regulations to ensure any discharges of pollutants or radiological releases fully comply with the law and protect human health and the environment. Briefly, the Clean Water Act (CWA) generally prohibits the discharge of pollutants into the waters of the United States unless authorized by a National Pollutant Discharge Elimination System (NPDES) Permit. These CWA permits protect water quality through the imposition of effluent limitations and permit conditions, which, among other things, implement applicable state water quality standards and other applicable requirements. While the NPDES Permit limits the types and amounts of pollutants that PNPS may discharge and places conditions on the use of its cooling water intake structure, EPA’s authority to regulate the facility under the CWA does not extend to radioactive materials regulated by a separate federal agency under a different statute—the Nuclear Regulatory Commission (NRC) under the Atomic Energy Act of 1954 (AEA). Spent fuel pool water could contain “pollutants” under the CWA or “radioactive materials” under the AEA, or both. If a discharge contains CWA-regulated pollutants, then it must be authorized under an NPDES permit in order to be lawful.

On January 30, 2020, EPA reissued the NPDES Permit for the discharge of pollutants regulated by the CWA from PNPS. The permit does *not* authorize Holtec to discharge CWA-regulated pollutants in spent fuel pool water or associated with other activities related to the decommissioning at PNPS, including, but not limited to, contaminated site dewatering, pipeline and tank dewatering, collection structure dewatering, dredge-related dewatering, or dismantlement and decontamination of plant systems and structures. Upon learning that Holtec was contemplating the discharge of spent fuel pool water, representatives from Region 1 immediately contacted the company and met with them to underscore their obligations under their NPDES Permit, should that water contain CWA-regulated pollutants.

Recent press reports indicate the company has been in dialogue with elected officials, and on December 4, 2021, it was reported that Holtec stated it would delay any decision on whether to discharge. In the meantime, you should be assured that EPA is monitoring this situation closely and will remain in dialogue with Holtec, in addition to NRC and the Massachusetts Department of Environmental Protection, as necessary.

I hope this email addresses your concerns. Should you have further concerns or questions, please contact Damien Houlihan via email at [houlihan.damien@epa.gov](mailto:houlihan.damien@epa.gov) or by phone at 617-918-1586.

Sincerely,

A handwritten signature in cursive script that reads "Deborah A. Szaro".

Deb Szaro, Acting Regional Administrator