



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**Region 1**

**5 Post Office Square, Suite 100**

**BOSTON, MA 02109-3912**

Andrew Gottlieb  
Executive Director  
Association to Preserve Cape Cod  
482 Main St.  
Dennis, MA 02638  
agottlieb@apcc.org

Dear Mr. Gottlieb:

Thank you for your December 20, 2022, letter to Regional Administrator Cash in which you express your concern about the potential for discharges by Holtec Decommissioning International (“Holtec”) of certain decommissioning-related wastewater stored at the Pilgrim Nuclear Power Station (“Pilgrim”) in Plymouth, Massachusetts. The US Environmental Protection Agency (“EPA”) is also concerned about potential wastewater discharges during the decommissioning of Pilgrim and possible impacts to Cape Cod Bay. The Regional Administrator has asked me to respond to your letter and I apologize for the length of time it’s taken to get back to you.

As you know, Holtec holds a National Pollutant Discharge Elimination System Permit (NPDES Permit), issued by EPA in 2020, authorizing the discharge to Cape Cod Bay of certain “pollutants” regulated under the Clean Water Act (CWA). As you also know, the term “pollutant” in the CWA excludes “radioactive materials” regulated by the Nuclear Regulatory Commission (NRC) under the Atomic Energy Act of 1954. Consequently, the NPDES Permit does not include any numeric limits on such radioactive materials. EPA understands, however, that, in addition to radioactive materials regulated by the NRC, the spent fuel pool, dryer/separator pit, reactor cavity, and torus at Pilgrim contain CWA-regulated pollutants. Further, Pilgrim’s current NPDES Permit includes in Part I.B several conditions prohibiting Holtec from discharging CWA-regulated pollutants in these sources. The basis for these conditions is explained in the Response to Comments document accompanying the 2020 Permit. As you are also aware, EPA Region 1 has been in contact with Holtec over the last year to discuss the company’s responsibilities under these provisions of its NPDES permit and the Clean Water Act more broadly, making it clear to Holtec that it must first seek and obtain a NPDES permit modification from EPA before legally discharging such pollutants.

Your letter states that you are interested in staying informed of developments related to this issue, including correspondence Holtec may send EPA about the disposal of this wastewater, any potential modification of the Facility’s permit, and any responses Holtec may provide to EPA

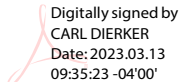
regarding EPA requests for information. Due to the high level of public interest in this matter, we intend to make copies of substantive written exchanges the Region has with Holtec about this issue publicly available in a timely manner on our website at <https://www.epa.gov/npdes-permits/pilgrim-nuclear-power-station>. Please note that such disclosures will not include information subject to public disclosure protections, such as privacy or confidential business information protections and confidential enforcement materials.

While EPA has not yet received a request from Holtec to modify its permit, Holtec has indicated its intent to pursue a modification. EPA is committed to an open and transparent modification process in the event Holtec ultimately submits a request to modify the permit. Accordingly, EPA will make publicly available Holtec's permit application materials, any draft permit modification, and materials in the administrative record for such a modification proceeding, except as noted above. EPA will analyze any modification request in accordance with applicable CWA requirements, and any permit limits and conditions EPA develops will be publicly noticed and made available for public comment prior to issuance of any final modification.

Thank you for your interest in the NPDES permit for Pilgrim. I hope this letter addresses your concerns. Please feel free to contact me at 617 918-1091 or Michael Curley, the case attorney on this matter, at 617-918-1623 if you have any questions.

Sincerely,

CARL  
DIERKER



Digitally signed by  
CARL DIERKER  
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Carl F. Dierker

Regional Counsel

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