



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

October 27, 2020

In the Matter of
Entergy Nuclear Operations, Inc.
Holtec Pilgrim, LLC

OADR Docket Nos. 2020-004, 2020-005
Water Quality Certification
NPDES Permit No. MA0003557
Plymouth, MA

In the Matter of
Entergy Nuclear Operations, Inc.
Holtec Decommissioning International, LLC

OADR Docket Nos. 2020-014, 2020-015
NPDES Permit No. MA0003557
Plymouth, MA

FINAL DECISION

Martin Suuberg, the Commissioner of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) has designated me as the Final Decision Maker in these appeals.

These four consolidated appeals concern a Water Quality Certification (“WQC”)(OADR Docket Nos. 2020-004 & 2020-005) and a National Pollution Discharge Elimination System Permit/Surface Water Discharge Permit (“NPDES/SWD Permit”)(OADR Docket Nos. 2020-014 & 2020-015) issued for the Pilgrim Nuclear Power Station in Plymouth, Massachusetts. The two WQC appeals were filed by Entergy Nuclear Operations, Inc. and Holtec Pilgrim, LLC and consolidated by Presiding Officer Rothchild on February 13, 2020. The NPDES/SWD Permit appeals were filed by Entergy Nuclear Operations, Inc. and Holtec Decommissioning, LLC and consolidated by Presiding Officer Rothchild on March 10, 2020. All four appeals were consolidated and stayed by order dated

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

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March 10, 2020. The consolidated appeals were stayed as the result of an appeal of the NPDES Permit filed by Entergy and Holtec with the Environmental Appeals Board ("EAB"). See 310 CMR 1.01(6)(h)(mandating stay of appeal of Surface Water Discharge permit appeal when appeal of NPDES Permit for same discharge has been filed with the EAB).

On June 3, 2020, the parties filed a Joint Stipulation of Partial Dismissal of Entergy's appeals of both the WQC and the NPDES/SWD Permit, subject to certain contingencies. The effect of the Stipulation would be the dismissal of Entergy, but not Holtec, from the consolidated appeals. On June 30, 2020, MassDEP and Holtec filed a Joint Stipulation of Partial Dismissal of Holtec's appeal of the WQC and Holtec's challenges to the state-only conditions in the NPDES/SWD Permit, subject to certain contingencies. On July 22, 2020, during a teleconference with Presiding Officer Rothchild, the parties confirmed that the contingencies identified in each of the stipulations had been satisfied.

The parties' stipulations of dismissal constitute waivers by the parties to any further administrative review before the Department as well as appeal to court. Accordingly, the Department issues this Final Decision dismissing the appeals as follows: (1) Entergy's and Holtec Pilgrim, LLC's appeals of the WQC (OADR Docket Nos. 2020-004, 2020-005) are dismissed; (2) Entergy's appeal of the NPDES/SWD Permit (OADR Docket No. 2020-014) is dismissed; and (3) Holtec's challenges to the state-only conditions in the NPDES/SWD Permit (OADR Docket No. 2020-015) are dismissed.¹



Salvatore M. Giorlandino
Chief Presiding Officer

¹ The remainder of Holtec's Appeal with respect to the NPDES/SWP Permit is not dismissed but shall remain stayed at least until the EAB Proceeding is resolved in accordance with the Presiding OADR Officer's March 10, 2020 Order.

SERVICE LIST

IN THE MATTER OF:
Docket Nos. 2020-004, 005, 014 & 015

Entergy Nuclear Operations, Inc.
Holtec Decommissioning International, LLC

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