



Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

May 20, 2021

Holtec Decommissioning International
Andrea Stergis, Vice President
1 Holtec Boulevard
Camden, NJ 08104

Re: **NOTICE OF NONCOMPLIANCE**
Enforcement Document Number: 00011391

Noncompliance with M.G.L Chapter(s):
111, § 142A-142O, 310 CMR 7.15

Issuing Bureau: BAW
Issuing Region/Office: SERO
Issuing Program: AQ
Primary Program Cited: ASB

At: Former Pilgrim Nuclear Power Plant
600 Rocky Hill Road
Plymouth, MA 02360
Facility ID: 552672

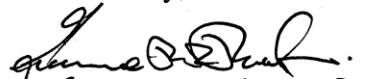
Dear Ms. Stergis,

Massachusetts Department of Environmental Protection (MassDEP) personnel have observed or determined on February 10, 2021 activity occurred at the former Pilgrim Nuclear Power Plant located at 600 Rocky Hill Road in Plymouth that was in noncompliance with one or more laws, regulations, orders, licenses, permits, or approvals enforced by MassDEP.

Enclosed please find a Notice of Noncompliance, an important legal document describing the activities that are in noncompliance.

If you have any questions regarding this matter, please contact me at (508) 946-2847 or Colleen Ferguson of this office at (617) 680-6657.

Sincerely,



Gerard M.E. Martin for:

Mark Dakers, Chief
Solid Waste Management Section
Bureau of Air and Waste

MD/CF
Enclosure

ec: Seth Schofield, Senior Appellate Counsel
seth.schofield@mass.gov

MassDEP Regional Enforcement Coordinator

NOTICE OF NONCOMPLIANCE

THIS IS AN IMPORTANT NOTICE. FAILURE TO TAKE ADEQUATE ACTION IN RESPONSE TO THIS NOTICE COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.

Based on the Department of Environmental Protection's ("MassDEP") investigation, on February 10, 2021 noncompliance occurred or was observed at 600 Rocky Hill Road, in Plymouth, MA ("Site") in violation of one or more laws, regulations, orders, licenses, permits or approvals enforced by MassDEP.

This Notice of Noncompliance describes (1) the requirement violated, (2) the date and place on which MassDEP asserts the requirement was violated, (3) either the specific actions which must be taken in order to return to compliance or direction to submit a written proposal describing how and when you plan to return to compliance, and (4) the deadline for taking such actions or submitting such a proposal.

If the required actions are not completed by the deadlines specified below, an administrative penalty may be assessed for every day after the date of receipt of this Notice that the noncompliance occurs or continues. MassDEP reserves its rights to exercise the full extent of its legal authority in order to obtain full compliance with all applicable requirements, including, but not limited to, criminal prosecution, civil action including court-imposed civil penalties, or administrative action, including administrative penalties imposed by MassDEP.

NAME OF ENTITY(S) IN NONCOMPLIANCE:

Holtec Decommissioning International
1 Holtec Boulevard
Camden, NJ 08104
(hereinafter referred to as "you" or "Respondent")
Facility ID # 552762

LOCATION(S) WHERE NONCOMPLIANCE OCCURRED OR WAS OBSERVED:

Former Pilgrim Nuclear Power Plant
600 Rocky Hill Road
Plymouth, MA 02630

DATE(S) WHEN NONCOMPLIANCE OCCURRED OR WAS OBSERVED:

February 10, 2021

DESCRIPTION OF NONCOMPLIANCE:

On February 10, 2021, Respondent called MassDEP for an emergency waiver to clean asbestos debris in the condenser bay area at the former Pilgrim Nuclear Power Plant. Respondent's licensed asbestos abatement contractor completed the asbestos debris cleanup on February 10, 2021. Respondent allowed the area to be re-occupied by facility staff prior to the required post-abatement visual inspection being performed. On February 23, 2021, during a meeting with Respondent, MassDEP requested a copy of the final visual inspection report for the February 10, 2021 asbestos abatement and was informed that no visual inspection was performed post-abatement. MassDEP requires visual inspections by a Massachusetts licensed asbestos monitor after any abatement activity to clear the area. On February 26, 2021, a Massachusetts Department of Labor Standards licensed asbestos project monitor issued a visual clearance for the area.

The Department's investigation demonstrates that Respondent had the following violations:

A. Air Quality – Asbestos Program:

- 1) 310 CMR 7.15 (8) Visual Inspection Requirements. "With the exception of the owner of an Owner-occupied, Single-family Residence who performs asbestos abatement activities at the owner's residence involving solely non-friable ACM, in addition to the specific asbestos abatement work practice standards set forth at 310 CMR 7.15(7), upon completion of an asbestos abatement activity, the owner/operator shall ensure that the following visual inspection procedures are performed for all asbestos abatement activities. The visual inspection shall be performed only by an asbestos project monitor. Public and private utility owners/operators of underground asbestos cement pipes in their system networks shall comply with the provisions of 310 CMR 7.15(12A)(d) in lieu of 310 CMR 7.15(8).
 - (a) An asbestos project monitor shall inspect all surfaces within the work area for visible debris."

On February 10, 2021, Respondent did not employ or engage an asbestos project monitor to thoroughly inspect the asbestos abatement area post asbestos abatement before reoccupying the area in violation of 310 CMR 7.15(8)(a).

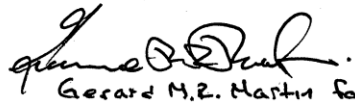
ACTION(S) TO BE TAKEN AND THE DEADLINE FOR TAKING SUCH ACTION(S):

MassDEP's regulations at 310 CMR 5.09 presume receipt of this Notice of Noncompliance, if delivered by regular mail, three business days after date of issuance (i.e., date of the cover letter). If this Notice of Noncompliance is delivered by certified mail, 310 CMR 5.09 describes when the notice shall be deemed to be received.

Within 14 calendar days from the date of receipt of this Notice, the Respondent shall submit to MassDEP a written description of any corrective actions planned or actions taken to return to

compliance. Any and all supporting documentation shall be included with the response to MassDEP.

Date: May 20, 2021



Gerard M.R. Martin for:

Mark Dakers, Chief

Solid Waste Management Section

Bureau of Air and Waste

MD/CF