



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

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

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Secretary

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Commissioner

May 20, 2021

Holtec Decommissioning International, LLC  
And Holtec Pilgrim, LLC  
Attn: Andrea Sterdis  
1 Holtec Blvd.  
Camden, NJ 08104

**RE: PLYMOUTH - BWSC**  
Release Tracking Number: **4-0028765**  
Pilgrim Nuclear Power Station  
600 Rocky Hill Road  
**NOTICE OF RESPONSIBILITY**

## URGENT LEGAL MATTER: ACTION NECESSARY

Dear Ms. Sterdis:

The Massachusetts Department of Environmental Protection, Bureau of Waste Site Cleanup (MassDEP or the Department) is tasked with ensuring the cleanup of oil and hazardous material (OHM) releases pursuant to the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (M.G.L. c. 21E or Chapter 21E). The law is implemented through regulations known as the Massachusetts Contingency Plan (310 CMR 40.0000 et seq. – the MCP). Both Chapter 21E and the MCP require the performance of response actions to prevent harm to health, safety, public welfare and the environment that may result from releases and/or threats of releases of OHM.

## REASON FOR THIS NOTICE

On April 21, 2021, the MassDEP received a BWSC-103 Release Notification Form (RNF), which indicates that releases of oil and/or hazardous material have occurred at the location referenced above. According to the RNF, per- and polyfluoroalkyl substances (PFAS) were detected in soil and PFAS and metals were detected in the groundwater samples collected from the Site at a concentration that exceeded the RCS-1 and RCGW-1 Reportable Concentrations per 310 CMR 40.1600. See below for Site Specific Information.

Pursuant to 310 CMR 40.0160 MassDEP is issuing this Notice of Responsibility (NOR) to identify Holtec Decommissioning International, LLC, as the current Site operator, and Holtec Pilgrim, LLC. As the current Site owner as Potentially Responsible Parties (PRPs) and to notify you (as used in this Notice “you’ and “yours” refers to Holtec Decommissioning International, LLC and Holtec Pilgrim, LLC) of your potential liability under M.G.L. c. 21E.

Please note that nothing in this Notice of Responsibility is intended to, or does in fact, alter Holtec Decommissioning International, LLC’s or Holtec Pilgrim, LLC’s obligations to comply with the terms of the June 16, 2020 Settlement Agreement between the Commonwealth of Massachusetts and Holtec Pilgrim,

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

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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LLC and Holtec Decommissioning International, LLC regarding the Pilgrim Nuclear Power Station, Plymouth Massachusetts. To the extent there is a conflict between this Notice of Responsibility and the terms of the Settlement Agreement, the terms of the Settlement Agreement shall control.

**SITE SPECIFIC INFORMATION**

**Reportable Category RCS-1 Exceedances**

The analytical detection limit for the compounds listed below was above the RCS-1 Reportable Concentrations and therefore were reported as exceedances.

PFAS Compound	Concentration	RCS-1
Perfluorodecanoic acid (PFDA)	<0.000933 mg/kg <sup>1</sup>	0.0003 mg/kg
Perfluoroheptanoic acid (PFHpA)	<0.000933 mg/kg	0.0005 mg/kg
Perfluorohexanesulfonic acid (PFHxS)	<0.000933 mg/kg	0.0003 mg/kg
Perfluorononanoic acid (PFNA)	<0.000933 mg/kg	0.00032 mg/kg
Perfluorooctanoic acid (PFOA)	<0.000933 mg/kg	0.00072 mg/kg

1. mg/kg = milligrams per kilograms, which is approximately parts per million (ppm).

**Reportable Category RCGW-1 Exceedances**

The analytical detection limits for the antimony and thallium listed below were above the RCGW-1 Reportable Concentrations and therefore were reported as exceedances.

OHM	Concentration	RCGW-1 <sup>1</sup>
PFAS6	0.0000377 mg/L <sup>2</sup>	0.00002 mg/L
Antimony	<0.04 mg/L	0.006 mg/L
Arsenic	0.035 mg/L	0.01 mg/L
Beryllium	0.0186 mg/L	0.004 mg/L
Cadmium	0.007 mg/L	0.004 mg/L
Chromium	0.214 mg/L	0.1 mg/L
Lead	0.256 mg/L	0.01 mg/L
Nickel	0.187 mg/L	0.1 mg/L
Thallium	<0.01 mg/L	0.002 mg/L
Vanadium	0.245 mg/L	0.03 mg/L

1. The Site location is considered Groundwater Category RCGW-1 because it is within a Potentially Productive Aquifer (PPA) as defined by the MCP and RCS-1 because it is within the geographic boundaries of a groundwater resource area (PPA).  
 2. mg/L = milligrams per liter, which is approximately parts per million (ppm).

Pursuant to 40.0315(1), this release requires notification to MassDEP within 120 days of obtaining knowledge.

Chapter 21E and the MCP require the performance of response actions to prevent harm to health, safety, public welfare, and the environment which may result from this release and/or threat of release and govern the conduct of such actions. The purpose of this notice is to inform you of your legal responsibilities under State law for assessing and/or remediating the release at this property. For purposes of this NOR, the terms and phrases used herein shall have the meaning ascribed to such terms and phrases by Chapter 21E and the MCP unless clearly indicated otherwise.

## STATUTORY LIABILITY

MassDEP has reason to believe that Holtec Decommissioning International, LLC, as the current operator, and Holtec Pilgrim, LLC, as the current owner of the property where a release has occurred, are Potentially Responsible Parties (PRPs) with liability under M.G.L. c. 21E §5, for response action costs. Section 5 makes the following parties liable to the Commonwealth of Massachusetts: current owners or operators of a site from or at which there is or has been a release/threat of release of oil or hazardous material; any person who owned or operated a site at the time hazardous material was stored or disposed of; any person who arranged for the transport, disposal, storage or treatment of hazardous material to or at a site; any person who transported hazardous material to a transport, disposal, storage or treatment site from which there is or has been a release/threat of release of such material; and any person who otherwise caused or is legally responsible for a release/threat of release of oil or hazardous material at a site.

This liability is "strict", meaning that it is not based on fault, but solely on your status as owner, operator, generator, transporter, disposer or other person specified in M.G.L. c. 21E §5. This liability is also "joint and several", meaning that you may be liable for all response action costs incurred at a disposal site regardless of the existence of any other liable parties. Pursuant to M.G.L. c. 21E and the MCP the term disposal site means anywhere OHM has come to be located.

MassDEP encourages parties with liability under M.G.L. c. 21E to take prompt and appropriate actions in response to releases and threats of release of oil and/or hazardous materials. By taking prompt action, you may significantly lower your assessment and cleanup costs and/or avoid liability for costs incurred by MassDEP in taking such actions.

You may be liable for up to three (3) times all Response Action Costs incurred by MassDEP. Response Action Costs include, without limitation, the cost of direct hours spent by MassDEP employees arranging for response actions or overseeing work performed by persons other than MassDEP or its contractors, expenses incurred by MassDEP in support of those direct hours, and payments to MassDEP's contractors. (For more detail on cost liability, see 310 CMR 40.1200.)

MassDEP may also assess interest on costs incurred at the rate of twelve percent (12%), compounded annually. To secure payment of this debt, the Commonwealth may place liens on your property in the Commonwealth. To recover the debt, the Commonwealth may foreclose on these liens or the Attorney General may bring legal action against you.

In addition to your liability for up to three (3) times all Response Action Costs incurred by MassDEP, you may also be liable to the Commonwealth for damages to natural resources caused by the release. Civil and criminal liability may also be imposed under M.G.L. c. 21E, § 11, and civil administrative penalties may be imposed under M.G.L. c. 21A, § 16 for each violation of M.G.L. c. 21E, the MCP, or any order, permit or approval issued thereunder.

By taking prompt actions you may also avoid the imposition of, the amount of or reduce certain annual compliance assurance fees payable under 310 CMR 4.00.

You should be aware that you may have claims against third parties for damages, including claims for contribution or reimbursement for the costs of cleanup. Such claims do not exist indefinitely but are governed by laws which establish the time allowed for bringing litigation. MassDEP encourages you to take any action necessary to protect any such claims you may have against third parties.

If you are a responsible party and you have reason to believe that your performance of the necessary response actions is beyond your technical, financial or legal ability, you should promptly notify the Department in writing of your inability in accordance with MGL c. 21E, subsection 5(e), and 310 CMR 40.0172. If you assert or demonstrate in compliance therewith that performing or paying for such response action is beyond your ability, subsection 5(e) provides you with a limited defense to an action by the Commonwealth for recovery of two to three times the Department's response action costs and 310 CMR 40.0172 provides you with a limited defense to the Department's assessment of civil administrative penalties.

Please refer to M.G.L. c. 21E for a complete description of potential liability.

#### **ADDITIONAL ACTIONS REQUIRED**

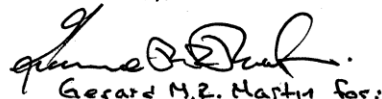
You must employ or engage a Licensed Site Professional (LSP) to manage, supervise or perform the necessary response actions at this Site. You may obtain a list of the names and addresses of these licensed professionals from the Board of Registration of Hazardous Waste Site Cleanup Professionals by calling (617) 556-1091 or visiting <http://www.state.ma.us/lsp>. MassDEP's records indicates that John Drobinski of ERM is the LSP of Record for this Site.

Unless otherwise provided by MassDEP, potentially responsible parties (PRP's) have one year from the initial date of notification to MassDEP of a release or threat of a release, pursuant to 310 CMR 40.0300, or from the date MassDEP issues a Notice of Responsibility, whichever occurs earlier, to file with MassDEP one of the following submittals: (1) a completed Tier Classification Submittal; (2) a Permanent or Temporary Solution Statement or, if applicable, (3) a Downgradient Property Status. The deadline for either of the first two submittals for this Disposal Site is **April 21, 2022. The MCP requires that a fee of \$1,470.00 be submitted to MassDEP when a Permanent Solution Statement is filed greater than 120 days from the date of notification.**

As required by paragraph 10(e)(3) of the June 16, 2020 Settlement Agreement between the Commonwealth of Massachusetts and Holtec Pilgrim, LLC and Holtec Decommissioning International, LLC this Site shall not be deemed to have had all the necessary and required response actions taken until a Permanent Solution with No Conditions is achieved pursuant to 310 CMR 40.1041(1) or a Permanent Solution with Conditions is achieved pursuant to 310 CMR 40.1041(2) and agreed upon by all Parties to the Settlement Agreement.

If you have any questions relative to this Notice, please contact me at the letterhead address or at (508) 946-2799. All future communications regarding this Site must reference the following Release Tracking Number: **4-0028765**

Sincerely,



Gerard M.R. Martin

Gerard M.R. Martin  
Deputy Regional Director  
Bureau of Waste Site Cleanup

C/ALJ/lg

ec: Board of Health  
Board of Selectmen  
Fire Department

DEP-SERO  
Dave Johnston, DRD BWR  
John Handrahan, Data Entry

Executive Office of Energy and Environmental Affairs  
Tori Kim, Assistant Secretary / MEPA Director

Attorney General's Office  
Seth Schofield, Senior Appellate Counsel

Department of Public Health  
Jack Priest Jr., Director, MDPH/BEH Radiation Control Program