
From: Jean Fleming <J.Fleming@holtec.com>
Sent: Friday, November 10, 2023 5:00 PM
To: Boyer, David (DEP); Langley, Lealdon (DEP)
Cc: Benjamin Reynolds
Subject: PNPS Historical Permitting RAI response
Attachments: PNPS Historical Permitting.pdf

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Mr Boyer and Mr Langley,

Please find the attached response to your request for additional information to supplement the April 5, 2023, application to modify the Massachusetts surface water discharge permit (Permit No. MA0003557) for Pilgrim Nuclear Power Station (PNPS).

HDI has also provided context for why the historical state permitting information supports the permit modification's compliance with the Massachusetts Ocean Sanctuaries Act as an existing discharge, which is the basis of the July 24, 2023, MassDEP Tentative Determination to Deny a Modification to the Massachusetts Permit to Discharge Pollutants to Surface Waters for PNPS.

Please feel free to contact me or Ben Reynolds should you have any questions.

Kind regards,
Jean

Jean Fleming
Vice President of Licensing, Regulatory Affairs & PSA
Holtec International
✉ Krishna P. Singh Technology Campus | 1 Holtec Boulevard | Camden, NJ | 08104
☎ 856-797-0900 x 3578 office | 609-970-9771 mobile
📧 J.Fleming@Holtec.com

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November 10, 2023

Mr. Lealdon Langley
Director of Watershed Management
Massachusetts Department of Environmental Protection
100 Cambridge Street Suite 900
Boston, MA 02114

Re: Pilgrim Nuclear Power Station – Application to Modify a Massachusetts Permit to
Discharge Pollutants to Surface Waters (Permit No. MA0003557, January 30, 2020)

Director Langley:

On November 3, 2023 Holtec Decommissioning International, LLC (HDI) received Massachusetts Department of Environmental Protection's (MassDEP) request for additional information to supplement the April 5, 2023 application to modify the Massachusetts surface water discharge permit (Permit No. MA0003557). Specifically, MassDEP requested "state or federal permits issued for wastewater discharges from Pilgrim Nuclear Power Station in 1971 or earlier".

HDI is providing the following state permitting records (Enclosure 1-4):

- Division of Water Pollution Control Interim Discharge Permit, January 8, 1969
- Division of Water Pollution Control State Certification, July 31, 1970
- Division of Water Pollution Control State Certification, April 15, 1971
- Division of Water Pollution Control State Certification, April 23, 1971

Federal discharge permits issued during the timeframe specified in the request were not identified.

In Attachment 1 to this letter, HDI has provided context for why the historical state permitting information supports the permit modification's compliance with the Massachusetts Ocean Sanctuaries Act as an existing discharge, which is the basis of the July 24, 2023 MassDEP Tentative Determination to Deny a Modification to the Massachusetts Permit to Discharge Pollutants to Surface Waters for Pilgrim Nuclear Power Station.

Should MassDEP have any additional questions, comments, or require additional materials, please feel free to contact Mr. Ben Reynolds, HDI Director of Environmental Affairs, or myself at (856) 797-0900, ext. 3578.

Respectfully,

Jean A. Fleming
Vice President, Licensing, Regulatory Affairs, & PSA
Holtec International



KPS Technology Campus, 1 Holtec Blvd., Camden, NJ 08104

Telephone (856) 797-0900 – Fax (856) 797-0900

www.holtecinternational.com

Attachment: 1. Pilgrim Nuclear Power Station Historical Permitting Analysis

Enclosures: 1. Division of Water Pollution Control Interim Discharge Permit, January 8, 1969
2. Division of Water Pollution Control State Certification, July 31, 1970
3. Division of Water Pollution Control State Certification, April 15, 1971
4. Division of Water Pollution Control State Certification, April 23, 1971

Attachment 1

Pilgrim Nuclear Power Station Historical Permitting
Analysis

Attachment 1 Historical Permitting Analysis

In response to the November 3, 2023 request for documents with regard to permits for wastewater discharges from Pilgrim Nuclear Power Station (“Pilgrim”), Holtec Decommissioning International, LLC (“Holtec”) submits the interim discharge permit issued pursuant to G.L. c. 21, § 43 on January 8, 1969 by the Division of Water Pollution Control to Boston Edison Company “for the discharge of industrial wastes from Pilgrim Station into Cape Cod Bay.” For additional context, Holtec submits certifications, issued by the Division of Water Pollution Control on July 31, 1970, April 15, 1971, and April 23, 1971, under Section 21(b)(1) of the Federal Water Quality Improvement Act of 1970, certifying that the permitted activities would not violate applicable state water quality standards.

The attached waste discharge permit was in effect on December 8, 1971. As you know, state and federal regulation of water pollution at the time regulated only water quality standards and did not regulate effluent limits from particular point sources until the Federal Water Pollution Control Act was amended in 1972 and Massachusetts law was amended in 1973.¹ Accordingly, the only conditions to the permit “for the discharge of wastes from Pilgrim Station into Cape Cod Bay” were that (1) radiological and ecological studies would be conducted and modifications made to Pilgrim’s equipment or operations if necessary to comply with the study recommendations, (2) a method satisfactory to the Division of Water Pollution Control would be developed to control the use of chlorine in the circulation cooling water system, and (3) the permittee would maintain and make available to the Division of Water Pollution Control “records pertaining to the treatment of liquid wastes including levels of radioactivity and to the discharge of effluents to Cape Cod Bay.”

From the reports submitted by Boston Edison Company prior to the issuance of the permit and subsequent consultations with the relevant advisory committees and investigations by the Division of Water Pollution Control, it was well studied and understood that wastes generated in the reactor and turbine system would be treated and released to the circulating water effluent if it did not meet the high water quality requirements to be suitable for reuse in the station. In support of other federal permits that Boston Edison required for Pilgrim, the Division consistently certified that the activities, together with the permit conditions, would not violate state water quality standards.

The 1969 industrial waste discharge permit demonstrates that the “discharge of industrial wastes,” broadly defined and without limitation as to any effluent composition or concentration or volume, “from Pilgrim Station into Cape Cod Bay,” without limitation as to any particular point source, was permitted on December 8, 1971. The plain language of the Ocean Sanctuaries Act requires a finding that any such discharge is an “existing” discharge as statutorily defined by the Act. A finding that the proposed discharge is not “existing” (with respect to the application of the Ocean Sanctuaries Act) because it is not currently permitted under Holtec’s surface water discharge

¹ St. 1973, c. 546, § 9. For an overview of the development of EPA’s statutory authority, *see* <https://www.epa.gov/archive/epa/aboutepa/epa-history-water-challenge-environment-primer-epas-statutory-authority.html>

permit is contrary to the Ocean Sanctuaries Act. Thus, the Ocean Sanctuaries Act is not a bar to approving Holtec's requested modification of its surface water discharge permit.

As Holtec indicated in its public comments, we have provided documentation demonstrating in detail the pollutant characterization of the proposed discharge. Holtec is happy to engage with the Division and provide any further information that it may require to make a determination that the proposed discharge from the newly designated Outfall #015 is consistent with the Massachusetts Clean Waters Act.

Enclosure 1
Commonwealth of Massachusetts - Water Resources Commission
Division of Water Pollution Control
Interim Discharge Permit
January 8, 1969



OFFICE OF THE DIRECTOR
DIVISION OF WATER
POLLUTION CONTROL

The Commonwealth of Massachusetts

Water Resources Commission

State Office Building, Government Center

100 Cambridge Street, Boston 02202

January 8, 1969

Boston Edison Company
800 Boylston Street
Boston, Massachusetts 02199

Gentlemen:

Upon receipt of your application on October 17, 1968 for a Permit Pursuant to Section 43, Chapter 21 of the Massachusetts General Laws for the discharge of industrial wastes from Pilgrim Station into Cape Cod Bay, this Division has reviewed your report entitled "Pilgrim Station No. 600, Boston Edison Company, Salt Water Use and Waterfront Development for Pilgrim Nuclear Power Station."

This Division hereby issues to the Boston Edison Company an interim permit, having an expiration date three years following the Power Station's initiation of operation date. However, the interim permit is subject to the following provisos:

1. That radiological and ecological studies of the receiving waters as previously discussed with members of the Department of Public Health and the Division of Marine Fisheries, indicate to the satisfaction of these agencies that the discharge of effluents from the station will not be harmful to human or marine life. The permittee shall advise this Division as to who will perform the studies and the starting dates. Further, the permittee shall make any modifications to equipment and/or operations that may be necessary to comply with recommendations resulting from the aforementioned studies.
2. That a method be developed satisfactory to this Division for the operation and control of the use of chlorine in the circulation cooling water system.
3. That the permittee maintain and make available to members of this Division operating records pertaining to the treatment of liquid wastes including levels of radioactivity and to the discharge of effluents to Cape Cod Bay, as are considered necessary by the Division.

Very truly yours,

Thomas C. McMahon
Director

TCM/RC/mpf

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Enclosure 2
Commonwealth of Massachusetts - Water Resources Commission
Division of Water Pollution Control
State Certification
July 31, 1970



The Commonwealth of Massachusetts *EAT*

Water Resources Commission *1.9.9*

State Office Building, Government Center *Office 10:*

100 Cambridge Street, Boston 02202

*RWD
EFL
A. SERVEAN
State Law Assoc.*

July 31, 1970

Mr. Claude Pursel
Assistant Vice-President - Nuclear
Boston Edison Company
800 Boylston Street
Boston, Massachusetts 02199

RE: Pilgrim Nuclear Station
Plymouth, Massachusetts

Dear Mr. Pursel:

This is to certify that the Division has received reasonable assurance that operation of the proposed Pilgrim Station will not violate applicable water quality standards. These assurances have been provided in a preliminary engineering report submitted by the Boston Edison Company, and during subsequent meetings with the company and with the Administrative-Technical Advisory Committee pertaining to ecological and radiological studies before and after operation.

The Division has issued an interim permit for a new waste discharge outlet for this facility. This permit is valid for a period of three years from date of start-up. Should the before and after study indicate a need for further controls and/or treatment of the plant effluents such controls will be provided by Boston Edison.

The foregoing certification is to comply with Section 21 (3) (1) of the Federal Water Quality Improvement Act of 1970 (Public Law 91-224).

Very truly yours,

Thomas C. McMahon
Thomas C. McMahon
Director

TCM:JRE:mlw

Enclosure 3
Commonwealth of Massachusetts - Water Resources Commission
Division of Water Pollution Control
State Certification
April 15, 1971



THE COMMONWEALTH OF MASSACHUSETTS

WATER RESOURCES COMMISSION

STATE OFFICE BUILDING, GOVERNMENT CENTER

100 CAMBRIDGE STREET, BOSTON 02202

OFFICE OF THE DIRECTOR

DIVISION OF WATER
POLLUTION CONTROL

April 15, 1971

Attn: Frank Lee
APR 17 1971
Mr. Claude A. Pursel
Assistant Vice President-Nuclear
Boston Edison Company
800 Boylston Street
Boston, Massachusetts 02199

Re: State Certification
Pilgrim Station
Boston Edison Company

Dear Mr. Pursel:

In response to your request in letter dated February 17, 1971, this Division has reviewed your application for a permit to construct and operate a wastewater discharge outlet from a nuclear power plant at Plymouth, Massachusetts, known as the Pilgrim Station.

In accordance with the provisions of Section 21(b)(1) of the Federal Water Quality Improvement Act of 1970 (Public Law 91-224), this Division hereby certifies that, based on information and investigations, there is reasonable assurance that the proposed activity will be conducted in a manner which will not violate applicable water quality standards adopted by this Division under authority of Section 27(4) of Chapter 21 of the Massachusetts General Laws, said water quality standards having been filed with the Secretary of State of the Commonwealth on March 6, 1967.

Should any pollution arise through or because of the operation of the proposed facility or through failure to comply with this Division's Rules and Regulations pertaining to waste disposal, the Division will direct that the condition be corrected. Non-compliance on the part of the licensee will be cause for this Division to recommend the revocation of the license issued therefor or to take such other action as is authorized by the General Laws of the Commonwealth.

Very truly yours,

TCM-WAS/lma

Thomas C. McMahon
Director

cc: Chief, Permits Branch, Operations Division, Corps of Engineers,
424 Trapelo Road, Waltham, Mass. 02154

Associate Commissioner, Waterways Division, Department of Public Works,
100 Nashua Street, Boston, Mass. 02114

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Enclosure 4
Commonwealth of Massachusetts - Water Resources Commission
Division of Water Pollution Control
State Certification
April 23, 1971



OFFICE OF THE DIRECTOR

DIVISION OF WATER
POLLUTION CONTROL

The Commonwealth of Massachusetts
Water Resources Commission
Leverett Saltonstall Building, Government Center
100 Cambridge Street, Boston 02202

April 23, 1971

Boston Edison Company
800 Boylston Street
Boston, Massachusetts 02199

Re: Certification
Boston Edison Company
Plymouth Nuclear Power Plant
Plymouth, Massachusetts

Attention: Mr. C.A. Pursel
Assistant Vice President - Nuclear

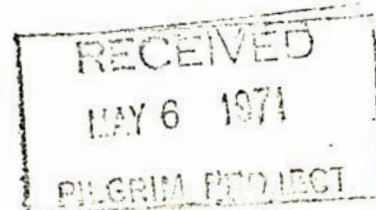
Gentlemen:

In response to your request in a letter dated February 17, 1971, this Division has reviewed your application for certification of the Plymouth Nuclear Power Plant and the discharges associated therewith.

Following receipt of the application, the Division of Water Pollution Control caused publication of a notice in the Boston Globe and the Plymouth Old Colony Memorial Newspapers which invited interested persons to submit comments prior to April 2, 1971. On March 9 the notice was published in the morning and evening editions of the Boston Globe and on March 11 the notice was published in the Old Colony Memorial of Plymouth. Comments were received by the Division from two organizations and three individuals.

After careful review of these comments, other investigations and in light of the permit, together with the conditions incorporated therein, previously issued to Boston Edison Company on January 8, 1969 under the provisions of General Laws, Chapter 21, the Director deems it unnecessary to hold a public hearing on said application.


In accordance with the provisions of Section 21 (b) (1) of the Federal Water Quality Improvement Act of 1970 (Public Law 91-224), this Division hereby certifies that, based on information and investigations, there is reasonable assurance that the proposed activity will be conducted in a manner which will not violate applicable water quality standards adopted by this Division under authority of Section 27 (4) of Chapter 21 of the Massachusetts General Laws, said water quality standards as filed with the Secretary of State of the Commonwealth on March 6, 1967.



Boston Edison Company
April 23, 1971
Page 2.

This certification is hereby issued subject to the conditions itemized in the water use permit issued by this Division for the Plymouth Nuclear Power Plant. (A copy of said permit is hereto attached, marked "A" and made a part hereof).

Should any pollution arise through or because of the operation of the proposed facility or through failure to comply with this Division's Rules and Regulations pertaining to waste disposal, the Division will direct that the condition be corrected. Non-compliance on the part of the applicant will be cause for this Division to recommend the revocation of the license issued therefor and/or to take such other action as authorized by the General Laws of the Commonwealth.


Arthur W. Brownell, Chairman
Water Resources Commission

Very truly yours,


Thomas C. McMahon
Director

TOM:WAS:sk

cc: Chief, Permits Branch, Operations Division, Corps of Engineers
424 Trapelo Road, Waltham, Mass. 02154
Associate Commissioner, Waterways Division, Department of Public Works,
100 Nashua Street, Boston, Mass. 02114