

FINAL IWG update for 9/23/24 NDCAP

1. Water discharge/evaporation

Permit modification - [update]

- As previously reported, MassDEP issued a final determination to deny Holtec's application for a wastewater discharge permit modification.
- Holtec has appealed this determination to the DEP Office of Appeals Dispute Resolution (OADR), which has issued an initial scheduling order. OADR is also considering several petitions by outside parties to intervene in the proceedings.
- Because of the pending appeal, DEP is unable to meet with the members of the public or discuss any issues that could implicate ongoing legal proceedings.
- The Healey-Driscoll Administration will continue to monitor Holtec's role in decommissioning the Pilgrim facility to ensure that work meets state standards to protect the environment and public health.

Water evaporation - [update]

- As previously reported, MassDEP reviewed Holtec's "potential to emit" air contaminants from evaporation of water at the facility and determined such evaporation activity does not require an air permit.
- The total potential to emit for regulated pollutants is less than 30 pounds. The threshold that triggers air permit requirements is 2,000 pounds (1 ton).
- Holtec conducted updated water sampling on July 16, 2024 and provided results to the state. MassDEP has reviewed the data and determined it is comparable to the results of the prior sampling (May 2023). Of the sample results that could be compared between the two sampling rounds, the concentration of 78% of the analytes that have the potential to evaporate decreased, and 22% remained "Not Detected." Given these results, MassDEP's determination that an air permit is not required for the evaporation of water from the facility has not changed.
- Based on DPH's review of the revised sampling, the radionuclide activity concentrations in the untreated water decreased slightly from the previous sampling period. The changes may be attributed to radioactive decay and mechanical filtration in the reactor pool. Several "hard to detect" radionuclides were sampled and identified at concentrations well below the regulatory limits.

2. Site assessment work plan/MCP - [update]

- The Attorney General's Office is working to finalize the state's response to Holtec's site assessment work plan. We cannot speak to the timing of the AGO's review.
- Response actions under the Massachusetts Contingency Plan (MCP, or M.G.L. c. 21E) are ongoing in response to notifications of PCBs, metals, and PFAS detections in 2022. The Phase II Comprehensive Site Assessment, which documents the nature and extent of

contamination and contains a risk characterization, is due to be submitted by April 21, 2025.

- The state has received the long list of questions sent by Chair Lampert as part of the agenda, most of which relate to the site assessment work plan. With regard to answers:
 - As stated, the state is unable to comment on any issues that could implicate ongoing legal proceedings related to the wastewater discharge permit modification denial.
 - The state cannot answer any questions that could implicate attorney-client privileged communications with, or attorney work product of, any of the state's attorneys, including the Attorney General's Office.
 - If there are any questions that are factual in nature and within the knowledge and expertise of state agencies, we will endeavor to provide written responses. We can provide some responses to **Attachment B of agenda (see attached)**.
 - With regard to questions related to the site assessment work plan (**Attachment C of agenda**): as we have reported, the Attorney General's Office is working to finalize the state's response to Holtec's site assessment work plan, so we cannot comment while these legal deliberations are ongoing. However, as we have stated, cleanup of the site is proceeding under the MCP, which is an iterative process with deadlines for each phase established in the MCP. Many of these questions relate to demolition activity that will not occur for many years.

3. **Other cleanup issues - [no change]**

- There is no new update from DEP on cleanup activities. DEP's asbestos section continues to be actively engaged in overseeing the demolition activity occurring at the site, and is meeting regularly with the company.
- MassDEP is continuing to evaluate Holtec's request to change to its wastewater disposal system to a Title 5 system.

4. **Public safety (MEMA) - [no change]**

- There is no new update from MEMA. MEMA continues to work with local partners on public safety planning, and will schedule additional trainings as appropriate.