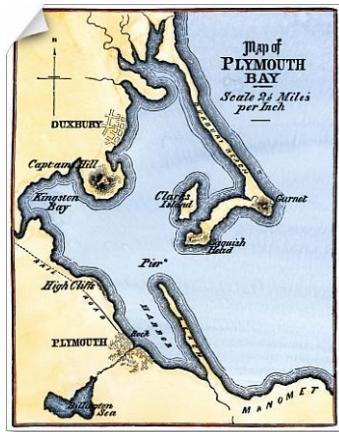


Joint Committee on the Judiciary 24 Beacon Street Room 136  
State House Boston, MA 02133

Submitted via email to: [jacqueline.o.manning@mahouse.gov](mailto:jacqueline.o.manning@mahouse.gov); Committee on the Judiciary: [james.eldridge@masenate.gov](mailto:james.eldridge@masenate.gov); [eric.lesser@masenate.gov](mailto:eric.lesser@masenate.gov); [michael.day@mahouse.gov](mailto:michael.day@mahouse.gov) [chynah.tyler@mahouse.gov](mailto:chynah.tyler@mahouse.gov)

*Henrietta Cosentino, on behalf of Plymouth Area LEAGUE OF WOMEN VOTERS, and as at-large member of NDCAP, in support of H4444, An Act relative to preventing the discharge of radioactive materials. (Cutler & LaNatra)*



Think of America's Hometown—its beautiful Bay. Its watery resources sustained the Wampanoag<sup>1</sup> for centuries, kept the Pilgrims from starvation, and now support the residents of Plymouth, Kingston, Duxbury and beyond. This Bay nurtures a vast chain of life—from the tiny copepods that are the primary food of the endangered Right Whale<sup>2</sup>; to the mussels farmed throughout the bay, to the clams and oysters for which Duxbury is renowned<sup>3</sup>; the lobsters and the multitudes of finned fish caught and served locally every day. Not to mention tourism and real estate. All these are multi-million dollar industries!! This Bay is our lifeblood.



Holtec proposes to dump a million gallons of radioactive water into this Bay. In a sane world, this would be unthinkable. Monstrous! It takes no genius to understand that this would do **incalculable damage to** the health, the environment AND the economic interests of the Commonwealth.

But this is not a sane world. The feds have failed us. The NRC serves the nuclear industry, whose lobbyists wield power not just in Washington but on Beacon Hill.<sup>4</sup> The NRC has asserted it will

do nothing to stop the overbearing provided Holtec dumps in batches.<sup>5</sup> But the Commonwealth has its own power.<sup>6</sup> Now we must summon the will to use it.

**In its settlement agreement** with the Commonwealth, Holtec “*has agreed to comply with a standard, statute or regulation of the commonwealth protective of health, the environment, or the economic interests of the commonwealth or any of its citizens or businesses.*” Both EPA and Commonwealth regulations make it illegal to dump pollutants into our bay. (#6) But none specifies radionuclides as pollutants. That is why H4444 is so important.

Holtec claims that overboarding is the ‘safer’ solution—that diluting into the Atlantic would make it harmless. **Dilution??** Water-current patterns in Plymouth and Duxbury Bays are such that according to Wood’s Hole experts, radionuclides will likely settle right in the bay, rather than flow swiftly to the Atlantic!<sup>7</sup> Holtec claims that transporting the water off site would pose a greater danger—of spills. **Pure Hypocrisy.** For two years, with no qualms about spillage, Holtec has been sending radwaste to a facility in Texas. If its CSIF in New Mexico is approved, Holtec will waste no time exporting 60-some dry casks to New Mexico, each containing half the cesium released at Chernobyl.

Thanks to public outrage, Holtec ‘walked back’ its plan to start dumping now, with a statement cleverly crafted to suggest it will do no dumping in 2022. But it actually makes no such commitment. It says only that it will not dump ‘*while evaluating other options*’.<sup>8</sup> Option (1)—**Ship the water** to a radwaste site out of state—hmm, complex and pricey. Option (2) **Dump it overboard.** Quick, cheap & easy. Evaluation? Simple. Public outrage? A Public Relations inconvenience to be managed.

**Holtec has made a career of gaming the system.**<sup>9</sup>

**Emergency? Absolutely! We are on red alert.** The worst could happen at any moment. This bill sharpens the maximum power of our state. I urge you to pass this legislation as soon as possible.

---

## **NOTES**

#1) The North Atlantic right whale is one of the world’s most endangered large whale species; the latest preliminary estimate suggests there are fewer than 350 remaining; their primary feeding grounds are Cape Cod Bay. The Commonwealth has gone to great lengths to protect them with sanctuaries. Suppose the krill they depend upon are radiologically contaminated ?

#2) The Herring Pond Wampanoag have remained in South Plymouth all along. From their website: “*We are members of the Wampanoag Nation. Our homelands range from the Plymouth (Plimoth Colony) areas to the upper parts of Cape Cod (Bourne, Sandwich and Plymouth County). We have been here for thousands of years. We have fished these waters, cultivated these*

*lands and raised our children here. We have been known over the years by many names... Patuxet, Herring Pond/Pondville, Manomet, Comassakumkanit and The Praying Indians on old English maps. But we are presently known today as the Herring Pond Wampanoag Tribe. We are the Plymouth tribe of Indians!"*

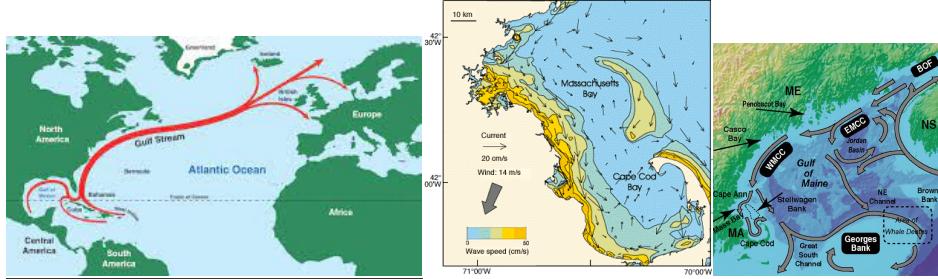
#3) Just think of Oysters! *11 million Oysters that were harvested last year within 3 miles of the over-boarding outfall pipe off Pilgrim.*

#4) On Beacon Hill I watched the 2nd highest paid lobbyist in the state of Massachusetts, who worked for Energy and now works for Holtec. When we citizens testified, we were given three minutes. When Joyce testified, they turned off the clock. Clearly the nuclear power plant owners have found it worth circa \$70K per year...In the 5 years I've followed Pilgrim, not a single bill proposing to regulate or hold the owners accountable has passed into legislation. Coincidence?

#5) Email dated Dec. 20, 2021 from Neil Sheehan, NRC spokesperson, in response to Diane Turco's direct question as to whether Holtec would need approval for overbearing: "Ms. Turco, ***The company would not need approval from the NRC to resume the discharges***, but any liquid radioactive effluents releases from the plant must be within federal limits. We fully expect that Holtec will make us aware of any decisions in this area and we will review any discharges during upcoming inspections. As you probably know, Holtec has announced it will not conduct any liquid discharges to the bay in 2022 *while it evaluates its options*. Neil Sheehan, NRC Public Affairs" (Bolding mine). See also slide show prepared for the NDCAP by Holtec, under the auspices of the NRC. Who works for whom?? <https://www.mass.gov/doc/january-18-2022-pilgrim-ndcap-discussion-slides-nrc/download>. Impenetrable to the ordinary citizen. Relying on outdated studies & unwarranted assumptions about safe dosage.

#6) In the **Settlement Agreement** between it and the Commonwealth Holtec agreed to "comply with all applicable environmental and human-health based standards and regulations of the Commonwealth." **Section III, 10 (l).** These "standards and regulations" include, for example: **MGL 132A, Sec. 13 MGL** that protects Cape Cod Bay, Plymouth Bay, Duxbury Bay, Plymouth Bay, Nantucket Sound, Vineyard Sound, Buzzards Bay, the Cape Cod Canal, Pleasant Bay, and portions of the Atlantic Ocean as Ocean Sanctuaries. **MGL ch 270** that makes it a crime to deposit or discharge "waste or other material of any kind on a public highway or within 20 yards of a public highway, or on any other public land, or in or upon coastal or inland waters ... or on property of another." See also **MGL ch 131A**, the Massachusetts Endangered Species Act, and its associated regulations **(310 CMR 10.00)** See also <https://holtecinternational.com/wp-content/uploads/2021/02/Settlement-Agreement-Commonwealth-of-MA-and-Holtec.pdf> Regarding the **NPDES** permit, EPA clearly states, "*The final permit does not authorize the discharge of spent fuel pool water, stormwater associated with construction activity, or the discharges of pollutants associated with contaminated site dewatering, pipeline and tank dewatering, collection structure dewatering, or dredge-related dewatering.*" <https://www.epa.gov/newsreleases/epa-and-massdep-issue-updated-permit-wastewater-pilgrim-facility-plymouth-mass>

#7) Maps showing how currents would tend to keep radionuclides settling within the Bay. See also quotes from Woods Holes experts, Legere, Provincetown Independent: <https://provincetownindependent.org/news/2022/01/26/shape-of-bay-means-poisons-would-linger/>



#8) Holtec spokesperson Pat O'Brien: “We wanted to share that in the near term the decision at Pilgrim has been made that the processed water will remain on site, safely stored, and that we will not discharge any processed water in 2022 while this evaluation is undertaken.”

#9) Holtec’s crimes are legion—There’s abundant evidence online. See for example: <https://www.inquirer.com/business/holtec-tennessee-valley-authority-nj-tax-credit-investigation-20190709.html>; <https://www.sierraclub.org/new-jersey/blog/2022/01/nrc-fines-holtec-once-again-red-flags-for-oyster-creek>. To create its llc CDI Holtec, the company joined the corrupt Canadian company, SLC-Lavalin. See <https://www.nytimes.com/2019/02/15/world/canada/snc-lavalin-justin-trudeau.html>