



## Cape Downwinders

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Joint Committee on the Judiciary  
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State House  
Boston, MA 02133

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### **IN SUPPORT of Emergency Bill H.4444, An Act relative to preventing the discharge of radioactive materials. (Rep. Cutler, Rep. LaNatra)**

To the Committee on the Judiciary,

Cape Downwinders is respectfully submitting testimony in STRONG SUPPORT of Emergency Bill, **H.4444**, An Act relative to preventing the discharge of radioactive materials.

As part of the decommissioning of the Pilgrim Nuclear Power Station in Plymouth, current partners, Holtec-Pilgrim, LLC, and Holtec Decommissioning International, LLC, plan to dump a million gallons of radioactive water into Cape Cod Bay. This action would impact the health and safety of our coastal communities, the livelihood of the fishing and tourist industries, and harm marine life in the protected ocean sanctuary. Ignoring the EPA and with approval of the Nuclear Regulatory Commission, Holtec's planned dumping of known deadly radioactive materials is in violation of the EPA's National Pollutant Discharge Elimination System permit [NPDES].

The 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."*<sup>1</sup> Yet, at this time, Holtec states it plans to dump radionuclides with approval of the NRC as one option being considered. The NRC will review Holtec own data of radiological contaminants at a later date, giving Holtec free rein to dump. Holtec's plan is in clear violation of the permit.

<sup>1</sup> Permit: <https://www.epa.gov/newsreleases/epa-and-massdep-issue-updated-permit-wastewater-pilgrim-facility-plymouth-mass>

**There is wide support for H.4444.** Local, state, and federal elected officials, environmental organizations, Native American communities, fishing and aquaculture businesses, and many citizens have called on Holtec to be responsible and immediately remove dumping into Cape Cod Bay from their business plan. Senator Markey<sup>2</sup>, Senator Warren, Representative Keating<sup>3</sup>, and Representative Moulton have expressed strong opposition of any dumping into the bay. They call out Holtec for failing to consider public concerns in their statement which reads, “The strong public opposition to news of the proposed discharge reflects Holtec’s failure to engage in the forthright, open, and transparent process that it promised the Plymouth community and the Commonwealth of Massachusetts when it took over the operating license for the decommissioning of Pilgrim.”<sup>4</sup> Our federal, state, and local officials have called on Holtec to desist from planning to dump, yet the company has not complied.

**The State Has Authority.** In the Settlement Agreement between the Commonwealth and Holtec, Holtec agreed to “comply with all applicable environmental and human-health based standards and regulations of the Commonwealth”.<sup>5</sup> Attorney General Maura Healey’s office recently reminded Holtec of their obligation, “The facility’s permits prohibit the discharge of spent fuel pool water and wastewater generated by the decommissioning process into Cape Cod Bay and we expect Holtec to abide by those rules.”<sup>6</sup> Yet, Holtec’s stated position repeats that dumping is still being considered and that they “will not discharge any processed water in 2022 *while this evaluation is undertaken.*”<sup>7</sup> Given Holtec’s open-ended statement, that evaluation could be completed tomorrow. So we need action today.

**The economic harm** from dumping cannot be overstated. We live in a very special and beautiful place. Cape Cod Bay is our shared treasure but Holtec wants to use it as their dump. The Holtec plan has caused outrage in the fishing, aquaculture, real estate, and tourist industries. Even just the perception of radioactive waters in Cape Cod Bay would cause severe disruption to these businesses. A recent article by journalist Christine Legere in the Provincetown Independent included an interview with a Woods Hole Oceanographic Institute expert. Senior scientist and oceanographer Irina Rypina concluded, “The shape of the land creates a semi-enclosed space. Whatever is put in the bay would stay there a long time. It wouldn’t flush out quickly.”<sup>8</sup> It’s here to stay.



<sup>2</sup>Senator Markey statement: <https://markeysenate.box.com/s/esart2n351r2w614z2cmr96rthzi6l2k>

<sup>3</sup>Representative Keating statement: [https://www.dropbox.com/s/e11wggb8sm0fdlj/Keating\\_31Jan.mp4?dl=0](https://www.dropbox.com/s/e11wggb8sm0fdlj/Keating_31Jan.mp4?dl=0)

<sup>4</sup> Markey, Warren, Keating statement: <https://www.markey.senate.gov/news/press-releases/markey-keating-warren-and-moulton-to-holtec-dont-dump-radioactive-water-into-cape-cod-bay>

<sup>5</sup>AGO settlement agreement: <https://files.constantcontact.com/4ef44f21401/5ff23c7f-c2a4-43a3-af24-dd6d7f45ea31.pdf>

<sup>6</sup> Provincetown Independent <https://provincetownindependent.org/news/2022/02/02/authority-for-control-over-pilgrim-dumping-is-unclear/>

<sup>7</sup> Holtec letter to NRC: <https://files.constantcontact.com/4ef44f21401/f76e5487-9f00-4804-9de9-8bd6ff2fe871.pdf>

<sup>8</sup>Provincetown Independent: <https://provincetownindependent.org/news/2022/01/26/shape-of-bay-means-poisons-would-linger/>



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**The fact that there is no safe dose of ionizing radiation** has been established by the National Academies of Science in their Biological Effects of Ionizing Radiation VII report.<sup>9</sup> In addition, the EPA has set a Maximum Contaminants Level Goal (MCLG) for all radionuclides at ZERO for drinking water. The EPA defines MCLG as the “level of contamination in drinking water below which there is no known or expected risk to health.”<sup>10</sup> And this level does not even account for radionuclide concentration in other organic matter. We know that radionuclides in the environment can bioaccumulate. “Both short-lived radioactive elements, such as iodine-131, and longer-lived elements such as cesium-137, with a half-life of 30 years can be absorbed by phytoplankton, zooplankton, kelp, and other marine life and then be transmitted up the food chain, to fish, marine mammals, and humans.”<sup>11</sup> One particular radionuclide, tritium, cannot be treated or filtered from the water.

It can pass through the placenta and cause genetic damage, impacting generations to come. Tritiated water would also contaminate our beaches through salt spray. When tritiated water is discharged, it can become organically bound tritium (OTB) via sediment and organic matter, bioaccumulating and concentrating to the top of the food chain into the fish we eat. “Organically bound tritium is of far greater radiological significance than tritiated water.”<sup>12</sup> But Holtec and the NRC conveniently ignore this dangerous fact.

**Holtec is a company that cannot be trusted.** Holtec came to town promising “openness and transparency”. Apparently, they dismiss that promise when profits are involved. No amount of influence or protest has yet moved their decision away from dumping. An example of their corporate hubris is in New Mexico, where Holtec plans to build a Centralized Interim Storage Facility [CISF] to store high level nuclear waste. Their actions here highlight how the corporation ignores state and local concerns. Their plan is rejected by the NM Governor, state and federal elected officials, the Council of Pueblo Governors, and the general public. In fact, NM Attorney General Balderas filed a lawsuit against the NRC, naming Holtec multiple times. The suit cites “multiple fundamental misrepresentations by Holtec”; that the “NRC is inexcusably not concerned that the CISF will interfere with local economies, does not fault Holtec for misrepresentations and omissions and lack of financial assurance”; and that the “Holtec license would permanently damage the NM economy.”<sup>13</sup> The NRC will approve the plan over the strong objections of NM.

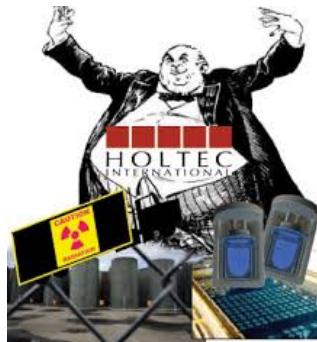
<sup>9</sup> National Academies of Science BEIR VII: [https://www.nap.edu/resource/11340/beir\\_vii\\_final.pdf](https://www.nap.edu/resource/11340/beir_vii_final.pdf)

<sup>10</sup>EPA MCLG: <https://www.epa.gov/ground-water-and-drinking-water/national-primary-drinking-water-regulations#Radionuclides>

<sup>11</sup>Radiation in ocean [https://e360.yale.edu/features/radioactivity\\_in\\_the\\_ocean\\_diluted\\_but\\_far\\_from\\_harmless](https://e360.yale.edu/features/radioactivity_in_the_ocean_diluted_but_far_from_harmless)

<sup>12</sup> Tim Deere-Jones report: <https://files.constantcontact.com/4ef44f21401/8121b0f4-9dbd-453b-872f-af435c0c997d.pdf>

<sup>13</sup>NM lawsuit: <https://files.constantcontact.com/4ef44f21401/b6668c5e-3b0d-45db-9fec-d2480600bb35.pdf>



Holtec does not care about our communities. Holtec is in the business just to make lots of money. Dumping in the bay is a cheap and dirty way to manage the water. Just like in NM, Holtec will push their own agenda and violate the NPDES permit for profit here on Cape Cod Bay unless the legislature acts.

**We must protect our Commonwealth.** The people now realize the irreparable damage Holtec plans to create. What we have here is a corporation trying to protect its bottom line and the community trying to protect the health of our families, the livelihoods of our coastal communities, and the habitat of marine life. After strong community outrage and opposition, the Holtec plan to discharge into the bay continues to be their primary means for disposal. As we have seen time and time again, the NRC is captured by the nuclear industry, failing to protect us. Thus, we must look to the state government.

Again, the 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."*<sup>14</sup> But Holtec plans to do so.

The legislature must promptly act with clear resolve to prohibit any discharge of radiological materials into Commonwealth bodies of water. Send a strong message to Holtec that our bay is not their dump. No WAY! NOT IN OUR BAY!

We urge you to **promptly vote H.4444 favorably out of committee** to move this most important bill forward for a full floor vote as soon as possible.

Respectfully submitted,  
Diane Turco, Director  
Cape Downwinders

Cape Downwinders is a grassroots organization, working on nuclear power health and safety issues for decades. With the Pilgrim reactor closed since 2019, we now investigate, educate, and advocate for public and environmental health and safety during the decommissioning process and high level spent fuel storage in Plymouth. We work along with local, state, and national organizations to protect our communities.

Oral testimony: NO WAY IN OUR BAY! <https://files.constantcontact.com/4ef44f21401/deb7b473-27ce-49b2-9f75-52f42d9e42a5.pdf>



<sup>14</sup> Permit: <https://www.epa.gov/newsreleases/epa-and-massdep-issue-updated-permit-wastewater-pilgrim-facility-plymouth-mass>