

## Stop Holtec-Pilgrim's Plan to Dump 1 Million Gallons of Radioactive Water into Cape Cod Bay and other Protected Ocean Sanctuaries

### Join the fight



**Holtec**, the company that is decommissioning the Pilgrim Nuclear Power Station, needs to “dispose of” more than (1) million gallons of highly radioactive water . On December 1, 2021, Holtec said it plans to discharge the contaminated water sometime in the first quarter of 2022. Holtec backtracked dumping this year; it will evaluate its options. Holtec says it has two alternatives – dump the radioactive water directly into Cape Cod Bay or send it offsite to an existing radioactive waste site. At Vermont Yankee, the owner (North Star) chose the latter. It will send (2) million gallons of its radioactive wastewater to an Idaho facility.

There is no acceptable reason for Holtec not to do the same. But experience makes clear that Holtec will take the cheap route – and dump the radioactive water into our protected Ocean Sanctuaries. The NRC allows it; Holtec has been clear that it will do anything that the NRC allows.

#### **Dumping is not safe.**

- The allowable radioactive release is too high- based on outdated science. It does not consider societal dose, only the dose to an individual.
- Holtec can skirt the limit by dividing the release into smaller batches mixed with clean water. But the total amount of long-term radionuclides released, and their environmental impact, remains the same.
- No consideration given to the economic effect of the release.
- Although Holtec intends to filter the water to meet the antiquated dose requirements before discharging it into the bay, it is not possible to filter Tritium. As radioactive water, tritium can cross the placenta, posing risk of birth defects and early pregnancy failures. Ingestion of tritiated water increases cancer risk.
- NRC only inspects Pilgrim's discharge program and releases annually. But what if Pilgrim released an excessive amount or its monitors incorrectly calibrated before NRC's annual check? MDPH does not monitor the releases at all.

- Holtec has a history of malfeasance. NRC a history of siding with industry's economic interests over public safety.

**Economic Damage:** Holtec's dumping of radioactive water in our bays will never be a secret. Its plan to dump has caused outrage in the fishing and aquaculture industry and received wide press coverage. They properly fear that the dumping will contaminate the water, and millions of oysters, lobsters, mussels, clams, and fish. They also rightfully believe that public perception of what Holtec plans to do could destroy a hundreds-of-millions-of-dollars aquaculture and other fishing industry. The viability of these industries depends on public belief that the waters in Cape Cod Bay and Plymouth, Duxbury, and Kingston Bays are clean - not polluted with long lived and highly toxic radiation.

**Whales:** Cape Cod Bay is a critical habitat for the endangered right whales - an area critical to the species survival.

**Authority:** The Commonwealth has the authority to prevent Holtec's planned dumping - if it wants to do so. We need public pressure on the Governor, AGO, elected federal/state/local officials, including Boards of Health, and letters to the press. Our understanding is that the NRC's exclusive authority over nuclear reactors does not extend to "a state or local law grounded in economic purposes [e.g., protection of the Commonwealth's aquaculture industry.] Such a state or local law "lies outside the occupied field of nuclear safety regulation." (Pacific Gas & Electric, 461 U.S. at 216). More important, Holtec has waived any right to avoid Massachusetts laws and regulations. In the 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 (I))

**Examples of Massachusetts laws** which prohibit its planned dumping include:

MGL 132A, Sec. 13 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.

We also understand that discharges into Ocean Sanctuaries are allowed as permitted by 301 CMR 27.06, none of whose exemptions appear to include the dumping Holtec contemplates here.

MGL ch 21E says that Holtec is "liable, without regard to fault" to both the Commonwealth and to any person damaged by a radioactive release (Sec 5).

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, as defined in section 1 of chapter 131, or within 20 yards of such waters, or on property of another."

In addition, Holtec's planned dumping of the radioactive water that accumulated at Pilgrim during more than 40 years of operation also does not appear to comply with 301 CMR 27.07. That planned dumping seems quite clearly to be a "new or modified discharge," and the CMR is explicit that no such discharge can "adversely impact marine fisheries" (301 CR 27.07(12)) and that "In the Cape Cod Bay Ocean Sanctuary, within Plymouth, Kingston, Duxbury Bay, landward of a line between Gurnet Point and Rocky Point, no new or modified discharge shall be authorized in a depth of water that at mean low tide is less than 30 feet." 301 CMR 27.07(14)

**Right whales** swim right in the bay close to where Holtec plans to dump its radioactive waste. It does not seem that what Holtec intends to do complies with Massachusetts Endangered Species Act and its associated regulations 310 CMR 10.00.

Chapter 732 of the Acts of 1971 amends Chapter 214 of the Massachusetts General Laws, dealing with equity jurisdiction and procedure, by inserting section 10A. That section gives to any ten persons domiciled in Massachusetts and to any political subdivision of the Commonwealth standing to sue in equity for declaratory or equitable remedies against damage, actual or probable, to the natural resources of Massachusetts. The right to sue is conditioned on the ground that the environmental damage which is caused or threatened be a violation of a statute, ordinance, by-law, or regulation whose major purpose is to prevent or minimize such damage. Preliminary injunctive relief, including a temporary restraining order, may issue if irreparable damage will otherwise result.

**We can win. If we all get active today, we can stop the plan to make Cape Cod Bay and other protected ocean sanctuaries radioactive by dumping (1) million gallons of radioactive water into it.**

Let us know if you will Join the fight to Save the Bays

Please include name, group, who to contact, along with an email. If you sign on, you will receive campaign alerts and correspondence. Any questions, please get in touch.

Thank you!

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