CAPE COD BAY WATCH: Watchdog group criticizes state DEP’s oversight of Pilgrim

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In a letter to DEP Commissioner Kenneth Kimmel, Bay Watch asserts that, under the Clean Water Act, the DEP’s “failure to properly regulate this facility is resulting and has resulted in unacceptable groundwater contamination, which is compounded by ongoing leaks and other unpermitted discharges of industrial wastewater, some of it including radioactive waste.”

The letter quotes the states’ own Office of Environmental Affairs warning. “If contamination were to occur, it would pose a significant public health hazard and a serious financial burden to the area’s residents.”

CCBW is requesting DEP make four separate regulatory changes to avert long-lasting damage to the local aquifer and Cape Cod Bay.

"We request that MassDEP immediately reclassify Pilgrim’s wastewater discharge facility as industrial and require compliance with the applicable Massachusetts Clean Waters Act standards for such facilities,” the Bay Watch letter states.

"Since at least 1988, MassDEP has improperly classified Pilgrim’s wastewater treatment facility as one receiving only ‘domestic sewage,’ ” CCBW wrote to Kimmel, adding that allowed the plant to avoid stricter standards applicable to other privately owned wastewater treatment facilities that treat industrial wastewater.

"We request that MassDEP immediately amend Entergy’s groundwater discharge permit to add discharge limits for total dissolved solids (TDS) and chloride,” the Bay Watch letter continues.

The permits that were in place from 1988 to 2007 had limits for chloride and TDS, Bay Watch said, and Pilgrim repeatedly violated those limits. But instead of enforcing those limits, according to Bay Watch, DEP simply removed the limits from the permit issued in late 2007.

"The law requires MassDEP to apply pollution limits for reissued permits that are ‘at least as stringent’ as prior permits, unless certain exceptions apply, and they do not apply here,” the letter to Kimmel states.

"If MassDEP had not unlawfully eliminated the permit limits for TDS and chloride, Entergy would have been liable for penalties of up to $50,000 a day for 32 violations between November 2007 and June 2012."

Failure to enforce nitrogen standards is a third area of concern, and Bay Watch said Kimmel should find this subject of personal interest.

"You, as commissioner, have been a champion of reducing nutrient loading on the Cape,” the group wrote to Kimmel.

MassDEP generally requires municipal wastewater treatment facilities to meet a nitrogen pollution limit of 10 mg/l. But during 2012, Bay Watch asserted, Pilgrim’s nitrogen discharges regularly reached up to 12 times that limits.

But, similar to its reaction to Pilgrim’s exceeding the TDS and chloride limits, Bay Watch said, instead of enforcing the limit, the DEP allowed Entergy to delay compliance from 2007 to, at least, October 2012.

"We request that MassDEP provide us with records documenting Entergy’s compliance, if any, with the nitrogen limit of 10 mg/l for total nitrogen and nitrate nitrogen,” Bay Watch wrote.

The watchdog group is also concerned about a lack of information about Entergy’s use of a sludge press in the wastewater treatment plant.

"In 2008, MassDEP approved modifications to Pilgrim’s onsite wastewater treatment facility. In 1993, Pilgrim added dewatering operations to this wastewater treatment facility, and then in 2008 modifications expanded the operations further, adding sludge storage,” the letter states, noting that low-level radioactive waste is extracted from the reactor process water in some manner and then the solid radioactive material is stored on site.

"We would like an explanation as to whether the sludge press in the wastewater treatment facility is used to extract low-level radioactive waste from the facility process water,” Bay Watch told Kimmel. It would also like to know where that waste ends up and whether MassDEP tests the wastewater treatment plant discharges for radionuclides?

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