



Groups threaten to sue Entergy

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Local citizens are threatening to sue the owner of the Pilgrim Nuclear Power Station in Plymouth for more than \$831 million because of alleged violations of clean water laws.

In a letter sent Friday to the U.S. Environmental Protection Agency and Entergy Nuclear, attorneys representing three residents of Kingston and Plymouth claim that Entergy violated the federal Clean Water Act more than 33,000 times by discharging heated water and other pollutants into Cape Cod Bay.

In a separate notice to the state Department of Environmental Protection, a larger group of local residents from communities around the plant threaten to sue Entergy and the state for failures to ensure Pilgrim meets requirements under a joint federal and state discharge permit for the plant.

"It's a lack of monitoring and a lack of oversight," said Pine duBois, executive director of the Jones River Watershed Association in Kingston, who is part of both potential lawsuits.

Entergy sucks 510 million gallons of water from the bay each day to cool Pilgrim's condensers, trapping or killing fish in the process and discharging heated water back into the bay, duBois said.

Although the EPA reissued a permit for discharges from the plant into the bay in 1991 and modified it in 1994, the permit has not been updated again as required by law every five years, duBois said.

The EPA has extended the permit on an administrative basis, but doing so for 16 years is unreasonable, duBois said.

"What bothers me so much is that once Entergy took over, (the company) stopped living up to even the requirements of the permit," she said.

There are a series of chemicals and other pollutants that are discharged into the bay that are either not covered by the permit or are in excess of what the permit allows, duBois said.

Among the pollutants being dumped into the bay are oil, grease, chlorine and tolytriazole, a chemical used to clean plant condensers where heavy metals may be discharged, according to duBois.

The EPA attempted to amend the 1994 permit to allow the discharge of tolytriazole but such a change should have been preceded by a public comment period that never occurred, duBois said.

The permit is based on the plant generating 655 megawatts of power, a figure that was increased in 2003 to 715 megawatts, according to the letter sent to the EPA and Entergy.

The letters seek \$25,000 in civil fines per each alleged violation, an order requiring Entergy to comply with effluent standards and limits under the 1994 permit and an injunction requiring the company to stop unpermitted discharges.

If the EPA — which is responsible for the federal Clean Water Act — does nothing within 60 days, the citizens can move forward with a lawsuit.

If the state does nothing to act based on the allegations against it within the next three weeks, they can file suit against the DEP.

"Entergy takes its environmental responsibilities and any allegation of noncompliance seriously," company spokeswoman Carol Wightman said. "We will respond to the notice of intent after we have had a chance to thoroughly review the specific allegations."

The citizens' attorneys unsuccessfully raised many of the same allegations in the U.S. Nuclear Regulatory Commission license renewal proceeding for Pilgrim, Wightman said.

The DEP has just received the letter and is reviewing the allegations, agency spokesman Edmund Coletta said. Coletta declined to comment in more detail about the threatened suit.

The threatened lawsuits are the latest salvo in a long-running fight against the plant by activists critical of its operations.

Pilgrim originally came online in 1972 and in May received approval from the NRC to continue operating for the next 20 years despite vociferous protests from opponents.

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