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Entergy Water Pollution at Pilgrim Nuclear Is Subject of Federal Notice of Intent to Sue for \$831 Million In Penalties; Residents Also Tell State They Will Sue for Damage to the Environment

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Plymouth, MA –Entergy Corporation could be could be liable for up to \$831,325,000.00 in civil penalties for polluting Cape Cod Bay at its Pilgrim nuclear reactor. According to a letter sent to the company and federal officials on October 5, 2012 by local residents, since 1996, there have been 33,253 violations of the federal Clean Water Act. Entergy could liable for a \$25,000.00 civil penalty for each violation.

The letter was sent under the provisions of the federal Clean Water Act, which gives citizens the right to enforce the law if the government fails to do so. Citizens must give the U.S. Environmental Protection Agency written notice of the pollution and a chance to act on the violations. If the agency does not act, citizens can bring a suit after 60 days. Entergy could avoid being sued by reaching an agreement with the citizens or EPA over the violations, and stopping the activities that are alleged to be unlawful. The letter tells the EPA that the citizens may file a lawsuit after 60 days if the agency does not act.

The Pilgrim nuclear power station uses 510 million gallons a day of ocean water for its once-through cooling system. Marine life is harmed by the water intake, and after cycling through Pilgrim, the heated ocean water is discharged at temperatures up to 32 degrees hotter, and sometimes up to 120 degrees, and containing chemical pollution. Pilgrim has been using the once-through cooling system since 1972, and was recently relicensed for another 20 years by the Nuclear Regulatory Commission.

The letter identifies 15 different types of violations of the Clean Water Act. They include unlawfully discharging into the Bay a chemical used to control corrosion in the station's pipes, exceeding legal limits for pH and chlorine, discharging total suspended solids and oil and grease without a permit, and failing to properly monitor and report pollutant discharges. The letter also alleges that Entergy has failed to conduct required biological monitoring to assess the impacts of the cooling water system on the Bay. The letter claims the 33,253 violations are documented in Entergy's own monitoring reports filed with the government every month.

Also on October 5, a group of residents sent a separate notice of intent to sue to the state Department of Environmental Protection for allowing Entergy to damage the environment and failing to enforce the law. The state law allows a "damage to the environment" case to be brought, based on violations of pollution laws. The residents can initiate the state suit 21 days after the October 5 letter if the state does not act.

“Our ocean is not Entergy’s dump. Cape Cod Bay belongs to all of us. Our regulators should enforcing the laws that prevent this kind of pollution,” said Pine duBois, one of the three residents who are signatories to the letter.

Attorney Meg Sheehan, one of the attorneys representing the residents said, “Our oceans and fisheries are in terrible shape, and stopping Entergy’s pollution is one way to make things better. The Bay belongs to all of us. It is vital to tourism and is part of our natural and marine heritage. Pilgrim has been polluting Cape Cod Bay for over 40 years. Enough is enough.”

For more information:

www.capecodbaywatch.org

www.pilgrimwatch.org

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