



OF NUCLEAR INTEREST: Update on Pilgrim's Clean Water Act permit

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Wicked Local Kingston

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More than a year ago, the public interest group Ecolaw issued a notice of intent to sue Entergy Nuclear Generation Company (Entergy) for more than \$831 million in civil penalties for alleged violations of the federal Clean Water Act at the Pilgrim Nuclear Power Station. The notice of intent to sue is a prerequisite to a "citizen suit" against polluters under federal law. In response to the letter, the U.S. Environmental Protection Agency (EPA) and Massachusetts Department of Environmental Protection (MassDEP) promised to address the water pollution problems by December 2013 by updating Entergy's Clean Water Act pollution permit. In light of the government promises, the citizen activists decided to temporarily forego an expensive legal battle in favor of a conciliatory approach working with the government agencies.

Unfortunately, as of December 2013, the government agencies have failed to follow through on their promises. Entergy's water pollution has continued for yet another year, with no end in sight. The crux of the problem is that Entergy's water pollution permit expired 17 years ago. That permit, first issued in the 1980s and essentially unchanged since then, allows Entergy to use a destructive, outdated "once through" cooling water system. This system takes in more than a half billion gallons of water per day from Cape Cod Bay and dumps it back to the source polluted and heated. This has been going on for more than 40 years, destroying untold quantities of marine life and negatively impacting the ecosystem. Another government agency, the U.S. Nuclear Regulatory Commission (NRC), ignored the expired permit and ongoing water pollution when it extended Pilgrim's operating license for another 20 years, to 2032.

Cape Cod Bay is designated as an "ocean sanctuary" and is excellent habitat for fish and other aquatic life under our state water quality laws, and it supports fishing and marine tourism industries that are at the heart of our identity as coastal communities. Our federal Clean Water

Act was intended to halt industrial polluters like Entergy, not give them a permanent right to use our oceans as a dumping ground. Yet this is essentially what EPA and MassDEP have granted Entergy by failing to enforce the Clean Water Act. Cape Cod Bay's natural resources belong to the public, not to the private Entergy Corporation.

One option for EPA and MassDEP is to simply retire Entergy's expired water pollution permit since it appears that agencies have neither the will nor the resources to update the permit, and meanwhile destruction of marine resources continues. A 2002 report by EPA's own consultants says the cost of restoring the winter flounder that Pilgrim has destroyed is \$46 million – and that is only a preliminary estimate for just one of the hundreds of species that Pilgrim's operations decimate. The government agencies owe the public a fiduciary duty to protect and restore Cape Cod Bay. Allowing Entergy's ongoing pollution and destruction of marine life under an outdated, 17-year-old expired permit is a violation of that duty.

Meg Sheehan is a public interest environmental attorney and Plymouth native. She is a founder of EcoLaw and active with the Pilgrim Coalition and other regional conservation groups.

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