

The complaint also cites the minutes of the Sept. 15 meeting of the town's Nuclear Matters Committee, at which Entergy Spokesman David Tarantino identified recent excavation work - shown in aerial photographs of Pilgrim - as being associated with the dry cask project.

The complaint specifically refers to sections 205-5, 205-9 and 205-51 of the town's zoning bylaws, which Ecolaw interprets as requiring that a public hearing take place before zoning and special permits are issued by the town.

If the Louisiana-based energy company had filed for those permits, the complaint asserts, Entergy would have also had to provide a preliminary plan, a site plan and other drawings indicating the area of the site and the proposed uses of the land, as well as an "impact statement."

None of this has been done, Sheehan said.

"Zoning bylaws prohibit piecemeal permitting of a development project," Sheehan wrote, then cited the *Old Colony's* report that on Dec. 5 - a day after Sheehan had complained to the Board of Selectmen about work going on at the plant's facility off Rocky Hill Road - Entergy filed for a permit to construct a 210- by 14-foot retaining wall.

"Entergy does not have a permit as required by the town zoning bylaws to construct a nuclear waste storage facility at Pilgrim," Sheehan concluded. "Entergy has explicitly stated that the construction has begun. The Dec. 5, 2012 application from Entergy to construct a retaining wall is not a permit to construct a nuclear waste storage facility.

"Therefore," Sheehan wrote to Building Inspector Dick

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DRY CASK DRY RUN

# False start?

## Ecolaw alleges Pilgrim has violated town zoning bylaws

**By Frank Mand**

fmand@wickedlocal.com

PLYMOUTH - Cambridge-based EcoLaw has filed a complaint with the town's building inspector, alleging that Entergy, the owner of the Pilgrim Nuclear Power Station, has violated the town's zoning bylaws by moving ahead with the construction of dry cask storage units at Pilgrim without the required permits and/or public hearings.

EcoLaw Attorney Meg Sheehan filed the complaint in person Monday morning in Town Hall.

The complaint cites several instances in which Entergy staff allegedly indicated to the press and public that the dry cask storage development process had already begun.

In June, the complaint notes, Entergy Director of Government Affairs Jack Alexander told the *Old Colony* that Pilgrim had actually broken ground on the project that would eventually bring 40 dry cask units to the Plymouth facility.

## PILGRIM

Continued from 1

Manfredi, "Entergy is in violation of the town zoning by-laws. We request that your office enforce the zoning by-laws with regard to the nuclear waste storage facility under construction at Pilgrim."

Entergy's response was short and to the point.

"We are in receipt of the EcoLaw letter and will comment, as appropriate, after we have a chance to thoroughly review it," Pilgrim spokesperson Carol Wightman told the *Old Colony* Monday.

Manfredi said he is only in the office two days a week, so when the letter was received Monday it was immediately passed on to his superior, Director of Inspectional Services Paul McAuliffe.

MacAuliffe did not return calls for comment by press time.

Sheehan has made it clear on several occasions that she, EcoLaw and most other crit-

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ics of the plant are not opposed to dry cask storage. But that enthusiasm for dry cask does not mean Entergy should be allowed to move forward with that process without following the letter of the law.

Sheehan and her supporters also acknowledged that they see the dry cask construction process as a window of opportunity - they hope to use this moment to have a broader discussion and review of safety and environmental issues associated with the plant's operation.

At Monday night's meeting of the town's Nuclear Matters Committee, Ecolaw Attorney Anne Bingham said that, regardless of the interpretation of the town's by-laws, Ecolaw is concerned with what it sees as a pattern of non-transparency.

"Until 1999, when the plant ownership transferred from

Boston Edison to Energy, about 17 special permits were pulled under Section 205 of the town's bylaws," Bingham told the Nuclear Matters Committee.

"(Boston Edison) pulled permits for a meteorological tower, for adding on a small medical building and a small training building," she added. "That's why I find it concerning that there have been no special permits pulled for any work at Pilgrim, since 2000."

And it's not because there haven't been any major construction projects at the site during that time, Bingham said.

"From going through groundwater files, for example," Bingham said, "I see there has been a great deal of construction, including the addition of a very large sludge press to the groundwater system."

Bingham said there is extensive correspondence between Entergy and the state's Department of Environmental Protection (where she worked for 20 years) in which Pilgrim's owners asked for

permission to move underground piping that connects the plant with the groundwater discharge system, as part of preparation for the dry cask storage work.

But despite that, once again, Entergy did not request either a building permit or participate in the special permit process.

"Under Section 205," Bingham said, "the expansion of a use in a light industrial zone - or in the flood plain district - requires a special permit."

Bingham said that Ecolaw believes town residents should be involved in the decision-making process, especially considering that radioactive waste may be stored at the site for a very long time.

"(The dry cask storage units) might need to stay in Plymouth for 10,000 years," Bingham said, "unless a Yucca Mountain (permanent national waste storage facility) is developed."

Bingham argued - and the complaint insists - that before that storage facility is built, permits and public hearings should be held.