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OF NUCLEAR INTEREST: Expiration of Pilgrim Nuclear permit reaches 20 years

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On April 29, Pilgrim Nuclear Power Station's Clean Water Act "NPDES" (National Pollutant Discharge Elimination System) permit will have been expired for 20 years, one of the longest running expired water pollution permits in the country. Pilgrim's owner, Entergy, recently announced that it will go forward with refueling the plant next spring, meaning Pilgrim will be operate until May 31, 2019 with a NPDES permit that expired in 1996.

The Clean Water Act (CWA) was intended to protect and restore our nation's water resources. It sets standards for water quality and regulates pollutants that can be discharged into U.S. waters. The intention of the Act, passed in 1972, is to improve the health of our rivers, lakes and coastal waters.

The National Pollutant Discharge Elimination System (NPDES) permit program is at the heart of the CWA. The program addresses water pollution by giving the U.S. Environmental Protection Agency (EPA) and most states control over industrial and municipal pollution by requiring use of the best available technologies to protect water resources. Dischargers are required to obtain and meet the standards and limits articulated in their NPDES permits.

NPDES permits are supposed to be re-issued every five years in order for industries to update to the newest effective technologies to best protect waterways, in this case Cape Cod Bay. Permits often expire and regulators "administratively extend" them, as is the case at Pilgrim. As with Pilgrim, this means that environmental resources are unnecessarily degraded, and we all lose.

Pilgrim's NPDES permit is supposed to limit hot water discharges and other pollutants, such as boron, sodium nitrite, and chlorination, that are known to impact Cape Cod Bay. The discharges come from the cooling system, yard drains, and storm water runoff. The permit also requires routine monitoring, so that the permit can be revised and its effectiveness improved. By allowing Pilgrim to continue operations under an expired NPDES permit, regulators create the illusion that operations are not harming marine resources. However, this is not the case and there are technologies available to reduce negative impacts to marine resources. In fact, Pilgrim is not even fulfilling the requirements of its expired permit. When Entergy took the reins from Boston Edison in 2000, it disbanded the required administrative technical committee that monitored reports and kept an eye on impacts to the marine environment.

Even after Pilgrim shuts down, and as long as the spent fuel pool is being used, the cooling system will continue to discharge effluent into Cape Cod Bay. The current daily use limit is about a half-billion gallons of seawater. This amount will be reduced to about three million gallons until the pool is no longer operational, but this is still substantial water use with the potential to cause significant harm. Discharges from yard drains and stormwater runoff could also become conduits for more pollution as decommissioning gets underway.

The fact that the expiration of Pilgrim's permit marks 20 years at the end of the month violates the spirit and intent of the CWA by allowing the facility to use inefficient technology and "self-monitoring" of marine impacts. A valid, up-to-date permit should still be required, especially now that we know the plant will continue operating until 2019 and discharges will continue until decommissioning is complete. Given the budgetary reductions just announced by the Nuclear Regulatory Commission and the chronic disinterest by the EPA, the regional environment is in jeopardy. It is time for agencies to stand up for public rights, and either require an updated permit immediately or terminate the NPDES permit altogether and finally start restoring public trust resources.

Karen Vale-Vasilev manages Jones River Watershed Association's Cape Cod Bay Watch program. JRWA has its offices on the banks of the Jones River in Kingston, eight miles from Pilgrim.

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