



# Meeting Notice

Town of Duxbury, Massachusetts

Pursuant to MGL Chapter 30A, §18-25  
All meeting notices and agenda must be filed and time stamped  
in the Town Clerk's Office and posted at least 48 hours prior to  
the meeting (excluding Saturdays, Sundays and Holidays)

TOWN CLERK'S STAMP

**TOWN CLERK**  
**March 9, 2023**  
**8:47 AM**  
**DUXBURY, MA**

**Board/Committee:** *Duxbury Nuclear Advisory Committee*

**Meeting Location:** *Remote ZOOM meeting*

**Day & Date of Meeting:** *Wednesday, March 15, 2023*    **Time:** *7:30PM*

**Posted by:** *Becky Chin*

Pursuant to Governor Baker's Chapter 20 of the Acts of 2021 dated June 16, 2021, An Act Relative to Extending Certain Covid-19 Measures Adopted during the State of Emergency regarding suspending certain provisions of the Open Meeting Law, G.L. c. 30A, §18, the Town of Duxbury's Board and/or Committee meetings will be conducted via remote participation to the greatest extent possible with members. For this meeting, members of the public who wish to watch the meeting may do so by following the ZOOM meeting links below.

## **NO IN-PERSON ATTENDANCE OF MEMBERS OF THE PUBLIC WILL BE PERMITTED**

Every effort will be made to ensure that the public can adequately access the proceedings to the best of our technical abilities.

### **Zoom Video Link:**

<https://us02web.zoom.us/j/81171421119?pwd=VzJVeXhRam9uK0R0ODJ1cFpLMGINQT09>

**Meeting Phone Link:** +1 929 436 2866

**Meeting ID:** 811 7142 1119

**Passcode:** 335989

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**Members:** Mary Lampert, Becky Chin, Jim Lampert, Nancy Landgren, Patrick Gagnon, Megan Driscoll Greenstein, Marie Hoy    **Liaisons:** Cynthia Ladd Fiorini, DEMA    **Time:** 7:30    **Location:** Zoom

## **AGENDA**

1. Remote Preamble
2. Review of NDCAP Meeting -January 23, 2023
3. Next NDCAP meeting, March 27 at 6:30 at Plymouth Town Hall-Rally before at 5:30-members encouraged to attend in person and make comment.
4. Pilgrim's Wastewater Disposal Issue- Update- letters sent to Governor, AG, and legislators.
5. Legislation HD.256, HD 3705 and others-Monitoring Dry Casks, Water Discharge Commission' NDCAP
6. Presentation Selectboard and/or town at Sr. Ctr in April.
7. Minutes-vote to approve previous minutes.
8. Other

The listings of matters are those reasonably anticipated by the chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

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## Attachments

### Letters to Governor, AG, Legislators- sent-sample DNAC action

Four important subjects brought forward to discuss

- Enforcing Holtec's agreement to "comply with all applicable environmental and human-health based standards and regulations of the Commonwealth;"
- Holtec's view that simply an amended permit under the state clean water act will satisfy its agreement to comply with all pertinent state laws and regulations.
- The requirement in the states anti-degradation regulations that Holtec must demonstrate, contrary to fact, that no less damaging alternative is available.
- Ensuring that agency policy is consistent with your expressed position.

Our view on each of these in a little more detail is below.

- **The Settlement Agreement and State Laws:** We greatly appreciate that the Settlement Agreement accomplished by the Office of the Attorney General requires HDI and Holtec-Pilgrim to "comply with Chapter 21E and the MCP as applicable," and also to "comply with all applicable environmental and human-health based standards and regulations of the Commonwealth." Our understanding is that at least five Massachusetts laws prohibit the discharge of commercial or industrial waste, hazardous materials or wastewater, or damage to the environment. MGL Ch. 21, 21E, 214, 131A and 132A. We would like to discuss with you what the Executive Branch can do to use these laws to prevent Holtec from discharging into Cape Cod Bay
- **Holtec's application for a modified discharge permit.** The EPA and DEP have told Holtec that its proposed discharge is not allowed under Holtec's current permits. Holtec says that it will soon apply for amended EPA and state permits to allow discharge.

According to David Noyes, Holtec's spokesperson, "The NEPDES and Surface Water Discharge Permits revision processes will validate applicability/compliance with the (listed pertinent state) regulations and statutes." In other words, Holtec's position is that an amended state permit issued under the state clean water act would satisfy Holtec's contractual agreement comply with all state environmental and health-based laws and regulations.

We do not understand how a permit issued under the state Clean Water Act would effectively nullify at least four other state laws. This is particularly so since any such permit would be directed only to chemical pollutants. The other laws cover (and the state clean water act allows a permit that would cover) both chemical and radiological contaminants, i.e., all commercial and industrial waste and hazardous materials. Radioactive tritium will be released. It cannot be filtered.

- **Anti-Degradation:** The Commonwealth's anti-degradation regulations apply to all "discharges of pollutants to surface waters from ... commercial ... activities and processes." DEP says that its review of a Holtec application for an amended discharge will include these regulations.

Our view is that the degradation review should be very focused and can lead to only one conclusion – the anti-degradation regulations foreclose granting Holtec a discharge permit.- for at least one simple reason.

The regulations require Holtec to demonstrate that "no less damaging alternative site for the activity, source for disposal, or method of elimination of the discharge is reasonably available or feasible," (314 CMR 4.04(5)(a).

Holtec cannot do this. There are at least three other NRC-approved methods of disposing of Pilgrim's contaminated water – evaporation, shipment to an existing off-site low level waste facility, and storing it on site until it is far less radioactive. All of these alternatives are less damaging to Cape Cod Bay, feasible, and available.

- **Agency Policy:** We appreciate that it is early in your administration, but it is important that you and all relevant state agencies and employees are on the same page. You have been clear that "we're not going to have radioactive waste dumped down here," and that the state has the authority to stop the discharge based on a settlement agreement with Holtec, combined with state and federal law. But the relevant state agencies, and their on-the-ground employees, have worked for the last eight years under Governor Baker who had a very different view.

In our view, this is particularly important with respect to DEP and DPW that will review Holtec's application for an amended permit.

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## Legislation

### Monitoring Dry Casks

Bill SD.1386 <https://malegislature.gov/Bills/193/SD1386> Monitoring

Presenter: [Patrick M. O'Connor](#)

SECTION 1. Chapter 111 of the General Laws is hereby amended by:-

(a) Amending the title of section 5K by adding "STORAGE OF SPENT NUCLEAR FUEL:" after "NUCLEAR REACTOR; and  
 (b) Adding the following to section 5K:- (I) For the purpose of preventing, mitigating, or alleviating impacts on the resources of the commonwealth and to the health of its citizens from radiation emitted by spent nuclear fuel at facilities that at any time generated electricity for retail customers in the commonwealth, (i) the owner and operator of each such facility in the commonwealth that stores nuclear fuel in dry casks shall report to the department of public health radiation control division, on a continuous real-time basis, the temperature of and the rate of helium and radiation release from each such dry cask. and (ii) the department of public health shall, in consultation with the office of the attorney general, promulgate rules and regulations to adopt and implement such reporting.

SECTION 2. Section 5K of Chapter 111 of the General Laws is hereby further amended by adding the following paragraph:-

The licensee of each existing and proposed nuclear power plant in the Commonwealth, shall fully fund offsite radiological emergency response expenses incurred by the Commonwealth or a municipality post closure until all the reactor's spent fuel is removed from the spent fuel pool and placed in dry casks. No monies from any Decommissioning Trust Fund shall be used to satisfy this obligation.

### Water Discharge Commission-budget & bill

**Amendment #17 to H57- Budget ---Commission delay 2 years**

**The House did not approve adding amendment to House-but Senate did -so now in Conference.**

#### Water Discharge Commission [02.23]

Mr. Cutler of Pembroke move to amend the bill by adding the following section:-

"SECTION X. (a) Notwithstanding any special or general law to the contrary, there shall be a special commission to examine the potential negative environmental and economic impacts caused by the discharge of spent fuel pool water, any materials created as a waste product of nuclear energy from spent fuel pools, including, but not limited to, processed water or any other liquid with elevated levels of radioactivity, including, but not limited to, tritium or boron, associated with the decommissioning of any nuclear power plant, into the waters of the commonwealth. Waters of the commonwealth shall include all waters under the jurisdiction of the division of marine fisheries, including, but not limited to, bays, coastal waters, canals, rivers and streams.

(b) The commission shall consist of the following 13 members: the attorney general or a designee, who shall serve as co-chair; the governor or a designee; the secretary of the executive office of energy and environmental affairs or a designee, who shall serve as co-chair; the senate president or a designee; the speaker of the house of representatives or a designee; the senate minority leader or a designee; the house of representatives minority leader or a designee; the chairs of the joint committee on the environment, natural resources and agriculture or their designees; the commissioner of the department of environmental protection or a designee; the commissioner of the department of public health or a designee; the executive director of the office of travel and tourism or a designee; and the director of the division of marine fisheries or a designee.

(c) The commission shall: (i) examine and investigate the potential environmental and economic impacts, including impacts to consumer perception of the discharge spent fuel wastewater on the fishing, aquaculture, tourism, restaurant industries and other sectors deemed appropriate by the commission; and (ii) make recommendations on measures to mitigate or avoid potential negative impacts on such industries.

(d) The commission shall hold not less than 4 listening sessions, with not less than 1 listening session in the following counties: Dukes, Plymouth, Bristol and Barnstable; provided, however, that upon the completion of its report under this section, the commission shall provide a public presentation in said counties. Not later than November 1, 2024 the commission shall file a report on the results of its study with the clerks of the house of representatives and the senate, the joint committee on environment, natural resources and agriculture, the joint committee on public health, the joint committee on tourism, arts and cultural development, the joint committee on economic development and emerging technologies and the senate and house committees on ways and means.

(e) There shall be no discharge of spent fuel pool water, any materials created as a waste product of nuclear energy from spent fuel pools, including, but not limited to, processed water or any other liquid with elevated levels of radioactivity, including, but not limited to, tritium or boron into the waters of the commonwealth until 90 days after the issuance of the commission's report."

## Additional co-sponsor(s) added to Amendment #17 to H57

### Water Discharge Commission

REPRESENTATIVE:

*Michelle M. DuBois*

*Kathleen R. LaNatra*

*Sarah K. Peake*

## Legislation HD.256 commission-delay 2 years

Filed by Cutler & Peake <https://malegislature.gov/Bills/193/HD256>

SECTION 1. (a) Notwithstanding any special or general law to the contrary, there shall be a **special commission** to examine the potential negative environmental and economic impacts caused by the discharge of spent fuel pool water, any materials created as a waste product of nuclear energy from spent fuel pools, including, but not limited to, processed water or any other liquid with elevated levels of radioactivity, including, but not limited to, tritium or boron, associated with the decommissioning of any nuclear power plant, into the waters of the commonwealth. Waters of the commonwealth shall include all waters under the jurisdiction of the division of marine fisheries, including, but not limited to, bays, coastal waters, canals, rivers and streams.

(b) The commission shall consist of the following 13 members: the attorney general or a designee, who shall serve as co-chair; the governor or a designee; the secretary of the executive office of energy and environmental affairs or a designee, who shall serve as co-chair; the senate president or a designee; the speaker of the house of representatives or a designee; the senate minority leader or a designee; the house of representatives minority leader or a designee; the chairs of the joint committee on the environment, natural resources and agriculture or their designees; the commissioner of the department of environmental protection or a designee; the commissioner of the department of public health or a designee; the executive director of the office of travel and tourism or a designee; and the director of the division of marine fisheries or a designee.

(c) The commission shall: (i) examine and investigate the potential environmental and economic impacts, including impacts to consumer perception of the discharge spent fuel wastewater on the fishing, aquaculture, tourism, restaurant industries and other sectors deemed appropriate by the commission; and (ii) make recommendations on measures to mitigate or avoid potential negative impacts on such industries.

(d) The commission shall hold not less than 4 listening sessions, with not less than 1 listening session in the following counties: Dukes, Plymouth, Bristol and Barnstable; provided, however, that upon the completion of its report under this section, the commission shall provide a public presentation in said counties. Not later than November 1, 2024 the commission shall file a report on the results of its study with the clerks of the house of representatives and the senate, the joint committee on environment, natural resources and agriculture, the joint committee on public health, the joint committee on tourism, arts and cultural development, the joint committee on economic development and emerging technologies and the senate and house committees on ways and means.

(e) There shall be no discharge of spent fuel pool water, any materials created as a waste product of nuclear energy from spent fuel pools, including, but not limited to, processed water or any other liquid with elevated levels of radioactivity, including, but not limited to, tritium or boron into the waters of the commonwealth until 90 days after the issuance of the commission's report.

### Comment: What 's Wrong?

**Spent Fuel Pool Water:** The scope should not be limited to simply spent fuel pool water.

- As part of decommissioning, HDI must dispose of 1.1 million gallons of radioactively and chemically contaminated water that Pilgrim generated during its operating life. Most of this water did not come from the spent fuel pool.
- At least 60% of it is or was in the reactor vessel, dryer/separator and torus. Less than a week ago, Holtec sent an email saying that the EPA position is that discharge of water from the spent fuel pool, torus, and dryer-separator is not authorized under Pilgrim's NPDES permit.
- These are the discharges that we want to prevent.

**Elevated Levels of Radioactivity:** The term "elevated levels of radioactivity is undefined." It does not seem to be necessary in the bill. Simply saying Pilgrim's 1.1 M gallons of wastewater from the spent fuel pool, dryer-separator, torus, and vessel covers it. Why keep it?

**Our suggested solution:** Simply revise sections 1(a), (c) and (e) of the bill to have the commission study and report potential impacts of discharging wastewater that is or ever was in the spent fuel pool, dryer, separator or torus; and prohibit the discharge of that water until 90 days after the commission makes its report.

## NDCAP

### HOUSE DOCKET, NO. 3705 FILED ON: 1/20/2023 Muratore/LaNatra NDCAP

An Act updating the decommissioning oversight of Pilgrim Nuclear Power Plant.

SECTION 1: Chapter 188, section 14 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by deleting paragraph (a) and replacing paragraph (a) with the following: - SECTION 14. (a) "There shall be created a Pilgrim Decommissioning State Oversight Panel which shall consist of state officials or their staff designee, scientific and technical experts, local officials, a retiree of Pilgrim Station with technical expertise in environmental areas and/or physical security, a representative of a local environmental group, and two at-large appointees as follows: the Governor of the Commonwealth; the Attorney General of the Commonwealth; the Secretary of Energy and Environmental Affairs; the Commissioner of Public Utilities; the Secretary of Health and Human Services; the Director of the Massachusetts Emergency Management Agency; the Secretary of Economic Development; the Director of the Massachusetts Department of Public Health Radiological Control Program; the Chairman of the Plymouth Selectboard or Town of Plymouth staff designee; a retiree representative of Pilgrim Station with technical expertise in environmental areas and/or physical security, appointed by Chairperson of the panel upon majority approval by the panel; a representative of the Plymouth Regional Economic Development Foundation; a technical expert with knowledge of decommissioning and spent nuclear fuel management issues, appointed by the Chairman of the Panel upon majority approval by the panel; a representative of the local environmental community, selected by the Plymouth Selectboard; and two at-large appointees, one each recommended by the State Senator and State Representative who represent the former Pilgrim Nuclear Power Station location and appointed by the Senate President and Speaker of the House respectively."

SECTION 2. Said section 14, as so appearing, is further amended in subsection (b) by replacing in its entirety a new subsection (b) as follows: - "Each non-designated appointee to the Panel shall serve for a 3-year term unless they resign to the appointing authority in writing."

SECTION 3. Said section 14, as so appearing, is further amended by deleting subsection (f).

SECTION 4. Said section 14, as so appearing, in subsection (i) (2) is further amended by striking after the word "operations;" the words "provided the panel may hold additional meetings:"

SECTION 5. Said section 14, as so appearing, in subsection (i) (5) is further amended by striking subsection (5) and replacing it as follows: - "(5) To convey the compliance and status of the Comprehensive Agreement between the Commonwealth of Massachusetts and Holtec Decommissioning International signed on behalf of the Commonwealth by the Office of the Attorney General on June 16, 2020."

SECTION 6. Said section 14, as so appearing, in subsection (i) (6) is further amended by striking subsection (6) in its entirety and replacing it as follows: - "(6) The panel shall meet quarterly as set forth in subsection (i) through the Nuclear Regulatory Commission's (NRC) partial site release of the property and annually until the spent fuel is removed from the site and the NRC license is terminated."

#### **Nine Reasons to Amend/Oppose HD 3705**

HD 3705, put forward by Representatives Muratore and LaNatra of Plymouth. would eliminate the Nuclear Decommissioning Citizens Advisory Panel (NDCAP) established by the Massachusetts legislature in 2016, and replace it with a new Pilgrim Decommissioning State Oversight Panel (PSDOP). The title of the proposed new Panel says it all: get rid of citizens.

The bill provides no apparent benefits to any other town affected by Pilgrim's decommissioning. To the contrary, it would have significant negative effects.

1. The bill would essentially eliminate the ability of the public and citizens to help ensure that Pilgrim is properly decommissioned. The bill's obvious goal is to disenfranchise all of us (except Plymouthians) who live on Cape Cod, the Islands, and the South Shore, and are directly impacted by Pilgrim. The economy and health of all of us depends on the quality of our environment and that perception that Cape Cod Bay is, and is perceived as, clean, and that Pilgrim is properly decommissioned.

NDCAP has 21 members, only three of whom are Plymouth appointees. At least 7 are public/citizen members from other communities.

HD 3705 would reduce the membership of the panel from 21 to 15 - by removing non-Plymouth citizens. Eight of the new Panel's members would have to be Plymouth residents, appointed by the Plymouth Select Panel, or recommended by Plymouth's State Senator or Representative(s). None must be public/citizen members.

Gone would be essentially all of current NDCAP citizen/public members who represent state, other town, or citizen interests, not simply Plymouth's.

On Cape Cod and the Islands, over 90% voted to prevent Holtec's planned dumping. Duxbury's Town Meeting, Select Board and Board of Health did also as did many other communities. Why should any senator and representative support a bill that silences their constituents?

2. Two other important seats the bill would eliminate are Holtec's. Holtec representatives have attended every NDCAP meeting and at essentially every meeting they have provided a decommissioning update. As discussed below, Holtec regularly meets with the Interagency Working Group (IWG).

Under the proposed bill, Holtec has no responsibility or obligation to meet with the PSDOP, to tell it or the public anything about either decommissioning or the Decommissioning Trust Fund, or to answer questions. We may not like what Holtec tells us at NDCAP meeting, but we always have questions and occasionally learn something.

If the PSDOP intends to meet with Holtec only in private, that would be a real problem.

3. The current NDCAP law requires NDCAP:

"To periodically receive reports on the Decommissioning Trust Fund and other funds associated with decommissioning of the PNPS, including fund balances, expenditures made, and reimbursements received;" and

"To receive reports regarding the decommissioning plans for the PNPS, including any site assessments and post-shutdown decommissioning assessment reports; provide a forum for receiving public comment on these plans and reports; and to provide comment on these plans and reports as the panel may consider appropriate to state agencies and the owner of the PNPS and in the annual report described in clause (3)."

The bill eliminates these. The proposed new panel has no such obligations.

What use to the Commonwealth and its citizens is a so-called Oversight Panel that does not want to know if there are sufficient funds properly to decommission Pilgrim, that has received no reports, and has no obligation to receive public comment?

4. The Plymouth representatives who filed the bill said that it was based on New York's Decommissioning Oversight Board. But New York's DOB includes representative from towns other than the "host community." Vermont's NDCAP included six citizen representatives.

The practice in both states is to provide citizens a real opportunity to speak at meetings, and also to submit written statements.

Nothing in the proposed bill requires, or indeed provides for, any significant public/citizen participation.

5. The bill incorrectly assumes the impact of decommissioning is confined to Plymouth.

Fifteen (15) other towns directly surround Cape Cod Bay. Their residents and residents from other communities fish and recreate in the Bay. All will be affected if Pilgrim is not properly decommissioned. Any remaining radioactive and chemical contamination at Pilgrim will eventually find its way into Cape Cod Bay. Many of us in those fifteen towns live closer to Pilgrim than do the vast majority of Pilgrim residents. The state, as a whole, may be impacted too. Contamination in the Bay will ruin an over billion dollar marine economy; a spent fuel accident can contaminate the state; and an empty decommissioning trust fund leave the state the payer of last resort.

6. The bill's new Panel might try to duplicate what the Interagency Advisory Group (IWG) has been doing for the past 4+ years, but without the IWG's staff or experience it likely that it could not even do that.

The IWG "leads and coordinates state agency involvement in any matters pertaining to the plant's decommissioning including radiological and environmental standards, emergency preparedness and funding, and site restoration." decommissioning of Pilgrim. IWG membership includes all of the important relevant state agencies, including DEP, CZM, Fish and Game, Marine Fisheries, and Public Safety and Security that the PSDOP does not. and it meets regularly – not only four times a year.

We have no idea what is meant by the following incomplete sentence in the proposed bill: "(5) To convey the compliance and status of the Comprehensive Agreement between the Commonwealth of Massachusetts and Holtec Decommissioning International signed on behalf of the Commonwealth by the Office of the Attorney General on June 16, 2020."

To whom is this “conveyed?” The “status” of Settlement Agreement is that it was signed in 2020. The panel has no power to change it. What might the PSDOP convey about “compliance,” much less do to ensure it?

Is there anything that the proposed State Oversight Panel might do that the IWG is not already doing, and doing better than the PSDOP possibly could?

7. The bill forgets that, under the settlement agreement, DPH and DPW are responsible for ensuring that Pilgrim’s site assessment plan meets all settlement agreement requirements, and that the work will be done in accord with an approved plan. The PSDOP is only advisory.
8. The bill assumes the Settlement Agreement safeguards all of the Commonwealth’s environmental, health, and economic concerns. Unfortunately, it does not.

A fundamental problem is that the agreement is that Holtec International is not a party to it. Only HDI (that has no significant assets) and Holtec-Pilgrim (whose only significant asset is the Decommissioning Trust Fund) are parties to or bound by it. Neither Holtec International nor any other Holtec entity has any financial responsibility.

The Settlement Agreement requires Holtec Pilgrim to keep at least **\$231.7 million** in the Decommissioning Trust Fund to cover unexpected expenses.

But that assumes that Holtec-Pilgrim will have an extra \$230+ million. Holtec’s cost estimates include no funds for site restoration costs if they are more than 0.4 percent of decommissioning, no funds for spent fuel storage after 2062, and no money to replace or repair a failing cask.

The NRC has no power to force anyone except a licensee (i.e., HDI and Holtec-Pilgrim) to pay anything. Holtec is unwilling to spend money to ship spent fuel off-site, does anyone really expect it willingly to spend hundreds of millions to do something it has no legal obligation to do?

And what about issues not included in the Settlement Agreement such as Holtec’s preferred plan to discharge 1.1 million gallons of radioactive and chemically contaminated wastewater into Cape Cod Bay; or the fact that Holtec has yet to submit a site assessment plan that is acceptable to the Commonwealth?

The Settlement Agreement does not solve all potential decommissioning problems.

9. From Mr. Muratore’s presentation to NDCAP, it seems that his major reason for filing the bill was to have the new Panel help Plymouth develop the Pilgrim site. But the bill says nothing about development. More important, why is Plymouth’s development the state’s job?

Which leads us to ask – what is the real purpose of the bill? Is it simply a hope that eliminating public input and opposition will speed-up decommissioning, and give the Pilgrim site to Plymouth before Holtec’s estimated release date of September of 2027? And how would the new panel do that?