

**ENVIRONMENTAL APPEALS BOARD
 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 WASHINGTON, D.C.**

In re:)	
)	
Holtec Decommissioning International, LLC)	NPDES Appeal No. 20-03
)	
NPDES Permit No. MA003557)	
)	

ORDER GRANTING JOINT MOTION TO STAY PROCEEDINGS

Petitioners Holtec Decommissioning International, LLC, Holtec Pilgrim, LLC, and Entergy Nuclear Operations, Inc. (jointly, “Petitioners”) petition the Environmental Appeals Board (“Board”) to review a National Pollutant Discharge Elimination System and Massachusetts Clean Waters Act permit renewal issued jointly by U.S. EPA Region 1 (“Region”) and Massachusetts Department of Environmental Protection to Holtec Decommissioning International, LLC authorizing discharges from the Pilgrim Nuclear Power Station into Cape Cod Bay. The Pilgrim Nuclear Power Station has ceased generating electricity and, as of June 1, 2019, has entered its shutdown phase. *See* Region 1, U.S. EPA, *Pilgrim Nuclear Power Station, NPDES Permit No. MA0003557*, at 28 (issued Jan. 30, 2020). Pursuant to 40 C.F.R. § 124.19(b)(2), the Region’s response to the petition, along with the certified index and relevant portions of the administrative record, are currently due April 6, 2020.

On March 26, 2020, Petitioners and the Region filed a joint motion to stay the proceedings for a period of 120 days (through July 24, 2020) in order to allow time to enter into settlement discussions for the purpose of resolving some or all of the issues presented. Joint

Motion for Stay of the Proceedings at 1-2. The parties state that granting a stay would allow the parties “to direct their full attention to the technically-complex subject matter that will be at issue in settlement discussions, rather than to litigation before the Board.” *Id.* at 2. The parties further state that settlement of some or all of the issues could conserve resources and “accelerate final disposition of the appeal.” *Id.*

For the reasons stated in the joint motion, and for good cause shown, the Board **GRANTS** the parties’ Joint Motion for Stay of the Proceedings. This matter is stayed until **Friday, July 24, 2020**. The parties must file a status report at least every 45 days, with the first such status report due no later than **Friday, May 15, 2020**. Each status report must apprise the Board of the progress of settlement discussions, including the parties’ plan and anticipated timeframe for concluding settlement discussions and whether it is appropriate to continue the stay or lift it and establish a schedule for the Region to file its response and other materials. To the extent the parties seek a further stay beyond July 24, 2020, they must file a motion with the Board no later than July 17, 2020, in which they provide the basis for a further stay and the length of the further stay being sought. The parties may, at any time, file a motion seeking dismissal of the petition.

Finally, pursuant to 40 C.F.R. § 124.19(i)(3)(iii), the Board may use electronic mail (Clerk_EAB@epa.gov) to serve orders and decisions in this matter at the addresses provided by the parties. Each party shall promptly notify the Board and the other parties of any change to its

email address.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Date: March 31, 2020

By: 
Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER GRANTING JOINT MOTION TO STAY PROCEEDINGS in the matter of *Holtec Decommissioning International, LLC*, NPDES Appeal No. 20-03, were sent to the following persons by email:

Attorneys for Holtec Decommissioning International, LLC and Holtec Pilgrim, LLC

Jed Nosal
Gregory S. Sampson
BROWN RUDNICK LLP
One Financial Center
Boston, MA 02111
Telephone: 617-856-8272
JNosal@brownrudnick.com
GSampson@brownrudnick.com

Attorney for Region 1, U.S. Environmental Protection Agency

Michael Curley
Region 1
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100
Mailcode 04-6
Boston, MA 02109-3912
Telephone: 617-918-1623
curley.michael@epa.gov

Attorney for Entergy Nuclear Operations, Inc.

Elise N. Zoli
JONES DAY
100 High Street, 21st Floor
Boston, MA 02110-1781
Telephone: 617-960-3939
ezoli@jonesday.com

Dated: March 31, 2020



Eurika Durr
Clerk of the Board