



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1 – New England
5 Post Office Square, Suite 100
Boston, MA 02109-3912

VIA ELECTRONIC FILING

July 17, 2020

Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3334
Washington, DC 20004

RE: In re Holtec Decommissioning International, LLC
NPDES Permit No. MA0003557; NPDES Appeal No. 20-03

Dear Ms. Durr:

Please find the attached Joint Motion to Extend Stay of Proceedings and accompanying Certificate of Service, in connection with NPDES Appeal No. 20-03.

Thank you for your assistance with this matter.

Sincerely,

/s/ Michael Curley
Michael Curley
US EPA – Region 1
Office of Regional Counsel
5 Post Office Square
Mail Code: ORC 04-6
Boston, MA 02109-3912
Tel: (617) 918-1623
Fax: (617) 918-0623
Email: curley.michael@epa.gov

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

_____)	
In the Matter of:)	
)	
Holtec Decommissioning International, LLC)	NPDES Appeal No. 20-03
)	
NPDES Permit No. MA0003557)	
_____)	

JOINT MOTION TO EXTEND STAY OF PROCEEDINGS

On January 30, 2020, Region 1 of the United States Environmental Protection Agency (“Region”) issued National Pollutant Discharge Elimination System Permit No. MA0003557 (“NPDES Permit”) to Holtec Decommissioning International, LLC (“HDI”), for the Pilgrim Nuclear Power Station in Plymouth, Massachusetts, authorizing the intake of service water from, and the discharge of certain wastewaters and stormwaters to, Cape Cod Bay. On March 6, 2020, HDI, Holtec Pilgrim, LLC (“Holtec Pilgrim”, and together with HDI, “Holtec”), and Entergy Nuclear Operations, Inc. (“ENOI”), filed a Petition for Review (“Petition”) with the Environmental Appeals Board (“EAB” or “Board”) of several conditions of the NPDES Permit.

On March 26, 2020, the parties filed a joint motion requesting that the EAB stay proceedings in the case to allow the parties to enter into settlement discussions for the purposes of reaching a resolution on some or all of the issues presented in the Petition. The Board granted the motion, staying the matter until July 24, 2020, and ordering the parties to file a joint status report at least every 45 days and to file by July 17, 2020, any motion seeking to extend the stay beyond July 24, 2020. *See* Order Granting Joint Motion

to Stay Proceedings (Mar. 31, 2020). The parties filed the first and second status reports on May 15, 2020, and June 29, 2020, respectively. EPA and Holtec¹ hereby file this request for an extension of the stay for 90 days.

As reported to the EAB in their status reports, the parties have continued to diligently pursue settlement of the appeal, including now, six main negotiation sessions conducted via video-conference and several discussions among counsel outside of the negotiation sessions. As a result of these efforts, EPA and Holtec have made significant progress towards resolving the issues raised in the Petition for Review including conceptual agreement on all but one of Holtec's remaining issues. In addition, On June 30, 2020, Holtec moved to dismiss the issues it raised regarding the state conditions based on an agreement reached with the Commonwealth. EPA and Holtec submit that an extension of the stay would allow them to continue this progress and to develop the documents needed to effectuate a settlement. EPA and Holtec anticipate that 90 days would provide sufficient time to develop necessary technical information and to agree on specific details in the papers being drafted to resolve the appeal. Such a stay would also provide time for EPA and Holtec to negotiate settlement of the remaining issue and for the appropriate coordination with representatives from the Massachusetts Department of Environmental Protection. During the extension of the stay, the Parties will submit a status report to the Board in 45 days in order to advise the Board of the status of settlement discussions and, in a status report at least one week before the extension of the stay expires, whether it is appropriate

¹ On July 8, 2020, ENOI filed a motion for withdrawal as a Petitioner. While that motion remains pending before and prior to issuance of an order by the EAB, counsel for ENOI has indicated that ENOI prefers not to join this submission, but in no way opposes it. To the extent ENOI's concurrence is required, counsel for ENOI hereby provides it.

to continue the stay, dismiss the Petition, or establish a schedule for the Region's Response to the Petition.

For the foregoing reasons, and to promote judicial efficiency and economy, the parties respectfully request that the Board continue the stay for an additional 90 days.

Dated: July 17, 2020

Respectfully submitted,

U.S. EPA – Region 1

/s/ Michael Curley
Michael Curley, Esq.
U.S. Environmental Protection Agency
Office of Regional Counsel
5 Post Office Square, Suite 100, ORC 04-6
Boston, MA 02109-3912
Tel: (617) 918-1623
curley.michael@epa.gov

Holtec Decommissioning International, LLC
Holtec Pilgrim, LLC

/s/ Michael Curley for Jed Nosal
Jed Nosal, Esq.
Gregory S. Sampson, Esq.
Brown Rudnick, LLP
One Financial Center
Boston, MA 02111
Tel: (617) 856-8272
JNosal@brownrudnick.com
GSampson@brownrudnick.com

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Joint Motion to Extend Stay of Proceedings in the Matter of Holtec Decommissioning International, LLC, NPDES Appeal No. 20-03, were served on the following persons in the manner indicated:

By Electronic Filing:

Eurika Durr
Clerk of the Board
U.S. EPA Environmental Appeals Board
1200 Pennsylvania Avenue, NW (Mail Code 1103M)
Washington, DC 20460-0001

By email, by agreement of the parties:

Jed Nosal, Esq.
Gregory S. Sampson, Esq.
Brown Rudnick LLP
One Financial Center
Boston, MA 02111

Andrea L. Sterdis
Holtec Decommissioning International, LLC
Krishna P. Singh Campus
1 Holtec Blvd.
Camden, NJ 08104

John Moylan
Holtec Decommissioning International, LLC
c/o Holtec Pilgrim, LLC
Pilgrim Nuclear Power Station
600 Rocky Hill Rd.
Plymouth, MA 02360

Elise Zoli, Esq.
Jones Day
100 High Street, 21st Floor
Boston, MA 02110-1781

Dated: July 17, 2020

/s/ Michael Curley
Michael Curley, Esq.
U.S. EPA, Region 1 Office of Regional Counsel
5 Post Office Square – Suite 100, ORC 04-6
Boston, MA 02109-3912
Tel: (617) 918-1623
Fax: (617) 918-0623
curley.michael@epa.gov