

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

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

ORDER DISMISSING PETITION FOR REVIEW

On March 6, 2020, three parties—Holtec Decommissioning International, LLC, Holtec Pilgrim, LLC (together, “Holtec”), and Entergy Nuclear Operations, Inc. (“Entergy”)—filed a petition with the Environmental Appeals Board (“Board”) seeking review of a permit renewal (“Permit”) issued jointly by U.S. EPA Region 1 (“Region”) and Massachusetts Department of Environmental Protection (“MassDEP”) pursuant to the federal Clean Water Act’s National Pollutant Discharge Elimination System and the Massachusetts Clean Waters Act. The Permit was issued to Holtec Decommissioning International, LLC, and authorizes the continued intake of surface water and certain continued discharges from the Pilgrim Nuclear Power Station (“Facility”) into Cape Cod Bay. The Facility 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).

Shortly after the petition was filed, the parties sought, and received, a stay of proceedings in order to engage in settlement discussions. Order Granting Joint Motion to Stay Proceedings (Mar. 31, 2020). The parties filed multiple status reports keeping the Board apprised of their progress toward settlement, and the Board subsequently granted petitioner Entergy’s motion for

withdrawal from the appeal, petitioner Holtec’s motion for partial withdrawal of the petition, and the parties’ joint requests for continuance of the stay, all for good cause shown. *See* Order Granting Motion for Partial Withdrawal of Petition, Motion for Withdrawal of Entergy as Petitioner, and Joint Motion for Extension of Stay (July 22, 2020); Order Granting Joint Motion for Second Extension of Stay (Oct. 20, 2020).


On November 23, 2020, Holtec filed a motion seeking dismissal of the petition. Holtec Decommissioning International, LLC and Holtec Pilgrim, LLC’s Assented-to Request for Dismissal of Petition (Nov. 23, 2020); *see* 40 C.F.R. § 124.19(k). Holtec reports that “the parties have reached a settlement that includes a minor modification letter and executed Administrative Order on Consent” and represents that the Region has assented to the request for dismissal. Holtec Request for Dismissal of Petition at 1.

Having considered the motion and the representations therein, the Board **GRANTS** the motion and **DISMISSES THE PETITION**.

So ordered.¹

ENVIRONMENTAL APPEALS BOARD

Date: November 25, 2020

By: 
Kathie A. Stein
Environmental Appeals Judge

¹ The three-member panel deciding this matter is composed of Environmental Appeals Judges Aaron P. Avila, Mary Kay Lynch, and Kathie A. Stein.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER DISMISSING PETITION FOR REVIEW in the matter of *Holtec Decommissioning International, LLC*, NPDES Appeal No. 20-03, were sent to the following persons by email:

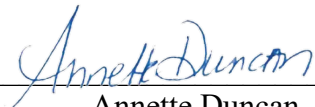
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Dated: November 25, 2020



Annette Duncan
Administrative Specialist