



Nuclear Watchdog Alleges Three Mile Island is in Violation of the Clean Water Act

February 16, 2021

(Harrisburg, Pa.) - Three Mile Island Alert, Inc. notified the Department of Environmental Protection (“DEP”), the Nuclear Regulatory Commission (“NRC”), and the Susquehanna River Basin Commission (“SRBC”) that the Three Mile Island Unit-2 (“TMI-2”) license transfer from FirstEnergy to TMI-2 Solutions violated the Environmental Protection Agency’s, Clean Water Act Section, 401 Certification Rule.

On June 1, 2020, the Environmental Protection Agency (“EPA”) finalized this rule to ensure the water quality certification process is consistent with the Clean Water Act. (“CWA”). The final rule became effective on September 11, 2020, three months prior to the transfer of the license. TMI-2 never completed the paperwork required by the EPA.

TMI-Alert is attempting to prevent the radioactive contamination of the Susquehanna River and the Chesapeake Bay. TMI-Alert Chairman, Eric Epstein, said: “The CWA was the tool designed by the EPA to defeat pollution by corporate greed and regulatory inertia. The TMI-2 license transfer cannot occur without the new owners satisfying compliance with the Clean Water Act. Certification should explicitly state that TMI can not dump highly radioactive water into the Susquehanna River.”

The 13 page letter points out that the license transfer failed to satisfy EPA requirements. TMI-Alert referred the DEP and the SRBC to a ruling last month at the Point Beach Nuclear Plant. The NRC told NextEra that they were required to obtain a certification from the updated Clean Water Act to implement license modifications.

Mr. Epstein stated, “The agencies can correct their error or remain silent. The DEP and the SRBC should not be aiding and abetting the discharge of highly contaminated radioactive water into the Susquehanna River.”

Background

The Department of Environmental Resources and Metropolitan Edison, the original licensee, negotiated a limited, “interim” Settlement on November 9, 1977 relating to the Clean Water Act. The “documentation” did not provide in perpetuity environmental relief for CWA Certifications, SECTION 401. It does not appear that this document was submitted as part of the TMI-2 License Transfer Application.

This Settlement did not endorse the discharge of highly radioactive water into the Susquehanna River. In June 1980, the Susquehanna Valley Alliance filed a Complaint and Injunction with the Middle District Court in Harrisburg, Pennsylvania against the Nuclear Regulatory Commission and Metropolitan Edison. The Injunction sought to prevent the owner and operator of Three Mile Island from dumping 700,000 gallons of radioactive water into the Susquehanna River. The Injunction was granted, and the NRC was found to be in violation of the National Environmental Policy Act.