

January 30, 2023

Governor Josh Shapiro

508 Main Capitol Building

Harrisburg PA 17120

The Honorable Josh Shapiro

Governor of Pennsylvania

***Regarding the Susquehanna River Basic Commission’s Recent Decision to Reduce Three Mile Island’s Water Permit***

We are bringing to your attention a recent change that has been negotiated regarding water withdrawal rights at the shuttered Three Mile Island Generating (“TMI-1”) Station Unit I. TMI-2, the site of the meltdown, has no water withdrawal rights. The Susquehanna River Basin Commission (“SRBC”) previously approved 0.225 million gallon of water a day as well as other water withdrawal for cooling and other operational functions at the TMI nuclear generating station. Due to the closure of the generating station, water demand has been greatly decreased yet until recently, the water rights remained unchanged.

TMI-Alert, a Harrisburg based watchdog organization, raised concerns throughout the SRBC’s Proceedings whether the current owners/operators required continued control over these water rights since the generating station has been shuttered since September 2019 and its water rights expired October 2021. Ownership is currently split between two separate companies: Constellation and TMI-2 Solutions, LLC. TMI-Alert’s former

Chairman, has continued to bring energy issues of public

interest to the fore front. Water rights is just the latest issue. He intervened before the SRBC on decreasing water rights to the plants and related issues.

On December 15, 2022, The SRBC agreed with Mr. Epstein’s contention that water rights should be reduced now that the plant is shuttered and returned to the “water pool” for other potential uses. The SRBC ruling would allow the current owners to make minimal withdrawal of groundwater from TMI-1 and TMI-2 and those withdrawals would be capped. Further, if there are future requests to increase water usage, the owner(s) would need to. Seek SRBC approval through a new proceeding. Flow and volume metering will be recorded and certified to the Commission once every 5 years. Peak day consumptive use may not exceed 6,000 million-gallons-day (mgd).Daily logs will be required. There have been violations of increased unauthorized consumption in the past at other Pennsylvania nuclear generating stations. The water consumption decreases will be included in the SRBC’s Comprehensive Plan for Water Resources of the Susquehanna River Basin and are effective January 1, 2023 and will remain in effect until April 19, 2034.

In addition, Mr. Epstein addressed the Commission on December 15, 2022 seeking a Memorandum of Understanding with the Army Corps of Engineers and the Nuclear Regulatory Commission to monitor water releases in the Susquehanna River. Our concerns stem from TMI’s prior owner attempt to dump 700,000 gallons of 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 was granted, and the NRC was found to be in violation of the National Environmental Policy Act.

Decommissioning can be a painfully slow process that will take 90 years to complete. It is important Governors and their oversight agencies remain actively engaged in the decommissioning of this troubled site which is now partially owned by privately held equity firms without nuclear expertise and who now control nearly $1 billion in Pennsylvania ratepayer decommissioning funds.

Three Mile Island is on the precipice of becoming a permanent high-level radioactive waste site. We are asking that you recommend to the SRBC: 1) Negotiate a Memorandum of Understanding (“MOU”) between the NRC and the SRBC regarding the parameters and protocols of using the Susquehanna River during nuclear cleanups; and, 2) Consult with the Governors of Massachusetts and New York regarding the limits they set on the discharges of radioactive water during nuclear decommissioning.

Sincerely,

Maureen Mulligan

Maureen Mulligan, Legislative Director

Enclosure: SRBC Decision