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MADIGAN, GLASGOW FILE SUIT FOR RADIOACTIVE LEAKS AT BRAIDWOOD NUCLEAR PLANT

LEAKS OF TRITIUM-LACED WASTEWATER DATE TO 1996

Chicago – Attorney General Lisa Madigan and Will County State’s Attorney James Glasgow today filed a lawsuit against the owner and operators of the Braidwood Nuclear Generating Station in Will County for the facility’s releases of wastewater containing tritium into the groundwater beneath the facility and the groundwater outside the boundary of the plant. The first leak allegedly occurred a decade ago.

The Village of Godley is located southwest of the nuclear plant, while the Village of Braidwood is approximately two miles north.

The eight-count complaint, filed today in Will County Circuit Court, names as defendants Exelon Corporation, a Pennsylvania corporation based in Chicago; Commonwealth Edison Company (ComEd), an Illinois corporation; and Exelon Generation Corporation, LLC, of Kennett Square, Pennsylvania. Exelon Generation and ComEd produce and distribute nuclear power for their parent, Exelon Corporation. Com Ed was the owner and operator of the Braidwood station until 2000, when Exelon assumed those duties.

Operations at the Braidwood nuclear plant generate tritium, a radioactive isotope of hydrogen that can replace non-radioactive hydrogen atoms in ordinary water to form tritiated water. Small amounts of tritium are commonly found in most surface water; however, higher concentrations are found in water used by nuclear power plants. Health experts say human exposure to tritium increases the risk of developing cancer.

According to Madigan’s and Glasgow’s suit, Exelon released tritiated water at eight separate locations on the defendants’ property. Three distinct releases occurred in 1996, 1998 and 2000, and three other releases occurred at unknown times, from the facility’s blowdown line, an underground pipe that carries wastewater, including tritiated water, approximately four and one-half miles from the power plant directly to the Kankakee River. An additional release occurred at an unknown time in the area near and to the west of the station and an eighth release occurred March 13 near the tritiated water temporary storage area at the plant.

Braidwood's blowdown line is located on property owned by the defendants, but runs adjacent to private and public property, including a forest preserve and nature area.

Madigan's and Glasgow's lawsuit alleges that the eight leaks contributed to water pollution and that six of the releases were the result of inadequate maintenance and operation of vacuum breakers along the blowdown line. Vacuum breakers allow air into the line to prevent the formation of a vacuum within the pipe. In alleging water pollution in their lawsuit, Madigan and Glasgow alleged that tritiated water entered the vacuum breaker housing and flowed into the groundwater and upward through a manhole onto the surrounding land.

"When releases occur, it is absolutely critical that all parties, including state and local officials, employees and those who live in the surrounding area, are notified as soon as possible," Madigan said. "The potential hazards associated with the nuclear industry demand such a response."

"The method of operations put in place at the Braidwood Nuclear Plant since 1996 by Commonwealth Edison and their parent company as of 2000, Exelon, clearly placed their profit margin first with a callous disregard for the health, safety and welfare of the local residents. Exelon was well aware that tritium increases the risk of cancer, miscarriages and birth defects and yet they made a conscious decision not to notify the public of their risk of exposure," Glasgow said. "This lawsuit is critical to enjoin Exelon from releasing any additional tritium into the groundwater and to mandate an effective remediation of the serious damage that has already been done."

Glasgow continued, "As always, Attorney General Madigan has made available the resources of her office readily to work with my office in the filing of this most critical action on behalf of the residents of Will County. This action will go a long way in providing the residents of Godley and Braidwood with a level of confidence that our offices are going to prosecute these serious violations of the Illinois Environmental Protection Act to the fullest extent of the law."

"Since the IEPA learned in late 2005 about the tritium releases from Exelon, we have been aggressively investigating the nature and extent of the groundwater problems," said Illinois Environmental Protection Agency Director (IEPA) Director Doug Scott. "We have also made every effort to respond to public concerns and we will continue to be involved as long as there is need."

The IEPA investigated the case and referred it to Madigan's office in March 2006 after samples taken by the defendants in December 2005 indicated elevated levels of tritium contained in the groundwater at various locations outside the property boundary of the nuclear plant, including a private well allegedly contaminated by the 1998 release.

The timeline for the alleged leaks of tritiated water is as follows:

- 1996: an estimated 40,000-gallon release of tritiated water from vacuum breaker number 1 (VB1), the closest to the nuclear reactor and adjacent to a ditch which flows north, around the reactor and then south toward

Godley. Water from the release flowed on the surface, entered the ditch and remains in the groundwater around VB1.

- 1998: an estimated three million gallon-release from VB3 resulted in tritiated water ponding on the surface, which the defendants allegedly left to evaporate and soak into the groundwater where it remains.
- 2000: an estimated three million gallon-release from VB2. According to the suit, the defendants recovered some of the released water, but an unknown amount remains in the groundwater near the area it was released.
- Dates unknown: releases from vacuum breakers 4, 6 and 7, which impacted three additional areas. The release from vacuumbreaker 4 (“VB 4”) resulted in tritium contamination, in excess of 20,000 pCi/L (picocuries per Liter), of groundwater within property owned by the Will County Forest Preserve District.
- Date unknown: release of tritiated water in the area near and to the west of the station.
- March 13, 2006: Tritium released from tritiated water temporary storage area.

In addition, as a result of the leaks from VB3 in 1998 and VB2 in 2000, a plume of tritiated water is present near the vacuum breakers and has extended through the groundwater to the north through a surface pond and into groundwater north and west of the Braidwood property.

The lawsuit alleges that all of the defendants also discharged non-radioactive contaminants such as sewage without a state National Pollutant Discharge Elimination System (NPDES) permit into surface and groundwater off site.

The complaint further alleges that tritiated water was released on March 13, 2006, from a containment area surrounding a number of tanks the defendants are using to store tritiated water, causing a threat to groundwater. Because of the problems with their equipment that caused the earlier leaks, the defendants currently are storing the tritiated water in these tanks instead of discharging the water into the Kankakee River. Finally, the complaint alleges that the defendants created and maintained a public nuisance through the releases and the other alleged non-compliance.

As a remedy for the alleged water pollution, Madigan’s and Glasgow’s suit seeks an injunction ordering the defendants to:

- a. Cease use of the blowdown line for the discharge of tritiated water until further order of the Court;
- b. Prevent further migration of any contaminants released in the groundwater at and near the facility in accordance with a plan acceptable to the court;
- c. Implement measures to prevent the release of any contaminant from the facility in accordance with a plan acceptable to the court;

- d. Fully characterize the nature and extent of all soil and groundwater contamination caused by the releases, including identifying background contaminant levels and the future flow of contaminant plumes in groundwater in accordance with a plan acceptable to the court;
- e. Immediately provide a potable drinking water source to all people affected by the violations in an amount and quality sufficient to meet their daily needs, and in accordance with a plan acceptable to the court; and
- f. Eliminate any threat to the use of groundwater by citizens in the area impacted by releases from the plant.

The suit also seeks the maximum civil penalty of \$50,000 for the water pollution violation and an additional \$10,000 for each day the violations continue. Madigan and Glasgow also seek the maximum civil penalties for additional allegations that include exceeding groundwater standards.

The lawsuit specifically names ComEd in two counts for allegedly violating its NPDES permit by not reporting until December 2005 the alleged leaks that took place in 1996, 1998 and 2000. Such incidents must be reported to state and federal authorities within 24 hours. The complaint also names ComEd for its alleged failure to contain and remove the tritiated water from the areas impacted by the 1996 and 1998 leaks. Each of these counts seeks a maximum civil penalty of \$10,000 per violation and an additional \$10,000 for each day the violations continue.

Division Chief Matthew Dunn, Bureau Chief RoseMarie Cazeau, Assistant Attorney General Christopher Perzan and Environmental Counsel Ann Alexander are handling the case for Madigan's Environmental Enforcement Division.

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