



For Immediate Release

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**MADIGAN, GLASGOW: COURT GRANTS PRELIMINARY
INJUNCTION ORDER IN EXELON CASE, OUTLINING STEPS THAT
MUST BE TAKEN TO PROTECT CITIZENS, ENVIRONMENT**

Chicago – Attorney General Lisa Madigan and Will County State’s Attorney James Glasgow today announced that the Will County Circuit Court has approved a preliminary injunction ordering Exelon Generation Company, LLC, to take a number of critical steps to protect public health and the environment at its Braidwood Nuclear Generating Station.

Madigan and Glasgow, who filed a lawsuit against Exelon Corporation, Commonwealth Edison Company, and Exelon Generation Company, LLC, in March, said today’s order is the first phase in addressing the tritium contamination at the Braidwood facility and the nearby areas impacted by the releases.

“This order provides an initial blueprint for how Exelon Generation must address the serious problems that have arisen because of contamination from the Braidwood Nuclear Generating Station,” Madigan said. “While the lawsuit continues to move forward, this order outlines the actions that Exelon Generation must take immediately. Lawsuits take time. This order is about requiring Exelon Generation to take steps to protect public and environmental health and safety now.”

“The preliminary injunction approved by the court today is a critical first step toward protecting our citizens from releases of radioactive tritium by Exelon Generation’s Braidwood Nuclear Generating Station,” Glasgow said. “My office, Attorney General Madigan and the Illinois Environmental Protection Agency have worked tirelessly since the complaint was filed to hammer out an order that immediately establishes specific remediation timetables and oversight plans to ensure Exelon Generation’s compliance while leaving the door wide open for any future action necessary to protect the public health.”

“The action taken by Attorney General Madigan and State’s Attorney Glasgow is an important step in ensuring that Exelon Generation fulfills its commitment to remedy the contamination it caused,” said Illinois Environmental Protection Agency (IEPA) Director Doug Scott. “By working together, we can make sure the public, and Illinois’ natural resources, are protected.”

According to the order, the following steps must be taken:

- To remediate the groundwater contamination, Exelon Generation will lower the water level in a pond located near Smiley Road and Center Street to cause the adjacent contaminated groundwater to drain into the pond. The pond water will be piped to a blowdown line for conveyance to the Kankakee River at levels far below the Nuclear Regulatory Commission discharge limits.
- Due to past releases of tritium from vacuum breaker valves, Exelon Generation has installed and must maintain in service at all times, leak-proof barriers at the base of each vacuum beaker pit and leak detection monitors with remote alarms at the station control center for the operator to stop the flow into the blowdown line from the pond if a leak is detected.
- Exelon Generation must continue to cease using the blowdown line to discharge tritium wastewater from the facility to the Kankakee River, and must give 28 days notice to the state before it seeks to resume such usage.
- Exelon Generation will institute a program of leak detection from the blowdown line by weekly visual surveillance and monthly sampling of the groundwater along the over four miles of pipe from the plant to the river.
- Exelon Generation will sample 280 private residential wells in and near the Village of Godley for tritium for a period of five weeks. Participating residents will receive a copy of the results of their well tests within approximately 10 business days after the samples were collected. The accuracy of the results will be verified by the Illinois Department of Public Health.
- Exelon Generation will provide bottled water to approximately 420 residences in the Village of Godley and near the blowdown line until future testing of those wells shows no tritium beyond what is naturally occurring. Exelon Generation must provide two weeks notice prior to discontinuing the bottled water service to any residence. If later testing shows tritium concentrations in that well have increased, Exelon Generation must meet with the IEPA to discuss what action should be taken.
- By June 30, 2006, Exelon Generation will complete an investigation of tritium in the groundwater in the vicinity of the vacuum breaker valves and the turbine building and provide copies of the investigation report to the state for its review.
- By July 1, 2006, Exelon Generation must submit a written plan to the IEPA for preventing groundwater containing more than 20,000 picocuries per liter (pCi/L), the safe drinking water standard set by federal regulation, from migrating off facility property. The plan also must describe measures Exelon Generation has taken to prevent tritium from moving from the subsurface to the earth's surface or to surface water on facility property.
- By August 1, 2006, Exelon Generation must submit a corrective action plan to the IEPA for reducing tritium in groundwater to below 20,000

pCi/L at off-property locations where tritium concentrations exceed that level.

- By December 1, 2006, Exelon Generation must submit a written plan to the IEPA for reducing the threat to groundwater users of tritium in offsite groundwater at concentrations below 20,000 pCi/L.
- Exelon Generation must notify the IEPA of any release from the facility of a radioactive material into groundwater, surface water or soil that is not allowed by the facility's Nuclear Regulatory Commission license. Exelon Generation must provide such notification within 24 hours of learning of the release, with a written follow-up notice within five business days.
- Exelon Generation will implement a plan, which was approved by the IEPA, for providing information to the public concerning tritium releases from the facility. The Community Relations Plan is attached to the agreed injunction order as an exhibit, and requires Exelon Generation to hold community information nights at least every two months and continue to store public documents at the local library and provide them on Exelon Generation's Web site.

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. Health experts say human exposure to tritium increases the risk of developing cancer.

In March, Madigan and Glasgow filed a lawsuit against Exelon Corporation, Commonwealth Edison Company, and Exelon Generation Company, LLC for the facility's releases of wastewater containing tritium into the groundwater beneath the facility and the groundwater outside the boundary of the plant.

According to Madigan's and Glasgow's suit, the defendants released tritiated water at eight separate locations on the Braidwood property. The first leak allegedly occurred a decade ago. Three distinct releases occurred in 1996, 1998 and 2000, and three other releases occurred at unknown times from the facility's blowdown line, which is an underground pipe that carries wastewater, including tritiated water, approximately four and one-half miles from the power plant directly to the Kankakee River. Braidwood's blowdown line is located on facility property, but runs adjacent to private and public property, including a forest preserve and nature area.

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, 2006, near the tritiated water temporary storage area at the plant.

Madigan 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.

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. In addition, as a result of the leaks from Vacuum Breaker

3 in 1998 and Vacuum Breaker 2 in 2000, a plume of tritiated water is present near the vacuum breakers and has extended through the groundwater and a surface pond and into the groundwater north and east of the Braidwood property.

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

The suit seeks the maximum civil penalties for the water pollution violation and for additional allegations that include exceeding groundwater standards.

The order entered today also requires Exelon Generation to:

- Provide quarterly reports to the state on the progress of the work being performed;
- Reimburse the IEPA for its past and future costs incurred in overseeing the defendants' response to the tritium releases; and
- Reimburse Will County for its costs incurred in investigating potential tritium contamination of drinking water and groundwater.

Division Chief Matthew Dunn, Bureau Chief RoseMarie Cazeau, Environmental Counsel Ann Alexander and Supervising Attorney Rebecca Burlingham are handling the case for Madigan's Environmental Enforcement Division. Glasgow serves as lead counsel for his office.

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