



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

**5 Post Office Square, Suite 100
BOSTON, MA 02109-3912**

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

SEP 28 2011

Harry T. Stewart, P.E., Director
Water Division
New Hampshire Department of Environmental Services
P.O. Box 95
Concord, NH 03302-0095

Dear Mr. Stewart:

Enclosed is a copy of the following draft permit prepared pursuant to 40 Code of Federal Regulations (C.F.R.), Section 124.6. This draft permit has been discussed with your staff.

Permit Number
NH0001465

Name of Permittee
Merrimack Station

The U.S. Environmental Protection Agency (EPA) may not issue a permit until a state certification is granted or waived in accordance with the Clean Water Act (CWA), Section 401(a)(1) and pursuant to 40 C.F.R. Section 124.55. By transmittal of the above draft permit, we are requesting that the State make a determination concerning certification. The State will be deemed to have waived its right to certify unless certification is received within 60 days of receipt of this request.

This certification should include the specific conditions necessary to assure compliance with applicable provisions of the CWA, Sections 208(e), 301, 302, 303, 306 and 307 and with appropriate requirements of State law. In addition, you should provide a statement of the extent to which each condition of the draft permit can be made less stringent without violating the requirements of State law. Failure to provide this statement for any condition waives the right to certify or object to any less stringent condition which may be established by EPA during the permit issuance process. If you believe that any conditions more stringent than those contained in the draft permit are necessary to meet the requirements of either the CWA or State law, you should include such conditions and, in each case, cite the CWA or State law reference upon which that condition is based. Failure to provide such a citation waives the right to certify as to that condition. A State may not condition or deny a certification on the grounds that State law allows a less stringent permit condition.

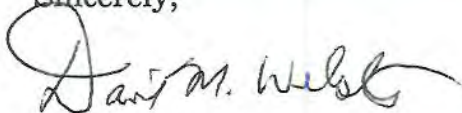
Reviews and appeals of limitations and conditions attributable to State certification shall be made through the applicable procedures of the State and may not be made through the applicable procedures of 40 C.F.R. Part 124.

The enclosed draft permit has been sent out on public notice for comment by the public. The period for public comment is on the enclosed fact sheet. Upon review of the public comments and receipt of your certification or waiver thereof, EPA proposes to issue or deny this permit.

I would appreciate receiving your certification as soon as possible, but no later than 60 days of receipt of this letter. If you have any questions, please contact John Paul King of my staff at (617) 918-1295.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "David M. Webster". The signature is written in a cursive style with a large initial "D".

David M. Webster, Chief
Industrial Permits Branch
Office of Ecosystem Protection

Enclosures: Draft Permit, Fact Sheet

cc: Stergios Spanos, PE; NHDES-WD (w/o enclosures)