

May 18, 2012

Via Electronic Mail (Stein.Mark@epamail.epa.gov)

Mark A. Stein, Esq.
U.S. Environmental Protection Agency
New England Region
5 Post Office Square – Suite 100 (ORA 18-1)
Boston, MA 02109-3912

Re: Indirect Industrial Discharges from PSNH's Merrimack Station

Dear Mr. Stein:

As you know from the Conservation Law Foundation's (CLF) comments at the November 3, 2011 public hearing on the draft NPDES permit for Public Service Company of New Hampshire's (PSNH) Merrimack Station electric generating facility in Bow, New Hampshire, we are greatly concerned about PSNH's indirect discharge of industrial wastewater from its Flue Gas Desulfurization system (hereinafter "scrubber") into publicly owned treatment works (POTWs). We have urged EPA to investigate this issue and are pleased to know that on March 22, 2012, EPA issued an information request to PSNH related to its scrubber effluent. We understand that PSNH's deadline for responding to EPA's information request has expired and would like to review those records provided by PSNH.

It is CLF's understanding that PSNH has collected scrubber wastewater from Merrimack Station to be discharged into the following POTWs:

- the Winnepesaukee River Basin Program Wastewater Treatment Facility located in Franklin, New Hampshire and operated by the N.H. Department of Environmental Services;
- the Town of Hooksett, New Hampshire's POTW;
- the Town of Allenstown, New Hampshire's POTW; and
- the City of Lowell, Massachusetts' POTW.

We also understand that PSNH has sought and obtained permission to indirectly discharge scrubber wastewater from Merrimack Station into POTWs owned and operated by the City of Concord, New Hampshire and the City of Manchester, New Hampshire.

The NPDES permits for the above-referenced facilities mandate, among its effluent limitations and monitoring requirements, in pertinent part:

All POTWs must provide adequate notice to both EPA-New England and the New Hampshire Department of Environmental Services, Water Division (NHDES-WD) of the following:

- a. Any new introduction of pollutants into the POTW from an indirect discharger in a primary industry category (see 40 CFR § 122 Appendix A as amended) discharging process water; and

....

- c. For purposes of this paragraph, adequate information shall include information on:
 - (1) the quantity and quality of effluent introduced into the facility; and
 - (2) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the facility.

See, e.g., City of Concord, NH, NPDES Permit No. NH 0100901, Part I.A.6. Because “steam electric power plants” are included in the above referenced primary industry category set forth at 40 CFR § 122, Appendix A, any POTW approving and / or actually receiving indirect discharges of scrubber wastewater from Merrimack Station must, as a matter of law, first provide the above-described notice to EPA.

I am writing to specifically inquire whether any of the above-referenced POTWs have complied with the above-referenced mandatory notice requirements. We have been trying for some time now to determine whether certain POTWs have complied with the notification requirements of their respective permits. *See* appended emails. Please respond at your earliest convenience to answer this question, as it relates to the above-referenced POTWs. If notice has in fact been provided by any POTW, kindly provide copies of the documents providing such notice.

Should you have any questions about this request, please do not hesitate to contact me. In the meantime, we look forward to receiving the requested information, and to coordinating with you to review the records provided by PSNH in response to EPA’s March 22, 2012 information request. Thank you in advance for your assistance.

Sincerely,



Thomas F. Irwin
Vice President & CLF-New Hampshire Director

Tom Irwin

From: Mark Stein [Stein.Mark@epamail.epa.gov]
Sent: Thursday, January 26, 2012 2:26 PM
To: Melissa Hoffer
Cc: Kevin Cassidy; Tom Irwin
Subject: RE: Merrimack Questions

Hi Melissa - We're trying to answer these questions now. We need to see the terms of the permits of the two POTWs in question, and then if notice is required, we need to verify whether or not notice was provided. So far, we haven't been able to find that notice was provided, but there are at least a few places we need to check.

Mark A. Stein
U.S. Environmental Protection Agency
New England Region
5 Post Office Square - Suite 100 (ORA 18-1) Boston, MA 02109-3912

Tel.: (617) 918-1077
E- Fax: (617) 918-0077

From: Melissa Hoffer <MHoffer@clf.org>
To: Mark Stein/R1/USEPA/US@EPA
Cc: Kevin Cassidy <cassidy@lclark.edu>, Tom Irwin
<tirwin@clf.org>
Date: 01/25/2012 06:33 PM
Subject: RE: Merrimack Questions

Thanks very much, Mark.

Regarding the POTWs, and I mentioned in my correspondence of October 24, 2011, in connection with PSNH's IDR applications, it is our understanding that, pursuant to the City of Concord's current NPDES permit, "all POTWs must provide adequate notice to both EPA New England and [NHDES] of the following: (a) any new introduction of pollutants into the POTW from an indirect discharger in a primary industry category (see 40 CFR 122 App. A as amended) discharging process water; and (b) any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit . . ." This same language appears at least in the Town of Hooksett's permit, as well.

Note that App. A includes steam electric generating power plants as among the primary industry categories.

Did the Allenstown and Winnepesaukee River Basin POTWs provide that notice to EPA?

Thanks again,
Melissa

From: Mark Stein [Stein.Mark@epamail.epa.gov]
Sent: Wednesday, January 25, 2012 4:03 PM
To: Melissa Hoffer

Cc: Kevin Cassidy; Tom Irwin
Subject: Re: Merrimack Questions

Hi Melissa, et al. - In your email (attached below), you posed a number of questions related to the Merrimack Station FGD wastewater. Our responses are provided below.

1. First, you wrote:

It doesn't appear that the Administrative Record contains pretreatment wastewater characterization for the Merrimack FGD blowdown. Is that correct? We were hoping to have the opportunity to evaluate that plant-specific data. Can you please confirm that EPA does not have that data, or kindly direct us to where we may locate it in the record.

Our reply: The Administrative Record for the Draft NPDES Permit does not contain data on the wastewater actually discharged from the FGD scrubber system or from the FGD WWTS. To the best of my knowledge, we did not have any such data at the time of issuance of the Draft Permit. PSNH did make some projections, however, about what they expected the pollutant concentrations to be in the FGD wastewater after treatment by its proposed FGD WWTS. These may be found in Administrative Record No. 43, see pp. 2-4.

2. Second, you wrote:

Second, and perhaps relatedly, we still have not yet been able to determine to which POTW PSNH currently is shipping the FGD wastewater. We have ruled out, however, the NH POTWs. Does EPA know where PSNH is shipping the wastewater? Can EPA confirm that PSNH is shipping treated (by the existing FGD WWTF) wastewater for discharge? Does EPA have data regarding the wastewater characteristics? We have not received a response to our October 24 2011, correspondence requesting information regarding EPA's knowledge of any POTW notice to EPA of planned introduction of new pollutants from an indirect discharger. Has EPA received notice from any POTW planning to accept the FGD wastewater?

Our reply: Here is what we have learned about where the wastewater is or has been going. We do not generally receive direct reports on this -- either with regard to the simple fact of the wastewater being sent by the facility or received by a POTW, or with regard to specific effluent data. That said, we did make inquiries and did receive one email appending some information, which I will forward to you separately. It is our current understanding that the treated FGD wastewater is being sent to the Allenstown, NH, POTW and the Winnepesaukee River Basin (Franklin, NH) POTW. In addition, we understand that a facility in Massachusetts and a facility in Maine are also accepting the wastewater, but we do not know which ones. NH DES may know more as a result of certain requirements under state regulations, but I am not sure about this. The email I will forward does provide some information about one of the aforementioned POTWs accepting or considering accepting the wastewater as well as some information regarding pollutant concentrations in the treated FGD wastewater.

Hopefully, this is helpful in responding to your questions. Sincerely,
Mark Stein

Mark A. Stein
U.S. Environmental Protection Agency
New England Region
5 Post Office Square - Suite 100 (ORA 18-1) Boston, MA 02109-3912

Tel.: (617) 918-1077
E- Fax: (617) 918-0077

From: Melissa Hoffer <MHoffer@clf.org>
To: Mark Stein/R1/USEPA/US@EPA
Cc: Kevin Cassidy <cassidy@lclark.edu>, Tom Irwin
<tirwin@clf.org>
Date: 01/18/2012 06:02 PM
Subject: Merrimack Questions

Hi Mark and Happy New Year:

It doesn't appear that the Administrative Record contains pretreatment wastewater characterization for the Merrimack FGD blowdown. Is that correct? We were hoping to have the opportunity to evaluate that plant-specific data. Can you please confirm that EPA does not have that data, or kindly direct us to where we may locate it in the record.

Second, and perhaps relatedly, we still have not yet been able to determine to which POTW PSNH currently is shipping the FGD wastewater. We have ruled out, however, the NH POTWs. Does EPA know where PSNH is shipping the wastewater? Can EPA confirm that PSNH is shipping treated (by the existing FGD WWTF) wastewater for discharge? Does EPA have data regarding the wastewater characteristics? We have not received a response to our October 24 2011, correspondence requesting information regarding EPA's knowledge of any POTW notice to EPA of planned introduction of new pollutants from an indirect discharger. Has EPA received notice from any POTW planning to accept the FGD wastewater?

Thank you, Mark, and we look forward to hearing from you.

Best,
Melissa

Melissa A. Hoffer, Esq.
VP, Director, Healthy Communities and Environmental Justice Program Conservation Law
Foundation

62 Summer Street
Boston MA 02110

P: 617.350.0990
C: 978.505.8545
E: mhoffer@clf.org

For a thriving New England

This email message and any attachments are being sent by Conservation Law Foundation, are confidential, and may be privileged. If you are not the intended recipient, please notify us immediately by replying to this message and destroy all copies of this message and any attachments.
Thank you.

***** ATTACHMENT NOT DELIVERED *****

This Email message contained an attachment named
image001.jpg
which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****