



**Public Service
of New Hampshire**

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The Northeast Utilities System

Linda T. Landis
Senior Counsel

October 11, 2011

By E-Mail (webster.david@epa.gov) and Overnight Mail

Mr. David Webster, Chief
Office of Ecosystem Protection
United States Environmental Protection Agency
NPDES Industrial Permit Branch (CIP)
5 Post Office Square - Suite 100, OEP06-1
Boston, MA 02109-3912

**Re: Public Service Company of New Hampshire
Merrimack Station, Bow, New Hampshire
Draft NPDES Permit No. NH0001465**

Dear Mr. Webster:

On September 29, 2011, the Environmental Protection Agency (“EPA”) placed a Draft National Pollutant Discharge Elimination System (“NPDES”) Permit for Public Service Company of New Hampshire’s (“PSNH”) Merrimack Station in Bow, New Hampshire (“Draft Permit”), on public notice from September 30, 2011 to November 30, 2011. PSNH respectfully requests a 90-day extension of the public comment period to provide both PSNH and other interested parties the opportunity to provide meaningful comments.

Merrimack Station’s existing NPDES Permit was issued in June 1992 and was set to expire in July 1997. PSNH filed a complete and timely application for permit reissuance on March 10, 1997. Due to PSNH’s timely permit reissuance application, EPA administratively extended the 1992 permit until a new permit becomes final.

EPA has taken more than 14 years, almost 175 months, reviewing PSNH’s renewal application and supporting documents. During that time, EPA developed: (1) the Draft Permit, (2) a 60-page Fact Sheet, (3) a 391-page “Clean Water Act NPDES Permitting Determinations for the Thermal Discharge and Cooling Water Intake Structures at Merrimack Station in Bow, New Hampshire” (the “Section 316 Determination Document”) and (4) a 52-page “Determination of Technology-Based Effluent Limits for the Flue Gas Desulfurization Wastewater at Merrimack Station in Bow, New Hampshire” (the “FGD BAT Determination Document”). Notably, the Section 316 Determination Document is one of the longest in EPA’s history. EPA indicated that these documents are intended to identify and explain the technical and legal grounds for what the agency itself describes as “the significant change[s] in the Draft

Permit's limitations and requirements when compared to the present permit" in light of "the complex CWA [Clean Water Act] issues associated with the Draft Permit's limits for thermal discharges, cooling water withdrawals and pollutant discharges from the FGD scrubber system." Indeed, these issues are very complex. Notwithstanding the voluminous length and complexity of the documentation released for comment by EPA after 14½ years of review, the comment period presently extends for only 40 work days, over a period encompassing three federal holidays. The 90-day extension that PSNH is requesting is clearly reasonable and justified in this instance.

First, as discussed above, EPA took over 14½ years (five thousand three hundred seventeen [5317] days) to review PSNH's renewal application. In light of this lengthy delay, providing a reasonable comment period by allowing an additional 90 days cannot be viewed as creating any significant harm and such an extension should be granted out of fairness to allow PSNH time to respond to the voluminous documents the Agency has prepared.

Second, EPA did not provide any notice that after 14½ years of deliberations the Draft Permit was forthcoming this month. PSNH needs adequate time to engage necessary consultants and provide them with sufficient time to review the documents and ancillary information prepared by EPA. Upon release of the Draft Permit by EPA, PSNH immediately sought expert assistance from Normandeau Associates, Enercon Services, Inc., and NERA Economic Consulting. As indicated by the attached letters from these consultants, they all have prior commitments and will need the additional 90 days to properly review the Draft Permit and EPA's supporting documentation. EPA should allow such a reasonable review period and not rush after waiting 14½ years to issue a permit that has not been adequately reviewed.

Finally, because the three issues addressed in the Draft Permit (Clean Water Act §316(a), Clean Water Act §316(b), and FGD (flue-gas desulfurization) scrubber system wastewater treatment) have national interest and importance reaching far beyond state and regional borders, as well as significant economic repercussions, EPA should provide additional time for interested parties to review the Draft Permit and its supporting studies.

We respectfully urge EPA to grant the requested extension to give PSNH and the public a reasonable opportunity to provide the critical input that EPA requested and should review prior to issuing the final permit.

Please do not hesitate to call me if you have any questions.

Very truly yours,



Linda T. Landis
Senior Counsel
Public Service Company of New Hampshire

cc: Senator Jeanne Shaheen
Senator Kelly Ayotte
Congressman Charles F. Bass
Governor John Lynch
Mark Stein, Esq., EPA
John P. King, EPA
Gary A. Long, President and Chief Operating Officer, PSNH
John MacDonald, Vice President-Generation, PSNH
Robert P. Fowler, Esq., Balch & Bingham



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Linda T. Landis, Senior Counsel
Public Service Company of New Hampshire
780 North Commercial Street
Manchester, NH 03103

Dear Attorney Landis:

Normandeau Associates respectfully requests that PSNH seek an extension to the comment period for the draft NPDES Permit No. NH0001465 for Merrimack Station that was issued by the EPA on Friday, September 30, 2011. Normandeau's technical staff needs an extension due to several factors. This massive draft permit, developed by EPA over 14 years, was not discussed with our scientists prior to its issuance. The data set relating to the ecological health of the Merrimack River is extensive, accumulated over a 40+ year period. Scientists need significantly more time to review the data referenced in the draft permit, identify important information that was not used and to assess the validity of EPA's interpretation of data.

In addition, Normandeau's scientific lead investigator, Dr. Mark Mattson, has been subpoenaed to testify in Albany, New York beginning October 14th for a study he is involved in, and is not expected to return and be available until early November. His intimate knowledge of the Merrimack River near Merrimack Station is critical to our ability to analyze, evaluate and provide scientifically sound comments on this draft permit. Due to the length and scientifically dense nature of this draft permit, the vast data sets which relate to the ecological health of the river, and the fact that our most knowledgeable scientific expert is unavailable until early November, we respectfully request that the comment period be extended by 90 days. Please contact Dr. Mattson or me if you have any questions.

Sincerely,

Robert W. Varney
Executive Vice President

Bedford, NH, Corporate

Norfolk, CT
Lewes, DE
Yarmouth, ME

Hanover, MA
Hampton, NH
Westmoreland, NH

West Haverstraw, NY
Drumore, PA
Stowe, PA

Aiken, SC
Stevenson, WA





October 10, 2011
RTC11-006

Mr. David Webster, Chief
Office of Ecosystem Protection
United States Environmental Protection Agency (“EPA”)
NPDES Industrial Permit Branch (CIP)
5 Post Office Square - Suite 100, OEP06-1
Boston, MA 02109-3912

Subject: Extension Request to Provide Comments on the Draft National Pollutant Discharge Elimination System (NPDES) Permit for Merrimack Station

Mr. Webster:

Enercon Services, Inc. (ENERCON) was recently made aware that a draft NPDES permit for Merrimack Station had been issued for public comment. Given our involvement with PSNH’s “Response to United States Environmental Protection Agency CWA § 308 LETTER” (November 2007) and the “Supplemental Alternative Evaluation” (October 2009), both for Merrimack Station, we are intently interested in reviewing and commenting on the draft permit. It is our understanding that all comments on the draft permit are to be submitted before November 30th, 2011. Based on the volume of material to review and the availability of personnel involved with our previous efforts at Merrimack Station, we do not believe we can adequately review and comment on the draft permit before this deadline.

ENERCON has been involved in efforts at PSNH spanning back to 2007, and has maintained core personnel experienced on this project throughout each phase, including Sam Beaver (with over 37 years of experience in the power industry). Sam Beaver is currently an expert witness in Indian Point Energy Center’s proceedings with the New York State Department of Environmental Conservation, testifying on the availability of cylindrical wedgewire screens at the site. We believe it is necessary to have Sam Beaver involved in the review and comment on the draft permit, and as such we request the comment period be extended by ninety (90) additional days.

We appreciate your consideration of our extension request and are available to discuss should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Richard Clubb". The signature is written in a cursive, flowing style.

Richard Clubb, P.E.
ENERCON Project Manager
Office: (678) 797-5035

cc: Linda Landis, PSNH Senior Counsel
Robert Fowler, External Counsel (Balch & Bingham LLP)
Allan Palmer, PSNH Senior Engineer

October 11, 2011

Mr. David Webster, Chief
Office of Ecosystem Protection
United States Environmental Protection Agency (“EPA”)
NPDES Industrial Permit Branch (CIP)
5 Post Office Square - Suite 100, OEP06-1
Boston, MA 02109-3912

Dear Mr. Webster:

I and colleagues at NERA Economic Consulting (“NERA”) will be assisting the Public Service Company of New Hampshire (“PSNH”) in the evaluation of materials related to the draft National Pollutant Discharge Elimination System permit (“draft permit”) recently issued by the EPA for the Merrimack Station power plant in Bow, New Hampshire. I am writing to request an extension of 90 days of the Public Notice period that currently ends on November 30, 2011.

The draft permit raises many complicated issues that will require considerable time to evaluate. Moreover, we expect that our evaluations will involve working with other experts as well as officials at PSNH, interactions that are critical to our analyses and that necessarily involve calendar time. We believe that an extension of the Public Notice period will allow NERA to provide a more complete assessment and thus provide superior information to you and others.

Thank you for your time and consideration of our request. Please let me know if you have any questions regarding our request or if there is any other information I can provide.

Sincerely yours,



David Harrison, Jr., Ph.D.
Senior Vice President

DH:ses