



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

5 Post Office Square, Suite 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

November 30, 2015

William H. Smagula, P.E., Vice President - Generation
Eversource Energy
P.O. Box 330
Manchester, NH 03305-0330

Re: Letter from Linda Landis to Mark Stein, US EPA dated September 4, 2015 regarding comments related to Eversource Energy's Merrimack Station, Bow, New Hampshire Draft NPDES Permit no. NH0001465.

Dear Mr. Smagula:

The New England Regional Office of the United States Environmental Protection Agency (EPA) is continuing work on developing the final National Pollutant Discharge Elimination System (NPDES), Permit No. NH0001465, for Eversource Energy's (Eversource) Merrimack Station electrical generating facility in Bow, New Hampshire (Merrimack Station). Eversource counsel Linda Landis sent EPA counsel Mark Stein a letter dated September 4, 2015, in which Eversource raised issues concerning EPA's interpretation of certain water temperature data previously provided to EPA by the company.

To clarify any potential uncertainty or confusion with regard to the subject temperature data, EPA is sending Eversource this information request pursuant to Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a). In her letter, Ms. Landis acknowledges that "any misinterpretation of the data by the agency is due to a lack of clarity in the Report itself" Whatever the cause of any confusion, EPA is eager to ensure that it correctly understands the data that were submitted.

The subject temperature data set is presented as Appendix A in the April 2007 Normandeau Associates report titled, "A Probabilistic Thermal Model of the Merrimack River Downstream of Merrimack Station." Appendix A is titled, "**Historical Maximum, Minimum, and Mean Average Daily Temperature as measured at Merrimack Stations N-10, S-0 and S-4 and Predicted at Monitoring Station A-0 during the 1 April to 1 November period of 1984-2004.**" Each table within Appendix A is titled, "**Average Daily Maximum, Minimum, and Mean Water**

Temperature Measured at...” for each of the four stations included. While EPA noticed the difference between these titles, they all appeared to be consistent with the format Merrimack Station has historically used in presenting temperature data in its Environmental Monitoring Program Annual reports (i.e., maximum, minimum, and daily average temperatures). In order to ensure we are interpreting this water temperature data set correctly, EPA seeks through this letter additional information related to Eversource’s temperature data for the same period covered by the documents referenced above (i.e., 1 April – 31 October of 1984 – 2004 for Monitoring Stations N-10, S-0, and S-4).

CWA § 308(a) authorizes EPA to require the owner or operator of any point source to make reports and provide information as may reasonably be required to:

... carry out the objectives of ... [the CWA], including but not limited to: (1) developing or assisting in the development of any effluent limitation, or other limitation, prohibition ... or effluent standard, ... , or standard of performance under [the CWA] ... ; (2) determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance; (3) any requirement established under this section; or (4) carrying out section ... [402] ... of [the CWA]

To assist in the determination of final effluent limits for non-contact cooling water discharges from the Merrimack Station, EPA requires Eversource Energy to submit the information specified below **within thirty (30) business days** of receipt of this letter. EPA concludes that this provides ample time for Eversource to provide this information given that the information requested is the company’s own data and that the Eversource has recently been working with these data.

Compliance with This Request

Compliance with this request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, could result in an enforcement action by EPA pursuant to Section 309 of the CWA, 33 U.S.C. § 1319, which provides for administrative, civil, and criminal penalties. In addition, any person who knowingly submits false information to EPA may be subject to criminal prosecution under 18 U.S.C. § 1001. If responsive information or documents not known or available to you as of the date of submission of the response to this request should later become known or available, you must supplement your response to EPA. Moreover, should you find at any time after your initial response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact and provide a corrected response.

The information requested must be provided even if you may contend that it includes possible confidential business information or trade secrets. You may, however, if you desire, assert a business confidentiality claim with respect to part or all of the information submitted to EPA in the

manner described at 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means, of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to EPA, it may be made available to the public by EPA without further notice to you. Please note that effluent information may not be regarded as confidential. *See* 40 C.F.R. § 2.302.

Information Requested

Eversource Energy shall provide EPA with the information described in Items 1-3 below.

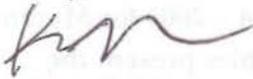
1. Please provide a copy of Dr. Larry Barnthouse's review and conclusions of the water temperature data which was referenced in Ms. Landis's September 4, 2015 letter;
2. Please provide Eversource's water temperature data used in the annual reports for the period referenced above (i.e., 1 April – 31 October of 1984 – 2004 for Monitoring Stations N-10, S-0, and S-4). In the annual reports, these tables present the instantaneous maximum and minimum temperatures recorded on each date (and the specific times recorded), as well as the daily average temperature, which is the mean of 96 (typically) temperature data points recorded on that date. These data shall be provided in hard copy as well as workable Excel files in the same monthly table format as they were presented in the PSNH Merrimack Generating Station Environmental Monitoring Program annual reports;
3. Using the same data sets presented in the environmental monitoring program annual reports (and submitted in accordance with request #2 above), please calculate the 21-year average of the daily "instantaneous maximums", daily "instantaneous minimums", and "daily mean" water temperatures (daily average of the 96 temperature data points for that date) recorded for each day from 1 April to 31 October for the period 1984 – 2004 for Monitoring Stations N-10, S-0, and S-4. For example, the maximum temperature (i.e., the "instantaneous" maximum) collected at Monitoring Station S-0 on July 4 of all 21 years from 1984 to 2004 shall be averaged and that value presented in a table under the heading "Average of the Instantaneous Maximum." This table shall also include columns for the "Average of the Instantaneous Minimum" and "Average for the Daily Mean," and include a row for each day of the month. A separate table will be generated for each month from April to October for Monitoring Stations N-10, S-0, and S-4. These data shall be presented in degrees Fahrenheit (F°) and provided in hard copy as well as workable Excel files in the same table format used in Appendix A of Normandeau Associate's April 2007 report, referenced above. Please include an explanation of how the temperature values were calculated for each table so we can confirm they are responsive to this request.

Information submitted pursuant to this request shall be sent by certified mail and shall be addressed as follows:

Eric P. Nelson
U.S. Environmental Protection Agency
Office of Ecosystem Protection
Ocean and Coastal Protection Unit (OEP06-1)
5 Post Office Square - Suite 100 (COP)
Boston, Massachusetts 02109-3912

If you have any technical questions regarding this information request, please contact Eric Nelson at 617-918-1676. If you have any legal questions, please direct them to Mark Stein at 617-918-1077.

Sincerely,



Ken Moraff, Director
Office of Ecosystem Protection

cc: Permit File
Linda Landis, Eversource Energy
Stergios Spanos, NHDES