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Mark A. Stein
Senior Assistant Regional Counsel
US Environmental Protection Agency
Office of Regional Counsel, Region 1
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**Re: Public Service Company of New Hampshire
Merrimack Station, Bow, New Hampshire
Draft NPDES Permit No. NH0001465**

Dear Attorney Stein:

On behalf of Public Service Company of New Hampshire (d/b/a Eversource Energy)("PSNH"), I want to express my appreciation for the good-faith effort of the Environmental Protection Agency ("EPA" or the "agency") to be responsive to PSNH's Freedom of Information Act ("FOIA") requests seeking information related to the agency's finalization of the Merrimack Station National Pollutant Discharge Elimination System ("NPDES") draft permit issued in September 2011. It had been my hope that once the FOIA information was received we would be able to discern the agency's direction in regard to Clean Water Act Sections 316(a) and (b) and implications for the final NPDES permit, but unfortunately that is not the case.

Since submitting its comments in February 2012, PSNH has received no response from EPA concerning the specific issues raised and information provided by PSNH related to Sections 316(a) and (b).¹ Given the passage of time since the 2011 draft was issued, and the wide-ranging and varied information received in response to our FOIA requests, PSNH is concerned that a final NPDES permit will be issued with new data and information on which EPA intends to rely or to use to supplement its earlier conclusions -- without providing PSNH the opportunity to comment in a constructive and timely manner.

¹ Although the agency reissued a portion of the draft permit dealing primarily with issues related to the treatment of flue gas desulfurization wastewater for public notice and comment last year, that portion of the draft permit did not address issues specifically related to Sections 316(a) and (b) and raised in PSNH's comments on the 2011 draft NPDES permit.

If PSNH's aforementioned concerns have any basis in fact and the agency does intend to use new information in support of its conclusions related to Sections 316(a) and (b), we respectfully request the agency issue a revised draft of that portion of the permit. This would provide PSNH, as the owner and operator of the Station and as the permit holder, an appropriate opportunity to comment on any new or different information not raised earlier in conjunction with the 2011 draft permit. This would ensure that new information has been properly and fully considered, interpreted, and/or evaluated. In addition, and importantly, the opportunity to review and to comment would narrow the issues in any potential administrative appeal of the final permit by one or more interested stakeholders.

Please give me a call if you would like to discuss this further. We believe it is in the interest of both EPA and PSNH to have a final permit based on sound science and a fully developed administrative record.

Sincerely,



Linda T. Landis
Senior Counsel

Cc: William H. Smagula, P.E., Vice President, Generation, Eversource
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