

From: linda.landis@nu.com
To: [Stein, Mark](#)
Cc: rfowler@balch.com; [Taylor, Spence](#)
Subject: FGD Wastewater Information
Date: Tuesday, September 10, 2013 3:15:36 PM
Attachments: [4536_001.pdf](#)

Mark: Please see the attached, which includes the relevant section of PSNH's May 2012 Section 308 response as well as various emails indicating what we believed to be the completion of our reporting obligation. With all due respect, I would like to add that we are not aware of any legal basis for an ongoing, essentially *ad infinitum* monthly reporting obligation regarding what are essentially limited shipments of treated wastewater to regulated POTWs with whom we have all necessary agreements and permits in place. The treated wastewater must meet all standards of the regulated POTWs, and, as you know, is subjected to additional treatment provided by the POTWs.

I am happy to discuss this further with you. Linda

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May 7, 2012
§ 308 Information
Response

PRELIMINARY STATEMENT

As a preliminary statement, PSNH objects to the March 22, 2012 information request as unreasonable in certain respects. Specifically, it is overly broad, unduly burdensome, including the limited time period within which PSNH must respond, and disturbingly vague in its scope. In addition, PSNH believes that the request for monthly reports going forward exceeds EPA's authority under Section 308 of the Clean Water Act ("CWA") and Section 3007 of the Resource Conservation and Recovery Act ("RCRA").

Despite these objections, PSNH has made a good-faith effort to provide the information requested and believes the information contained herein to be fully responsive. The response provided today is based on a review of documents that could be readily located and reviewed in the limited time allowed. PSNH reserves the right to correct and/or supplement these responses if additional information or documents are determined to be responsive.

In a number of instances, the information provided is responsive to more than one question but is provided only once. Thus, while a response to one section may at first appear to be incomplete, there will most likely be other responsive documents provided but grouped under a different heading.

Raw data are provided but not tabulated or interpreted since PSNH is not required under the above cited statutory authorities to produce interpretative documents. The one exception is in PSNH's first response (Question 1(a), (b)(1), and (b)(2), with some data responsive to (b)(3)) which has been provided in a spreadsheet format that PSNH has created to facilitate review.

PSNH would welcome the opportunity to meet with EPA to discuss the information provided and to answer any further questions.

May 7, 2012
§308 Info
Response

2) Beginning in May 2012, please submit a monthly report containing all the information requested in Item No. 1. This report is due by the fifteenth day of the following month.

2. PSNH objects to this information request as unduly burdensome, not reasonably limited with respect to time, and to the extent it calls for PSNH to create documents not otherwise in its possession, custody, and/or control as of March 26, 2012, the date PSNH received EPA's March 22, 2012 correspondence, as beyond the statutory authority of Section 308(a) of the Clean Water Act and Section 3007 of the Resource Conservation and Recovery Act. Subject to and without waiving the foregoing objections, PSNH hereby agrees to provide EPA documents and/or reports created during the normal course of business that are responsive to Question 1, subparts (a) through (c), that PSNH has in its possession, custody, and/or control on a monthly basis. PSNH respectfully requests, however, that the due date of these monthly submissions to EPA be changed to the last day of each month for providing material relevant to the preceding month (*i.e.* information related to the month of May will be produced to EPA on or before June 30). This reporting timeframe is necessary because PSNH does not have in-house laboratory capabilities, and the local laboratories are not capable of properly analyzing what are often infinitesimally minute levels of constituents in the effluent. As such, PSNH's contract laboratory must send samples to a subcontract laboratory in Seattle, Washington. This laboratory typically does not provide analyses to PSNH for a given month until after the fifteenth day of the following month. PSNH further requests that EPA set a reasonable deadline (*e.g.* six months, or November 2012), after which PSNH is no longer obligated to provide the aforementioned documents and/or reports to the agency because the effluent at issue is being discharged in accordance with all applicable laws and regulations and is not a hazardous waste, as explained in detail below.



Fw: July POTW Report

From: **Allan G. Palmer** <GEN DIRECTOR > < 720-2439 >
To: Linda T. Landis

08/14/2013 11:36 AM

----- Forwarded by Allan G. Palmer/NUS on 08/14/2013 11:36 AM -----



Allan G. Palmer

To: King.John@epamail.epa.gov
cc:
Subject: July POTW Report

09/19/2012 05:46 PM

[attachment "FINAL 29307 JULY RPT LRWU 082412.pdf" deleted by Allan G. Palmer/NUS]

John, As provided for the months of May and June, I have attached the analytical report that was sent to the City of Lowell POTW for the month of July. This report is responsive to the request in EPA's 308 letter dated March 22, 2012 to continue to provide analytical data generated from the FGD treatment process beginning in May 2012. While a number of similar reports are typically submitted each month to the various POTWs we use, this report is being provided since Lowell is an often used facility and it contains the sum total of all analyses that were conducted on FGD wastewater that was trucked off-site during July. This report contains two analyses each for "softened A Stream" and for "softened B Stream."

I hope these reports provide you with the information you need. As we discussed, I will email similar reports to you for the months of August thru November. Please contact me if you have questions.

Thanks, Allan.



Fw: August Report

From: **Allan G. Palmer** <GEN DIRECTOR > <720-2439 >
To: Linda T. Landis

08/14/2013 11:37 AM

----- Forwarded by Allan G. Palmer/NUS on 08/14/2013 11:37 AM -----



Allan G. Palmer

To: King.John@epamail.epa.gov
cc:
Subject: August Report

09/28/2012 04:51 PM

John, Please find attached our report to the City of Lowell POTW for the month of August. This report is responsive to the request in EPA's 308 letter dated March 22, 2012 to continue to provide analytical data generated from the FGD treatment process beginning in May 2012. This report is being provided since Lowell is an often used facility and it contains the sum total of all analyses that were conducted on FGD wastewater that was trucked off-site in August. This report contains one analysis for softened B Stream and one for distillate.

[attachment "FINAL 29307 AUG RPT LRWU 092712.pdf" deleted by Allan G. Palmer/NUS]

As we discussed, I will email similar reports to you for the months of September thru November. Please contact me if you have questions.

Thanks, Allan.



Fw: September Report

From: **Allan G. Palmer** <GEN DIRECTOR > <720-2439 >
To: Linda T. Landis

08/14/2013 11:38 AM

----- Forwarded by Allan G. Palmer/NUS on 08/14/2013 11:37 AM -----



Allan G. Palmer

To: King.John@epamail.epa.gov
cc:
Subject: September Report

10/18/2012 10:26 AM

John, Please find attached our report to the Town of Hooksett POTW for the month of September. This report is responsive to the request in EPA's 308 letter dated March 22, 2012 to continue to provide analytical data generated from the FGD treatment process beginning in May 2012. The Hooksett report is being provided as it was the only facility used during the month and it contains the sum total of all analyses that were conducted on FGD wastewater that was trucked off-site in September. This report contains one analysis for distillate.



FINAL Hooksett SEPT RPT 101212.pdf

As we discussed, I will email similar reports to you for the months of October and November. Please contact me if you have questions.

Thanks, Allan.



Fw: October & November Reports

From: Allan G. Palmer/NUS <GEN DIRECTOR > < 720-2439 >
To: Linda T. Landis/NUS@NU
Date: 08/14/2013 11:38 AM
Subject: Fw: October & November Reports

----- Forwarded by Allan G. Palmer/NUS on 08/14/2013 11:38 AM -----



Allan G. Palmer

To: King.John@epamail.epa.gov
cc:
Subject: October & November Reports

12/19/2012 01:33 PM

John, Please find attached our report to the Town of Hooksett POTW for the month of October. This report is responsive to the request in EPA's 308 letter dated March 22, 2012 to continue to provide analytical data generated from the FGD treatment process beginning in May 2012. The Hooksett report is being provided as it was the only facility used during the month and it contains the sum total of all analyses that were conducted on FGD wastewater that was trucked off-site in October. This report contains one analysis for distillate.



2690_001.pdf

No shipments were made off-site in November, so we have no data to submit for the month. Based upon my understanding, this report concludes our commitment to provide information in response to your 308 letter. Please contact me if you have questions.

Thanks, Allan.