From: Bersak, Robert A
To: Stein, Mark
Cc: P. Stephen Gidiere III (sgidiere@balch.com); Gaito, Danielle; DeMeo, Sharon M.
Subject: RE: Merrimack Station NPDES Permit Proceeding - Records Question
Date: Friday, March 08, 2019 3:52:25 PM
Attachments: jmaze001.png
jmaze002.png
Dec. 2017 CFD THERMAL PLUME MODELING TECHNICAL REPORT.pdf
February 17 2017 Correspondence to EPA Region 1 - Redacted (002).pdf

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Mark:

Late last year you asked if the CBI designations could be removed from two documents that were supplied by Eversource and are in the administrative record for the Merrimack Station NPDES permitting process:

i. February 17, 2017, Letter from Linda Landis, PSNH, to Mark Stein, EPA Region 1, Re: Compliance Plan for Bottom Ash Transport Wastewater Pursuant to Effluent Limitation Guidelines Rule. This is AR1379 in our Administrative Record for the permit; and,
ii. December 2017, Report by Enercon submitted with PSNH's comments during the late 2017 comment period for the Merrimack Station permit. The entirety of the Enercon document is designated as CBI. A cover sheet for this report is included in our Administrative Record for the permit as AR1378.

Regarding the first document (AR1379), Eversource is willing to allow posting of the document with minor redactions, as shown on the attached document.

Eversource is willing to release its CBI claim entirely for the second document (AR1378).

Copies of these two items are attached.

Please let me know if the redacted version of AR1379 meet EPA's needs.

Thanks.

BOB
ROBERT A. BERSAK
Chief Regulatory Counsel
Eversource Energy
780 N. Commercial St. | P.O. Box 330 | Manchester, NH 03105-0330
603-634-3355 | Fax 603-634-2438 | Robert.Bersak@Eversource.com

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From: Stein, Mark <Stein.Mark@epa.gov>
Sent: Wednesday, December 12, 2018 3:40 PM
To: Bersak, Robert A <robert.bersak@eversource.com>
Cc: P. Stephen Gidiere III (sgidiere@balch.com) <sgidiere@balch.com>; Gaito, Danielle <Gaito.Danielle@epa.gov>; DeMeo, Sharon M. <Demeo.Sharon@epa.gov>
Subject: RE: Merrimack Station NPDES Permit Proceeding - Records Question

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Hi Bob –
You're correct as to both documents. Sorry for causing confusion on this, and thanks for sorting it out.

We appreciate your help with this.

- Mark

From: Bersak, Robert A <robert.bersak@eversource.com>
Sent: Wednesday, December 12, 2018 11:35 AM
To: Stein, Mark <Stein.Mark@epa.gov>
Cc: P. Stephen Gidiere III (sgidiere@balch.com) <sgidiere@balch.com>; Gaito, Danielle <Gaito.Danielle@epa.gov>; DeMeo, Sharon M. <Demeo.Sharon@epa.gov>
Subject: RE: Merrimack Station NPDES Permit Proceeding - Records Question

Mark:

Almost ready to respond to your CBI questions. But first, a question for you.

In your email you said:

> The two records in question are the following:
>
> 1) February 17, 2017, Letter from Linda Landis, PSNH, to Mark Stein, EPA Region 1, Re: Compliance Plan for Bottom Ash Transport Wastewater Pursuant to Effluent Limitation Guidelines Rule. This is AR1379 in our Administrative Record for the permit, but only a cover sheet is included in the public record due to the CBI designation. See attached.
>
> 2) December 2017, Report by Enercon submitted with PSNH's comments during the late 2017 comment period for the Merrimack Station permit. The entirety of the Enercon document is designated as CBI. A cover sheet for this report is included in our Administrative Record for the permit as AR1378. See attached.

I think the Administrative Record references you provided are incorrect. I believe that Document 1 is actually AR1378 (not AR1379):

1378	02/17/2017	Letter	Letter to EPA Region 1 from PSNH dba Eversource Energy re: Compliance Plan for Bottom Ash Transport Wastewater Pursuant to Effluent Limitation Guidelines Rule - Confidential and Proprietary Business Information (PDF) (1 pg, 18 K)	Linda Landis, PSNH dba Eversource Energy	Mark Stein EPA Region 1
1379	07/07/2015	Email and Attachment	Inside EPA News Brief: EPA Sends Final Power Plant ELG Rule to OMB, dated July 7, 2015 (PDF) (2 pp, 98 K)	Mark Stein, EPA Region 1	David Webster, Damien Houlihan, Sharon DeMeo, EPA Region 1

And, Document 2 is not AR1378, (as AR1378 appears to be Document 1), but appears to be AR1549:

1549	12/18/2017	Comments	Exhibit 1 – Response to Environmental Protection Agency's Statement of Substantial New Questions for Public Comment, prepared by Enercon Services for PSNH dba Eversource Energy, December 17, 2017 (Note: this document contains proprietary information and is therefore not included in the Administrative Record. Please contact Eversource/PSNH for More Information) (PDF) (1 pg, 269 K)	Enercon Services, Inc.	PSNH dba Eversource Energy

The actual documents you attached to your email show the AR1378 reference for Document 1 and AR1549 reference for Document 2.

Can you confirm the AR references for me? Just want our response to be accurate.

Thanks.

BOB
ROBERT A. BERSAK
Chief Regulatory Counsel
Eversource Energy
780 N. Commercial St. | P.O. Box 330 | Manchester, NH 03105-0330
603-634-3355 | Fax 603-634-2438 | Robert.Bersak@Eversource.com

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From: Stein, Mark <Stein.Mark@epa.gov>
Sent: Wednesday, November 14, 2018 12:13 PM
To: Bersak, Robert A <robert.bersak@eversource.com>
Cc: P. Stephen Gidiere III (sgidiere@balch.com) <sgidiere@balch.com>; Gaito, Danielle <Gaito.Danielle@epa.gov>; DeMeo, Sharon M. <Demeo.Sharon@epa.gov>
Subject: RE: Merrimack Station NPDES Permit Proceeding - Records Question

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Thanks. Much appreciated.

From: Bersak, Robert A <robert.bersak@eversource.com>
Sent: Wednesday, November 14, 2018 10:46 AM
To: Stein, Mark <Stein.Mark@epa.gov>
Cc: P. Stephen Gidiere III (sgidiere@balch.com) <sgidiere@balch.com>; Gaito, Danielle <Gaito.Danielle@epa.gov>; DeMeo, Sharon M. <Demeo.Sharon@epa.gov>
Subject: RE: Merrimack Station NPDES Permit Proceeding - Records Question

Hi Mark –

Just wanted to let you know I have received your email request and will be reviewing the CBI designations. Will get back to you as soon as I can.

BOB

Robert A. Bersak
Chief Regulatory Counsel
Eversource Energy
780 N. Commercial St | P.O. Box 330 | Manchester, NH 03105-0330
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From: Stein, Mark <Stein.Mark@epa.gov>
Sent: Wednesday, November 14, 2018 10:29 AM
To: Bersak, Robert A <robert.bersak@eversource.com>
Cc: P. Stephen Gidiere III (sgidiere@balch.com) <sgidiere@balch.com>; Gaito, Danielle <Gaito.Danielle@epa.gov>; DeMeo, Sharon M. <Demeo.Sharon@epa.gov>
Subject: Merrimack Station NPDES Permit Proceeding - Records Question

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Hi Bob –
I am writing with a question in connection with EPA's continuing work on the Merrimack Station NPDES permit.

There are two documents earlier submitted to EPA by PSNH (and/or its contractors) in connection with the Merrimack Station permit proceeding that the company labelled as Confidential Business Information (CBI) in their entirety. We think these documents are likely no longer CBI or, at most, are only partly CBI. Having the CBI designations removed, in whole or in part, would make it much easier for us to discuss the material in the Responses to Comments that we are working on to support the Final Permit. Such discussion will enable us to better explain our final permit decision.

We met with Granite Shore Power yesterday to discuss the permit and at one point asked if the CBI designations could be removed from the two documents in question. In response, Stephen Gidiere of Balch & Bingham suggested that since the material was submitted to EPA, and designated as CBI, by PSNH, we should ask PSNH about if the CBI designations could be withdrawn. Specifically, he suggested that I contact you.

The two records in question are the following:

1. February 17, 2017, Letter from Linda Landis, PSNH, to Mark Stein, EPA Region 1, Re: Compliance Plan for Bottom Ash Transport Wastewater Pursuant to Effluent Limitation Guidelines Rule. This is AR1379 in our Administrative Record for the permit, but only a cover sheet is included in the public record due to the CBI designation. See attached.

2. December 2017, Report by Enercon submitted with PSNH's comments during the late 2017 comment period for the Merrimack Station permit. The entirety of the Enercon document is designated as CBI. A cover sheet for this report is included in our Administrative Record for the permit as AR1378. See attached.

Please let us know if the CBI designations can be withdrawn in whole or in part for these two records. If the CBI designations can be withdrawn only in part, please provide us with a redacted copy of the record that masks the text you consider to be CBI. We would then intend to include the non-CBI portions of the record in our public Administrative Record.

Please let us know about these two records at your earliest convenience. Thanks for your assistance.

Sincerely,

Mark Stein

Mark A. Stein
Senior Assistant Regional Counsel
US EPA – Region 1
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