

From: [Stein, Mark](mailto:Stein_Mark@epa.gov)
To: Robert.Bersak@eversource.com
Cc: [Gaito, Danielle](mailto:Gaito.Danielle@epa.gov); [Curley, Michael](mailto:Curley.Michael@epa.gov)
Subject: RE: Merrimack Station NPDES Permit Proceeding - Records Question
Date: Tuesday, February 09, 2020 10:24:00 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

Hi Bob – Yes, that does the trick for us. Thanks so much for keeping after it and getting this resolved. We appreciate it and it should help the decision process be a bit more transparent for the public, which is always a good thing.

-Mark

From: Bersak, Robert A <robert.bersak@eversource.com>
Sent: Monday, February 03, 2020 4:12 PM
To: Stein, Mark <Stein.Mark@epa.gov>
Cc: Curley, Michael <Curley.Michael@epa.gov>; Gaito, Danielle <Gaito.Danielle@epa.gov>
Subject: RE: Merrimack Station NPDES Permit Proceeding - Records Question

Mark:

At long last, I have an answer to your question regarding continue CBI status of item AR 1549 in the Merrimack Station NPDES record. AR 1549 is a public comment response prepared by Enercon Services, Inc. for PSNH.

Enercon has agreed the CBI designation can be removed except as to the information pertaining to Reference 12.22. The Reference 12.22 information should remain redacted as confidential, per Enercon. Enercon consulted Johnson Screens in concluding which portions of the report should remain redacted.

Attached is a pdf that constitutes the updated version of AR-1549. "CBI" stamp designations have been removed from each page of the report and attachments, but the text associated with Reference 12.22 in the body of the report remains designated as CBI (and has been redacted):

12.21 Assessment of 2007 Response to United States Environmental Protection Agency CWA § 308 letter, PSNH Merrimack Station Units 1 & 2, October 2014.

12.22 [REDACTED]

12.23 MK-M-1235, "Schematic of Water Flow Merrimack Station", Revision 2.

PSNH agrees to the CBI designation removal, except for the reference in 12.22, consistent with Enercon's position.

Does this meet your needs?

Sorry this took so long.

BOB
ROBERT A. BERSAK
Chief Regulatory Counsel
Eversource Energy
700 N. Congressal St. | P.O. Box 330 | Manchester, NH 03108-0330
603-561-3100 | Fax: 603-641-2481 | Robert.Bersak@eversource.com

From: Bersak, Robert A
Sent: Wednesday, January 8, 2020 12:04 PM
To: Stein, Mark <Stein.Mark@epa.gov>
Cc: Curley, Michael <Curley.Michael@epa.gov>; Gaito, Danielle <Gaito.Danielle@epa.gov>
Subject: RE: Merrimack Station NPDES Permit Proceeding - Records Question

Hi Mark (et al).

Hope everyone had a good holiday break.

Re: AR 1549. After your prior email (back in April) we had a subsequent exchange of emails with the vendors (whose information is in the document) and did not get a definitive answer. We have doubled back with them and hopefully will hear shortly.

Will let you know as soon as I can.

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Eversource Energy
700 N. Congressal St. | P.O. Box 330 | Manchester, NH 03108-0330
603-561-3100 | Fax: 603-641-2481 | Robert.Bersak@eversource.com

From: Stein, Mark <Stein.Mark@epa.gov>
Sent: Wednesday, January 8, 2020 8:26 AM
To: Bersak, Robert A <robert.bersak@eversource.com>
Cc: Curley, Michael <Curley.Michael@epa.gov>; Gaito, Danielle <Gaito.Danielle@epa.gov>
Subject: FW: Merrimack Station NPDES Permit Proceeding - Records Question

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Hi Bob –
Happy New Year.

I'm not sure you ever responded to my email immediately below. At least I can't find a response.

I am just trying to confirm that Eversource has withdrawn its CBI claim for AR 1549 in its entirety (and not just for Attachment 5 to that document).

One of your previous emails (see March 8, 2019, email appended below) indicates that you were withdrawing the CBI claim to the entirety of that document ("Eversource is willing to release its CBI claim entirely for the second document (AR1376)"), but refers to an incorrect AR number. (I think we might have been the original source of the mix-up on the AR number.) Also, your March 8 email stated that it was appending the record in question, but you appended only Attachment 5 to AR 1549, not the whole document. So we are just wanting to be sure that the CBI claim has been released from the entirety of AR 1549.

I am sorry to be so persistent about getting this clear but we are wanting to cite to AR 1549, but we are also very careful about CBI and don't want to unintentionally make a public release of any CBI.

Thanks for your help clarifying this.

-Mark Stein

From: Stein, Mark
Sent: Friday, April 05, 2019 12:11 PM
To: Bersak, Robert A <robert.bersak@eversource.com>
Cc: P. Stephen Gidiere III <pgidiere@balch.com>; Gaito, Danielle <Gaito.Danielle@epa.gov>; DeMeo, Sharon M. <Sharon.DeMeo@epa.gov>
Subject: RE: Merrimack Station NPDES Permit Proceeding - Records Question

Hi Bob – Sorry for any confusion. Yes, you previously clarified the correct AR numbers for the documents.

My remaining question is whether you have released the CBI for the entire AR 1549, or just for Attachment 5 to that larger record?

We are hoping to have the CBI released for the entire AR 1549.

Thanks.

-Mark

From: Bersak, Robert A <robert.bersak@eversource.com>
Sent: Tuesday, April 02, 2019 1:49 PM
To: Stein, Mark <Stein.Mark@epa.gov>
Cc: P. Stephen Gidiere III <pgidiere@balch.com>; Gaito, Danielle <Gaito.Danielle@epa.gov>; DeMeo, Sharon M. <Sharon.DeMeo@epa.gov>
Subject: RE: Merrimack Station NPDES Permit Proceeding - Records Question

Hi Mark:

Is your question different from what we already discussed back in December? See the two relevant emails:

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 <pgidiere@balch.com>; Gaito, Danielle <Gaito.Danielle@epa.gov>; DeMeo, Sharon M. <Sharon.DeMeo@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@bahch.com) <sgidiere@bahch.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:

- 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.
- December 2017, Report by Enecon submitted with PSNH's comments during the late 2017 comment period for the Merrimack Station permit. The entirety of the Enecon 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):

Document ID	Date	Type	Description	Author	Reviewer
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 (PDE) (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 (PDE) (2 pp, 18 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:

Document ID	Date	Type	Description	Author	Reviewer
1549	12/18/2017	Comments	Exhibit 1 - Response to Environmental Protection Agency's Statement of Substantial New Questions for Public Comment, prepared by Enecon 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) (PDE) (1 pg, 269 K)	Enecon 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

BOB
Robert A. Bersak
Chief Regulatory Counsel
Eversource Energy
78 N. Galloway St. | P.O. Box 330 | Manchester, NH 03105-0330
603-534-3138 | Fax: 603-534-2431 | Robert.Bersak@eversource.com

From: Stein, Mark <Stein.Mark@epa.gov>
Sent: Tuesday, April 2, 2019 10:36 AM
To: Bersak, Robert A <robert.bersak@eversource.com>
Cc: P. Stephen Gidiere III (sgidiere@bahch.com) <sgidiere@bahch.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 -

I need to pose to you a couple of follow-up questions. (Oh well.)

First, we note that the Feb. 17, 2017, letter from Linda Landis in Item (i) of your email is actually AR1378 (not AR 1379).

Second, the Enecon report in Item (ii) of your email is AR1549 (not AR 1378). Your email states that "Eversource is willing to release its CBI claim entirely" for this document, but you refer to it as AR1378. Also, you indicate that a copy of the document is attached, but you have only attached a report that is Attachment 5 ("CFD Thermal Model") to the overall report. Therefore, we want to verify that we are talking about the Enecon report at AR1549 and that you are releasing the CBI claim for the full report and not just Attachment 5 to it.

I hope these questions are clear. Please let me know if you have any questions.

Thanks for your help.

-Mark

From: Bersak, Robert A <robert.bersak@eversource.com>
Sent: Friday, March 08, 2019 3:52 PM
To: Stein, Mark <Stein.Mark@epa.gov>
Cc: P. Stephen Gidiere III (sgidiere@bahch.com) <sgidiere@bahch.com>; Gaito, Danielle <Gaito.Danielle@epa.gov>; DeMeo, Sharon M. <Demeo.Sharon@epa.gov>
Subject: RE: Merrimack Station NPDES Permit Proceeding - Records Question

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:

- 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
- December 2017, Report by Enecon submitted with PSNH's comments during the late 2017 comment period for the Merrimack Station permit. The entirety of the Enecon 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
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603-534-3138 | Fax: 603-534-2431 | Robert.Bersak@eversource.com

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@bahch.com) <sgidiere@bahch.com>; Gaito, Danielle <Gaito.Danielle@epa.gov>; DeMeo, Sharon M. <Demeo.Sharon@epa.gov>
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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@bahch.com) <sgidiere@bahch.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 ARI1379 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 ARI1378. See attached.

I think the Administrative Record references you provided are incorrect. I believe that Document 1 is actually ARI1378 (not ARI1379):

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 ARI1378, (as ARI1378 appears to be Document 1), but appears to be ARI1549:

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
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The actual documents you attached to your email show the ARI1378 reference for Document 1 and ARI1549 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
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603-624-3100 | Fax: 603-624-2431 | Robert.Bersak@eversource.com

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>; Galto, Danielle <Galto.Danielle@epa.gov>; DeMeo, Sharon M. <Sharon.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>; Galto, Danielle <Galto.Danielle@epa.gov>; DeMeo, Sharon M. <Sharon.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
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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>; Galto, Danielle <Galto.Danielle@epa.gov>; DeMeo, Sharon M. <Sharon.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 labeled 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 ARI1379 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 ARI1378. 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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Fax: (617) 918-0077
Email: stein.mark@epa.gov

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