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VIA E-MAIL (STEIN.MARK@EPAMAIL.EPA.GOV)

Mr. Mark A. Stein, Esq.
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency - Region 1
Office of Regional Counsel, Region 1
5 Post Office Square, Suite 100 (CIP)
Boston, Massachusetts 02109-3912

Re: **Public Service Company of New Hampshire
Merrimack Station, Bow, New Hampshire
Draft NPDES Permit No. NH0001465
Request for Extension of Public Comment Period**

Dear Attorney Stein:

On Wednesday, July 26, the Environmental Protection Agency ("EPA") issued for public comment a Statement of Substantial New Questions ("Statement of Questions") document pertaining to the National Pollutant Discharge Elimination System ("NPDES") Permit for Public Service Company of New Hampshire's (d/b/a Eversource Energy) ("PSNH") Merrimack Station ("Merrimack Station" or the "Station") in Bow, New Hampshire. The Statement of Questions included a 60-day comment period from August 4, 2017, to October 4, 2017. PSNH respectfully requests a 60-day extension of the public comment period. As explained in greater detail below, PSNH, its consultants, and other interested parties cannot possibly prepare meaningful comments to address the many questions posed by the agency, as well as the multitude of documents added to the administrative record, within the currently proposed 60-day comment period. EPA provides in its Statement of Questions that it must "ensure a fair, legally sound administrative process for developing the permit" and further provides that "[e]nsuring a sound process is not only the right thing to do because it comports with the law and generates the information needed to produce the best permit decisions possible, but it is also likely the fastest route to a new Final Permit taking effect." Statement of Questions at p. 10. PSNH could not agree more and, accordingly, respectfully requests that EPA extend the public notice period by 60 days in order to provide PSNH and the public a reasonable period of time to study and address all of the issues presented by the Statement of Questions and the new documents added to the administrative record.

As background, EPA first issued a new draft NPDES permit for Merrimack Station in 2011 and originally provided a 60-day public notice and comment period. The bulk of EPA's analyses and

justifications for this 2011 draft permit pertained to Clean Water Act (“CWA”) Sections 316(a) and 316(b) determinations, as well as the regulation of flue gas desulfurization wastewater (“FGD”). PSNH, along with other interested stakeholders including a number of public officials, sought a 90-day extension of the comment period that EPA timely granted. In 2014, EPA reissued only the FGD-portion of the draft permit and again originally provided a 60-day public notice and comment period. Once more, PSNH sought an extension of the comment period—this time an additional 60 days—which EPA timely granted.

Like the original 2011 draft permit, EPA’s Statement of Questions solicits comments on 316(a), 316(b), and FGD issues pertaining to MK. However, this 2017 document also specifically seeks comment on essentially every other key aspect of the draft permit, including the regulation of bottom ash transport water and nonchemical metal cleaning wastes, the import of EPA’s new relevant rulemakings and corresponding pending litigation (a matter of national interest and significance reaching far beyond state and regional borders), and the significance of PSNH’s impending divestiture of its electrical generating assets, among others. There are more than 30 discrete requests for comments in the agency’s Statement of Questions—and this total does not include the subparts or multi-tiered analyses called for in some of the comment solicitations. A 60-day extension to allow interested stakeholders sufficient time to address the myriad questions posed in the Statement of Questions is therefore reasonable and in accordance with the procedural history for this draft NPDES permit proceeding.

This request for additional time to comment is further justified by the fact that EPA has added hundreds of documents to the administrative record for this permit proceeding since the 2014 public comment period. EPA lists a handful of these new documents in its Statement of Questions. Yet, PSNH and other interested parties will no doubt need to review and develop comments addressing many if not all of this new batch of documents EPA referenced in preparing this new Statement of Questions document. This too will take a significant amount of time and resources to complete.

We respectfully urge EPA to grant the requested extension to give PSNH and the public a reasonable opportunity to provide the critical input that EPA requested and should review prior to issuing any final permit. Doing so will advance the agency’s goals of providing a fair, legally sound administrative process. Furthermore, in light of the 20 years the current permit for Merrimack Station has been administratively continued, providing a reasonable comment period by allowing an additional 60 days cannot be viewed as excessive.

Please do not hesitate to call me if you have any questions.

Very truly yours,



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