



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

BOSTON, MA 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

MAR 22 2012

William H. Smagula, P.E., Director-Generation
Public Service of New Hampshire
P.O. Box 330
Manchester, NH 03305-0330

Re: Information Request Related to Merrimack Station Flue Gas Desulfurization Wastewater Treatment System Effluent

Dear Mr. Smagula:

The New England Regional Office of the United States Environmental Protection Agency (EPA) is sending Public Service of New Hampshire (PSNH) this letter to request information concerning the offsite removal of wastewater effluent from the Flue Gas Desulfurization (FGD) Wastewater Treatment System (WWTS) at the Merrimack Station electrical generating facility in Bow, New Hampshire. EPA is sending this information request letter pursuant to both Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a), and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927. EPA requires the requested information to help determine whether the removal and offsite disposal of the FGD WWTS effluent from Merrimack Station complies with CWA and RCRA regulations, and whether it presents a potential adverse effect to the environment.

EPA requires you to submit the information described below to EPA within twenty (20) business days of receipt of this letter.

Information Requested

- 1) Please provide the following information with regard to the offsite disposal of FGD WWTS effluent from Merrimack Station:
 - a) Each date on which any FGD WWTS effluent has been transported offsite from Merrimack Station for disposal.
 - b) For each of the dates on which FGD WWTS effluent was transported offsite for disposal, please provide:
 - (1) The location and identity of the recipient of the FGD WWTS effluent;
 - (2) The total volume of FGD WWTS effluent transported to each location/recipient. This volume shall be further broken down to show the volume of FGD WWTS effluent transported by each tanker truck dispatched from Merrimack Station.

- (3) The results of any effluent sampling accomplished for each separate truck load of FGD WWTS effluent.
 - (4) Any analyses that PSNH or its consultants have prepared concerning whether or not the FGD WWTS effluent would either cause any water quality exceedances in the water body (or bodies) ultimately receiving the wastewater or would cause any permit violations by the facilities receiving the FGD WWTS effluent.
- c) Please also provide copies of any notices or notifications that PSNH may have filed with either EPA or the New Hampshire Department of Environmental Services (NH DES) concerning the offsite disposal of FGD WWTS effluent.
- 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.
 - 3) Please provide your determination of whether or not the FGD WWTS effluent transported offsite is considered a hazardous waste. Provide any supporting documentation for your determination, including any formal hazardous waste determination documentation (i.e., analytical data, MSDS sheets or other process knowledge information), consultant opinions, waste profiles, manifests of disposal, or bills of lading.

Information submitted pursuant to this request shall be sent by certified mail and shall be addressed as follows:

Mr. John Paul King, Environmental Scientist
U.S. Environmental Protection Agency
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

and

Mr. Stergios Spanos, P.E.
New Hampshire Department of Environmental Services, Water Division
Wastewater Engineering Bureau
P.O. Box 95
Concord, NH 03302-0095

An electronic copy of the information submitted is also required in PSNH's reply.

Please be aware that failure to comply with this information request could, depending on the circumstances, subject PSNH to enforcement action by EPA pursuant to Section 309 of the CWA, 33 U.S.C. §1319, Section 104(e) of CERCLA, as amended, and/or Section 3008 of RCRA. Each of these statutes permits EPA to seek the imposition of penalties. Please be further advised that any provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

Please also be aware that PSNH may assert a business confidentiality claim with respect to part or all of the information submitted to EPA in the manner described at 40 CFR Part 2.203(b). You should read the above-cited regulations carefully, however, before asserting a business confidentiality claim,

since certain categories of information are not properly the subject of such a claim. EPA will disclose information covered by such a claim only to the extent, and by means, of the procedures set forth in 40 CFR Part 2, Subpart B. If no such claim accompanies the information when it is submitted to EPA, it may be made available to the public by EPA without further notice to PSNH. Please note that effluent information may not be regarded as confidential.

If you have any technical questions regarding this information request, please contact Sharon Leitch (617) 918-1647 for RCRA questions, and John Paul King at (617) 918-1295 for water quality questions. If you have any legal questions, please direct them to Mark Stein at (617) 918-1077.

Sincerely,



Stephen S. Perkins, Director
Office of Ecosystem Protection

cc: Permit File;

Sharon Leitch, EPA

Justin Pimpare, EPA

Joy Hilton, EPA

Mark Stein, EPA

Stergios Spanos, New Hampshire Department of Environmental Services, Water Division
Wastewater Engineering Bureau, P.O. Box 95, Concord, NH 03302-0095