



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

OCT 23 2012

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

Re: Request for Information Related to NPDES Permit No: NH0001465

Dear Mr. Smagula:

The New England Regional Office of the United States Environmental Protection Agency (EPA) is continuing to review and consider comments and supporting documents received during the public comment period following issuance of the new draft National Pollutant Discharge Elimination System (NPDES) Permit (Permit No. NH0001465) for Public Service of New Hampshire's (PSNH) Merrimack Station electrical generating facility in Bow, New Hampshire (Merrimack Station). EPA is sending PSNH this information request letter pursuant to Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a), because EPA requires additional information to support development of the new permit for Merrimack Station.

CWA § 308(a) authorizes EPA to require the owner or operator of any point source to make reports and provide information as may reasonably be required to:

... carry out the objectives of ... [the CWA], including but not limited to: (1) developing or assisting in the development of any effluent limitation, or other limitation, prohibition, or effluent standard, ... or standard of performance under [the CWA] ...; (3) any requirement established under this section; or (4) carrying out section[] ... 1342 ... of [the CWA]

33 U.S.C. § 1318(a). EPA needs the information requested in this letter to enable us to evaluate more fully the fisheries data submitted by PSNH in the report, "Merrimack Station Fisheries Survey Analysis of the 1972-2011 Catch Data," dated December 2011. From reviewing this report, EPA is confident that you or your consultants should have the information that we are requesting readily available. As a result, we are directing you to submit the information described below within 14 days of receipt of this letter.

Information Requested

1. For each fish captured from Hooksett Pool during electrofish sampling conducted in 2008, 2009, 2010, and 2011 (including any sampling results not previously submitted) , please provide the following information:
 - a. the sampling date;
 - b. the species (common name);
 - c. sampling station number where captured (or specific location if not captured at an established station); and
 - d. the total length (mm).

Please present this information in table format similar to Appendix Table D in the previously submitted report, "Merrimack Station Fisheries Survey Analysis of 1967 Through 2005 Catch and Habitat Data," dated April 2007. In addition, if possible, please also provide these data in an Excel spreadsheet format. Unlike that table, however, we request the specific dates each fish was caught. We are not, however, requiring that you submit the weight of each fish, though you may include such data if you choose.

2. For each electrofish sampling effort in Hooksett Pool conducted in 2008, 2009, 2010, and 2011 (including any sampling results not previously submitted), please provide :
 - a. the date of sampling;
 - b. the station number of the stations that were sampled (or the specific sampling locations if sampling was not conducted at an established station);
 - c. the sampling duration at each station (minutes);
 - d. the distance sampled at each station (feet);
 - e. the total number of each fish species caught at each station (or specific location if not captured at an established station).

Catch per unit effort (CPUE) need only be included if the distance sampled did not equal 1,000 feet.

Please present this information in table format similar to Appendix Table A-2 in the previously submitted report, "Merrimack Station Fisheries Survey Analysis of 1967 Through 2005 Catch and Habitat Data," dated April 2007. In addition, if possible, please also provide these data in an Excel spreadsheet format.

3. For electrofish sampling that you or your consultants conducted in Garvins Pool, Hooksett Pool and Amoskeag Pool in 2010 and 2011, please provide for each year the mean CPUE, including 95% confidence levels, for each species caught *by pool* for all three pools sampled, but separating Hooksett Pool into the following two zones: Zone 1 (upstream of the thermal discharge, including Sampling Stations 7-12), and Zone 2 (at or downstream of the thermal discharge, including Sampling Stations 13-18).

Much of this information is already presented in Tables 2-8 and 2-12 of the previously submitted report, "Merrimack Station Fisheries Survey Analysis of 1972-2011 Catch Data," dated December 2011. Revising these existing tables by

replacing the total Hooksett Pool data column with one column for Zone 1 and another column for Zone 2 would satisfy this request.

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

Eric Nelson
U.S. Environmental Protection Agency
New England Region
5 Post Office Square, Suite 100
Mail Code OEP06-1
Boston, MA 02109-3912

Compliance with this Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, within the time frame specified above, constitutes a violation of the Clean Water Act subject to enforcement action, including the assessment of penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001.

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 C.F.R. Part 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to EPA, the information may be made available to the public by EPA without further notice to PSNH. Please note also that under 40 C.F.R. § 2.303(e) "effluent data" is not eligible for treatment as confidential business information. *See also* 40 C.F.R. § 2.303(a)(2).

Please contact Eric Nelson at (617) 918-1676, or nelson.ericp@epa.gov if you have any technical questions concerning the information requested in this letter. If you have legal questions, please contact Mark Stein at (617) 918-1077, or stein.mark@epa.gov.

Sincerely,

David B. Conway acting for SP

Stephen S. Perkins, Director
Office of Ecosystem Protection

Cc: Jeff Andrews, NH DES