

# **CLF EXHIBIT 07**

**EPA Letter to William H. Smagula, PSNH (Dec. 17, 2011)**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
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**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

December 16, 2011

William H. Smagula, P.E., Director-Generation  
Public Service of New Hampshire  
P.O. Box 330  
Manchester, NH 03105-0330

Re: Corrections to Transcription Errors in Draft Permit and Fact Sheet, NPDES  
Permit No: NH0001465

Dear Mr. Smagula:

The New England Regional Office of the United States Environmental Protection Agency (EPA or Agency) recently discerned several transcription errors in the recently issued Merrimack Station Draft Permit and Fact Sheet. This letter provides notification that these errors have been corrected. EPA has also posted notice of these corrections, as well as the corrected documents themselves, a copy of this letter and a chart detailing the corrections, on the Agency's website at <http://www.epa.gov/region1/npdes/merrimackstation/index.html>.

To be specific, EPA has corrected a number of the Draft Permit's effluent limits and reporting requirements for Outfall 003C (*see* pages 6-7), as well as the description of those limits in Fact Sheet (*see* pages 12, 33, and 34). The corrections were needed due to errors by EPA in transcribing the effluent limits and reporting requirements for Outfall 003C to the Draft Permit from Attachment E of the Fact Sheet, the "*Determination of Technology-Based Effluent Limits for the Flue Gas Desulfurization Wastewater at Merrimack Station in Bow, New Hampshire*," dated September 23, 2011. Attachment E provides the determinations and analysis that establish and explain the Draft Permit's technology-based effluent limits and reporting requirements applicable to Outfall 003C. Five of the seventeen parameters limited at Outfall 003C were incorrectly transcribed from Attachment E to the Draft Permit, pages 6-7, and Fact Sheet, pages 12, 33, and 34.

The chart below shows the corrections made for Outfall 003C in the Draft Permit, pages 6-7, and Fact Sheet, pages 12, 33, and 34, to make them consistent with Attachment E to EPA's Fact Sheet, as EPA intended:

OUTFALL 003C		ORIGINAL DRAFT PERMIT AND FACT SHEET		CORRECTED DRAFT PERMIT AND FACT SHEET	
	Units	Ave Monthly	Max Daily	Ave Monthly	Max Daily
Flow	MGD	<i>0.07</i>	<i>0.07</i>	<i>Report</i>	<i>Report</i>
Iron	ug/L	Report	<i>Report</i>	Report	----
Mercury	ug/L	<i>0.022</i>	<i>0.055</i>	<i>Report</i>	<i>0.014</i>
Phosphorus	mg/L	Report	<i>Report</i>	Report	----
TDS	mg/L	Report	<i>Report</i>	Report	<i>35,000</i>

Note: Italicized items denote changes to documents.

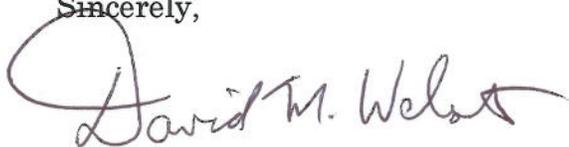
EPA suspects that you and others may already have detected these errors in your review of the Draft Permit and Attachment E.

Although EPA could have waited until receiving public comments to make any corrections necessary to "synchronize" Attachment E and the Draft Permit, the Agency decided it would be better to make the corrections and notify the interested public immediately in order to avoid or minimize unnecessary confusion. EPA has also determined that it is not necessary to further extend the current 5-month long comment period. The correct limits and reporting requirements were presented and explained in Attachment E, and, as of this date, more than 60 days remain in the comment period.

EPA regrets any confusion that has resulted from the above-described transcription errors.

If you have any technical questions regarding this notification letter, please contact John Paul King at (617) 918-1295. If you have any legal questions, please direct them to Mark Stein at (617) 918-1077.

Sincerely,



David M. Webster, Manager  
Industrial Permits Branch  
Office of Ecosystem Protection

cc: Permit File  
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