



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100
BOSTON, MA 02109-3912**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

November 8, 2013

William H. Smagula, P.E., Director-Generation
Public Service of New Hampshire
P.O. Box 330
Manchester, NH 03305-0330Re: 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 or the Agency) is sending Public Service of New Hampshire (PSNH or the company) this letter to request information concerning the offsite disposal 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 Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a). EPA requires the requested information to assist the Agency in developing limits for Merrimack Station's National Pollutant Discharge Elimination System (NPDES) permit, determining whether the disposal of Merrimack Station's FGD WWTS effluent has been conducted in compliance with the CWA and EPA regulations, and determining whether such disposal may be harming the environment.

EPA previously sent PSNH a related information request letter pursuant to CWA § 308(a) on March 22, 2012 (the March 22, 2012, Information Request). EPA is sending the present information request because it appears that PSNH has not fully responded to the March 22, 2012, Information Request, has raised certain objections to that request, and has indicated that it does not intend to further respond to that request. The information requested by this letter largely, but not entirely, overlaps with that requested by the March 22, 2012, Information Request because EPA is uncertain of the extent to which PSNH has failed to submit information responsive to EPA's March 22, 2012, Information Request. To the extent that this letter requests information that PSNH has already submitted to EPA, the company need not submit that information again in response to this letter. In other words, this letter only seeks responsive information not already submitted to EPA by PSNH. At the same time, this letter does not excuse PSNH for any failure to submit information required by the March 22, 2012, Information Request, and EPA does not waive any rights it may have to enforce the requirements of that letter.

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The present information request letter seeks information regarding Merrimack Station's FGD WWTS wastewater disposal through and including September 30, 2014. EPA is placing an end-date on the time period covered by this information request to obviate the concern expressed by PSNH about the time period covered by the March 22, 2012, Information Request. EPA reserves the right, however, either to extend this time period by sending a new letter with a later end-date, or to terminate the information request prior to September 30, 2014, if EPA decides that it does not need additional information.

EPA requires PSNH to submit to the Agency the information described below in accordance with the timetable and other requirements specified below.

Information Requested and Time and Manner of Submission

- 1) For the time period beginning September 1, 2011, and continuing through September 30, 2014, please provide the following information:
 - a) Each date on which any FGD WWTS effluent was 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 the following:
 - i) The location and identity of the recipient of the FGD WWTS effluent;
 - ii) 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;
 - iii) The results of any effluent sampling undertaken for each separate truck load of FGD WWTS effluent;
 - iv) A description of the specific type or types of FGD wastewater that was disposed of offsite (*i.e.*, primary FGD WWTS effluent, brine concentrator distillate, concentrated brine slurry, crystallizer distillate, etc.);
 - v) Any analyses that PSNH or its consultants have prepared concerning whether or not the FGD WWTS effluent would cause any water quality exceedances in the water body (or bodies) ultimately receiving the wastewater and/or any permit violations by the facilities receiving the FGD WWTS effluent;
 - vi) Copies of any notices or notifications that PSNH may have filed with either EPA or the New Hampshire Department of Environmental Services (NHDES) concerning the offsite disposal of FGD WWTS effluent; and
 - vii) A description of the reason or reasons (*e.g.*, equipment or facilities shutdown, process adjustments, etc.) why the FGD WWTS effluent was transported offsite for disposal rather than operating the "secondary" portion of the FGD WWTS so that no liquid effluent would be generated.
- 2) With regard to information that is existing at the time PSNH receives this letter and that is requested in Item 1 above, PSNH must provide such information to EPA within twenty (20) business days of receipt of this letter, except that if PSNH has already submitted the

information to EPA on a prior occasion, it need not submit it to the Agency again. (As stated above, this letter only seeks responsive information not already submitted to EPA by PSNH.)

- 3) With regard to information that PSNH develops or obtains in the future and that is requested in Item 1 above, PSNH must submit the information on a monthly basis. Specifically, each monthly submission to EPA must include all the information requested by EPA that was developed or obtained in the prior calendar month, and each monthly submission is due by the fifteenth day of the following month. If PSNH has no such responsive information for a particular calendar month, it does not need to make a submission to EPA for that month. PSNH's monthly reporting obligation will continue until September 30, 2014, or any earlier date by which EPA in writing releases PSNH from the requirement.
- 4) PSNH must, at a minimum, submit the information requested by this letter to EPA in an electronic format. PSNH may also submit paper copies of the requested information, if it wishes to do so. If it is not reasonably possible for PSNH to submit the information in an electronic format, it must submit paper copies of the information together with an explanation of why it was not reasonably possible to submit the information in an electronic format. The information submitted pursuant to this request shall be sent by certified mail and shall be addressed as follows:

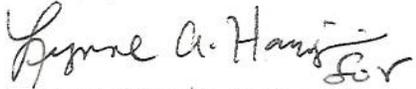
Sharon M. DeMeo, Environmental Engineer
U.S. Environmental Protection Agency - Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

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, which authorizes EPA to seek the imposition of penalties for violations of CWA § 308. 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 in accordance with 40 C.F.R. § 2.203, PSNH may assert a business confidentiality claim covering part or all of the information submitted to EPA in response to this letter. Such a claim must be made in the manner described in 40 C.F.R. § 2.203(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. You should read the above-cited regulations carefully before asserting a business confidentiality claim because certain categories of information are not eligible for confidential treatment. In this regard, please note in particular that under 40 C.F.R. § 2.302, neither effluent data nor effluent standards or limitations may be regarded as confidential. EPA will disclose information covered by a claim of business confidentiality only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B.

If you have any technical questions regarding this information request, please contact Sharon DeMeo at (617) 918-1995. If you have any legal questions, please direct them to Mark Stein at (617) 918-1077. Thank you for your cooperation in responding to this letter.

Sincerely,



Kenneth Moraff, Acting Director
Office of Ecosystem Protection

cc: ✓ Permit File

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