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Puleo, Shelley

From: Stein, Mark
Sent: Thursday, July 17, 2014 12:54 PM
To: Webster, David; Houlihan, Damien; Cobb, Michael; DeMeo, Sharon M.
Subject: FW: Schiller Station NPDES issues
Attachments: 0663_001.pdf

Please see attached.

Mark A. Stein
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From: linda.landis@nu.com [mailto:linda.landis@nu.com]
Sent: Thursday, July 17, 2014 10:07 AM
To: Stein, Mark
Cc: Barze, Bruce; Taylor, Spence; allan.palmer@nu.com; richard.despins@nu.com
Subject: RE: Schiller Station NPDES issues

Hi Mark. Please see the attached letter related to the pending draft NPDES permit for Schiller Station. We will provide the supplemental report to EPA, as discussed in the letter, as soon as possible since a number of significant changes are evaluated in the report. We appreciate your consideration.
I will call you later this morning to follow up on the FOIA issue. Linda

Linda T. Landis, Senior Counsel
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780 No. Commercial Street
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(603)634-2700
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From: "Stein, Mark" <Stein.Mark@epa.gov>
To: Linda T. Landis/NUS@NU,
Cc: Allan G. Palmer/NUS@NU, "DeMeo, Sharon M." <Demeo.Sharon@epa.gov>, "Houlihan, Damien" <houlihan.damien@epa.gov>, "Webster, David" <Webster.David@epa.gov>
Date: 06/27/2014 03:57 PM
Subject: RE: FW: Schiller Station NPDES issues

Hi Linda:

Thanks for your email from last Wednesday (June 18, 2014). We discussed it a bit over the phone on Tuesday of this week (June 24, 2014), but I wanted to provide this email reply as well.

First, thank you for your attention to reviewing the Enercon report to see if the CBI designation can be removed from portions of the report so that you can provide us a redacted version of the report (i.e., with only the remaining CBI material, if any, redacted from the report). Protecting CBI is an imperative for EPA. At the same time, maximizing the transparency of the record for a permit action to the extent possible is also a priority and contributes to the notice-and-comment process for the permit. Furthermore, removing any unnecessary CBI designations will minimize the extent to which all of us may later have to spend time working on the formal process of substantiating claims of CBI.

Second, with regard to Region 1's timeline for issuing the Draft Permit for Schiller Station, you indicate that you have understood we were shooting for the fall of 2014 to notice the Draft Permit. I am not sure where you got that indication from, but as I mentioned on the phone, we previously publicly identified June 30, 2014, as a target date (*not* a hard-and-fast deadline) for the Draft Permit. For a variety of good reasons, we will not make the June 30 target, but we are working diligently to complete the Draft Permit. I cannot identify a specific date for its completion at this time.

Third, with regard to your request for permission to update the Enercon report, PSNH is of course free to submit an updated report. We ask that you submit any such update as soon as you can. If submitted early enough, we will factor it into our development of the Draft Permit. If submitted too late for that purpose, we will factor it into our consideration of public comments and development of a Final Permit (assuming, of course, that it is submitted before the end of the comment period).

Finally, you ask that Region 1 agree not to issue the Draft Permit for Schiller until the full comment period has closed for Merrimack Station. Region 1 cannot make such a promise; our view is that we need to finish and issue the Draft Permit for Schiller Station as soon as possible. At the same time, we will be sure to provide a reasonable comment period for the Schiller Station Draft Permit. In determining the length of the comment period for the Schiller permit, we can take into account any overlap with the Merrimack permit's comment period. As we have done with the Merrimack Draft Permit (and the Revised Draft Permit), Region 1 will provide a reasonable comment period for the Schiller Draft Permit.

I hope this email is helpful to you and your colleagues. Thank you for your cooperation in this matter.

Sincerely,

Mark Stein

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From: linda.landis@nu.com [<mailto:linda.landis@nu.com>]
Sent: Wednesday, June 18, 2014 11:06 AM
To: Stein, Mark
Cc: allan.palmer@nu.com; DeMeo, Sharon M.
Subject: Re: FW: Schiller Station NPDES issues

Hi Mark. I hope you are having a good summer.
As you are aware, we are fully engaged at this time in preparing comments on the revised draft NPDES permit for

Merrimack Station. We very much appreciate the extension we were given for preparation of the comments given our limited resources and the critical importance of the comments which are certain to be a focal point for much controversy. I understand you need a response on the Schiller Station report at issue, so we will plan to review it and the attachments within the next couple weeks to determine what parts of the report are still appropriately considered confidential business information. My goal would be to get you a redacted version within three weeks. However, in light of 316(b) and its implications, and potential advances in technology since the report was written, we would like the opportunity to update the report.. It was my understanding that EPA was going to work toward issuing the draft NPDES permit for Schiller Station in the fall of 2014 and we could proceed with that timeframe in mind. Please let me know if this is an option. Can you tell me if EPA is still targeting the fall of 2014 for issuing the draft Schiller Station permit? We hope that EPA is mindful of our need to focus on the draft Merrimack Station permit in the next two or three months and that EPA would not plan to issue the permit prior to the October 22nd close of the comment period for the Merrimack Station permit. I would appreciate an update on the anticipated schedule. In the meantime, I hope you have summer vacation plans and can enjoy some time off. Linda

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July 16, 2014

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Re: Schiller Station NPDES Permit

Dear Attorney Stein:

Public Service Company of New Hampshire ("PSNH") and its consultants are moving forward with preparation of what we believe to be a critical report to update and supplement prior information submitted to the Environmental Protection Agency ("EPA") related to the pending renewal of Schiller Station's administratively continued National Pollutant Discharge Elimination System ("NPDES") permit. Given the regulatory and technological changes that have taken place in the time since PSNH submitted its 2008 response to EPA's §308 information request (the 2008 Enercon Report), as well as operational changes and potential biological implications, we believe this supplemental report is critical in the preparation of the draft NPDES permit. Accordingly, we request that Region 1 postpone the issuance of the draft permit for Schiller Station until the agency receives and evaluates this information.

The recent finalization of the 316(b) Rule, pre-published by EPA on May 19, 2014, which directly affects the analysis of impingement and entrainment compliance options and criteria for Schiller Station, will be addressed. In addition, advances in technology will be considered, along with feasibility for the Station. Importantly, operational changes that have taken place at Schiller Station in the last three years, and resulting updated flow data, will be evaluated.

Because the information we are preparing has significant implications for the permitting process, we request that EPA give it appropriate consideration prior to issuing the draft permit. We look forward to sharing this supplemental analysis with EPA as soon as it is available. Please let me know if you have any questions or concerns about this ongoing effort.

Yours truly,

Linda T. Landis
Senior Counsel

Cc: William H. Smagula, Vice President Generation - PSNH
Spencer M. Taylor, Esq. – Balch & Bingham
R. Bruce Barze Jr., Esq. – Balch & Bingham
Allan Palmer, PSNH

