
**NEW HAMPSHIRE DEPARTMENT OF
ENVIRONMENTAL SERVICES
P.O. BOX 95
CONCORD, NEW HAMPSHIRE 03302-0095**

**U.S. ENVIRONMENTAL PROTECTION
AGENCY-REGION 1
OFFICE OF ECOSYSTEM PROTECTION –
WATER DIVISION
5 POST OFFICE SQUARE
BOSTON, MASSACHUSETTS 02109-3912**

JOINT PUBLIC NOTICE OF THE **REOPENING** OF THE PUBLIC COMMENT PERIOD FOR THE DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR **MERRIMACK STATION** IN BOW, NEW HAMPSHIRE. THE COMMENT PERIOD IS BEING REOPENED PURSUANT TO 40 C.F.R. § 124.14(b) TO ALLOW ADDITIONAL COMMENT TO ADDRESS CERTAIN DATA, INFORMATION, AND ARGUMENTS, THAT PERTAIN TO CERTAIN ASPECTS OF THE PERMIT AND BECAME PERTINENT SINCE ISSUANCE OF THE DRAFT PERMIT IN 2011 AND THE REVISED DRAFT PERMIT IN 2014.

DATE OF NOTICE: August 2, 2017

COMMENT PERIOD BEGINS: AUGUST 4, 2017 – ENDS – OCTOBER 4, 2017

PERMIT NUMBER: NH0001465

PUBLIC NOTICE NUMBER: NH-008-17

NAME AND MAILING ADDRESS OF APPLICANT:

Public Service of New Hampshire (PSNH)
P.O. Box 330
Manchester, New Hampshire 03105-0330

NAME AND LOCATION OF FACILITY WHERE DISCHARGE OCCURS:

Merrimack Station
97 River Road
Bow, New Hampshire 03301

RECEIVING WATER(S): Merrimack River, Class B

PREPARATION OF THE DRAFT PERMIT:

The U.S. Environmental Protection Agency (EPA) and the New Hampshire Department of Environmental Services, Water Division (NHDES-WD) have cooperated in the development of a Draft Permit for Merrimack Station, a coal-burning steam electric power plant, which withdraws water from and discharges pollutants to the Merrimack River. The proposed requirements of the Draft Permit have been drafted to assure compliance with the Clean Water Act, 33 U.S.C. §§ 1251, *et seq.*, and Chapter 485-A of the New Hampshire Statutes: Water Pollution and Waste Disposal, and the New Hampshire Surface Water Quality Regulations, Env-Wq 1700, *et seq.* EPA also expects that the Final Permit, once it is completed, will be certified by NHDES.

**INFORMATION ABOUT THE CURRENT PUBLIC NOTICE AND REOPENED
COMMENT PERIOD:**

EPA issued a Draft Permit to Merrimack Station on September 30, 2011. The Draft Permit proposed addressed various aspects of the power plant's operations related to the facility's withdrawal of water from the Merrimack River for cooling purposes, and its discharges of waste heat, flue gas desulfurization (FGD) wastewater, and other wastestreams to the River. After the public comment period for the Draft Permit closed in February 2012, EPA began work to consider the public comments and develop the Final Permit. EPA then decided, however, that it should issue for public comment a new, Revised Draft Permit addressing Merrimack Station's FGD wastewater discharges. A Revised Draft Permit was needed because EPA had learned that after issuance of the original Draft Permit, Merrimack Station had installed a new, highly effective treatment system for its FGD wastewater and this new, existing treatment system was neither reflected in the Draft Permit's proposed effluent limits nor identified in the record for the original Draft Permit. EPA issued the Revised Draft Permit on April 18, 2014, and the public comment period ended on October 22, 2014. Since closure of the comment period for the Revised Draft Permit, EPA has been working to consider all of the public comments received and to develop the new Final Permit.

EPA has now decided pursuant to 40 C.F.R. § 124.14(b) that it should again reopen the public comment period for the Merrimack Station Draft NPDES Permit. EPA is reopening the comment period because, since issuance of the Draft and Revised Draft Permits, new data, information, and arguments pertinent to certain aspects of the permit – including data, information, and arguments related to new EPA regulations applicable to the permit – have emerged and appear to raise substantial new questions concerning the permit. By reopening the comment period, EPA will provide the public an opportunity to comment on the new information, data, and arguments, including those related to the new regulations. In this regard, EPA notes that PSNH has requested that EPA reopen the comment period on multiple occasions, including most recently in a December 22, 2016, letter to EPA. While reopening the comment period means that additional time will be devoted taking public comment, EPA is hopeful that providing for additional public input will yield an improved permit and ultimately save time in the long run.

In accordance with 40 C.F.R. § 124.14(c), the comment period for the Draft Permit is not being reopened “across the board.” It is, instead, only being reopened with respect to certain issues. In conjunction with this public notice, EPA has prepared a document entitled, “Statement of Substantial New Questions for Public Comment” (the Statement). The Statement discusses the new data, information (including new regulations), and arguments, that appear to raise substantial new questions and have prompted EPA to reopen the comment period. The Statement also specifies particular records that are at issue. These records are included in EPA's administrative record for the Merrimack Station NPDES permit. The Statement and the administrative record are available on EPA's website at <https://www3.epa.gov/region1/npdes/merrimackstation/index.html>. The Statement also identifies substantial new questions that may be at issue, including possible alternative approaches to designing appropriate permit conditions in light of the new information that is at issue.

EPA is making a copy of the Statement available at our offices in Boston, Massachusetts. A copy may also be obtained at no cost on EPA's website at <https://www3.epa.gov/region1/npdes/merrimackstation/index.html>. In addition, EPA is providing notification about the Statement to any person who commented on the original Draft Permit

and/or the Revised Draft Permit, and to anyone on EPA's standard mailing list for draft NPDES permits. In addition, a copy of the Statement can be obtained by contacting:

Ms. Sharon DeMeo
U.S. Environmental Protection Agency – Region 1
5 Post Office Square, Suite 100 (OEP06-1)
Boston, MA 02109-3912
Telephone: (617) 918-1995

Furthermore, the administrative record containing all documents relating to the Merrimack Station NPDES permit and the Statement, including all data submitted by the applicant, may be reviewed at Region 1's offices in Boston upon request to Ms. DeMeo at the address and phone number immediately above. The administrative record can also be reviewed by accessing the records on EPA's public website at:

<https://www.epa.gov/region1/npdes/merrimackstation/index.html>.

PUBLIC COMMENT:

All persons, including applicants, who want to submit comments on the issues identified above and discussed in the Statement must raise all reasonably ascertainable issues and submit all reasonably available arguments and all supporting material for their arguments in full by **October 4, 2017**, to the address listed above. Any materials supporting the comments must be submitted in full and may not be incorporated by reference unless they are already part of the administrative record. In reaching a final decision on the Merrimack Station NPDES permit, the Regional Administrator will respond to all significant comments and make these responses available to the public at EPA's Boston office.

FINAL PERMIT DECISION:

Following the close of the comment period, and after a public hearing, if such hearing is held, the Regional Administrator will issue a final permit decision and forward a copy of the final decision to the applicant and each person who has submitted written comments or requested notice.

EUGENE J. FORBES, P.E., DIRECTOR
WATER DIVISION
NEW HAMPSHIRE DEPARTMENT OF
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ARTHUR JOHNSON, ACTING DIRECTOR
OFFICE OF ECOSYSTEM PROTECTION
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