November 3, 2011

Hand-Delivered
Mr. John Paul King
U.S. Environmental Protection Agency
Office of Ecosystem Protection
5 Post Office Square, Suite 100 (OEP06-1)
Boston, MA 02109-3912

Re: Draft NPDES Permit to Discharge to Waters of the United States Pursuant to the Clean Water Act, Public Service Company of New Hampshire, Merrimack Station, Bow, NH (Permit No. NH0001465)

Dear Mr. King:

We, the undersigned organizations, appreciate the opportunity to comment on the U.S. Environmental Protection Agency's (EPA) draft NPDES permit for Public Service Company of New Hampshire's (PSNH) Merrimack Station coal-fired power plant in Bow.

We appreciate that EPA is addressing the harmful impacts on the Merrimack River that occur as a result of the massive water intake and heated and chemical-laced water discharges associated with the coal plant's obsolete water cooling system. Although we are frustrated that fourteen years have elapsed since the expiration of the current permit, we commend EPA for requiring PSNH to ensure that Merrimack Station is operating in a way that is both protective of the fragile river ecosystem and in compliance with the Clean Water Act – a law that is essential to protecting the health of New Hampshire's natural environment, economy, and communities.

We fully support EPA at long last requiring the installation at Merrimack Station of a modern "closed-cycle" cooling system that will nearly eliminate the harmful impacts associated with the power plant's current system – impacts that, as EPA acknowledges,

have resulted over the plant's lifetime in a 94 percent decline of species in that part of the Merrimack River. The current method of cooling the plant pulls living creatures into the system, crushing, mutilating and suffocating them, and traps fish and other aquatic life against the screens covering pipes that pull water into the system, injuring or killing them, and then subjects the river and its aquatic life to the further stresses of heated wastewater discharges.

The upgrades to Merrimack Station that EPA is requiring are long overdue. Installing a modern closed-cycle cooling system and operating it year-round will decrease the plant's discharge of heated water by nearly 100 percent. In addition, because it will not require the same volume of water from the river, the upgraded system will dramatically reduce the loss of adult fish, fish larvae and fish eggs that today are getting sucked into the structures and killed.

While we strongly support the EPA's intent to require the construction of a modern closed-cycle cooling system, we are greatly disappointed with the draft permit's failure to limit the power plant's discharge of mercury to zero. The State of New Hampshire and EPA have determined that the Merrimack River already violates state water quality standards for mercury. Because it is a bioaccumulative and persistent neurotoxin, even small amounts of mercury discharges build up over time in fish, threatening people, other mammals, and birds that consume fish from the river. As a result, no amount of mercury discharged into this already-impaired waterbody is safe. Indeed, PSNH previously informed the New Hampshire Site Evaluation Committee, in a 2009 hearing on its installation of a wet flue gas desulfurization scrubber, that the scrubber wastewater treatment system PSNH was constructing would not discharge <u>any</u> mercury-laden wastewater to the Merrimack River. EPA's Fact Sheet (Attachment E, page 5) appropriately acknowledges that PSNH designed, financed and constructed the new Merrimack Station wastewater treatment system without first discussing with EPA whether it would meet the standards required under the Clean Water Act. We strongly urge EPA to amend its draft permit to require zero-liquid-discharge to prevent further pollution of the river with mercury, selenium, and other toxic pollutants.

To be clear, these comments should not be interpreted as support for the continued operation of PSNH's Merrimack Station coal-fired power plant. The plant is the single largest source of greenhouse gas emissions in New Hampshire, perpetuates the adverse health impacts associated with burning coal, and cannot generate power cost-effectively in comparison to more efficient power plants operating in New England today. No matter what PSNH spends to upgrade this facility, it will not be able to turn this 50-year-old plant into a desirable source of energy that benefits the people of New Hampshire and New England. Nonetheless, as long as this plant remains in operation, it *must*, as a matter of law, comply with the Clean Water Act.

We commend EPA for finally addressing Merrimack Station's outdated and environmentally harmful cooling system, and we urge EPA to amend its draft permit to require the elimination of any mercury discharge from the plant. We request that EPA proceed expeditiously with the finalization of its draft permit.

Respectfully submitted,

Thomas F. Irwin
Vice President and Director
Conservation Law Foundation
27 North Main Street
Concord, NH 03301-4930
tirwin@clf.org

Susan Arnold
Vice President for Conservation
Appalachian Mountain Club
5 Joy Street
Boston, MA 02108
SArnold@outdoors.org

Jessica O'Hare
Program Advocate
Environment New Hampshire
30 South Main Street
Concord, NH 03301
johare@environmentnewhampshire.org

Michael J. Bartlett
President
New Hampshire Audubon Society
3 Silk Farm Road
Concord, NH 03301
mbartlett@nhaudubon.org

Catherine M. Corkery
Chapter Director, Field Organizer
New Hampshire Sierra Club
40 North Main Street, 2nd Floor
Concord, NH 03301
catherine.corkery@sierraclub.org

Cynthia Luppi
New England Director
Clean Water Action
262 Washington Street, 6th Floor
Boston, MA 02108
cluppi@cleanwater.org

Elizabeth Hager
Chair
Conservation New Hampshire
88 North Main Street, Suite 303
Concord, NH 03301

Will Abbott
VP for Policy & Land Management+
Society for the Protection of New Hampshire Forests
54 Portsmouth Street
Concord, NH 03301
wabbott@forestsociety.org