



## GSP MERRIMACK

March 25, 2020

VIA E-MAIL (moraff.ken@epa.gov)

Mr. Ken Moraff  
Director, Water Division  
U.S. Environmental Protection Agency – Region 1  
5 Post Office Square, Suite 100, Mail Code 06-5  
Boston, MA 02109-3912

Re: GSP Merrimack LLC  
Merrimack Station, Bow, New Hampshire  
NPDES Permit No. NH0001465

Dear Mr. Moraff:

We are writing with regard to the pending application for a new National Pollution Discharge Elimination System (“NPDES”) permit for Merrimack Station in Bow, New Hampshire, and specifically with respect to the request by the prior owner of the station (Public Service Company of New Hampshire (“PSNH”)) to authorize in the new permit the direct discharge of flue gas desulfurization (“FGD”) wastewater. As you know, the current permit was transferred by the U.S. Environmental Protection Agency (“EPA”) from PSNH to GSP Merrimack LLC, effective January 10, 2018.

The original application for a new permit was timely submitted to EPA by PSNH on March 10, 1997. Subsequently, on May 5, 2010, PSNH supplemented its original application by adding to it a request for authorization to discharge treated wastewater from the Station’s FGD or scrubber system that was being constructed. *See* Merrimack Station Administrative Record, AR-225.

On September 30, 2011, EPA Region 1 issued a draft permit for the Station for public comment. AR-609. The draft permit included a new internal Outfall 003C to authorize discharge of FGD wastewater into the slag settling pond (which would then discharge from existing Outfall 003A into the discharge canal) and associated effluent limitations, monitoring, and reporting requirements. For the FGD wastewater, the 2011 draft permit included technology-based effluent limits and reporting requirements at Outfall 003C and water quality-based effluent limits and reporting requirements at Outfall 003A. AR-608, -609, & -616.

In April 2014, EPA Region 1 issued a revised draft permit that reconsidered certain provisions of the 2011 draft permit with respect to FGD wastewater—specifically, the effluent limits and reporting requirements for Outfall 003C at Part I.A.4 and for Outfall 003A at Part I.A.2. AR-1135 & -1136.

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Subsequently, EPA issued final Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category (“ELGs”), which became effective January 4, 2016, and which included a Voluntary Incentives Program (“VIP”) for FGD wastewater. On March 23, 2016, PSNH submitted a letter to EPA Region 1 opting-into the VIP for the regulation of Merrimack Station’s FGD wastewater under the new permit. AR-1343. In that letter, PSNH requested that EPA include in the new NPDES permit for Merrimack Station the VIP effluent limitations for FGD wastewater, as provided in 40 C.F.R. § 423.13(g)(3)(i) & (ii) and § 423.12(b)(11).

After PSNH elected to include the Station in the VIP in 2016, EPA proposed, and is in the process of finalizing, revisions to the ELGs and the VIP for FGD wastewater. In addition, as EPA recognized in its Statement of Substantial New Questions issued in July 2017, in recent years “Merrimack Station’s capacity utilization rate has dropped considerably. Whereas the Facility used to operate as a baseload plant, it now operates more as a peaking plant.” AR-1534 at 68. The Station continues to operate in that fashion, and we are evaluating the FGD wastewater in light of these changed operations. For these reasons, at this time, GSP Merrimack LLC is withdrawing the pending request for authorization in the new permit to directly discharge FGD wastewater to the Merrimack River pursuant to the VIP. Accordingly, EPA should not include in the forthcoming new permit a new Outfall 003C or any effluent limitations or other permit terms (at Outfall 003A or elsewhere) related to the FGD wastewater. The Station will continue to manage FGD wastewater consistent with its past practices.

GSP Merrimack LLC’s request to withdraw the FGD wastewater from consideration as part of the new permit is based on our understanding that it is without prejudice to resubmitting the request once EPA has finalized the pending revisions to the ELGs for FGD wastewater. We understand from our discussions with Region 1 staff that addressing the FGD wastewater in this manner will simplify the agency’s response to the public comments on this issue as part of the new permit and facilitate issuance of the new permit in the coming weeks.

Thank you for your cooperation in issuing the new permit, and please let me know if you have any concerns or questions regarding this issue and our proposed approach.

Sincerely,

GSP Merrimack LLC



James S. Andrews  
President